

10.000 PROCEDURE MANUAL AND OTHER BINDING WRITTEN DIRECTIVES

Purpose:

To provide an official guide outlining the way to do many of the routine operations which confront the Cincinnati Police Department.

To provide efficient methods and high standards for procedures, rules, regulations, policies and directives recognized as official policy and applied on a department-wide basis.

Policy:

This Cincinnati Police Department Procedure Manual, as well as all other Police Department procedures, rules, regulations, policies, and directives are used to maintain compliance for accreditation by CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.).

The nature of police service is such that it is impossible to develop a procedure, plan, or other binding directive for every situation that might arise. Therefore, district/section/unit commanding officers have the duty of thoroughly reviewing the activities of subordinates, as they must assume the ultimate responsibility for defects and weaknesses in police work.

Procedure:

- A. Department Binding Directives include:
1. The Procedure Manual, Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department, Staff Notes, Job Descriptions, Bureau/District/Section/Unit Standard Operating Procedure's (SOP), Department Operations Manuals and all Department approved instructional materials, including Ohio Police Officer Training Academy lesson plans. Forms 17 approved by the Police Chief; Forms 17 or other memos authored by bureau, section, or unit commanders are considered binding upon all personnel permanently or temporarily assigned to their command.
 - a. Staff Note items are binding for one year from the date of publication, unless added to other Department binding directives.
 2. Procedures and other binding Department directives will be issued by authority of the Police Chief through the Department Staff Notes. The Police Chief may cancel, revise, amend, or add to any procedure or other binding directive whenever he deems necessary.

3. Officers may request changes in procedures or other binding directives by submitting a Form 17 through their chain of command to the Police Chief, stating reasons why such change is necessary or desirable. After thorough research, necessary changes will be made for the Chief's approval. All revisions will then appear in the Department Staff Notes.
4. Command and supervisory officers will thoroughly acquaint themselves with the Procedure Manual, other binding directives, and all changes. When a change occurs, supervisors will ensure it has been carefully and thoroughly explained to members of their command.
 - a. After all personnel are thoroughly informed; file the procedure or other binding directive in the appropriate manual.
 - 1) Use the decimal serial number as a guide for the Procedure Manual. The Table of Contents and the Index will also be properly marked according to instructions accompanying new or amended procedures.

B. Other Binding Directives include:

1. Federal, State and Local laws and ordinances, Labor Agreement by and between Queen City Lodge #69 Fraternal Order of Police and the City of Cincinnati, Labor-Management Agreement by and between the City of Cincinnati and Ohio Council 8 and Locals 190, 223, 240, 250, 1543 and 3119 American Federation of State, County, and Municipal Employees AFL-CIO, Civil Service Rules and Regulations, City of Cincinnati Administrative Rules and Regulations, City of Cincinnati Personnel, Policies and Procedures and written or verbal orders issued by a superior officer.

C. Forms:

1. Initiate/revise forms for Department use using the same process as procedures and other binding directives. With the Police Chief's approval, new/revised forms will appear in the Department Staff Notes.

10.010 DISTRIBUTION OF POLICIES, PROCEDURES AND OTHER DIRECTIVES

Reference:

Procedure 10.000 – Procedure Manual and other Binding Written Directives

Purpose:

To promptly provide all Department members with current revisions and additions to binding directives so that professional excellence is maintained when performing various tasks and enforcement of laws and ordinances.

Policy:

The Department will distribute all policies, procedures and other directives to all personnel within the Department through weekly Staff Notes.

Procedure:

- A. Bureau Commanders will:
 - 1. Distribute Staff Notes to all District and Section commanders under their command every Tuesday at the Department staff meeting.
- B. District/Section Commanders will:
 - 1. Ensure that all personnel under their command are made aware of any new or revised policies, procedures or other directives contained in the weekly Staff Notes.
 - a. Ensure that a check-off list is completed weekly indicating that personnel under their command were made aware of new or revised policies, procedures or other directives contained in the Staff Notes.
 - b. Maintain a file of completed check-off lists attached to the respective copy of the Staff Notes.
 - 1) Retain the check-off lists for the current year plus three previous years.
 - c. On November 1st of each year, forward a sample copy of a check-off list, which was completed during that year, to the Accreditation manager for insertion into CALEA files.
 - 2. By January 31st, annually inspect the manuals of personnel under their command to ensure new or revised policies, procedures or other directives have been properly filed within the prior 12-month period.
 - a. Retain a check-off list for the current year plus three previous years.

3. Maintain a District/Section Standard Operating Procedure (SOP)
 - a. An SOP is a document containing instructions on how personnel within a District/Section perform certain tasks.
 - 1) Ensures routine jobs are performed uniformly and in compliance with Department policy and procedure.
 - 2) Covers the unique operation of a specific District/Section.
 - 3) Should not be a replication of the Procedure Manual.
 - b. One SOP book will be maintained for each District/Section which will contain a separate section for each unit within that particular District/Section.
 - 1) There will be a separate SOP for any specialized unit within a District/Section that has different operations than the general personnel assigned to the District/Section.
 - 2) The SOP books will be crafted using the blank SOP templates located in the CPDFORMS folder on the Department's "H" drive and contain the following:
 - a) Cover page.
 - b) Table of Contents
 - c) Effective date
 - d) Revised date
 - e) Reviewed date
 - 3) SOP's will be written in an outline form.
 - 4) The SOP's will be written using the following numbering system.
 - a) Any SOP that refers to the operations for anyone assigned to the District/Section would be listed under section 1.00.
 - b) Additional SOP's under this section would be numbered sequentially, increasing .05 increments. Example: 1.00, 1.05, 1.10, etc.
 - c) Each separate unit SOP under a District/Section will be numbered separately beginning with different whole number. Example: Inspections Section would begin with 1.00 for the entire section. Court Control 2.00, 2.05, etc. Detail Coordination 3.00, 3.05, etc.

- 5) District/Section Commanders will review their respective SOP's at least once every year.
 - a) District/Section SOP's will be reviewed whenever there is a new District/Section Commander.

C. Department Personnel will:

1. Complete a check-off list indicating that they were made aware of changes to policies, procedures or other directives contained in the Staff Notes.
2. Thoroughly acquaint themselves with new or revised policies, procedures or other directives contained in the Staff Notes.
3. Update each appropriate manual with each policy, procedure or other directive contained in the Staff Notes.

11.000 FORMS APPROVED FOR DEPARTMENT USE

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
1-S	Requisition for Materials, Supplies and Services	17.100
OTEA-1	Office and Technical Equipment Request Form	17.100
AE-2	Alarm Unit Letter - Notification of 3 false alarms	17.100
CinCom 1	Radio Dispatch Card	17.100
CinCom 2	Auto Theft Card (buff)	17.100
CinCom 2	Stolen License Plate Card (green)	17.100
CinCom 2	Unauthorized Use of Motor Vehicle (pink)	17.100
CinCom 2	Lost License Plate Card (blue)	17.100
CinCom 3	Additional Information Card (orange)	17.100
CinCom 4	Wrecker Dispatch Card (buff)	17.100
CS-8	Certificate of Military Training Pay	
IS-1	Intelligence Section Daily Activity Report	17.100
IS-2	Intelligence Report	17.100
IS-3	Inquiry Form	17.100
IS-4	Intelligence Data Card (yellow)	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
OH-1	Ohio Traffic Crash Report	12.035 12.145 12.225 12.265 12.900 13.105 17.100 18.120
OH-2	Ohio Traffic Crash - Diagram/Narrative	None
OH-3	Ohio Traffic Accident Witness Statement	12.230
OH-4	Ohio Traffic Crash Report (Addendum)	12.225
OH-5	Ohio Truck & Bus Crash Report Supplement	
F-2	AFFIDAVIT Hamilton County Municipal Court	None
S-3	COMPLAINT Hamilton County Municipal Court	None
F-3	WARRANT Hamilton County Municipal Court	None
2-S	Authorization for Payroll Deduction	None
RC-2	Schedule of Records Retention and Disposition	None
RC-3	Schedule of Record Retention and Destruction	17.100
3S	Changes to Hours Balance	16.105 17.100
6-S	Lost Time Notice	None
8	Requisition, Certification and Appointment	17.100
8C	Change Order	None
9	Request for Certification of Contract or Agreement	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
10	Cincinnati Police Department Supply Requisition	12.245 17.100 17.110
10S	Cash Receipts Schedule	17.100
11	Personal Portable Radio Inventory	17.100
11-1	Commendations	18.110 19.145
11A	Cellular Phone/Pager Control Form	17.100
F12S	Storehouse Requisition	17.100
12FB	Fingerprint Card	12.905 17.100
12FW	Fingerprint Card	17.100
12MB	Fingerprint Card	17.100
12MW	Fingerprint Card	17.100
12P	Palm Print Card	12.905 17.100
13S	Telephone Message	None
CinCom 14	Description Card on Suspect Vehicle	17.100
14S	City of Cincinnati PERSONNEL ACTION FORM	17.100 19.145
15	Property Envelope	12.715 17.100
15CD	CD/DVD Property Envelope	12.715 17.100
15DIH	Notice of Impoundment and Hearing for a Vicious Dog	12.115

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
CinCom 16	Signal 66 Log Sheet	17.100
17CA	Failure to Appear for Scheduled Court	
17CC	Citation Correction	None
17CS	Notice of Civil Suit Received by Department Member	None
17DC	Change in Detail Assignment	19.140
17DP	Missed Detail	19.140
17IT	Request for Department Information Technology	None
17MPR	Mobile Phone Reimbursement Report	None
17MS	Monthly Substation Inspection	12.190
17QPSR	Problem Solving Report	None
17S	Temporary Transfer Pay for Division I Employees	None
17S	Request for Paid Overtime	None
17S	Assignment Report Changes	None
17S	Interdepartment Correspondence Sheet	Multiple
17S-A	Interdepartment Correspondence Sheet	Multiple
17S-B	Interdepartment Correspondence Sheet	Multiple
17SS	Substation Request	12.190
PSA-17	Personal Sidearm Approval Request	12.025 17.100
18A	Weapons Discharge at an Animal	12.550
18AD	Accidental Discharge	12.550

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
18C	Use of Canine	12.140 12.141 12.545
18CD	Canine Field Deployment Report	None
18CI	Use of Chemical Irritant	12.545
18F	Minor Use of Force/Injury to Prisoner	12.545
18I	Injury to Prisoner	12.545
18NC	Noncompliant Suspect/Arrestee Report	12.545
18S	Petty Cash Reimbursement Voucher	16.100
18SW	Supplemental Witness List	None
18T	Use of Taser (diagram)	12.545
18TBFP	Use of Taser	12.545
19	Inter-Department Bill and Settlement Voucher	17.100
21S	Schedule of Accounts Receivable	17.100
21	Ohio Division of Wildlife Deer Killed by Motor Vehicle	12.225
24	Cancellation or Change Order	17.100
25S	Request for Leave of Absence	12.815 12.825 12.826 12.830 16.110 17.100 19.105 19.106 19.135
27-S	Local Mileage Report	None

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
28	Application for Purchase or Transfer of a Firearm	17.100
28-A	Application for Purchase/Transfer of a Firearm Control Ledger	17.100
28-B	Transfer of a Firearm card	17.100
28-C	Application for Registration of a Firearm - Owner's Information	17.100
31P	Change in Personal Information	17.100 19.145
32S	Notice of Disciplinary Action or Layoff	17.100
33	Resignation	17.100 19.150
33S	Requisition for Materials, Supplies and Services (Emergency)	None
34	Vehicle Pursuit Report	12.535
36	Charges Preferred Against Member	17.100
36S	City of Cincinnati Inter-Department Order	17.100
37S	Claim Voucher - Invoice	13.115 16.125 17.100
S 38L	Reproduction Order	17.100 17.110
44	Requisition for Sale of Obsolete Materials	17.100 17.110
55	Letter of Understanding	17.100 19.140
56	Police Escort Letter of Understanding	17.100 19.140

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
58A	Agency - Vendor Application	None
64	Property Tag	12.705 12.715 17.100
65	Suggestion Box Report	None
66	Traffic Warning Tag Sets	17.100
66S	Notice of Official Reprimand	17.100
68P	Overtime and Court Appearance Report	12.815 12.820 12.825 12.826 17.100 19.140
70S	Request for Permission to Travel	13.115 16.125 17.100
70T	Request for Outside Training	13.115
71S	Statement of Travel Expense	13.115 16.125 17.100
72	Term Purchase Release	17.100
74S	Injury with Pay Recommendation	17.100 19.105
75S	Fuel Inventory Report	17.100
77	Specialized Assignment Application	13.112
78	Civilian Assignment Availability	13.113
80S	Application and Approval Form for Tuition Reimbursement	13.115 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
81S	Deposited in City Treasury	16.100 17.100
83S	Delinquent Account Referral	None
84-S	Record of Manual Fuel Disbursements	None
85S	Record of Manual Fuel Disbursements	None
90SP	Supervisors Review of Vehicle Crash	12.035 12.171 17.100
91SP	Supervisor Investigation of Employee Injury	12.141 12.142 13.120 15.112 17.100 19.105 19.145
93S	Notice of Lost Time	17.100 19.105
DIS-94	Forfeiture Application	12.735 17.100
96	City Physician Report	19.105
96-D	Random Drug Test Notification	
97	Medical Disclosure Form	
98-S	Personal Data Authorization Form	None
99	Information for Dismissed Personnel	None
100	Notification of Rights and Responsibilities Cincinnati Police Division Employees	
CW100	Warrant Control Card	None
CDOP 100	Emergency Lineup	12.165

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
CDOP 101	Emergency Lineup	12.170
PG 101	Consent Agreement (polygraph)	12.630
CDOP 103	CDOP Equipment Inventory	12.170 17.100
CDOP 103A	CDOP Facility Security and Maintenance Inspection	12.170
CDOP 105	Command Post	None
110	Polygraph Consent Agreement	None
111	Polygraph Assessment	None
112	Background Information Sheet	None
120-4	City Treasury Department Receipt	17.100
DT-126	TELECOMMUNICATIONS (repair form)	17.100
PR 134	Police Property Room (Firearms list)	17.100
137	Prisoner's Description	17.100
137F	Felon Registration Form	17.100
188	Personal Crimes Unit Investigative Report	12.910 17.100
189	Fingerprints and Photographs Report	12.905 17.100
190	Request for Elimination Prints	12.350
195	Picture Labels	None
202	Weekly Time Report	16.130 17.100
202A	Commanding Officer's Daily Time Report	12.710
202C	Non-Sworn Employees Weekly Time Report	None

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
211	Application for Media ID Card	17.100 18.115
243-A	Conviction Record Transcript	12.130
245	Daily Cash Receipts	17.100
264	Uniform Card	12.020 17.100
268	Junkyard Inspection Report	None
271	Tow Truck Inspection Guide	None
272	Affidavit	12.735
273	Notice of Seizure/Proof of Service	12.735
275	Court Order for Release of Property	17.100
276	Daily Traffic Accident Summary	17.100
277	Confidential Informant (CI) Registration and Reliability Report Initial Debriefing Only	12.131 17.100
277A	Controlling District/Section/Unit Debriefing Report	12.131
278	Cooperating Individual Agreement	12.131 17.100
279	Confidential Informant Receipt	12.131
279A	Confidential Informant Receipt Part I	12.131
279B	Confidential Informant Receipt Part II	12.131 17.100
280	Cooperating Individual Release of All Claims	12.131 17.100
281	Concealed Transmitter and Recording Consent	12.131 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
300-B	Identification Bureau Index Card	17.100
300-W	Criminalistics Section Index Card	17.100
301	Incident Report	
301-AS	Arrest Supplement	
301-PS	Property Supplement	
301-SS	Suspect Supplement	
301-VVS	Victim/Vehicle Supplement	
303	Motor Vehicle Incident Report	
304	Missing Report	
304A	Amber Alert Plan	12.912
305	Complaint Report	12.445 13.105 17.100
306	Preventive Patrol Report	
308	Receipt for Traffic Citation Tags	12.245 17.100
308E	Traffic Violations Envelope	None
309	Inactive Case Warrants	
310	Premise History Control	12.101 17.100
311	Incident Closure Report	

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
311A	Preliminary Investigation Report	12.300 12.315 12.400 12.405 12.412 12.430 17.100 18.120
311-ADD	Supplementary Offense Report Addendum	None
311B	Early Closure Offense Card	17.100
311C	Reported Hit Skip Auto Accident Card	17.100
311CW	Canvas/Witness Information Summary	None
311DV	Domestic Violence Investigation Report	18.120
311G	General Supplement	None
311N	Narrative Supplement	None
311ON	Police Officer's Notes	None
311R	Investigative Response Postcard	
312	Criminal Arrest Form	17.100
313	Firearm Report	12.400 12.705 17.100
314	Notice to Appear	12.100 12.250 12.265 12.275 12.555 12.600 12.720 12.900 17.100 19.150

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
315	Alarm Response Report	12.135 12.136 17.100
316	Minor Accident or Aided Case Report	12.106 12.110 12.115 12.141 12.145 12.400 12.415 12.555 12.910 13.105 17.100 18.120
316A	Deceased Person Report	12.145 12.400 12.615
317	General Conditions Report	
318	Report of Conditions Affecting Other Departments	12.035 12.205 12.225 12.250 12.401 12.435 13.105 17.100
322	Report of Articles Received by Pawnbroker or Dealer	17.100
323	Report of Purchase of Stained/Beveled Glass	None
323M	Report of Purchase of Precious Metals/ Stones	17.100
326	Property Check Out Card	12.715 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
327	Property Held for Court Tag	12.235 12.705 12.715 12.720 17.100
328	Pharmaceutical Diversion Unit Prescription Receipt Form	12.715
330	Property Receipt	12.130 12.235 12.240 12.265 12.270 12.320 12.350 12.420 12.705 12.710 12.715 12.720 17.100
332	Firearms Release Form	12.715
335A	Sworn Daily Shift Differential Report	16.120 17.100
335B	Annual Shift Differential Report	16.120 17.100
335C	Nonsworn Biweekly Shift Differential Report	16.120 17.100
337	UCR Report of Adult Arrests by Arresting Unit	17.100
338	UCR Report of Total Arrests by Arresting Unit	17.100
339	Police Property Record	None
341	Cincinnati Police Departmental Receipt	

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
368	Abandoned Vehicle Sticker	12.275
369	Towing Report	12.200 12.255 12.265 12.270 12.275 12.420 12.735 17.100
370	Towing Service Claim Voucher	17.100
370A	Towing Service Claim Voucher-Attachment	17.100
392	Personal Crime Squad Card	17.100
400	Employee Separation Time Report	19.150
405	Personal Crimes Unit Report of Missing Persons	None
413-35	Photo Negative Record	17.100
425	Motor Vehicle Repair Report	12.030 17.100
426	Mileage Report	12.030 17.100
427	Vehicle Inspection Report	12.030 17.100
427A	Maintenance Inspection Sheet	12.030
428	Mountain Bike Inspection Report	None
428A	Mountain Bike Inspection Summary	None
429	Take Home Vehicle Report	12.030 17.100
430	Lease Vehicle Exchange Form	None

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
434	Nonsworn Employee's Daily Time Report	12.825 16.130 17.100
435	Cincinnati Police Division Paid Overtime Report	12.825 12.826 17.100 19.140
436A	Daily Activity Record	12.101 13.105 17.100 18.105
436B	Monthly Composite - Officer's Daily Activity Record	13.105 17.100
436MP	Mounted Daily Activity Record	None
437A	K9 Daily Activity Record	
437B	Monthly Composite - Officer's Daily Activity Record	
437C	Canine Officer's Activity Record Yearly Composite	
438	Personnel Index Card	19.105
439A	Shift Selection Form	
439B	Shift Selection Form	
439C	Shift Selection Form	
440	Voluntary Shift Deviation	
441	Personal History Statement	17.100
441-A	Personal History Statement	17.100 19.145
442	Service in U.S. Armed Forces	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
443	Voluntary Off-Day Deviation	
444	Administrative Remarks	13.100
445	Continuous Service Record	17.100 19.145
446	Miscellaneous	17.100 19.145
447	Motor Vehicle Examination Record	17.100 19.145
448	Sworn Performance Report	17.100
448S	Evaluation Supplement Log	13.107 15.130 17.100 19.105 19.145
449	Efficiency Ratings Percentile	17.100 19.145
450	Request for NCIC/LEADS Wanted Person Computer Entry	12.727 17.100
457	Evidence Examination Work Sheet	12.350 17.100
457V	Video Examination Work Sheet	17.100
474	Renewal, Transfer or Issuance of Liquor Licenses	12.130 17.100
479	Station Key Book	17.100
481	Warrant Transfer	12.260 17.100
484	Analytical Report for Liquor Violations	12.720 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
495	Intoxication Report	12.235 17.100
496	DUI Investigation Record Envelope	12.235 17.100
497	DUI Jacket Sign-Out Log	None
505D	Juvenile Curfew Daily Activity Report	
505HS	Juvenile Curfew Violator Head Sheet	
505L	Juvenile Curfew Log Sheet	
506	Personal Crimes Complaint Memorandum	12.430 12.900 17.100
515	Volunteer Cincinnati - Volunteer Application Form for Volunteers in City Government	
516	Office Request for Volunteers	
517	Volunteer Cincinnati - Volunteer Volunteer Agreement	
518	Volunteer Cincinnati - Confidentiality Statement	
521	Application for Employment - Adult School Crossing Guard	17.100
524	Monthly Vice Activity Report	None
526	Vice Activity Report	12.130 12.720 12.735 12.555 17.100
526A	Liquor Permit Premise Vice Activity	

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
527	Arrest and Investigation Report	12.110 12.130 12.235 12.240 12.270 12.320 12.405 12.505 12.545 12.555 12.600 12.605 12.720 12.727 12.735 12.810 12.900 12.905 17.100
527A	Case and Bond Information Sheet	12.125 12.412 12.545 12.555 12.805
527B	Trial Preparation Report	12.555 17.100 12.900
527E	Case Investigation Jacket	12.555
527J	Juvenile case Investigation Jacket	12.900
528	Accident Information Exchange Form	12.225
529	Liquor Arrests and Violations on Permit Premises	12.130 17.100
529LI	Liquor Permit Premise Inspection Report	12.130
533	Hit Skip Supplement Report	12.225 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
534	Field Interview Report	12.554 17.100
541	Charge Memorandum - Accident Reports	None
555	Juvenile Pre-Sentence Probation Investigation	12.900
558	False Check Complaint	17.100
560	Community Problem Solving Worksheet	None
561	CPOP Action Summary	None
562	CPOP Resource Request	None
580	Personal Information Release Form	17.100
581	Request for Records Check	17.100
586	Mobilization Alert	12.165 17.100
586A	Recall Test Alert	12.165
599	Firearms and Ammunition Inventory	12.125 17.100
600	Notification/Waiver of Rights	12.235 12.630 17.100
601	Consent to Search Without a Warrant	12.700 17.100
601PV	Consent to Search Person or Vehicle	12.700 17.100
602	Search Authorization (Strip/Body Cavity)	12.600 17.100
603	Consent to a Chemical Test Without a Warrant	12.230
604	Request for Release of Records	None

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
605	Notification of Release	12.404 17.100
606	Records Request	
607	Line-Up Waiver	None
607A	Witness Preparation Form	None
608	Peer Support Program Policy	
609	Police Communications Section Records Request	None
610	Search Warrant Risk Assessment Matrix	None
611	Biological Evidence Submission	None
612	Instructions for Civilian Observer Program	
613	Search Warrant Inventory	None
614	Log Sheet	17.100
620	Business-Night Number Card	17.100
624	Uniforms and Equipment (Check-Off Sheet)	17.100 19.150
628	Public Appearance Report	17.100 18.135
630	Cincinnati Police Division Equipment/ Supply/Service Order Form	12.020 12.546 17.100 17.110
635	Card Form to Obtain Accident Report	None
638	Warrant Notice Card	None
639	Moving Violations Log	17.100
641	Summary of Background Investigation	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
643	Information Desk Report	14.105 17.100
644	Daily Observation Report	13.100
644S	DOR Supplemental Report	
646A	Field Training Officer Program FTO Sergeant's Weekly Report	13.100
646B	Shift Cmdr's Review and Narrative Comments	13.100
647	F.T.O. Final Evaluation Report	13.100 17.100
647A	F.T.O. Supervisor Monthly Report	13.100
648	Citizen Complaint or Information	15.100 15.105 17.100
648A	Citizen Complaint Resolution Process Acknowledgment of Participation in Resolution Meeting	
648B	Citizen Complaint Resolution Process Resolution Disposition	
652	Release of Medical Record Information	12.140 17.100
654	Citation Cancellation Request	12.215 12.250 12.251 17.100
655M	Minor Misdemeanor Fine Schedule	None
655P	CPI Fine Schedule	12.240
655R	Victim Assistance	12.410 12.412

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
655T	MUTT Payout Instructions	12.240
656	Crime Victim Crisis Phone Numbers	
657	Long Distance Telephone Report	14.110 14.120 17.100
657A	Monthly Long Distance Telephone Report	14.110 14.120 17.100
660	Warrant Holder Placed Slip	17.100
661	Hospital Prisoner's Visitor Registration	12.610 17.100
662	Prisoner Phone Log	12.610
663	On-Call Court Appearance	12.816 17.100
664	Court Appearance Control Form	12.815
668	Outside Employment Work Permit	17.100 19.140
668A	Acknowledgment by the Secondary Employer	19.140
668B	Detail Assignment Roster	17.100 19.140
668C	Overtime Availability Form	19.140
669	Inspection of Outside Employment Details	19.140
670	Inter-Departmental Warrant Control Form	None
674	Case Delay Request Card	12.815
675P	Address Information Request (Post Office)	12.260 12.520

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
678	Change in Court Appearance	12.810 12.815 17.100
680	Criminal Pursuit Fund Expense Report	12.620
682	Citation Arrest Summary	12.555 17.100
682A	Notice of Civil Offense Summary	None
683	Vehicle Crash Report Log	12.225
685	Report of Investigation	None
687	Auto Fatality Report	17.100
689	Abandoned Building Status Report	None
690	Visitors Log Sheet	12.021
MVR1	In-Car Camera/Video Tape Log	12.537
MVR2	In-Car Camera/Spare Tape Log	12.537
MVR3	MVR Tape Custody Log	12.537
BMV-2255	Administrative License Suspension	12.235
	ALI Discrepancy	None
	Application for Neighborhood Watch Signs	None
	Assignment Report Changes	None
	Auction Records	17.100
	Blockwatcher Cards	None
	Blotter	17.100
	Budget Working Papers	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Bureau of Criminal Identification (BCI) Civilian Identification Ten Print Card	12.131
	Bureau of Motor Vehicles Envelope	None
	Burglary Prevention Check List	None
	Card Request Form	None
	Cars Cleared	None
	Cartridge Envelope	None
	CHRC Suspected Hate Crime Incident Referral	None
	Changes to Assignment Report	None
	Cincinnati CAD System Defect Report	None
	Cincinnati Parking Infraction (CPI)	12.215 12.245 12.250 12.251 12.270 12.520 12.900 17.100 19.150
	Cincinnati Police Line Up	None
	CINSITE Command Review	None
	Citizen Complaints Posters	None
	Citizen Complaints Cards	None
	Citizen Complaint Form Check List for Libraries	None
	City Letterhead Correspondence Civilian Observer Badge	17.100
	Classified Expense Report	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Classified Revenue Report	17.100
	Code Sheet for NIBRS Forms	
	Communication Incident History Fiche	17.100
	Completion of 3 Month Training Session	
	Confiscated Property Notice	
	Contracts for Leased Vehicles	None
	Court Control Log Sheet	17.100
BMV-2270	Court Issued Immobilization Notices	12.270
	Criminal Information Jacket	17.100
	Daily Lineup	12.000
	Daily Observation Report	
	Daily Radio Inventory Sheets	17.100
	Daily Worksheet (TCRU)	None
	Damage Claims	None
	Destruction Records	17.100
	Detailed Entry Report	17.100
	Discretionary Car Report	17.100
	Dispatcher Training and Evaluation	None
	Program Daily Observation Report	
	Domestic Violence Report, State of Ohio (BCI-18)	17.100
	Driver's License Verification	None

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	EEO/AAP Employee Relations Complaint Form	None
	Encumbrance Report Program	17.100
	Evidence Submission Form	12.720
	Excessive Sound From a Motor Vehicle Ordinance Tracking Sheet	
	Expense Distribution Process/Report	17.100
	Financial Responsibility Proof	None
	Front Yard Stickers	
	Gang Hotline Complaint Form Personal Information	
	Grant Forms	17.100
	Gun Envelope	None
	Hamilton County Coroner's Evidence Submission Form	12.235
	Hamilton County Morgue/University	17.100
	Hospital Receipt	
	Hit Skip Auto Accident Letter	None
	In Case of Holdup	None
	Hold Up Information Sheet	None
	Intelligence Reports	17.100
	Investigative Unit Key Book	17.100
BMV-3608	Items Confiscated/Impounded by Law Enforcement for Return to BMV	None
	Leasing Agreement Documents	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Liquor Jackets	12.130 17.100
	Master Log Book	12.715 17.100
	Media Teletype	17.100 18.120
	Mobile Command Center Telephone Record	12.171
RCIC-MOV	Modus Operandi Supplementary Report	12.380
	Monthly Substation Inspection Check List	None
	Motion for Continuance	17.100
BMV-3303	State of Ohio Motor Vehicle Crash Report	12.035
	Notice of Vehicle Impoundment	12.270
	Notice to Lien Holder or Owner of Impounded Vehicle	None
	Officer's Ledger of Violation (CTT, MUTT and NTA)	12.215 12.240 12.555 17.100
	Ohio (Multi-Count) Uniform Traffic Ticket (MUTT)	12.215 12.220 12.230 12.235 12.240 12.245 12.250 12.270 12.900 17.100 19.105
	Payroll Attendance Record	17.100
	Payroll Processing/Gross Pay Register	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Affidavit for Installation of a Pen Register Device & Trap and Trace	
	Application for Installation of a Pen Device & Trap and Trace	
	Entry for Installation of a Pen Register Device & Trap and Trace	
	Personnel Bulletins	17.100
	Personnel Distribution List	17.100
	Personnel Information Sheet	
	Planning Section Commander Request Form	None
	Police Clergy Roster and SOP	17.100 18.106
	Police Communications Section Headset Service Record	None
CinCom RR-1	Police Communications Section Records Request	
CinCom RL-1	Police Communications Section Form	
	Police Communications Section Report	None
	Police Notification	12.130
	Police Vehicle Damage Record	12.035
	Private Police Application	
	Large and Small Property Bags	
	Pursuit of Criminal Funds	12.620 17.100
	Radio Log Sheet	17.100
	Recommendation for Salary Step-up	17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Registered Mail Receipt	17.100
BMV-2308	Request for Driver License Examination or Recertification	None
	Report of Favorable Police Conduct Cards	None
	Request for Paid Overtime	None
	Robbery Key Book	None
	Robbery Task Force Cars Cleared Report	None
	Salary Step-up	17.100
	School Crossing Guard Information	None
	Send Police Sticker	None
	Seniority List	17.100
	Separations	17.100 19.150
	Service Feedback Cards	None
	Situational Occurrences Notification List Police Shootings	
HP 3A	State Highway Patrol Aircraft Accident Record	12.145
HP 70	State Highway Patrol Investigative Field Sketch	12.145
	State of Ohio Intoxilyzer Log Book	12.235
HEA 2652	State of Ohio Intoxilyzer Test Report	12.235
	State of Ohio Test Card Record	12.235
	Subpoena Book	12.810 17.100

<u>Form Number</u>	<u>Form Title</u>	<u>Procedure References</u>
	Vice Statistics Report for the Month of	None
	Visitor Pass	12.021
	Teletype	14.115 17.100
	Timebook	17.100
	Traffic Warning Record	None
	Unit Property Book	12.710 17.100
	Vehicle Jackets	12.030 17.100
	Vice Statistics Report for the Month of	None
	Visitor Pass	12.021
	Warrant Book	17.100
	Warrant Recalls	17.100
	Warrant Unit Hold Card	12.260 12.900 17.100
	Request for Family/Medical Leave	

12.000 SHIFT LINEUP TO POLICE COMMUNICATIONS SECTION

Policy:

Officers will ensure lineups are accurate and complete prior to submission to Police Communications Section (PCS). The submitting officer will send the lineup in a timely manner. All districts/sections/units that have officers working in the field will submit a lineup.

Procedure:

- A. District/section/unit supervisors will save a copy of the next day or current lineup in the "Lineups to PCS" folder on the H: drive, utilizing the following format:
 - 1. District/section/unit, shift, date. Example, District One, Second Shift, 123107.
 - 2. Lineups will be saved to the H: drive no later than 30 minutes before the start of each shift and no earlier than 24 hours before the start of the next shift.
 - 3. Immediately telephone lineup changes to PCS at 263-8119.

- B. Police Communications Section will retrieve the lineup and have the information entered into the Computer Aided Dispatch System.
 - 1. Police Communications Section administrative staff will delete the previous day's files within three working days.

12.010 ROLL CALL AND PERSONNEL INSPECTION

References:

Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming
Procedure 12.025 - Authorized Weapons
Manual of Rules and Regulations 1.16E, 3.01A and B

Purpose:

To ensure all members of the Department are properly equipped, informed, and uniformly trained to perform their assigned duties.

Policy:

Uniformed sworn personnel will report for duty in a clean and pressed uniform with the proper attire and equipment. Personnel will present a professional image at all times. Non-uniformed sworn personnel will report for duty in accordance with their bureau/section/unit's standard operating procedure (S.O.P.).

Information:

Slight procedural differences may be necessary in certain units; however the conduction of roll call and personnel inspection is to be performed uniformly throughout the Department. Any variations in equipment or uniform parts may lead to confusion by the public and detract from an impressive, professional appearance.

Procedure:

A. Roll Call and Personnel Inspection

1. All uniformed units will conduct daily roll call and personnel inspection in the following manner. The inspecting supervisor will follow the commands in the order listed.
 - a. "Fall In"
 - 1) Two or more ranks may be used, depending on the number of officers. Ranks should be four feet apart when possible.
 - b. "At Close Interval, Dress Right, Dress"
 - 1) When the officers have straightened the ranks and are properly aligned, the supervisor commands, "Ready, Front."
 - c. "Secure Arms, Prepare for Inspection"
 - 1) Supervisors will carefully inspect the officers for appearance and proper equipment.

- d. "Remove Magazines"
 - 1) When the inspecting supervisor gives the command to remove magazines, the officer will:
 - a) Remove the magazine from the holstered pistol.
 - b) Remove magazines from magazine pouch.
 - c) Hold all magazines in the non-gun hand so the inspecting supervisor can verify they are each fully loaded with the correct amount of ammunition.
- e. "Raise Pistols"
 - 1) When the inspecting supervisor gives the command to raise pistols, the officer will:
 - a) Draw the pistol from the holster.
 - b) Raise the pistol with the muzzle straight up to the inspecting supervisor's eye level.
 - c) As the inspecting supervisor approaches the officer's right, the officer will rotate the pistol, enabling the inspecting supervisor to view the chambered round through the weapon's ejection port.
 - 1] The supervisor will ensure the weapon is loaded.
 - 2) After inspection, the officer will lower his pistol and return it to the holster.
- f. "Replace Magazines"
 - 1) The officer will then reinsert the magazine into the holstered pistol.
- g. "Raise Tasers"
 - 1) When the inspecting supervisor gives the command to raise Tasers, the officer will:
 - a) Draw the X26 Taser from the holster.
- h. "Remove Cartridge"
 - a) The officer will remove the cartridge from the firing position.

- b) The inspecting supervisor will then move down the line and physically take the X26 Taser from each officer and perform a "spark Test" for one second.
 - 1] The supervisor will check the battery life percentage on the Central Information Display (CID).
 - 2] If the percentage is less than 20%, the supervisor will have the Digital Power Magazine (DPM) battery replaced.
 - 3] The supervisor will check for a rapid/visible spark between the electrodes.
- 2) After inspection, the officer will replace the air cartridge, re-holster and secure his X26 Taser.
- 3) If an unintentional discharge occurs during a spark test, or any other time, an immediate investigation must be conducted by the district/section/unit commander or his designee. The designee must be a supervisor of equal or higher rank than the member who had the unintentional discharge. A Form 17 will be forwarded to the Police Chief detailing a full account of the incident.
 - a) The deployed cartridge will be disposed of unless otherwise directed by the district/section/unit commander.
 - b) All documentation related to the incident will be retained at the district/section/unit of occurrence.
- i. A supervisor calls the roll from this position. When an officer's name is called, the officer will answer "Here Sir or Ma'am" and remain standing at attention.
- j. "Fall Out"
 - 1) At this time officers may be seated for the reading of roll call announcements.
- 2. All non-uniform units will conduct supervisory inspections of personnel at the beginning of each tour of duty, according to their bureau's S.O.P. Supervisors will ensure all non-uniform personnel have all the required equipment.
- 3. Roll Call will be conducted daily.
 - a. Items supervisors are to present to personnel at roll call are:
 - 1) Daily beat and vehicle assignments
 - 2) Recent crime and crime trends

- 3) Wanted persons and vehicles
- 4) Teletype messages
- 5) Missing persons
- 6) Persons hazardous to police
- 7) Reminders for court notifies
- 8) Information from previous shifts
- 9) General information
- 10) Review of staff notes, procedure changes and training.

B. Roll Call Training

1. Supervisors will provide roll call training on a daily basis.
 - a. The Police Academy will publish and distribute a monthly calendar with procedure reviews, scenario discussion training, video reviews and any other designated training.
2. Supervisors will complete a Form 17 to the Police Academy indicating training has been conducted.
 - a. The Form 17 will indicate the district, relief, date, name of the supervisor presenting training, the number of officers present and any additional comments regarding the training.
3. The Form 17 will be reviewed and signed by the district/unit commander or designee and forwarded to the Police Academy bi-monthly by the 10th of the following month.
4. Scenario books are maintained in each District.
 - a. Scenarios used in roll call training are to be taken from the scenario book.
 - b. An updated book will be maintained and new scenarios received are to be placed in the book according to their category.

C. Dismissal and Inspection

1. Upon shift change, a supervisor will confirm the status of all unit personnel for dismissal and clear them according to bureau S.O.P.
 - a. The supervisor will ensure assigned personnel return all equipment (e.g. car keys, MVR mics, laser units, etc.) to the proper location at the end of their shift.

D. Weekly Inspections

1. A supervisor will conduct a thorough weekly inspection of equipment assigned to officers in the unit. The supervisor will ensure all equipment is authorized and in good condition. This inspection will include but is not limited to the following items:
 - a. All leather equipment: belts, holster (and snaps), ammunition case, handcuff case, baton-holder, etc.
 - b. Glove pouch with 2 pair of Nitrile exam gloves
 - c. Chemical irritant and holder
 - d. Firearm and ammunition
2. Loading and unloading of firearms for inspection
 - a. Police personnel will maintain a distance of 15 feet from the designated safe wall when unloading a firearm.
 - b. The officer-in-charge (OIC) will give the command to all police personnel to form a line facing the safe wall and unload their firearms at the same time.
 - c. Police personnel will keep all firearms pointed at the safe wall while unloading.
 - d. The inspecting supervisor will:
 - 1) Thoroughly inspect the firearm and verify it is in good working order, free from dirt and corrosion, and the barrel is clear.
 - 2) Check ammunition for age, condition, proper type and proper number issued.
 - e. Once the firearm has been inspected, the OIC will give the command to all police personnel to reload their firearms.

12.020 UNIFORMS, RELATED EQUIPMENT, AND PERSONAL GROOMING

Reference:

Procedure 12.033, Mountain Bikes: Assignment, Use, and Maintenance
Manual of Rules and Regulations – 3.01, 7.04, 8.01, 8.02, 8.03, 8.04

Definitions:

Heat exhaustion – is characterized by muscle cramps, fatigue, headache, nausea or vomiting, and dizziness or fainting. The skin is often cool and moist, indicating that the body's mechanism for cooling itself (i.e. sweating) is still functioning. The pulse rate is typically fast and weak, and breathing is rapid and shallow. If untreated, heat exhaustion can progress to heatstroke.

Heatstroke – is a serious, life-threatening condition characterized by a high body temperature (above 103 degrees Fahrenheit or 39.4 degrees Celsius); red, hot and dry skin (no sweating); rapid, strong pulse; throbbing headache; dizziness; nausea; confusion; and unconsciousness. Symptoms can progress to encephalopathy (disease of the brain), liver and kidney failure and multiple organ system dysfunction. Prompt treatment with aggressive fluid replacement and cooling of core body temperature is critical to reducing morbidity (sickness) and mortality (death rate).

Purpose:

Require all sworn personnel adhere to an approved uniform, equipment and grooming standard.

Policy:

Sworn personnel will wear only uniforms and equipment issued or approved by the Department.

Sworn personnel will maintain in good repair and have available a complete uniform and all related equipment.

Uniformed personnel will carry the X26 Taser at all times.

Department personnel, whether on or off-duty, will wear their badge or Department issued identification (ID) card while in a police facility.

On-duty Department employees will be properly groomed and dressed and be in possession of their authorized firearm, badge, and ID card. Department employees will wear either the uniform of the day (for their respective unit) or acceptable business attire of conservative color and design.

Information:

During times of extreme high temperatures officers should:

- Use extreme caution anytime the relative humidity level is greater than 75%.
- Limit their intake of caffeine.
- Limit their intake of alcohol off-duty.
- Replace fluids on a one-to-one ratio. Fluids replaced should not be exclusively water; sports drinks with electrolytes should be consumed as well.

Officers should be aware that numerous prescription medications may contribute to heat related illnesses. It is recommended that officers enter an air-conditioned environment for at least ten minutes each hour (e.g. patrol cars, districts, sub-stations), and limit the intensity of exercise and exertion to periods of less than ten minutes per work/rest cycle.

Procedure:

A. Calendar for the Uniform of the Day

1. On May 16, uniformed personnel will begin wearing the summer cap, short sleeve shirt, and necktie.
 - a. Specialists/police officers whose primary function is field duties, including all specialists/police officers assigned to a uniformed shift, are exempt from wearing the necktie.
 - 1) Specialists/police officers in assignments such as collators, staff assignments, etc., will wear the necktie.
 - b. All personnel will wear the necktie when wearing any uniform coat.
 - c. Captains and assistant chiefs will wear long sleeve shirts and ties throughout the year.
2. On October 1, uniformed personnel will begin wearing the winter cap, long sleeve shirt, and necktie.
3. The Patrol Bureau Commander or designee will determine the uniform of the day in unseasonable weather.
 - a. If the uniform of the day is nylon jackets, personnel may wear either the windbreaker or storm jacket.

B. Uniforms/Related Equipment - Wearing and Specifications

1. The Police Department issues the following uniform parts and equipment to each sworn officer:

- a. Hat and wreath
 - 1) The summer and winter uniform hat and wreath is worn straight on the head with the visor down over the forehead.
 - a) Do not tilt the hat or wear it on the back of the head.
 - 2) An officer will wear the trooper hat without the wreath:
 - a) Whenever the OIC designates it as the uniform of the day.
 - b) Anytime an officer is exposed to adverse weather conditions for extended periods of time.
- b. Ike jacket/blouse - dress uniform
- c. Nylon windbreaker
- d. Nylon storm jacket
- e. Raincoat and/or all-weather coat
- f. Topcoat - captains and above
- g. Trousers – summer, winter, and all-weather
- h. Body armor
 - 1) All sworn personnel below the rank of captain will wear body armor while on-duty or when working off-duty extension of police services details.
 - 2) Captains and above will wear body armor when actively involved in field operations.
 - 3) Personnel will wear body armor with both front and back ballistic panels inserted.
 - 4) Bureau commanders can approve exemptions to the wearing of body armor. The officer must submit a written request through the chain of command. The bureau commander will consider the following exceptions that, if approved, will expire January 1 each year:
 - a) Administrative and staff assignments including district/unit desk personnel. A position, rather than an individual, may be exempt.
 - b) Non-uniform investigative assignments; a position, rather than an individual, may be exempt.

- c) A medical condition which precludes the wearing of body armor:
 - 1] The officer must submit a statement from a physician identifying the condition.
 - 2] The physician's specialty must be consistent with the diagnosis and treatment of the identified condition.
 - 3] The officer has the responsibility for renewing the exemption. The exemption may be renewed using the same process above.
- d) Wearing body armor is mandatory at all times, even during a heat emergency declared by the City Health Commissioner.
 - 1] Only the Police Chief or Acting Police Chief may approve the removal of body armor.
- 5) Exempt officers will have their body armor ready at hand while on duty.
- 6) Regardless of any exemptions, officers will wear body armor when executing an arrest warrant, search warrant, during stakeouts which may require enforcement action, and when directed by a supervisor.
- 7) Off-duty officers are not required to wear body armor while attending court.
- i. Shirts - short and long sleeve
- j. Tie - black clip-on
 - 1) Officers may wear one small tie-tack, tie bar, or chain on the tie. The tie-tack, etc., may not be political, obscene, or offensive in nature.
 - 2) Refer any questionable items to Inspections Section.
- k. Name plates and Serving Since pins
 - 1) All uniformed personnel will wear one name plate and the Serving Since pin on the uniform shirt. The plate and pin combination will be worn on the center of the right breast pocket flap just below the seam.
 - 2) The second name plate and the Serving Since pin will be worn on the outermost garment, when appropriate.
 - 3) Name plates and the Serving Since pin are not worn on topcoats, raincoats, or nylon jackets.

- 4) The Serving Since pin reflects the calendar year in which the employee became a sworn Cincinnati police or Park police officer, cadet, or a non-sworn employee of the Police Department.
 - 5) If there is a break in service of more than one year, the Serving Since pin will reflect the calendar year the employee returned to service.
- I. Unit identification emblem
 - 1) The unit identification emblem is worn on the left lapel of the Ike jacket or blouse.
 - m. Rank insignia
 - 1) Supervisors will wear the rank insignia on the uniform shirt at all times to enable citizens and officers to easily identify uniformed supervisory personnel.
 - 2) Lieutenants and above will wear the rank insignia on the shoulder epaulets of the blouse, overcoat, or nylon storm coat.
 - n. Badge and Department issued identification card
 - 1) Uniformed officers, civilian clothes officers, and off-duty personnel in civilian attire will carry/wear their assigned badge and Department issued ID card.
 - a) Off-duty personnel and officers in civilian attire must properly identify themselves in the conduct of police activity by presenting their badge and Department issued ID card unless an emergency situation exists where their personal safety might be jeopardized.
 - b) Officers not in uniform, including off-duty officers, will wear their badge or Department issued ID card on or above the belt of their outermost garment while in a police facility.
 - 1] Bureau commanders may make exemptions for reasons of safety or practicality, e.g., district exercise rooms.
 - 2) Department issued ID cards are replaced when:
 - a) An officer is promoted.
 - b) An officer's appearance changes significantly, e.g., weight, color or length of hair, grows facial hair for a covert assignment, or removal of facial hair.

- c) An officer's Ohio driver's license and Department official photographs are renewed every four years.
 - 1] Police Personnel Section routes the notice of expiration of the operator's license and file photographs to all bureaus/districts/sections/units.
- 3) Officers will respond to the Personnel Section, Monday through Friday between 0800-1600 hours for replacement of Department issued ID cards. Upon surrender of the expired card by the officer, Personnel Section will destroy the card and immediately issue the new card to the officer. Employees working hours other than those listed above will respond to CIS to have photos taken by a Criminalist. Employees must call, prior to responding, to ensure a Criminalist is available to take photos.
 - a) All officers, except those in civilian clothes and covert assignments, i.e., Central Vice Control Section, Intelligence Section, etc., will respond with a white uniform shirt and necktie.
 - 1] All officers in civilian clothes and covert assignments, regardless of rank, will respond in proper business attire.
 - b) All officers in non-uniform assignments other than civilian clothes and covert assignments, e.g., Impound Unit, Supply Unit, etc., must respond with the white uniform shirt and necktie.
 - c) One photograph is required for police officers and specialists.
 - d) Two photographs are required for uniformed sworn supervisors.
 - 1] One photo in white uniform shirt with necktie and collar insignia.
 - 2] One photo in white uniform shirt with necktie, without collar insignia.
- 4) Lost or stolen ID card
 - a) Officers must provide Personnel Section with proof of loss or theft and a copy of the Form 301, Incident Report, when replacement cards are requested. Officers will:
 - 1] Immediately report lost and stolen cards to their supervisor.
 - 2] Teletype the loss or theft to all county agencies.

- 3] Complete a Form 301.
 - b) Supervisors will investigate the circumstances and ensure a Form 301 is completed.
 - c) Supervisors will initiate a Form 17, through the chain of command, to Personnel Section explaining the circumstances of the loss or theft. Include in the form any negligence on the part of the officer.
 - d) The district/section/unit commander will determine the degree of negligence. Upon approval, forward the forms to the affected bureau commander.
 - e) The bureau commander will review and recommend corrective action to the Police Chief when negligence is a factor.
 - f) The supervisor will direct the employee to respond to Personnel Section for the issuance of a new ID card.
- 5) Damaged ID card
 - a) The employee will respond to Personnel Section and exchange the damaged ID card for a new one.
 - b) Damaged cards will not require a Form 301 unless the damage is due to employee negligence.
 - 1] If the damage is due to employee negligence, the employee will pay for replacement.
- 6) Non-sworn employees ID card
 - a) District/section/unit supervisors will ensure new non-sworn employees assigned to their unit respond to Personnel Section as soon as possible and have an ID card made. The employees will respond in proper business attire.
 - 1] The employee may respond to Personnel Section between 0800-1600 hours, Monday through Friday. Employees working hours other than those listed above will respond to CIS to have photos taken by a Criminalist. Employees must call, prior to responding, to ensure a Criminalist is available to take photos.
 - 2] Personnel Section will issue the completed ID card to the new employee immediately. If the photos are taken at CIS, the card will be mailed to the employee through Interdepartmental Mail.

- b) Personnel, on or off-duty, will wear their Department issued ID card on or above the belt on the front of the outermost garment while in a police facility.
- 7) The ID card will be renewed every four years in conjunction with the renewal of the employee's Ohio driver's license.
- 8) Non-sworn employees leaving the Police Department due to retirement, resignation, or discharge will return the ID card to their supervisor.
 - a) The supervisor will forward the ID card to Personnel Section for destruction.
- o. Gunbelt
 - 1) Uniformed personnel will wear the Department issued gunbelt and all related equipment for the belt while on duty.
 - a) Officers will examine their gunbelts weekly for torn stitching, wear, loose rivets, etc. and have any deficiencies corrected.
- p. Keyhook
- q. Traffic control box key(s)
- r. Magazine pouches, pistol magazines, and ammunition
- s. Department approved firearm and holster
 - 1) Worn on the officer's dominant side with the front edge of the holster in line with the leg trouser seam.
- t. Handcuffs, key, and case
 - 1) Officers may carry an extra set of personally owned handcuffs (Peerless or Smith & Wesson) in a black leather, two pocket handcuff case or in their CDOP bag. Belt rings or nylon cases are prohibited.
 - a) Officers must submit a Form 17 through the chain of command to the Supply Unit listing the brand name and serial number.
- u. X26 Taser
 - 1) Uniformed personnel assigned to patrol duties will carry the Taser when making traffic stops, responding to calls for service, while on foot, mounted, bike patrol, or otherwise engaged in police duties where the likelihood of arrest or confrontational situations exist, e.g., School Resource Officer duties.

- 2) Officers working uniformed off-duty police related outside employment details will carry the Taser.
- v. Chemical irritant canister and case
- 1) The chemical irritant canister worn directly behind the holster can impede obtaining a proper grip on the firearm. Officers who wear the chemical irritant in this position should wear a belt keeper between the holster and the canister or move the canister to another position on the gunbelt.
- w. Radio swivel mount - worn on opposite side of firearm
- x. Glove pouch
- 1) Department issued Gould and Goodrich black leather pouch.
 - 2) Must contain 2 pairs of "Safeskin" Nitrile Exam Gloves.
- y. Flashlight
- 1) Must meet one of the following specifications:
 - a) Department issued plastic, three "D" cell battery flashlight.
 - b) Personally owned plastic, two or three "C" or "D" cell battery flashlight.
 - c) Personally owned rechargeable flashlight, with plastic housing or mini-light style, meeting the specifications listed above.
 - 2) Officers may carry a supplemental mini-light, metal or plastic, two "AA" cell battery or rechargeable flashlight.
 - 3) Any other style or size flashlight must have the written authorization of the Police Chief.
 - a) The Police Chief will authorize other styles for special assignment duties only, not for routine patrol usage.
- z. Utility bag
- 1) All on-duty officers will have the utility bag with them at all times.
 - a) District/section/unit commanders may make exceptions due to the nature of some special assignments, i.e., walking beat, bicycle, covert, etc.

- aa. Riot helmet
 - 1) All on-duty officers will carry their riot helmet in their utility bag.
 - a) Officers will wear the riot helmet in potentially hazardous situations at the direction of a supervisor.
 - b) Supervisors can make exceptions to the above for walking beats, etc.
 - bb. Auto-Lock baton and holder
 - 1) Uniformed personnel assigned to patrol must have the Auto-Lock baton readily available.
 - a) Uniformed personnel have the option of wearing the Auto-Lock baton on the gunbelt if space is available.
2. The following items are approved for wear with Department issued uniform parts and equipment:
- a. Footwear - approved styles
 - 1) Black, laced, leather or high gloss, low or high cut, plain toe military shoe with welt last type sole.
 - 2) Black, laced, all leather plain toe military boots with welt last type sole.
 - 3) Black, winter or inclement weather boots or overshoes.
 - 4) All shoes and boots should look like a dress shoe, giving the appearance of the leather upper stitched to the sole.
 - b. Footwear – other styles are permitted only when approved for special assignments.
 - 1) Casual shoes.
 - 2) Athletic shoes.
 - 3) Dress boots.
 - 4) Boots with nylon sides.
 - 5) Paratrooper boots.
 - 6) Any type of leather boot with a gym shoe type appearance, where the sole is molded to the leather upper.
 - c. Socks - solid black or navy blue.
 - 1) Officers may wear white socks with **boots** provided the socks are not visible beneath the hem of the pant leg.

- 2) Officers may wear white socks with **shoes** only when prescribed by the Employee Health Service physician.
 - a) The district/section/unit will file the written prescription in the officer's medical jacket.
- d. Belt - black with plain buckle and black belt holder loops.
- e. Undershirt - solid white only.
- f. Gloves - black or navy blue.
- g. Dickey and sweaters
 - 1) A dickey, crew neck sweater, or turtleneck sweater will be worn only when the temperature is below 32 degrees and the uniform coat is being worn.
 - a) A dickey, crew neck sweater, or turtleneck may not be worn by officers assigned inside, e.g., desk duty, collators, staff assignments, etc.
 - b) Dickeys and crew neck sweaters will be black or navy blue and worn with, and on top of, the uniform shirt and tie.
 - c) Turtleneck sweaters will be black or navy blue and worn with, and on top of, the uniform shirt, with or without a tie.
 - 2) A v-neck sweater may be worn at any comfortable temperature when the uniform coat is worn.
 - a) Officers assigned inside may wear V-neck sweaters.
 - b) V-neck sweaters will be black or navy blue and worn with, and on top of, the uniform shirt and tie.
- h. Eyeglasses
- i. Wristwatch – non-stretch wristband is recommended.
- j. Authorized insignia for service achievement - worn only on the lke jacket, nylon windbreaker, or blouse.
 - 1) The Personal Sacrifice Ribbon is worn centered directly above the right breast pocket.
 - 2) The Outstanding Achievement Award is worn centered directly above the left breast pocket.

- k. Special assignment insignia is worn centered on the left breast pocket flap of the Ike jacket, nylon windbreaker, or blouse. During warm weather, the insignia is worn centered on the left breast pocket flap of the uniform shirt. Officers with more than one insignia will wear no more than two at one time, side by side on the left breast pocket flap. Upon reassignment, retirement, or resignation, the insignia must be turned in.
 - 1) Traffic insignia is worn only by Traffic Unit personnel.
 - 2) SWAT insignia is worn only by SWAT personnel.
 - 3) MHRT insignia is worn only by Mental Health Response Team personnel.
 - 4) Mounted Patrol insignia is worn only by Mounted Patrol personnel.
 - 5) Motorcycle Patrol insignia is worn only by certified motorcycle riders actively riding a motorcycle.
 - 6) Field Training Officer (FTO) insignia is worn only by personnel on the Training Section list of active FTOs.
 - a) Any officer removed from FTO status will immediately return the insignia to the FTO Coordinator.
- 3. Department personnel desiring to wear any equipment not issued by the Department or not on the approved list must request written approval from the Police Chief.
- 4. Canine officers may wear protective equipment in conjunction with their special duties.
 - a. Department issued jumpsuits and baseball type caps may be worn for searches and training duty.
- 5. Mounted Patrol personnel are permitted to wear/use special equipment authorized for their particular assignment.
 - a. Riding crops, helmets, boots and other protective equipment may be worn when engaged in mounted patrol duties.
- 6. Two and three-wheel cycle officers are permitted to wear Department issued helmets and boots as the uniform of the day.
- 7. Civilian clothes officers in operational assignments, e.g., CIS, district investigator, etc., will carry the following equipment. The district/section/unit commander can make exceptions if possession of such items might jeopardize a police officer or an official investigation:
 - a. Badge and Department issued ID card.
 - b. Handcuffs and key.

- c. Department approved firearm.
 - d. Extra magazine.
 - e. Chemical irritant.
 - f. X26 Taser.
8. Personnel wearing the dress uniform blouse will carry:
- a. Badge and Department issued ID card.
 - b. Department approved firearm.
 - c. Extra magazine.
9. Civilian clothes officers in staff assignments, e.g., Inspections Section, Internal Investigations Section, etc., will carry, at the minimum, the following equipment. The unit commander can make exceptions if possession of such items might jeopardize a police officer or an official investigation:
- a. Badge and Department issued ID card.
 - b. Department approved firearm.
10. Uniformed officers in staff assignments will wear the uniform gunbelt and all required equipment.
11. Officers assigned to the SWAT Unit may wear special uniforms and equipment designated by the SWAT Commander.
12. Officers assigned to bicycle patrol may wear approved uniforms and equipment outlined in Section D.
13. Officers and non-sworn personnel assigned to the Evidence/Property Management Section, Training Section, and Supply Unit may wear Department issued work clothes and caps instead of the standard uniform.
14. SWAT, Evidence/Property Management Section, Training Section, and Supply Unit personnel authorized to wear work or training clothing in performance of assigned duties will change to the uniform of the day or business attire when attending court or other functions outside normal duties.
15. Reflective Traffic Vests
- a. All sworn officers are issued a reflective traffic vest.
 - 1) The officer's badge number is marked on the inside of his vest with a black indelible marker.

- b. Department personnel will wear the reflective traffic vest for all uniformed assignments or details, on or off-duty, under the following conditions:
 - 1) All accident scenes.
 - 2) All traffic posts.
 - 3) All expressway assignments when outside the vehicle.
 - 4) In the roadway exposed to traffic hazards. Routine traffic stops are not subject to this requirement.
- c. Each district has spare vests marked with the district number and vest number.
 - 1) These spare vests may be used by officers not having an issued vest for off-duty details, by civilian riders, or Police Clergy team personnel who may be exposed to traffic hazards.
 - 2) When spare vests are issued, make a blotter entry to include the name of the person using the vest and the identifying number of the vest.

C. Dress Uniform

- 1. The dress uniform will consist of Ike jackets for specialists/police officers and blouses for supervisors, regardless of the date or weather, unless otherwise specified by the Police Chief.
 - a. Blouses may be issued to police officers/specialists upon approval of the officer's bureau commander.
 - b. Uniformed personnel will wear the dress uniform:
 - 1) To full City Council meetings.
 - 2) To funerals.
 - 3) When participating in a parade.
 - 4) When attending promotional ceremonies.
 - c. Exceptions can be made by the Police Chief or any bureau commander, e.g., staff meetings, Council committees, etc.
- 2. Personnel appearing as guest instructors at the Training Section will wear either the dress uniform or conservative business attire, displaying proper identification.

3. When winter uniforms are worn, uniformed personnel in staff assignments will wear either the dress uniform or conservative business attire while attending to normal duties and meetings.
 - a. The storm coat or lightweight jacket may be worn while at lunch, etc.
4. Sworn personnel in non-uniformed assignments have the option of wearing the dress uniform or conservative business attire while being a participant in promotion ceremonies.
 - a. Grooming standards must be followed if the dress uniform is worn.
5. Honor Guard, Motorcycle Patrol, Mounted Patrol
 - a. In addition to uniform/equipment requirements outlined by procedure, addressed in the section/unit SOP, and/or approved by the Police Chief, dress uniform consists of:
 - 1) Blouse.
 - 2) Sam Browne leather waist belt with shoulder strap, holster, magazine carrier, and handcuff case.

D. Mountain Bike Uniform

1. The following items are issued to bike officers as their Department issued bike uniform:
 - a. Cycling helmet.
 - b. Cycling glasses.
 - c. Nylon gunbelt.
 - d. Nylon holster.
 - e. 9mm magazine holder.
 - f. Radio holder.
 - g. Nylon mace holder.
 - h. Nylon double handcuff case.
 - i. Silent key ring.
 - j. Leather badge clip holder.
 - k. Department issued leather glove pouch containing 2 pairs of "Safeskin" Nitrile Exam Gloves.

- l. Summer shorts.
 - m. Short sleeve shirts.
 - n. Long trousers.
 - o. Mock turtleneck shirt.
 - p. Winter jacket.
 - q. Helmet cover.
 - r. Balaclava.
 - s. Gloves (winter & summer).
 - t. Cycling shoes.
 - u. Climits hand protectors.
2. Only the following combinations of bike uniform parts are acceptable for wear together.

Uniform A
Short Sleeve Shirt
Long Pants

Uniform B
Short Sleeve Shirt
Shorts

Uniform C
Mock Turtleneck
Short Sleeve Shirt
Shorts

Uniform D
Mock Turtleneck
Short Sleeve Shirt
Long Pants

Uniform E
Winter Jacket
w/o Sleeves
Mock Turtleneck
Long Pants

Uniform F
Winter Jacket
w/Sleeves
Mock Turtleneck
Long Pants

Uniform G
Winter Jacket
w/o Sleeves
Mock Turtleneck
Shorts

Uniform H
Winter Jacket
w/Sleeves
Mock Turtleneck
Shorts

Uniform I
Winter Jacket
w/Sleeves
Mock Turtleneck
Short Sleeve Shirt
Long Pants

Uniform J
Winter Jacket
w/Sleeves
Summer Shirt
Long Pants

3. Wearing of the bike uniform.
 - a. Helmets and eye protection will be worn at all times while cycling.
 - b. The balaclava and helmet cover may be worn during inclement weather.
 - c. Department issued nylon gear will only be worn with an acceptable bike uniform.
 - d. The bike uniform will only be worn when officers will be riding their bikes. During inclement weather or when assigned other duties where the officer will not be riding a bike, the uniform of the day will be worn.
 - 1) Off-duty officers attending court, who are assigned a mountain bike, will wear the uniform of the day or conservative business attire.
 - e. Officers riding as partners will wear the same uniform combination.

E. Uniforms/Related Equipment - Inspection and Replacement

1. Uniforms and related equipment are inspected annually.
 - a. All sworn personnel will respond in person to one of the scheduled inspection sessions.
 - 1) District personnel who are on-duty when uniform inspection is held at their district must attend on that date.
 - 2) Off-duty district personnel must attend one of the scheduled inspections as directed.
 - 3) Personnel assigned to units other than districts will attend one of the scheduled inspections.
 - b. Present all items in a clean condition.
2. New uniforms and parts will be ordered at the annual inspection.
3. A Form 264, Equipment Record, is maintained at the Supply Unit, showing the equipment issued to each officer.
 - a. The uniform supplier, Roy Tailors Uniform Company, maintains a computer generated listing of uniforms issued to each officer.
4. Uniforms or equipment showing excessive wear or in need of repair between inspections will be brought to the attention of a supervisor. The supervisor will submit a Form 630, Equipment/Supply/Service Order, to the Supply Unit requesting repair or replacement.

- F. Spare Firearms, Tasers, Holsters, Badges, Wreaths, Auto-Lock Baton, and Chemical Irritants
1. Under unusual circumstances, an officer may need to obtain a replacement firearm, Taser, holster, baton, badge, wreath, or chemical irritant.
 - a. During normal working hours, officers will respond to the Supply Unit and obtain a spare holster, badge, wreath, or chemical irritant.
 - b. During normal working hours, officers with a defective firearm or Auto-Lock baton will call the Firearms Training Unit. If Firearms Training Unit personnel are available, the officer will respond to that location and have the defective firearm or baton repaired or replaced with a spare.
 - 1) If Firearms Training Unit personnel are unavailable, the officer will respond to the Supply Unit for a spare firearm or baton.
 - c. During normal working hours, officers with defective Tasers will call the Tactical Planning Unit. If Tactical Planning Unit personnel are available, the officer will respond to that location and have the defective Taser repaired or replaced.
 - 1) If Tactical Planning Unit personnel are unavailable, a supervisor will perform a Taser download and place the printout in the officer's Taser file.
 - a) The supervisor will place the defective Taser in the unit's property locker and ensure it is delivered to the Tactical Planning Unit during normal working hours.
 - b) The officer will carry the Auto-Lock baton while their Taser is out of service.
 - 2) When the Taser is returned from the Tactical Planning Unit, a supervisor will perform a Taser download and place the printout in the officer's Taser file.
 - a) If the officer is not on-duty when the Taser is returned, the Taser will be placed in the unit's property locker until the officer returns to duty.
 - d. If the need occurs when the Supply Unit is closed, the officer will respond to the Criminal Investigation Section (CIS). The following equipment is kept in the CIS vault:
 - 1) Ten Smith and Wesson Military and Police (M&P) pistols.
 - 2) Six spare M&P pistol magazines.
 - 3) Two spare M&P holsters.

- 4) One spare badge and wreath for a sergeant, two spare badges and wreaths for specialists, and eight spare badges and wreaths for police officers.
 - 5) Five spare chemical irritant canisters.
 - a) Officers will give a copy of a completed Form 630 requesting a replacement chemical irritant to CIS personnel.
 - b) The officer's unit of assignment will route the original completed Form 630 and defective chemical irritant to the Supply Unit.
 - e. Check out the equipment through CIS desk personnel. They will document in the logbook when the equipment is loaned out and when it is returned.
 - 1) Items loaned from the CIS vault are intended for short-term loan only. Officers should arrange to obtain long-term loan items from the Supply Unit and return the borrowed item to CIS within 5 days.
 2. Take defective equipment to the Supply Unit for repair or replacement during their normal work hours.
- G. Uniforms, Related Equipment, Personal Property - Lost, Stolen, or Damaged
1. Personnel will immediately report lost or stolen uniform parts or equipment to their supervisor.
 - a. The supervisor will investigate and document the circumstances of the incident including the degree of negligence, if any, on the part of the officer.
 - 1) Teletype the loss or theft of uniquely identifiable or serialized property such as a badge, wreath, firearm, or handcuffs to all county agencies.
 - b. The supervisor will ensure a Form 301 is completed along with a Form 630. Attach a copy of the Form 301 to the Form 630.
 - c. The district/section/unit commander will review the Form 630 and/or Form 301 and determine the degree of negligence on the part of the officer, if any. The district/section/unit commander will then forward these forms to the affected bureau commander.
 - d. Upon approval, the bureau commander will send the Form 630 and Form 301 attachment to the Inspections Section Commander.
 - 1) The bureau commander will review the degree of negligence, if any.

- 2) The bureau commander will recommend corrective action to the Police Chief when negligence is a factor.
 - e. Supply Unit will replace the item.
 - 2. Personnel will immediately report damaged uniforms or equipment to their supervisor.
 - a. The supervisor will investigate the circumstances of the incident and make a Form 630 if needed. The supervisor will include in the investigation the degree of negligence, if any, on the part of the officer.
 - b. Forward the Form 630 or Form 301 to the district/section/unit commander for approval. The district/section/unit commander will determine the degree of negligence, if any, on the part of the officer.
 - c. Upon approval, the district/section/unit commander will forward the Form 630 to the Supply Unit.
 - 1) The district/section/unit commander will send a copy of the Form 630 or Form 301 to the affected bureau commander.
 - 2) Follow Sections G.1.d.1) and 2) if necessary.
 - d. Supply Unit will replace the item and dispose of the damaged item.
 - 3. Replace personal property in accordance with guidelines set forth in the labor agreement.
 - a. Make a request for replacement or repair of personal property on a Form 630 to the Inspections Section with replacement receipt attached.
 - b. The Inspections Section Commander will make a recommendation to the Police Chief concerning replacement of personal property.
- H. Storage of Uniform Equipment During Officer Suspension
- 1. If an officer is suspended five days or less, the officer's equipment need not be surrendered. Internal Investigations Section (IIS) personnel will notify the officer of the suspension dates, that police powers are suspended, and that the carrying or use of police equipment is prohibited.
 - 2. If an officer is suspended more than five days, the officer's commander or designee will immediately relieve the officer of their firearm, magazines, ammunition, Motorola radio, Taser, badge, wreath, and ID card, and issue a receipt to the officer for the items taken.

- a. If there is an armory at the suspended officer's unit of assignment, and the suspension is ten working days or less, store the items in the armory.
- b. If the suspended officer's unit of assignment does not have an armory, or the suspension is more than ten working days, hand carry the items to the Supply Unit for storage.
- c. Temporary ID cards will be issued to sworn members of the Department who have their police powers suspended.
 - 1) The affected officer will arrange to respond to Personnel Section for the temporary ID card between 0800-1600 hours, Monday through Friday.
 - 2) Personnel Section will number the ID card and record it in a logbook.
 - 3) When police powers are restored, the supervisor should send the temporary ID card to Personnel Section for destruction.

I. Misuse of Uniforms/Related Equipment

1. Police Department personnel are responsible for the proper use and care of issued equipment.
 - a. If an investigation determines that neglect, unauthorized alteration, destruction, disposal, or other misuse of equipment or uniforms has occurred, disciplinary action could result.
 - b. If the above investigation determines any of the aforementioned misuse, Department personnel may be required to assume all costs of replacement as part of the penalty for such violations.

J. Personal Grooming

1. Grooming standards for male police officers.
 - a. Hair
 - 1) In all cases, the bulk and/or length of the hair will not interfere with the wearing of the uniform cap.
 - 2) Hair on top of the head will be neatly groomed. The length and/or bulk of the hair will not be excessive or present an unkempt, ragged, or extreme appearance.
 - 3) Hair must be evenly tapered on the sides and back. The hair outline will follow the contour of the ear. Hair will not fall over the ears or touch the collar, except for the closely cut hair at the back of the neck.

- a) A block-cut in the back is permissible in a moderate degree.
- 4) Frontal grooming will not permit the hair to be visible on the forehead when the uniform cap is worn.
- b. Sideburns
 - 1) Sideburns will be neatly trimmed and the bulk of the sideburns will not be excessive.
 - 2) Sideburns will not exceed one inch in width.
 - 3) The maximum length of the sideburns will not extend below the middle of the ear.
 - 4) The base of the sideburns will be a clean shaven horizontal line.
- c. Mustaches
 - 1) Mustaches can extend 1/4 inch beyond the line perpendicular to the corners of the mouth. They will not extend below a line horizontal with the corners of the mouth, and will be neatly trimmed. Fu Man Chu and handlebar styles, etc. are prohibited.
- d. Beards
 - 1) The face will be clean shaven. Beards and goatees are not considered uniform grooming and are not allowed.
 - a) The Police Chief may approve an exemption to allow facial hair if a pseudofolliculitis barbae medical condition exists.
 - b) Officers requesting an exemption must submit a written request on a Form 17 through the chain of command.
 - 1] The diagnosis of pseudofolliculitis barbae must be made by a dermatologist. The note from the dermatologist must include:
 - a] The officer's skin condition.
 - b] The extent and prognosis of the pseudofolliculitis barbae.
 - c] The history of previous medical treatment.
 - d] The length of time the officer has received treatment.

- e] The recommendation for current treatment.
 - f] How frequently the officer may shave while undergoing treatment.
- 2] The officer requesting an exemption will schedule an appointment with the EHS physician who will examine the officer and review the dermatologist's recommendations.
 - 3] The officer will submit a signed medical release allowing the Police Department to discuss the skin condition with the dermatologist.
- c) Officers receiving an exemption must submit a renewal request by January 1 following the initial request.
 - 1] Approved requests will begin and end annually on January 1.
 - d) Unless the treating dermatologist specifies otherwise, an officer receiving an exemption will not shave anywhere on the exposed areas of the face and frontal area of the neck, except to maintain the beard length of no more than one-eighth inch.
2. Grooming standards for female police officers.
- a. Hair
 - 1) The hair, when worn full length, will not extend downward below the lower edge of the shirt collar.
 - 2) Longer hair may be worn, but must be uplifted to the top of the head while in uniform. When in the uplifted position, no hair will extend downward below the lower edge of the shirt collar.
 - 3) The length of the hair will not interfere with the proper wearing of the uniform cap.
 - 4) Frontal grooming will not permit the hair to be visible on the forehead when the uniform cap is worn.
 - b. Makeup
 - 1) A moderate use of makeup is permissible.
 - a) The use of eye shadow is prohibited.
 - b) The heavy use of makeup is not acceptable.

- 2) Fingernail polish, other than a clear or neutral shade, is prohibited.
 - a) Nails are to be cut short and neatly trimmed.
 - 3) A conservative amount of lipstick of a clear or neutral shade is permissible.
3. Jewelry
- a. The wearing of jewelry by male and female officers, e.g., chains, necklaces, pendants, earrings, bracelets, etc., will be limited to rings and watches while in uniform.
 - 1) Religious medals, scapulars, and other bona fide expressions of religious affiliations may be worn around the neck, provided the item is concealed by either the uniform shirt or an undershirt.
 4. The above regulations apply to all uniformed and non-uniformed officers. Some officers, due to the nature of their assignment, may be exempt from this regulation after obtaining written permission from their bureau commander.
 - a. The bureau commander will maintain a record of this exemption.
 - b. Bureau commanders may make exemptions for reasons of safety or practicality, e.g., district exercise rooms.
- K. Personally Assigned Lockers
1. When possible, the Department assigns all personnel locker space at their unit of assignment.
 2. Each officer receives a locker key. The officer will keep it locked when not in use.
 3. The commanding officer will securely maintain a duplicate key file by name and assigned locker number.
 - a. Only the commander and supervisory personnel of the district/section/unit have access to the key file.
 4. Employees may not install combination locks or other type locks on Department lockers without the written approval of the district/section/unit commander.
 - a. If the district/section/unit commander grants approval, the employee must furnish the combination or a duplicate key for the duplicate key file.
 5. A district/section/unit commander or supervisor may open a locker for the following purposes:

- a. To be sure Department equipment is maintained in a proper manner.
 - b. To determine the location of Department records and reports known to be the occupant officer's responsibility.
 - 1) Citations, records, reports, or other official Department documents requiring processing in accordance with Department policies and procedures will not be kept in any officer's locker.
 - c. For health and safety reasons, i.e., rotting food, mildewed uniform parts, leaking canisters, etc.
 - d. Any other legitimate Department need.
6. A unit supervisor may require a total locker inventory in the presence of the assigned locker occupant for any of the reasons outlined in Section K.5.
 7. Supervisors may not randomly search lockers.
 8. Individually assigned lockers in police facilities are the property of the City of Cincinnati.

12.021 VISITOR IDENTIFICATION IN POLICE FACILITIES

Reference:

Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming
Procedure 12.131 - Confidential Informant Management and Control

Purpose:

Ensure persons other than Police Department employees in a non-public area of a Police Department facility are properly identified.

Maintain security in Police Department facilities for the safety of employees and visitors.

Policy:

Sworn personnel encountering a person(s) in a police facility, who is unknown to the officer and not properly identified, will question them as to their identity and reason for being in the facility. The officer will ensure the unidentified person(s) receives a Visitor's Identification Pass, displays proper identification, or is escorted from the premises.

Civilian personnel encountering a person(s) in a police facility, who is unknown and not properly identified, will immediately summon a sworn officer to investigate the unidentified person(s).

Procedure:

- A. When a non-Department employee visits a police facility or is a civilian rider, the desk person will:
 1. Determine if the visit is valid. Confirm the visitor's identification with a valid ID and RCIC/NCIC check. Enter the visitor's information onto the Visitors Log (Form 690).
 - a. The Form 690 will show the visitor's name, company or agency they represent, reason for visit, time in, time out, and the badge number or initials of the person logging the visitor in and out.
 - 1) Keep Form 690 sheets in a 3 ring binder and remove after 1 year.

2. Issue the visitor a Visitor ID Pass.
 - a. Print the name and date on the Visitor ID Pass.
 - b. Instruct the visitor to wear the Visitor ID Pass on the chest area of the outermost garment at all times while in the police facility.
 3. Have the police employee whom the visitor is to meet respond to meet the visitor.
 - a. Do not leave the visitor unattended in non public areas of the police facility.
 4. If the visitor is performing a service or maintenance, issue a Visitor ID Pass except:
 - a. When the person performing the service is a city employee or contract employee, they will display the proper city or company ID. The desk person need not issue a Visitor ID Pass.
 - 1) The desk person must still enter the city employee or contract employee onto the Form 690.
 - 2) Instruct the visitor to respond back to the desk person before leaving so the desk person can log the visitor out and collect the Visitor ID Pass.
- B. Visiting Groups or Tours:
1. Desk personnel will identify each adult individual and follow the above procedure through section A.2.b.
 2. The employee responsible for scheduling the group will respond to the desk area to escort the group through the facility.
 - a. The attending officer will ensure no one from the group wanders through the facility without an escort.
 3. Upon completion of the groups' visit, the escorting employee will ensure the group is logged out.

C. Confidential Informants (CI):

1. Informant control officers (ICO) having a CI(s) respond to a police facility may log the CI onto the Form 690 under the name of the ICO.
 - a. Place the letters "CI" after the ICO's name.

- b. The ICO will ensure the CI wears a Visitor ID Pass.
 - 1) The ICO will use his/her name on the Visitor ID Pass to protect the identity of the CI if necessary.
- c. The ICO will remain with the CI during the entire visit to the police facility.
- d. Enter the time in and the time out on the Form 690.

12.025 AUTHORIZED WEAPONS

Reference:

18 USC 926B, 926C - Law Enforcement Officers Safety Act of 2004
 Ohio Revised Code 2901.01K - Law Enforcement Officer
 Ohio Revised Code 2923.12B - Carrying Concealed Weapons
 Ohio Revised Code 2923.12.1 - Illegal Possession of Firearm in Liquor Permit Premises
 Ohio Revised Code 2923.12.2 - Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance in School Safety Zone
 Ohio Revised Code 2923.12.3 - Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse
 Ohio Revised Code 2923.15 - Using Weapons While Intoxicated
 Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming
 Ohio House Bill 12, Section 9
 CALEA Standard 1.3.10.

Definitions:

Qualified Law Enforcement Officer – An employee of a governmental agency who –

- is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;
- is authorized by the agency to carry a firearm;
- is not the subject of any disciplinary action by the agency;
- meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from receiving a firearm.

Information:

Supply Unit maintains a perpetual record of all Department owned and approved weapons.

The Law Enforcement Officers Safety Act of 2004 permits qualified active and retired law enforcement officers to carry concealed weapons nationwide. The Law Enforcement Officers Safety Act does not supersede or limit the laws of any state permitting persons or entities from prohibiting or restricting the possession of concealed firearms on private property. Individual states still retain the authority to prohibit or restrict the possession of firearms on any state or local governmental property, installation, building, etc. (educational institutions, court houses, etc.).

Nothing in this act permits officers to carry non-authorized firearms.

Ohio House Bill 12, Section 9, prohibits municipalities from placing restrictions on persons with valid concealed carry licenses issued by the State of Ohio. If an officer obtains a concealed carry license from the State, the Police Department cannot restrict the type of handgun carried off-duty by that police officer. However, if the officer is involved in an off-duty incident where they are acting in an official capacity as a police officer, they are subject to administrative action by the Police Department if the handgun used is not one approved by this procedure.

Policy:

The Police Department will assign firearms only to sworn employees. With the prior written approval of the City Manager, the Department may assign a firearm to a qualified non-sworn employee **who has successfully demonstrated proficiency in the use of the agency authorized weapon. Proficiency must be to the standards set by the Rangemaster of the Department Firearms Training Unit (FTU).**

The Police Department will only dispose of weapons according to law and purchasing regulations.

While on duty, an officer will carry or have under his control only Department authorized weapons and ammunition. Personnel will carry the firearm as directed in Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming.

Officers responding to court on cases resulting from official business including outside employment details will only carry Department authorized firearms.

All Department personnel authorized to carry lethal and less-than-lethal weapons will be issued copies of and be instructed in Department use of force policies and procedures before being authorized to carry a weapon. Only personnel demonstrating proficiency in the use of Department authorized weapons are permitted to carry those weapons, both on or off-duty.

Each officer must qualify annually with the Department issued firearm. With the approval of the Police Chief, the Rangemaster will determine qualification standards. An officer who fails annual qualification will be relieved of their police powers prior to leaving the FTU. Affected personnel will leave their badge, wreath, identification card, issued firearm, and ammunition with FTU personnel.

Each non-sworn employee assigned an agency authorized weapon must qualify annually with the issued firearm. A non-sworn employee who fails annual firearm qualification will surrender the issued firearm and ammunition to FTU personnel prior to leaving the training facility. A non-sworn employee may be reissued the agency authorized weapon upon successful demonstration of proficiency in the use of the weapon to the FTU Rangemaster.

Officers must follow the provisions of this procedure and be in possession of their Department issued identification card to legally carry a concealed firearm under the provisions of the Law Enforcement Officers Safety Act of 2004.

Procedure:

- A. Authorized Weapons and Ammunition
 - 1. Semi-automatic pistols:
 - a. Smith & Wesson 9mm Military and Police (M&P9).
 - b. Smith and Wesson 9mm Military and Police compact (M&P9c).
 - 1) Authorized ammunition for both pistols is Winchester 9mm, 147 grain jacketed hollow point.
 - 2. Shotguns:
 - a. Remington 870.
 - 1) Authorized ammunition is either Winchester 2³/₄" 12 gauge 00 buck ammunition or Winchester 2³/₄" 12 gauge slugs.
 - a) If the shotgun is dedicated as less-lethal (beanbag shotguns), authorized ammunition is the Defense Technologies DS23 drag-stabilized beanbag round.
 - 3. Semi-automatic rifles (Patrol Rifles)
 - a. Bushmaster XM15-E2S.
 - b. Smith and Wesson Military and Police (M&P15).
 - 1) Authorized ammunition for all patrol rifles is Winchester .223, 55 grain ballistic silvertip.
 - 4. Any official firearm designated by the Police Chief.
 - 5. Defense Technologies 40mm foam round launcher and rounds.
 - 6. PepperBall Technologies launcher with .5 OC PepperBall rounds.
 - 7. Monadnock Auto-Lock batons.
 - 8. Chemical irritant:
 - a. Freeze CS.
 - b. Punch II Streamer M-3 OC.
 - 9. Taser International X26 Taser and Taser International cartridges.
 - 10. Authorized SWAT tactical weapons and ammunition.
 - a. SWAT weapons and ammunition are distributed and stored in accordance with the SWAT Unit's Standard Operating Procedures.

B. Issuance of Firearms

1. The Smith and Wesson M&P9 semi-automatic pistol is issued to all officers.
2. The Smith and Wesson M&P9c compact semi-automatic pistol may be issued to investigators, plainclothes personnel and by personnel authorized by the Police Chief.
 - a. Investigators, plainclothes personnel or officers wishing to carry an M&P9c as their on-duty firearm must submit a Form 17 through the chain of command to the Police Chief.
 - b. Department personnel who purchase an M&P9c for personal use will follow Section F. of this procedure to obtain authorization to carry this firearm.
3. Patrol Rifles
 - a. Districts/sections/units will maintain assigned semi-automatic rifles (patrol rifles) in their respective armory. Patrol rifles will be stored in an unlocked nylon case. While stored in the case, rifles will remain unloaded with the bolt forward. Magazines will be stored in the same rifle case but will not be inserted into the magazine well of the weapon.
 - 1) Each district is assigned four patrol rifles.
 - 2) Central Vice Control Section is assigned four patrol rifles.
 - 3) Vortex Unit is assigned three patrol rifles.
 - b. Only officers selected by the Police Chief and who have passed the annual patrol rifle qualification course are authorized to carry patrol rifles.
 - c. Authorized officers will obtain a patrol rifle from their district armory at the beginning of their assigned shift.
 - 1) Authorized officers will inspect the rifle daily prior to entering the field to ensure it is unloaded and that the two issued 30 round magazines are present.
 - 2) The daily inspection will be conducted outside of the police facility with the rifle pointed in a safe direction.
 - d. Patrol rifles carried into the field will remain unloaded and stored in the case in a secured area of the vehicle. Patrol rifles will not be carried unsecured in the front of the vehicle during routine patrol duties.
 - e. Upon identifying a situation where the deployment of the patrol rifle can assist, officers will remove the rifle from the secured area, load it, and have it ready at hand.

- f. Upon termination of their assigned shift, authorized officers will ensure the patrol rifle is removed from the vehicle and returned to the district armory in an unloaded condition.
- g. SWAT rifles stored in district armories are only to be accessed and carried by SWAT personnel. Authorized officers will only carry rifles assigned to the district as part of the patrol rifle program.

C. Plainclothes Officers

- 1. On-duty officers working in plainclothes may only carry their firearm in the Department approved, Safariland ALS Belt Slide Holster (Model 6351-219).
- 2. Shoulder holsters are not permitted for on-duty use.

D. Annual Qualification

- 1. If an officer fails to qualify, the FTU will do the following:
 - a. Relieve the officer of his police powers and equipment.
 - 1) The officer must report to Personnel Section during his next scheduled working day to obtain a temporary ID card.
 - b. Notify the officer's unit of assignment of his duty status and the date for further training and testing.
 - 1) Officers who are required to work prior to the training and testing date must be assigned duties consistent with their duty status.
 - c. Notify Personnel Section of the officer's duty status.
 - d. Store the officer's equipment in the FTU armory pending successful qualification.
 - e. Schedule the officer for additional training and testing.
 - 1) Officers will be scheduled for additional training and testing on the next available training date.
 - f. Restore the officer's police powers and return his equipment upon successful qualification.
 - 1) Collect and destroy the temporary identification card.
 - g. Notify the officer's unit of assignment and Personnel Section upon successful qualification.

2. Officers relieved of their police powers must notify the affected detail coordinator if they are scheduled for any outside employment prior to additional training and testing.
 3. Officers who fail the annual patrol rifle qualification will immediately be removed from the list of authorized users.
 - a. Reinstatement to the authorized user's list will be at the discretion of the Police Chief. Final approval will not be granted until the officer passes the annual patrol rifle qualification the following year.
- E. Carrying a Firearm Off-Duty
1. Carrying a firearm off-duty is optional.
 2. Off-duty officers, not in uniform, who choose to carry a firearm, will conceal the firearm on their person.
 3. Ohio Revised Code §2923.15 prohibits carrying firearms while under the influence of alcohol or any drug of abuse.
 - a. Law enforcement officers are not exempt from the prohibition.
 4. The following Ohio Revised Code Sections apply to off-duty personnel UNLESS they are acting in the scope of their duties as a police officer.
 - a. ORC Section 2923.12.1 – Illegal Possession of Firearm in Liquor Permit Premises.
 - b. ORC Section 2923.12.2 – Illegal Conveyance or Possession of Deadly Weapon or Dangerous Ordnance or Illegal Possession of Object Indistinguishable from Firearm in School Safety Zone.
 - c. ORC Section 2923.12.3 – Illegal Conveyance of Deadly Weapon or Dangerous Ordnance into Courthouse: Illegal Possession or Control in Courthouse.
 5. Off-duty personnel may only carry Department authorized firearms; M&P9 or the M&P9c, after following the approval process in Section F. of this procedure.
 6. Off-duty officers with a valid carry concealed license issued by the State of Ohio may carry a firearm of their choosing.
 - a. Off-duty officers involved in an incident where they are acting in an official capacity as a police officer are subject to administrative action by the Department if the firearm used is not one approved by this procedure.
- F. Approval Process for Carrying a Personally Owned Department authorized firearm in an On or Off- Duty Status

1. Each officer responding to the Firearms Training Unit for qualification will present the following unloaded firearm(s) to the Rangemaster:
 - a. Official Department issued firearm.
 - b. The personally owned Department authorized firearm the officer requests authorization to carry on or off-duty.
2. The Rangemaster will inspect all firearms for safety and compliance with Section F.5. of this procedure.
3. The Rangemaster will complete a Form PSA-17, Personal Firearm Approval Request, for each firearm an officer requests authorization to carry.
 - a. The Form PSA-17 will include a description and the serial number of the firearm, the officer's qualification results, the date and signature of the Rangemaster.
 - b. The Rangemaster will forward the completed Form PSA-17 to the Training Section Commander for processing.
4. The Form PSA-17 will be used as the Police Department's written authorization for the on and off-duty use of a personally owned firearm and approved ammunition.
5. When an officer qualifies and approval is granted:
 - a. Training Section will forward the Form PSA-17 to the officer's district/section commander for approval, retaining a control copy.
 - b. The district/section commander will forward the Form PSA-17 to the respective bureau commander for review and approval.
 - c. Upon review and approval, the bureau commander will submit the Form PSA-17 to the Police Chief.
 - d. If approval is granted, the Police Chief will sign and date the Form PSA-17 and forward it to Training Section.
 - e. Training Section will retain the original Form PSA-17 and send one copy to the requesting officer.
6. When approval is not granted:
 - a. Training Section will retain the original Form PSA-17 and send a duplicate copy of the form to the officer's district/section commander.
 - b. The district/section commander will ensure the officer is notified of the disapproval and arrange for additional training as required.

G. Removal of Unsafe Weapons

1. Notify a supervisor whenever an issued weapon is found to be unsafe or in need of repair.
2. Issue a replacement weapon until the original is returned or permanently removed from service.
3. Repairs/replacements are provided by the following units or sections:
 - a. Firearms Training Unit: semi-automatic pistol, shotgun, beanbag shotgun, 40mm foam launcher, Monadnock Auto-Lock baton, and all SWAT weapons.
 - b. Tactical Planning Unit: PepperBall launcher, Taser.
 - c. Supply Unit: Chemical irritant.
 - d. After normal working hours, CIS has semi-automatic pistols and chemical irritant.

H. Storage of Department Owned Firearms

1. Department issued firearms that are not in use must be stored unloaded, in the armory of the affected district/section/unit in accordance with district/section/unit Standard Operating Procedure.

12.030 VEHICLES: ASSIGNMENT, USE, AND MAINTENANCE

Reference:

Administrative Regulation #51

Procedure 12.031 AUTOMATIC LICENSE PLATE RECOGNITION (ALPR)

Procedure 12.033 MOUNTAIN BIKES AND SEGWAYS: ASSIGNMENT, USE, AND MAINTENANCE

Definitions:

Take-home means the police vehicle may be used to commute to and from work, including responding to or from meetings, court, and recall situations.

On-call means the police vehicle may be used for all transportation needs. On-call status is granted to officers who must respond directly to a point of recall without first responding back to their residence to pick up the police vehicle.

Procedure:

A. Assignment of Vehicles

1. After consultation with the bureau commanders, the Fleet Manager will assign motor vehicle equipment to Department units.
2. Forward a request for additional equipment on a Form 17, with supportive data, to your bureau commander.
 - a. After reviewing the request, the bureau commander will make a recommendation and forward it to the Fleet Management Unit.
 - b. The Fleet Manager will review the request, make a recommendation, and forward the report to the Police Chief for final determination.
3. The Fleet Manager will provide a vehicle jacket containing all necessary information for each vehicle assigned to a police unit.
 - a. Retain the jacket in the unit file. When the vehicle is removed from service, return the jacket to the Fleet Management Unit.
 - b. If there are any special regulations about operating the vehicle, forward a copy of these regulations to the officer in charge (OIC) of the assigned unit. The operating unit will strictly adhere to these regulations.

B. Semiannual Rotation of Vehicles

1. The Fleet Management Unit will send a list of the vehicles scheduled for rotation to the affected units 30 days before the designated rotation date.
2. Rotating unit's responsibilities
 - a. Each unit receiving a list designating a vehicle(s) from their unit for rotation will:
 - 1) Inspect the vehicle(s) two weeks before the designated rotation date.
 - 2) Perform any maintenance due, or that will become due within 500 miles of the inspection date.
 - 3) Correct any defects found before rotation of the vehicle.
 - 4) Complete a Form 427, Vehicle Inspection Report. The unit supervisor will approve and sign the Form 427.
 - 5) After approval, place the Form 427 in the vehicle jacket for rotation.
3. Receiving unit's responsibilities
 - a. Each unit receiving vehicles through rotation will:
 - 1) Inspect the vehicle and review the vehicle jacket.
 - 2) Ensure the Form 427 is complete and accurate.
 - 3) Notify the supervisor approving the Form 427 of any discrepancies.
 - 4) Ensure the rotating unit corrects any problem/discrepancy before accepting the vehicle.

C. Use of Vehicles

1. All Department vehicles are used for the transaction of police business only. Only Department members or authorized service personnel will operate the vehicles.
2. Department personnel will not take Department vehicles home on a regular basis without the Police Chief's approval. Only the Police Chief may grant take-home or on-call status, except as listed in C.2.b.
 - a. Submit a Form 17 to the Police Chief for approval.

- b. If necessary, a district/section commander may authorize sworn personnel to take Department vehicles home overnight on a non-regular basis for the efficient completion of police related duties.
3. The Police Chief and assistant chiefs are considered on-call and may use their city vehicles for all transportation needs.
4. Other Department personnel assigned take-home vehicles will use the following guidelines:
 - a. Officers identified as on-call may use their vehicles for all transportation needs while in on-call status.
 - b. Officers not in an on-call status will use their take-home vehicle for the following purposes only:
 - 1) For inspection during other than normal tours of duty.
 - 2) When attending a public gathering where a possible need for police service may arise, and/or good public relations may be promoted by their presence.
 - 3) When attending meetings or groups where police matters are a primary concern.
5. Other Department employees assigned take-home vehicles such as canine officers, special investigators, motorcycle officers, etc., will use the vehicles only for the following purposes:
 - a. Regular assignments.
 - b. Orders of superior officers.
 - c. Attendance at an official judicial hearing.
6. Department personnel assigned a take-home vehicle will record on a Form 429, Take-Home Vehicle Report, each time the vehicle is used for city business before or after normal work hours and the purpose.
 - a. Within one week after the end of each quarter, Department personnel will electronically submit the completed Form 429 directly to the Fleet Management Unit and forward a copy through their chain of command. Do not forward hard copies to the Fleet Management Unit.
 - b. Whenever an officer is transferred to or from an approved take-home/on-call vehicle assignment, supervisors must submit changes directly to the Fleet Management Unit. Officers will not be considered approved for the vehicle until the change is submitted to the Fleet Management Unit.

7. The Fleet Management Unit will maintain a master list of positions authorized take-home or on-call. No changes to the list will be made without the direct written authorization of the Police Chief. The master list will be submitted semiannually in January and July through the Resource Bureau Commander for review and updating by the Police Chief.
8. It is the responsibility of each officer assigned to a position to know if that position has a take-home or on-call vehicle status. Officers with approval must submit a completed Form 429 directly to the Fleet Management Unit upon transfer out of an assignment with take-home/on-call approval.
9. Personnel will return personally assigned vehicles to the unit of assignment when an absence will exceed seven days.
10. No Department personnel will operate motor vehicle equipment without a valid driver's license.
 - a. Each January, district/section commanders will ensure a QD (Query Driver's License) computer check is completed on all sworn and non-sworn employees under their command who operate a City or private vehicle on City time.
 - b. District/section commanders will submit a check-off list to the Personnel Section by January 31 each year containing the following operator's license information:
 - 1) Name of employee.
 - 2) Operators license number, type, state.
 - 3) Expiration date of the license.
 - 4) Date of verification and current status.
 - 5) Restrictions.
 - c. The district/section commander will retain a file copy.
11. Department employees will operate all Department automotive equipment according to state laws, local ordinances and the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.

D. Motorized Vehicle Inspections

1. Department employees will make daily inspections of their assigned police vehicle before and after their tour of duty. The operator will carefully check the following:
 - a. Cleanliness: the vehicle will be clean inside and outside. Unauthorized bumper stickers or other markings will not be on the vehicle.

- b. Tires: properly inflated; be alert for damage or unusual wear.
- c. Body: dents or damage. Make any necessary reports of damage.
- d. Lights: all working properly. Keep lenses clean.
- e. Glass: check windows for cracks. Maintain clear visibility.
- f. Oil: maintain proper level. Be alert for dripping oil. Check to see if overdue for preventive maintenance.
- g. Cooling System: maintain proper coolant level.
- h. Brakes: check pedal for proper adjustment and uneven wear. Check the emergency brake to be sure it holds the vehicle.
- i. Transmission: maintain proper fluid level.
- j. Steering: check to see if it is too tight or too loose. Check fluid level.
- k. Battery: no maintenance required.
- l. Windshield Wipers: check for proper working order. Check washer fluid level.
- m. Dashboard Instruments: check all dashboard instruments. Check that all lights work.
- n. Seats: check to see if they are operational and will adjust easily.
- o. Gas Key: check for presence of and condition.
- p. Siren/Emergency Lights: check that they are working properly.
- q. Spot Lights/Auxiliary Lights: check that they are working properly.
- r. Radio, LEERN: check to see if present and working properly.
- s. Mobile Video Recorder (MVR): check if all parts, including the wireless microphone, are present and free from damage. Record the serial # where indicated.
- t. Mobile Data Computer (MDC): check if working properly and all parts, including the antenna, are free of damage. Record the serial # where indicated.
- u. Automatic License Plate Recognition (ALPR): Check all three mounted cameras on the light bar for damage. Inspect the Thumb Drive and USB cable for damage.

- v. Radar Equipment: check if present and working properly.
- w. Shotgun and Ammunition/Shotgun Box: check for condition of shotgun, shotgun box and supply of ammunition. Record the serial # where indicated.
- x. Beanbag Shotgun: check to see that the seal on the box is not broken. Record the serial # where indicated.
- y. Pepper Ball Gun: check for condition and supply of ammunition.
- z. Riot Shields: check for presence of and condition.
- aa. Protective Equipment: "Safeskin" Nitrile Exam Gloves and Hand Cleaning Gel: maintain an adequate supply of both.
- bb. First Aid Kit, (5) Decontamination Wipes and Respiratory Bag Valve Mask: check for presence, condition and adequate supply.
- cc. Scout Car Equipment: check for presence and condition of stretcher, leather wrist and ankle restraints.
- dd. Fire Extinguisher: check that it is carrying proper pressure. Check that fire extinguisher is mounted upright.
- ee. Traffic Cones: check for condition and supply.
- ff. Flares: maintain a minimum of 12.
- gg. Citizen Complaint Forms 648: maintain an adequate supply of all.
- hh. Citizen Complaint Information Brochures: maintain an adequate supply of all.
- ii. Report of Favorable Police Conduct Forms: maintain an adequate supply of all.
- jj. FRA Form: a copy of the City of Cincinnati financial responsibility letter.
- kkj. QOT: perform a query of outstanding tags, note any located.
- ll. QW: perform a query of wanted persons, note any wants.
- mm. Remarks: above is to serve only as a guide. Any other factor that affects the safe, efficient, and economical operation of the vehicle should be carefully noted. Section D.1.f. of this guide is mandatory.
- nn. Each vehicle must be inspected at the beginning of each shift. The purpose of the inspection is to ensure the vehicle is properly equipped, properly maintained, free of weapons and contraband, and has not been tampered with since last use.

2. On the 2nd and 4th Sundays of each calendar month, the first shift OIC is responsible for completing a Form 427 on each vehicle. Each district/section/unit will designate one supervisor to coordinate the Preventative Maintenance (PM-A & B) program for the affected district/section/unit. This supervisor will ensure that all necessary vehicle maintenance is completed on schedule.
 - a. The supervisor will initial all Forms 427 and prepare Form 427A, Maintenance Inspection Sheet, verifying that all necessary maintenance has been completed or is scheduled for completion.
 - b. The unit commander, or in his absence the acting unit commander, will initial these reports showing approval. Keep the Forms 427 and 427A on file at the unit of assignment.
 - c. If the inspecting employee discovers needed repairs or service, complete a Form 425, Motor Vehicle Repair Report.
3. Mileage Report
 - a. On the 4th Sunday of each calendar month, the first shift OIC or designee will complete a Form 426, Mileage Report, for all vehicular equipment assigned to the unit.
 - b. Complete the Form 426 as follows:
 - 1) State the correct dates for the beginning and ending period.
 - 2) Arrange in numerical order according to equipment numbers.
 - 3) Indicate all equipment assigned to the unit which is at Fleet Services.
 - a) Place equipment number in proper sequence on the report with the previous mileage reading. State alongside "In Garage". This must be a 5-digit number, i.e., 00289.
 - 4) List all equipment borrowed from another unit.
 - a) Record the equipment number and the present mileage reading in proper sequence on the report.
 - b) State from where the equipment is on loan.
 - 5) Total the mileage for the month.
 - c. The unit commander will review this report for completeness and accuracy and forward it to the Fleet Management Unit through

the Department's electronic mail system. Do not send a hard copy.

E. Shotguns

1. All marked patrol vehicles are equipped with a 12-gauge shotgun.
2. The shotgun, with four rounds in the magazine and six extra shells, is mounted in the front of the vehicle.
3. Each shift will ensure the shotgun and ammunition are in the vehicle.
 - a. When the vehicle is left at the garage, remove the shotgun.
4. When the shotgun needs repair, contact the Firearms Training Unit.

F. Care, Maintenance, and Repair of Motorized Vehicles

1. The police operator and his supervisor are responsible to see that necessary service, maintenance, and repairs are coordinated through the designated district/section/unit Preventative Maintenance supervisor and completed.
 - a. Schedule police vehicles for maintenance as follows:

Beat & Scout Cars	-	3,000 miles or 3 months PM-A oil change
		9,000 miles or 9 months PM-B necessary repairs with oil change
Passenger Cars	-	6,000 miles or Vans, & Trucks 6 months for PM-A
		18,000 miles or 18 months PM-B
Motorcycles	-	2,000 miles or 2 months PM-A 6,000 miles or 6 months PM-B
 - b. Scheduling of service will be done at any police district at least 24 hours in advance of PM-A or PM-B service.
 - 1) PM-As will normally take thirty minutes. PM-Bs will normally take four hours to complete.
2. The operator of the vehicle on the first shift is responsible for having the police vehicle washed and thoroughly cleaned inside and outside when needed.
 - a. During inclement weather, this will be done as often as conditions warrant and service demands permit.

- b. The unit Preventative Maintenance supervisor will schedule vehicles for maintenance. Only one of the unit's vehicles will be out of service at any one time whenever practical.

G. Preventative Maintenance Supervisor

1. Each bureau/district/section is responsible for appointing a Preventative Maintenance supervisor.
2. The Preventative Maintenance supervisor will:
 - a. Oversee the safe, efficient, and economical operation of the motor fleet.
 - b. Be responsible for administering the motor vehicle inspection and preventive maintenance program for the unit using Forms 427 and 427A, and any other necessary forms.
 - c. Complete a thorough investigation of all police vehicle accidents involving personnel of the unit.
 - d. Carefully analyze and evaluate all accidents involving unit personnel and make appropriate recommendations. The primary objective is identifying the accident-prone and negligent driver.
 - e. Review and evaluate the accident experience, vehicle inspection reports, and driver evaluation examinations. Based on this analysis, execute the Department program in the following areas:
 - 1) Care of motor vehicles and equipment.
 - 2) Safe operation of vehicles and equipment.
 - 3) Preventive maintenance at the unit level.
 - 4) Motor vehicle inspection program.

H. Garage Facilities

1. Fleet Services, Central Parkway and Bates, provides 24-hour service.
 - a. All services, including PM-As and PM-Bs and all related repairs can be scheduled at any police district mechanic location.
 - b. PM-As can be scheduled at Fleet Services main facility at 352-3682 with 24 hours notice.
 - c. Mechanics are on duty at all other times to make minor emergency repairs and road calls.
2. The auxiliary garages at each district will make most repairs and provide preventive maintenance to the motor fleet.

- a. These auxiliary garages are open Monday through Friday, except holidays, during the following hours:
 - 1) District One 0800 to 1630 Hours
 - 2) District Two 0600 to 1430 Hours
 - 3) District Three 0600 to 1430 Hours
 - 4) District Four 0600 to 1430 Hours
 - 5) District Five 0600 to 1430 Hours
 3. During inclement weather or other emergency occasions, mechanics respond to these auxiliary garage locations for service.
 4. When delivering a vehicle to Fleet Services or one of the auxiliary garages for repair or service, the operator will verbally advise the garage supervisor or person in charge, of the needed repair.
 - a. If advised an extensive delay will be necessary to complete the work, the officer will:
 - 1) Make arrangements to be picked up. Transfer all equipment from the disabled vehicle to the appropriate district or unit area.
 - a) Notify the unit of assignment of this transaction and make an appropriate blotter entry.
 5. Police vehicles are repaired at Fleet Services or auxiliary garages only.
 - a. Department leased vehicles are repaired at the lease vehicle contractor's designated site.
 6. Promptly report recurring deficiencies in the operation or servicing of motor vehicles on a Form 17 to the Police Chief.
- I. Push Bumpers
1. When repositioning a disabled vehicle utilizing the push bumpers officers will:
 - a. Visually inspect the disabled vehicle and police vehicle to determine the point of contact.
 - b. Position the police vehicle to allow the push bumpers to make contact with the disabled vehicle's bumpers.
 - c. Inform the operator of the disabled vehicle to:

- 1) Unlock the steering wheel.
 - 2) Place the vehicle transmission in neutral.
 - 3) Maintain control of the vehicle (if the vehicle is unable to start, the disabled vehicle will only have manual brakes and manual steering).
- d. When both vehicles are ready for repositioning, slowly accelerate the police vehicle enough to begin moving the disabled vehicle (5 miles per hour is the maximum speed).
 - e. When all the above steps have been taken and damage occurs to either vehicle a Form 317, General Conditions Report, will be completed and forwarded to Fleet Management Unit. The incident will not be considered a vehicular accident.

J. Skid Chains

1. If appropriate, maintain a set of skid chains for each marked vehicle at the district garage.
2. Do not install skid chains on any leased vehicles or vehicles equipped with front wheel drive.
3. Do not operate vehicles with skid chains having broken links. If unable to make a satisfactory repair to the chain, the operator will have the vehicle towed to the garage.
4. Operate vehicles equipped with skid chains at moderate speed, to prevent damage from the chains.
5. The storing of salt, sand, or a mixture thereof in city vehicles, for use on slippery streets, is prohibited.

12.031 AUTOMATIC LICENSE PLATE RECOGNITION (ALPR)

Reference:

Procedure 12.030 Vehicles: Assignment, Use, and Maintenance

Information:

The ALPR consists of three fixed cameras mounted on the light bar of selected marked vehicles, a USB cable and Thumb Drive located inside the passenger compartment and a program icon located on the Mobile Data Computer (MDC) touch screen.

The Thumb Drive takes seven to eight minutes to download new information into the system. Absent emergency conditions, the operator will complete this task during vehicle inspection to reduce the down time at the station.

Policy:

Only authorized personnel trained in the use of the ALPR are to operate the system.

The three mounted cameras are not adjustable; no attempt to move or reposition them is permitted. The Thumb Drive is assigned to each system; they are not to be transferred to another vehicle. The data downloaded on the Thumb Drive is for official use only and contains sensitive information including data from LEADS, RCIC and NCIC. Downloading any other type of files or information into the Thumb Drive or MDC is prohibited.

Any hits received from the ALPR including stolen vehicles, delinquent citations, open capiases or wants must be confirmed through the MDC, Police Communications, the Hamilton County Clerks Office or Central Warrants before enforcement action is taken.

Procedure:

A. System Inspection and activation

1. Obtain the Department authorized Thumb Drive from the Shift OIC. Connect the Thumb Drive to the designated computer in the District and select (Run-Begin Shift) to update the LEADS, RCIC and NCIC information.
2. Inspect the three mounted cameras, USB cable and Thumb Drive for damage.
3. Power up the system by logging on to the MDC and clicking the ALPR icon located on the touch screen.
4. Connect the Thumb Drive to the USB cable in the vehicle.
5. Log in and select (Begin-Shift), this will take seven to eight minutes.

B. ALPR returns

1. Hits generated by the ALPR including open warrants or stolen vehicles are not sent to Police Communications or the dispatcher. Officers should notify the dispatcher via their portable radio prior to taking any action.
2. Operators must confirm the plate by visually checking the actual plate against the captured image.
3. After confirming the plate and the status of a wanted return, the operator may take enforcement action.
4. After enforcement action is taken a disposition should be entered into the ALPR system closing the incident.

C. System shut down

1. Touch (End-Shift) which will download the captured information during the tour of duty into the Thumb Drive.
 - a. Log out of the system.
 - b. Verify the system is shut down before turning off the MDC.
 - c. Remove the Thumb Drive and down load the captured information into the designated district computer.
 - d. Turn in the Thumb Drive to the shift OIC.

12.033 MOUNTAIN BIKES AND SEGWAYS: ASSIGNMENT, USE, AND MAINTENANCE

Reference:

Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming

Definitions:

Department Mountain Bike Coordinator: a Police Officer/Specialist who is a member of the bike patrol. The duties of the Department Mountain Bike Coordinator are to oversee the safe, efficient, and economical operation of the mountain bike equipment; to review the mountain bike inspection and preventative maintenance program for the districts; and to review all mountain bike related paperwork requesting repair or replacement of any mountain bikes, mountain bike equipment, or uniform parts.

District Mountain Bike Supervisor: a supervisor designated by the District Commander. The District Mountain Bike Supervisor will maintain a list of all certified officers assigned to bike patrol duties.

Purpose:

To familiarize Department personnel with the functions, capabilities, assignment, use, and maintenance of the Department Mountain Bikes and Segways.

Policy:

Mountain bikes and Segways are primarily used for patrol duties. They are designed to have officers more accessible and visible to the public. This will facilitate contact between officers and the community.

Information:

Each district has officers trained to perform patrol duties on mountain bikes. Mountain bike equipment will be assigned and deployed to Districts/Sections/Units by the Patrol Bureau Commander. Mountain bike equipment will only be operated by certified department personnel or personnel authorized by the Police Chief. Issued mountain bike equipment will be used by assigned officers only. Mountain bike equipment may be used by another bike officer with permission from the Department Mountain Bike Coordinator, or Mountain Bike Supervisor in the District.

Segways will only be operated by department trained personnel.

Procedure:

A. Deployment

1. When transporting bikes or Segways to various beats on a marked police unit, officers will park in a centrally located area within their beat that is visible to the general public. Officers assigned to Segways

will be assigned to a scout car or district pickup truck for transport purposes. Only two Segways will be transported at a time.

- a. Bike carriers will be secured in the trunk of the vehicle while officers are on bike patrol, and at the end of their tour of duty.
 - 1) Whenever possible, bike officers or Segway officers should be assigned to patrol in pairs.

B. Weather

1. Bike officers are expected to ride their bikes in varying weather conditions. Officers and supervisors should take a common sense approach toward riding in extreme conditions, which would pose an obvious threat to their physical health (i.e., extremely cold/extremely hot and humid).
 - a. Restrictions
 - 1) Riders will return to vehicle patrol when the following conditions exist:
 - a) Thunderstorms and active lightening in the area
 - b) Severe weather warnings
 - c) Snow and/or ice covered streets and sidewalks
 - d) District supervisor determines that service demands are high and/or district coverage needs are present
 - 2) In addition to above Segways will not be operated when the outdoor temperature is below 40 degrees Fahrenheit.
2. If any of the restricted conditions occur after officers begin their tour of duty, they will remain in bike uniform for the remainder of their tour.
3. If any of the restricted conditions occur before their tour of duty, all bike officers will wear the normal uniform of the day.
4. Segway operators will only where the uniform of the day including a department-approved helmet (CDOP or department bicycle helmet), and eye protection.
 - a. Bike officers will maintain a complete uniform of the day in their district locker.
 - b. Bike officers will be subject to change uniform at the discretion of a district supervisor.

C. Prisoner Transportation

1. Orderly Prisoners

- a. Orderly prisoners will be guarded at the scene by one bike/Segway officer. The other bike/Segway officer will ride to retrieve the vehicle and transport the prisoner.
 - 1) If the bike/Segway officers do not have a vehicle in the field, a beat car will transport the orderly prisoner to the district and meet the bike officers.

2. Disorderly Prisoners

- a. Back up units will transport the prisoner. The bike/Segway officers will relieve the transporting unit at the Justice Center once they have retrieved their vehicle.

D. Mountain Bike and Segway Equipment

- 1. Districts have varying amounts of fully equipped mountain bikes. These bikes all have the following accessories:
 - a. Rear red flashing battery operated light
 - b. Cyclometer
 - c. Two water bottle cages
 - d. Rear heavy duty kick stand
 - e. Rear rack (for top mount bag)
 - f. Top mount expandable bag with "Police" markings
 - g. Protective tire liners for front and rear
 - h. Mini tire pump
 - i. Inner tube repair kit with tire levers
 - j. Security cable
- 2. If a replacement part/equipment is needed, the officer will complete a Form 630.
- 3. Segway accessories include:
 - a. Wireless Infokey Controller
 - b. Front dual beam headlight, with rechargeable battery.
 - c. Read red flashing battery operated light.
 - d. Security cable.

E. Equipment Security

1. Officers will secure their bikes or Segways whenever they are away from them, unless circumstances exist that prevent the officer from doing so (crime in progress, assistance, etc.). When officers are away, they will use the security cable, using their spare set of handcuffs to lock the cable.
2. Bikes and Segway related equipment will be kept in a secured area in the district when not in use.

F. District Equipment

1. The following bike equipment will be maintained in the district:
 - a. Bike stand - used for making minor repairs
 - b. Floor tire pump
 - c. Front dual beam headlight
 - 1) Signed in/out of the District Blotter
2. The following Segway equipment will be maintained in the district:
 - a. Segway stand
 - b. Floor tire pump
 - c. Repair tools
3. Spare Parts
 - a. A sufficient amount of spare parts for minor repairs should be maintained in the district. Parts should include, but are not limited to:
 - 1) One high and low beam replacement bulb per bike
 - 2) One replacement inner tube per bike
 - 3) AA batteries (1 case) for rear lights
 - 4) Any other bike related equipment, manuals, and instruction sheets
 - b. These items will be kept in a secured locker with access limited to supervisors /or bike officers.
 - c. A bike patrol log will be maintained for pertinent information regarding bike repairs, parts removed, damage, etc. The Department Mountain Bike Coordinator will note any repairs made in the log.

- d. A monthly inventory of the locker will be kept by the District Mountain Bike Supervisor to ensure that an adequate inventory of replacement parts is maintained.

G. Inspection

1. By the fourth Sunday of each calendar month the District Mountain Bike Supervisor will ensure a Form 428 is completed for each bike. He will then forward it to the Department Mountain Bike Coordinator.
2. The Department Mountain Bike Coordinator will prepare and keep on file a Form 428A (Cincinnati Police Department Mountain Bike Inspection Summary) indicating that each bike has been inspected.
3. Bike officers will make daily inspections of their assigned mountain bike before and after their tour of duty, (including an unassigned bike if used during their tour of duty).
4. A monthly inspection of the Segways and accessories will be completed by a designated supervisor, who will be assigned by the District Commander

H. Maintenance and Repairs

1. The Mountain Bike Officer is responsible for the upkeep of his bike, to include notifying the Mountain Bike Supervisor of repairs and service needed.
2. Maintenance Files
 - a. Department Mountain Bike Coordinator will maintain bike jackets, which must contain:
 - 1) City number, model, and serial number of the bike & assigned officer
 - 2) Replacement Parts Form 630
 - 3) Date of purchase and purchase price
 - 4) Description of the bike and accessories
 - 5) Maintenance contract date of purchase and expiration
 - 6) Repair slips, copies of Forms 630, purchase orders, and any invoices
 - 7) Damage reports
 - b. The district commander will designate a supervisor who will maintain a file on each Segway including:
 - 1) City and manufacturer serial numbers

- 2) Description and accessories
 - 3) All repair records including copies of all purchase orders, repair slips, Forms 630 and invoices.
 - 4) Maintenance contracts
 - 5) Damage reports
3. Monthly bike tune ups and repairs will be scheduled at each district.
- a. Minor repairs can be made on the scene by the bike officer.
 - 1) Complete the repair slip indicating what the repair was and any parts used.
 - 2) If possible, tire repair/replacement will be done by the bike officer at the district.
4. Major repairs are those that only a bike mechanic may handle.
- a. During business hours:
 - 1) Fill out a repair slip and take the bike to the vendor for repair.
 - b. Non-business hours:
 - 1) If the repair is needed and the vendor is not open for business, take the bike out of service.
 - a) The District Mountain Bike Supervisor will notify the vendor of the repairs needed. The vendor will respond to pick up the bike or the officer will drop the bike off.
 - c. If the request for parts is not covered by the maintenance contract:
 - 1) The bike officer will send a copy of the Form 630 to the Department Mountain Bike Coordinator for review/recommendation.
 - 2) The officer will submit the form to his District Mountain Bike Supervisor.
 - d. Personnel picking up or accepting delivery of repaired bikes will obtain a completed repair slip, with cost and signature included.
 - 1) Forward the signed repair slip to the Department Mountain Bike Coordinator.
 - e. Repainting or replacement of frames, or replacement bikes must be requested on a Form 630 explaining the reason for the request.

- 1) The officer will forward a copy of the 630 to the Department Mountain Bike Coordinator.
5. Segways in need of service or repair will be documented on a repair slip and forwarded to the designated supervisor.
 - a. The city has a service contract for the Segways. The designated supervisor will notify the service provider for repair or pick after receiving a repair slip.
- I. Cleaning
1. Bikes should be wiped down daily with a dry rag to remove dirt. If water is needed to clean, use a damp cloth. Never spray a bike with water from a hose. Sprayed water can damage internal bearings.
 2. Segways can only be cleaned with a damp cloth. No water should be sprayed on the Segway. Sprayed water can damage electrical components and internal bearings.
- J. Mountain Bike Training and Public Appearances
1. Requests for mountain bike training/public appearances will be submitted through the officer's chain of command.
 - a. Once approval has been given, the officer will contact the Mountain Bike Coordinator for necessary information.

12.035 REPORTING POLICE VEHICULAR ACCIDENTS AND DAMAGE

Reference:

Procedure 12.225 - Vehicular Crash Reporting

Procedure 12.435 – Reporting Conditions Affecting Other Departments – Form 318

Procedure 12.535 - Emergency Operation of Police Vehicles and Pursuit Driving
Traffic Crash Report Procedures - Ohio Department Highway Safety
Administrative Regulation #52 - Substance Abuse Policy

Definitions:

Police Motor Vehicle Accident - an occurrence that results in property damage and/or injury and meets the following conditions:

1. It is an accident.
2. It involves a motor vehicle that is owned or leased by the City of Cincinnati or the Police Department, or is under the control of a Police Department member during the performance of official duties.

When a disabled vehicle is moved utilizing “push-bumpers” and damage occurs to either vehicle, the incident is not considered a vehicular accident.

Category 1 (negligent) - a Department member has committed a Category 1 violation when found at fault for a vehicular accident and the member has violated a minor misdemeanor provision of the Cincinnati Municipal Code (CMC), Ohio Revised Code (ORC), or applicable statute from another jurisdiction.

Category 2 - A member has committed a Category 2 violation when they:

- are at fault for a vehicular accident and have violated any provision of Procedure 12.535, Emergency Operation of Police Vehicles and Pursuit Driving;
- are at fault for a vehicular accident and have violated a provision of the CMC, ORC, or applicable statute from another jurisdiction that is a fourth degree misdemeanor or higher.
- operated a vehicle involved in an accident and failed to properly wear a seatbelt restraining device.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

Provide for the investigation and uniform reporting of police vehicular accidents and damage to police vehicles. Police vehicles include automobiles, motorcycles, bicycles, trailers and horses.

Policy:

Department members are be subject to corrective and/or disciplinary action for Category 1 and 2 motor vehicle accidents.

Procedure:**A. Documentation Needed for Accidents**

1. Form OH-1, Ohio Traffic Crash Report.
2. Form 90SP, Supervisors Review of Vehicle Crash. The following must be investigated at the scene by a supervisor:
 - a. When vehicle is in motion with a driver.
 - b. When vehicle is in motion without a driver.
 - c. When vehicle is parked on public or private property.
 - d. When a bike, horse, etc., is struck by a motor vehicle.

B. Police Vehicles Involved in Auto Accidents

1. The operator of any police vehicle involved in any vehicular accident will:
 - a. Allow all involved vehicles to remain in the post-accident position if traffic conditions permit. With the exception of emergency circumstances, do not remove vehicles from the immediate vicinity.
 - b. Provide necessary aid and transportation for the injured.
 - c. Immediately request Police Communications Section (PCS) to dispatch a district car and district/section/unit supervisor to investigate the accident.
 - 1) It is the responsibility of the district/section/unit supervisor to which the operator is assigned to conduct the supervisory portion of the investigation.
 - a) If the responsible district/section/unit supervisor is unavailable, the nearest available district supervisor will conduct the investigation and will forward the forms to the vehicle operator's unit of assignment for review and processing.

- 2) If the police vehicle involved in an auto accident is a horse and the horse is injured, the investigating supervisor will request a Mounted Squad supervisor respond, including recall if necessary, unless the injury is very minor.
- 3) If a serious accident involving a police vehicle occurs, the investigating supervisor will request Traffic Unit respond, including recall if necessary.
- 4) The investigating supervisor will also have PCS notify the Fleet Management Unit Supervisor while at the scene if any of the following apply:
 - a) A police vehicle has sustained substantial damage.
 - b) Traffic Unit conducts the investigation.
 - c) The accident results in serious injury to an officer or citizen.
 - d) A police vehicle requires immediate mechanical inspection or examination.
- 5) The investigating supervisor will ensure, if possible, photographs are taken of damage to all involved property.

2. Required reports

- a. When police equipment is involved in an auto accident, even if on private property, supervisors will ensure the following are completed:
 - 1) Form OH-1 completed by the investigating officer.
 - a) The police equipment operated by the on duty police officer will be identified as a "Police Vehicle" on the OH-1 in the space provided for "Type of Unit." This applies to all marked and unmarked police vehicles including motorcycles and trucks.
 - 2) Form 90SP completed by the investigating supervisor.
 - 3) Form BMV3303, Ohio Motor Vehicle Crash Report, only required if a driver cannot show proof of insurance at the accident scene.
 - a) The Fleet Management Unit will forward the Form BMV3303 to the Ohio Bureau of Motor Vehicles when required.
 - b) Officers are required to sign Form BMV3303 when the driver of an involved vehicle is uninsured. The Form BMV3303 is then forwarded to Fleet Management Unit.

- 4) The investigating supervisor will scan Forms OH-1 and BMV3303, if applicable, into the computer and attach to the appropriate ETS case folder.
 - b. If the accident causes damage to other City property, e.g., fire hydrant, the investigating supervisor will prepare Form 318, Conditions Affecting Other Departments, in accordance with Procedure 12.435.
 3. The vehicle operator's supervisor will make a blotter entry briefly describing the facts of the accident. Indicate the necessary reports have been completed.
 4. The supervisor will make the appropriate entries in the police vehicle jacket.
 5. The investigating supervisor will examine the damaged vehicle to determine if it is safe for use. Consider both mechanical defects and unsightliness. If unsure if the vehicle is safe to use, call the Fleet Management Unit Supervisor.
 - a. Tow or drive the vehicle to the Fleet Services body shop if the vehicle is removed from service.
 - b. During regular Fleet Services working hours (0800-1630), if the vehicle is safe for patrol duty, take it to Fleet Services for an estimate at the body shop.
 - c. After regular Fleet Services working hours, the first shift officer in charge (OIC) will send the vehicle to the Fleet Services body shop after 0800 hours on the next regular working day for an estimate.
 - d. The officer taking the vehicle to the body shop will take the BMV3303 only if it was completed due to the involvement of an uninsured motorist. Body shop personnel will fill out the BMV3303. The officer will then sign the BMV3303 and forward it to the Fleet Management Unit.
 - e. The supervisor will enter the estimate in the blotter and on the Form 90SP.
- C. Documentation Needed for Non-Auto Accident Incidents
1. Immediately notify a supervisor in the district of occurrence of the incident.
 2. Do not complete a Form 90SP. Supervisors will ensure the necessary forms are completed based on the cause of the damage.
 - a. Damage (scratches, dents, body damage, etc.) not the result of a criminal act is reported on a Form 317, General Conditions Report.

- b. Damage (broken window, flattened tire, radio antenna broken, etc.) which is the result of a criminal act is reported on Form 301, Incident Report. An estimate will be completed by Fleet Services for possible restitution when criminal charges are filed. All forms will be sent through the chain of command and forwarded to the Fleet Management Unit.
- c. Incidents occurring which result in personal injury or property damage by police equipment (collisions involving Department bikes, horses, etc., with persons or property) are reported on a Form 301.
 - 1) If injury or damage is due to horse involvement, a Mounted Squad supervisor will investigate the incident and ensure Form 301 is completed. If unavailable, notify a Park Unit supervisor.
 - a) If neither of the above are available, notify a supervisor in the district of occurrence.
 - b) In all cases, the supervisor notified will prepare a Form 17 with all pertinent facts and route through the chain of command.

D. Progressive Corrective and/or Disciplinary Action

- 1. Progressive corrective and/or disciplinary action will be administered for Department members involved in Category 1 and Category 2 vehicular accidents.
 - a. Department members will be subject to disciplinary action for auto accidents where they are found to have been negligent and any of the following apply:
 - 1) The member has been found at fault in four or more Category 1 motor vehicle accidents within a 24-month period.
 - 2) The member has been found at fault in two or more Category 2 motor vehicle accidents within a 24-month period.
 - 3) The member has been found at fault in three Category 1 and one Category 2 motor vehicle accidents within a 24-month period.
 - 4) The member has been found at fault in a Category 1 or Category 2 motor vehicle accident that resulted in serious injury, as defined by ORC 2901.01(E), or death.

E. Uniform Corrective/Disciplinary Action Guidelines

1. Mitigating factors, such as injuries and property damage, will be considered to affix disciplinary penalties within the range indicated by this policy. Disciplinary action will be added to Employee Tracking Solution (ETS) vehicle crash case folder by using the “Add Employee Supplement Log” or “Add Attachment” function, or both.
 - a. Category 1 Accidents (24-month period):
 - 1st Category 1 accident: ESL entry.
 - 2nd Category 1 accident: ESL entry and driver’s training.
 - 3rd Category 1 accident: Written Reprimand and driver’s training.
 - 4th Category 1 accident: Pre-disciplinary Hearing.
 - Sustained finding for 4th Category 1 accident: 8 hours suspension.
 - Sustained finding for 5th Category 1 accident: 8 - 24 hours suspension.
 - Sustained finding for 6th Category 1 accident: 24 - 40 hours suspension.
 - Sustained finding for 7th Category 1 accident: 40 hours suspension – dismissal.
 - b. Category 2 Accidents (24-month period)
 - 1st Category 2 accident: Written Reprimand and driver’s training.
 - 2nd Category 2 accident: Pre-disciplinary Hearing.
 - Sustained finding for 2nd Category 2 accident: 8 - 24 hours suspension.
 - Sustained finding for 3rd Category 2 accident: 24 - 40 hours suspension.
 - Sustained finding for 4th Category 2 accident: 40 hours suspension – dismissal.

F. Responsibilities of District/Section/Unit Commanders

1. District/section/unit commanders will carefully analyze and evaluate all accidents involving personnel under their command. They will arrange appropriate corrective training and make disciplinary recommendations. The primary objective is to identify the accident prone and careless driver. The district/section/unit commander will:
 - a. Initial and make recommendations/comments in Block 33 of Form 90SP.
 - b. Work-flow the completed Form 90SP and attached documents through the chain of command to the Fleet Management Unit. Route the hard copy of the BMV3303 through channels to the Fleet Management Unit, if applicable. Photographs are retained in the vehicle jacket at the district/section/unit.
2. All reports of police vehicle accidents will be reviewed by the affected district/section/unit commander and forwarded to the affected bureau commander for review. If the circumstances listed under Section E.1. apply, a pre-disciplinary hearing will be scheduled. The Resource Bureau Commander is the Department Hearing Officer for police vehicle accidents.
3. The Fleet Management Unit, upon receipt of Forms 90SP, OH-1, and BMV3303, will:
 - a. Examine the reports for completeness and accuracy and evaluate the facts of the accident.
 - 1) Forward copies of Forms 90SP, OH-1, and Fleet Services estimate to Fleet Services Subrogation Section when an outside party is at fault.
 - b. Send the signed original Form BMV3303 to the BMV when required.
 - c. Send a form letter to the BMV with pertinent information from the Form OH-1 to ensure sworn personnel do not receive points on their driver's license for on-duty accidents.
 - d. File a copy of the Form 90SP in the vehicle jacket:
 - e. Work-flow the information to Training Section for additional training when recommended.
 - f. Finalize the case in ETS.

G. Post-Accident Testing

1. As soon as practical following a vehicular accident involving a Department member, while in the course and scope of duty and/or who was operating a city vehicle, the member shall be tested for drugs and alcohol if:
 - a. The accident involves the loss of human life, or
 - b. The member receives a citation under state or local law for a moving violation arising from the accident.

2. A member who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident or prohibit a member from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or necessary medical care.
 - a. The results of blood or breath tests for alcohol detection, or urine tests for drug detection, conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state, or local requirements and the results are obtained by the city.

3. Members required to take a post-accident alcohol test shall not use alcohol for eight hours following the accident or until the member undergoes a post-accident test, whichever comes first.
 - a. If an alcohol test is not administered to the member within two hours following the accident, the supervisor will prepare a Form 17 stating the reasons the test was not administered.
 - b. If an alcohol test is not administered to the member within eight hours following the accident, attempts to administer an alcohol test shall cease and the supervisor will prepare a Form 17 stating the reasons the test was not administered.

4. If a drug test is not administered to the member within 32 hours following the accident, attempts to administer a drug test shall cease and the supervisor will prepare a Form 17 stating the reasons the test was not administered.
 - a. CONSENTRA Medical Center, located at 4623 Wesley Avenue Suite C, Cincinnati, will administer drug tests Monday through Friday, 0800 hours to 1600 hours.
 - b. The Jewish Hospital, 4777 E. Galbraith Road, will administer drug tests from 1600 hours to 0800 hours and on weekends.

12.101 PREMISE HISTORY CONTROL

Purpose:

To provide added information and security for field units who have occasion to respond to a location that has some history of importance (either noteworthy or hazardous).

To provide immediate information for officers who are responding to a call.

To provide location information for hard to find places.

To establish a guide and procedure for entering, processing, disseminating, and validating premise information.

Policy:

This procedure will act as a guide to Department employees in the gathering and disseminating of important and timely premise information by the Computer Aided Dispatch System (CAD) at Police Communication Section (PCS).

Premise information is available to all Department members. Use of this resource is highly recommended and encouraged.

Information:

The term "premise history" refers to any information connected to a specific address that may be of interest to responding officers. Premise information will include the following items:

1. Police Warnings (PW): a possible hazard to police officers, i.e., violent mentally impaired person, wanted fugitive, possible weapons on premises, communicable disease carriers, etc. This will also include locations that provide services needed for the orderly flow of government, i.e. Water Works, Cinergy/CGE, Cincinnati Bell Telephone, etc.
2. Police Histories (PH): address information on businesses and property which would include private driveways, new subdivisions/streets, Ohio River mile markers, schools, banks, health care and nursing homes.
3. Occupant Information (OC): addresses of upper management employees within the various City departments including City Council, City Manager, and Mayor.
4. Fire Warnings (FW): address with possible hazards, and building information to assist firefighters. This includes information such as locations of water supplies, hazardous chemicals, etc.

PCS is responsible for inserting premise information into the CAD.

The preferred method of relaying information to the responding officer will be via the MDT. The dispatcher will advise responding officers of the existence of premise information. It will be the responsibility of the responding units to view this information.

An alternate method of relaying information to responding officers will be voice transmission on the primary dispatch channel. If information is of a sensitive nature and cannot be broadcast, information will be relayed by phone.

Procedure:

A. Entering Premise Information (PIN) Files

1. Information reported should be for the purpose of alerting responding officers to a condition regarding a specific location.
 - a. Intersections cannot be used for a PIN. Entries can be made for specific addresses only.
2. Discretion should be used regarding the amount of information entered. Information should be factual and concise. All requests are subject to review and will be edited by PCS if necessary.
 - a. Confidential medical information must be worded in a sensitive manner.
 - b. No entry can be made which will completely deny service to someone for any reason, i.e., a mentally impaired person who has a history of calling 911 cannot be denied service without first evaluating the reason for the current request.
 - c. Entries are for law enforcement purposes only. This file may not be used for personal matters.
3. When a determination is made to establish premise information on an address, an officer may do one of the following:
 - a. Make an entry via the MDT. All field officers have the capability of entering PIN via the MDT. These entries will remain in the system for four days.
 - 1) While assigned to an incident, type the following: PE,{text of the information you want entered}, or
 - 2) After an incident is closed, type the following: PE #P{4 digit inc number}, text of the information you want entered}, e.g. PE #P1230, Caution, occupants have threatened to kill police.
 - 3) If you mistakenly enter information, contact PCS for removal of the Premise Information entry.
 - b. Contact a PCS supervisor for direct CAD entry.

4. Officers' entries and direct entries by PCS supervisors will be automatically purged in four days if a Form 310, Premise History Control, is not received requesting an extension.

B. Extensions and Updates of Premise Information Entries

1. To request a continuation of a PIN, a Form 310 must be initiated by a supervisor and sent to PCS. Requests will normally be extended for a period of 90 days.
2. Any request for an indefinite PIN entry or extension must be requested on a Form 310 with a valid explanation.
3. Updates can be made on a PIN to modify or delete information on an existing record. Updates must be requested on a Form 310.
4. Update requests should include sufficient information to identify the original record and should specify the needed change.

C. Premise Information Validations

1. PCS will send out a quarterly PIN list, with a Form 17 cover letter attached, to the following districts/sections/units for review:
 - a. All districts
 - b. Criminal Investigation Section
 - c. Intelligence Unit
 - d. General Vice Enforcement Unit
 - e. Street Corner Unit
 - f. Special Services Section
2. The above districts/sections/units will be responsible for reviewing and returning the attached Form 17 cover with recommendations noted in the areas provided.
3. Since PIN entries are automatically purged by CAD after the expiration date, all districts/sections/units should return these validations in a timely manner.

12.105 EMERGENCY MEDICAL SERVICE, PANIC/DURESS ALARMS, 911 DISCONNECT CALLS, 911 SILENT CALLS, AND FORCED ENTRIES

References:

Mincey v. Arizona, 437 US 391, 98 (1978)
State v. Nields, 93 Ohio St. 3d 6 (2001)

Procedure 12.135 - Reporting False Alarms on a Form 315

Policy:

The Cincinnati Fire Department will evaluate a citizen's request for emergency medical service. They will also administer first aid and transport all persons in need of hospitalization.

Police Communications Section (PCS) will not dispatch officers on medical runs unless requested by the Fire Department. PCS will dispatch police and fire units simultaneously on some select calls.

Because of the circumstances involved in a 911 silent/disconnect call and panic/duress alarms, every effort should be made to determine the cause of the call. When unable, further investigation is necessary. The Supreme Court has held that police may make warrantless, and presumably, forcible entry into a home where they reasonably believe a person within is in need of immediate aid.

To reduce the threat of civil claims, forcible entry will be done with reasonable care and with as little damage as possible.

Procedure:

- A. Emergency Medical Request for Service
 1. Fire Department personnel will not transport:
 - a. Dead on arrivals (DOAs).
 - b. Ambulatory crime victims with no injuries.
 - c. Rape victims with no injuries.
 - d. Dog bite victims with no injuries.
 - e. Any violent or potentially violent victim.

2. When Fire Department transportation is not available:
 - a. The Fire dispatcher will request police response. Fire Department personnel at the scene will determine if a beat car or a scout car is necessary.
 - 1) At the time of dispatch, PCS will advise the officer a Fire Department ambulance is unavailable.
 - b. When requested by the ranking Fire Department officer or EMT at the scene, a police officer will provide transportation services.
 - 1) If the police officer believes transporting a victim will risk serious injury or loss of life, he will request an EMT to accompany the victim and provide patient care.
 - 2) After providing the transportation service, if the police officer feels the request was unreasonable, he will bring the incident to the attention of his supervisor.
3. If the police are needed at the scene:
 - a. The fire dispatcher will notify PCS of fire runs only when police are needed at the scene.
 - 1) PCS will dispatch the appropriate police unit, which will respond without delay.
 - 2) The fire dispatcher will advise PCS if an emergency response is needed. Unless advised of an emergency, the police unit will **not** respond with emergency lights and siren.
 - 3) Fire Department personnel will remain on the scene until police arrive.
 - a) Fire Department personnel will request police response in the following cases:
 - 1] Any death
 - 2] Suicide attempt
 - 3] Shooting or cutting
 - 4] Violent mental
 - 5] Any injury where death may occur
 - 6] Any criminal offense
 - 7] A threat to fire personnel

- b. Fire personnel will make every effort to keep witnesses at the scene and to protect evidence.
 - c. Officers will complete the appropriate report when transporting a victim of an accident or crime, or any person for a medical reason.
 - d. Police vehicles will not escort other transporting vehicles.
4. Requests for Escort
- a. When the PCS operator receives a call from a civilian requesting a police escort during a medical emergency, the operator will determine the nature of the emergency and location of the caller.
 - b. PCS will contact fire dispatch who will dispatch the appropriate emergency units.
 - c. PCS will advise the caller:
 - 1) The Department will not provide an escort
 - 2) Stay at their location and await the emergency vehicles
 - d. Any officer encountering a civilian requesting a medical escort will remain at that location and notify PCS of the situation.
- B. Panic/Duress Alarms
- 1. When panic/duress alarms are received from various alarm companies, the operator will dispatch two field units to the location.
- C. 911 Disconnect Calls
- 1. When the PCS operator answers an emergency 911 call and the caller is disconnected from the operator, the dispatcher will:
 - a. Attempt to recall the phone number supplied by the automatic number identifier (ANI) in the CAD system.
 - 1) If the attempt to recall is successful and no emergency exists, no units will be dispatched.
 - 2) If the attempt to recall is unsuccessful, PCS will dispatch two units to the location supplied by ALI.
 - a) If the location is identified as a pay phone, PCS will dispatch one unit.

D. 911 Silent Calls

1. When the PCS operator answers an emergency 911 call and the caller fails to give a voice response and the line remains open the operator will:
 - a. Dispatch two officers to the location supplied by the automatic location identifier (ALI) in the CAD system.
 - 1) If the location is a pay phone, PCS will dispatch one unit.
2. The PCS operator will attempt to keep the line open until the officer on scene hangs up the phone. The PCS supervisor may give permission to hang up the line if the call originates from a pay phone and no activity is heard.

E. Forced Entries

1. Officers responding to 911 silent/disconnect calls or panic/duress alarms which may require a forced entry will:
 - a. Attempt to get a response at the location.
 - b. If no response, request a computer generated history from PCS of runs at the location to determine if other 911 silent/disconnect calls or panic/duress alarms have occurred at the location.
 - c. Evaluate the current situation
 - 1) Are there any neighbors who may have a key to the premises (landlord, etc.)?
 - 2) Have PCS check for further information from the alarm company or monitoring station.
 - d. If unable to determine the cause of the 911 silent/disconnect call or panic/duress alarm, request a supervisor respond to the scene.
 - 1) If an on-scene officer believes an emergency situation exists, with supervisory approval, a forced entry may be made prior to the supervisor's arrival.
2. Any other situation requiring a forcible entry will necessitate prior approval of a supervisor.

F. Supervisor Responsibilities

1. If a forced entry is necessary, the supervisor will:
 - a. Announce at the door a forced entry will be made if no one answers.

- 1) The Fire Department has entry devices and can gain access to upper floors when a forced entry is necessary.
- b. Ensure the entrance is secured before leaving the scene.
- c. Process a Form 17 through channels to the Police Chief explaining the circumstances of the forced entry. Complete a Form 317, Cincinnati Police General Conditions Report, if any damage was done to property during the forced entry.

12.106 UNIVERSITY AIR CARE HELICOPTER

References:

Procedure 12.145 – Critical Incident Response Plan

Information:

University Air Care (UAC) is a hospital-based emergency helicopter service, available as a second responder to a medical emergency.

The service is available 24 hours a day, 7 days a week for direct scene and inter-hospital transfer of critically ill or injured patients. UAC carries a flight team consisting of an emergency physician, specially trained flight nurse, and experienced pilot.

Helicopter liftoff is normally 3-5 minutes from the time of dispatch. If the patient is trapped or the journey to the hospital is likely to be delayed or long, the helicopter brings the hospital to the patient.

Medical emergencies that may necessitate the use of the UAC helicopter are:

1. Vehicle crash entrapments.
2. Industrial accident entrapments.
3. Instances where a person has been shot, remote locations, etc.
4. Patient's condition requires intensive medical attention en route to the hospital.
5. Mass casualties/disasters.
 - a. Air Care will transport triage teams and additional medical supplies.

Policy:

When Fire Department Paramedic or Emergency Medical Service personnel are on the scene, the decision to use the UAC helicopter is their responsibility. Fire Department personnel will request the UAC helicopter through Fire Dispatch.

When a Fire Department unit is not on the scene or is delayed, a police officer may request the UAC helicopter to respond or go on standby through Police Communications Section (PCS).

Once it has been requested to respond or go on standby, only Fire Department personnel can cancel the UAC helicopter.

Upon arrival, Fire Department personnel will relieve police personnel of the responsibility for injured individuals and will call or cancel the helicopter response as required.

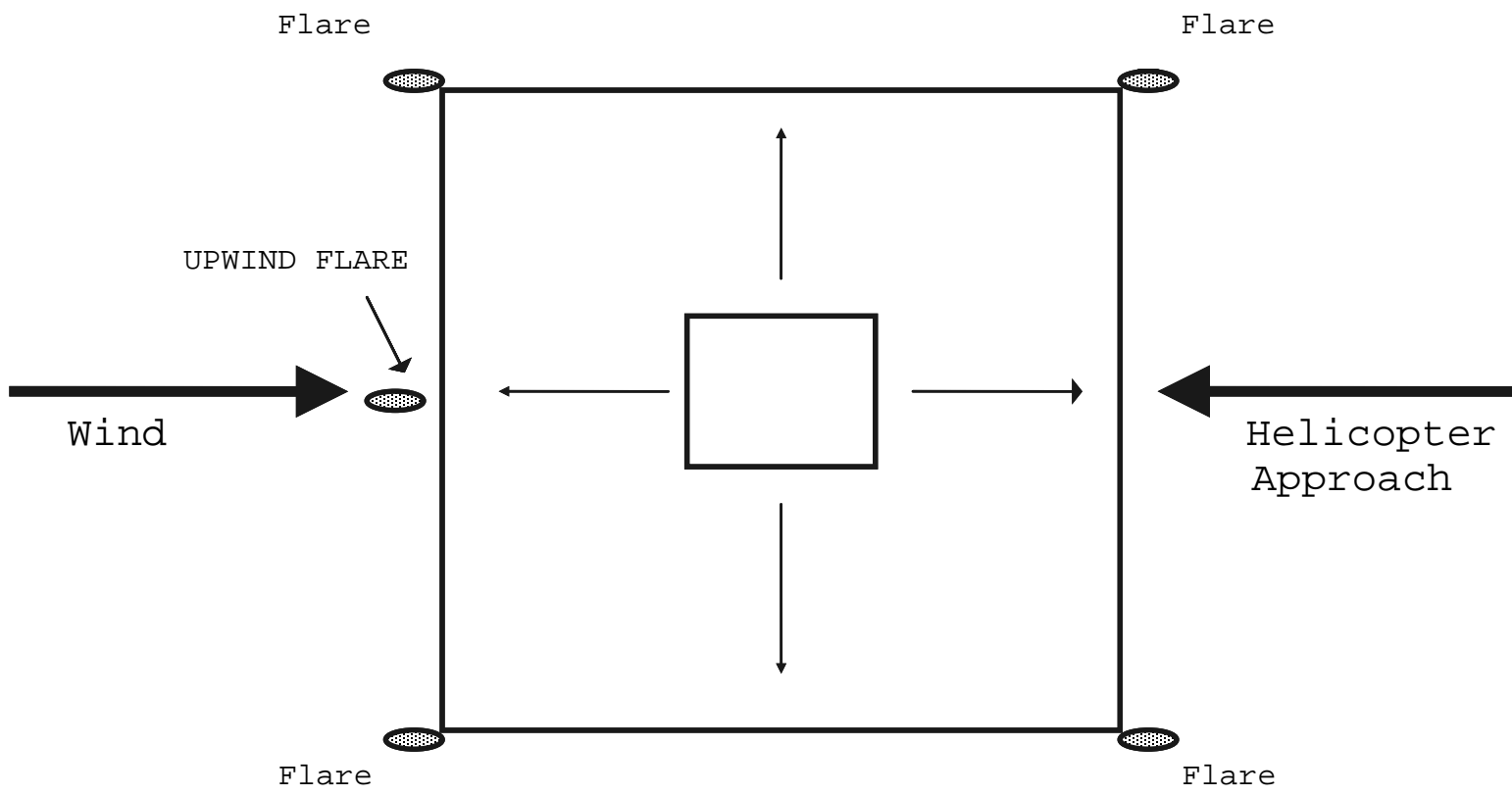
Procedure:**A. UAC Helicopter Request:**

1. A police officer at the scene of a medical emergency may request the UAC helicopter by contacting PCS.
 - a. PCS will:
 - 1) Immediately notify Fire Dispatch for the UAC to respond or go on standby.
 - a) Relay to Fire Dispatch all available information concerning the incident: location, type of injury, number of persons, etc.
 - 2) Have the Officer in Charge (OIC) switch to Talk Group I Channel 2, which will be displayed as "I 8i TAC 2". To be able to communicate with the UAC pilot, the OIC must then place his radio in "simplex" mode by pressing the black button directly below the purple button on the left side of the radio. When the radio is in the "simplex" mode a small plus sign enclosed within brackets |+| will appear on the radio display screen.
 - a) All other officers on scene should remain on their primary channel.
 - b) Air Care only has access to Talk Group I Channel 2.
 - b. Fire Dispatch will:
 - 1) Immediately contact UAC with the necessary information.

B. Police Responsibilities when UAC Responds to a Medical Emergency:

1. Advise arriving fire personnel that Air Care is responding.
2. Use the radio designations "Air Care One" or "Air Care Two" when a UAC helicopter responds to an emergency.
3. Prior to the helicopter's arrival, identify a specific landing site that is:
 - a. Fairly flat and at least 100 feet by 100 feet square.
 - b. Reasonably clear of debris, glass, cans, wood, plastic bags, car hoods, or other items that can be picked up or blown by the helicopter's downwash and cause injury to persons on or near the landing site or interfere with the operation of the helicopter. You may expect a wind of 60 to 70 MPH from the helicopter.
 - c. Clear of overhead obstructions, such as telephone and power lines.

- d. At least one mile upwind if flammable or poisonous vapors are involved.
4. The OIC will notify the pilot of the location and height of any nearby wires.
5. At night, mark the four corners of the landing site and the center of the windward edge with flares. Use flashlights as a substitute for flares if there is danger of starting a fire (see attached diagram). An alternate method of marking corners is to use police cars or apparatus with flashing lights.
 - a. Point headlights or auxiliary lights down and toward the center of the landing site to avoid blinding the pilot.
 - b. If at night, do not use flashbulbs or allow lights, including television cameras, to be pointed at the helicopter while it is airborne.
6. Wear eye protection when the helicopter is landing and taking off.
 - a. District lieutenants' and two Traffic Unit supervisors' vehicles are equipped with safety goggles.
7. Keep unauthorized personnel and vehicles at least 100 feet away from the helicopter.
8. Keep clear of the helicopter unless accompanied by a crew member.
 - a. Never move toward the helicopter until signaled by the flight crew. Always approach and leave the helicopter from the front.
 - b. Avoid the tail rotor area.
 - c. Do not run or smoke near the helicopter.
9. There is no standard helicopter ground to blade height. Be very careful when walking under the blades.
 - a. Do not carry IV's or other objects above your head. Carry large objects parallel to the ground.
10. The police officer in charge at the scene will ensure all appropriate reports are completed.
 - a. Prepare a Form 316, Aided Case Report, if no other reports are required.



NIGHT LANDING ZONE MARKINGS

12.110 HANDLING SUSPECTED MENTALLY ILL INDIVIDUALS AND POTENTIAL SUICIDES

Reference:

Ohio Revised Code 5122.10 - Emergency Hospitalization; Examination; Disposition
 Procedure 12.175 – Use of Special Weapons and Tactics Unit
 Procedure 12.180 – Use of Crisis Negotiations Team
 Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.600 - Prisoners: Securing, Handling, and Transporting
 Procedure 12.910 - Missing Persons

Policy:

Mental Health Response Team (MHRT) officers will be the first responders, when available, on all runs involving suspected mentally ill individuals. If two MHRT officers are available, they will be dispatched as a team. When necessary a cover car will be dispatched. If the run is an emergency and no MHRT officer is available, beat cars will be dispatched immediately and an MHRT officer from another district will be notified to respond. If the run is **not** an emergency and no MHRT officer is available, the nearest available MHRT officer from an adjoining district will be dispatched as the primary car.

An MHRT officer on the scene of a suspected mentally ill individual will be the primary officer handling the situation. They will also be responsible for transporting the individual, if necessary, to the hospital.

A supervisor will respond on all radio runs involving violent or potentially violent mentally ill individuals and, when possible, will consult the MHRT officer on scene to decide on a course of action.

Document all encounters with suspected mentally ill individuals on a Form 316, Minor Accident/Aided Case/Mental Health Response Report. This will be in addition to any other reports made.

Any suspected mentally ill person with a mental hold or who voluntarily agrees, when found, will be returned to the facility that reported them missing. If the facility is unknown, the subject is violent, or from outside the Hamilton County boundaries, the suspected mentally ill person will be taken to University Hospital.

Information:

When officers arrive on the scene of a suspected mentally ill individual and the situation meets the criteria for activating the Crisis Negotiations Team or the Special Weapons and Tactics Unit, follow the steps as outlined in Procedures 12.175 and 12.180.

Mobile Crisis Team (MCT) members are employees of the Psychiatric Emergency Services (PES) Unit at University Hospital. The Mobile Crisis Team is an aid to Department personnel, providing around-the-clock, on-site psychiatric crisis intervention. Their aim is to help prevent harm to a suspected mentally ill person, or others, during psychiatric emergency situations requiring police response.

The University Hospital Center for Emergency Care (CEC) and PES will not provide a locked environment during triage for mentally ill patients.

Procedure:

- A. Emergency Hospitalization without Medical Certificate Issued by a Qualified Physician, Ohio Revised Code (ORC) Section 5122.10:
 1. A police officer may take an individual into custody and transport him to a hospital if:
 - a) The individual is suspected to be mentally ill and likely to injure himself or others if allowed to remain at liberty.
 2. ORC Section 5122.10 reads, "A person taking the respondent into custody pursuant to this section, shall explain to the respondent the name, professional designation, and agency affiliation of the person taking the respondent into custody; that the custody taking is not a criminal arrest; and that the person is being taken for examination by mental health professionals at a specified mental health facility identified by name".
 3. Whenever there is any use of force or other significant police action with a state mental hold, sign appropriate criminal charges against the individual. This includes any use of force, use of chemical irritant, canine apprehension, or use of the Taser, beanbag shotgun, 40mm foam round, or pepperball launcher.
 - a. When placing criminal charges, place a prisoner hold at the hospital according to Procedure 12.600. Have Police Communications Section (PCS) notify the hospital if the person is an unusual security risk.
 - b. Telephone the Hamilton County Justice Center (HCJC) Intake Office with the necessary information about the individual hospitalized only when placing criminal charges. Call before leaving the hospital.
 - c. Complete a Form 527, Arrest and Investigation Report, and process according to Procedures 12.555 and 12.600.
 4. Handcuff suspected mentally ill individuals during the transporting and processing phases when the individual's behavior is unpredictable or past contact indicates there is a potential for violence.

5. Explain the use of handcuffs to the person and the family in a tactful manner.
 6. Two officers will transport the suspected mentally ill individual.
 - a. The officer with personal knowledge of the individual's behavior or an MHRT officer will accompany the transporting officer to the hospital and complete the proper forms.
 7. Only two hospitals in this area will admit individuals under these circumstances. Service is available 24 hours a day, 7 days a week.
 - a. Transport adults age 18 and over to University Hospital. Officers will enter through the ambulance bay doors and respond to the charge nurse station in the CEC.
 - 1) The charge nurse station will take the report and triage the patient as quickly as possible.
 - 2) Transporting officers will stay with the patient through the process and then transport the patient to the appropriate area.
 - b. Transport children 17 years of age and under to Children's Hospital Medical Center.
 - 1) Handcuffed juveniles are to be brought in through the squad entrance for admission.
 8. Upon arrival at the hospital:
 - a. Complete the Ohio Department of Mental Health Form for emergency admission. In the "Statement of Belief" section, briefly note:
 - 1) The circumstances under which the individual came into custody.
 - 2) The reasons for your belief that hospitalization is necessary.
 - 3) Any other pertinent information known about the individual.
 9. Complete a Form 316.
- B. Talbert House Crisis Hotline (513-281-CARE) Action in Potential Suicides
1. When 281-CARE/Talbert House personnel receive a telephone call dealing with a potential suicide, they will assess the situation.
 - a. If they believe the caller is a threat to himself, they will call Emergency Number 911.

2. Police Communications Section will:
 - a. Relay information to the Cincinnati Bell Telephone Company requesting call tracing.
 - b. Relay the address received to the Officer In Charge (OIC) of the affected district and dispatch two officers to the scene.
 - c. Dispatch an MHRT officer to the scene when they are available.
 - d. Advise 281-CARE/Talbert House of the address.
 3. A shift supervisor will respond to the scene.
 4. Applicable law will guide Department personnel in the investigation of these cases. Compassion is a necessary approach to the successful handling of these crisis situations.
- C. Mobile Crisis Team (MCT)
1. MCT members are permanently assigned to Districts One and Five and will primarily work during the day Monday through Friday. Supervisors and MHRT officers can activate the MCT through PES 24 hours a day at 513-584-8577. The requesting supervisor or MHRT officer should request a team leader be paged to initiate the process.
 2. MCT members will give priority response to the Police Department within the constraints of available staff. This priority response includes:
 - a. Responding with MHRT officers in Districts One and Five.
 - b. Assessing the nature of a crisis.
 - c. Helping to control a situation, if possible.
 - d. Providing assistance in determining methods to use in response to the emergency.
 3. The Mental Health Access Point (MHAP) can be called 24 hours a day by officers at 558-8888. They provide:
 - a. Around-the-clock contact for any police officer facing a situation involving a suspected mentally ill individual.
 - b. Known premise history about a person with a mental illness who is in a dangerous situation.

- c. Supplying available psychiatric information about a person in imminent risk of danger to himself or others. The release of this information is in the interest of safety to the person, police, and public in emergency situations.
 - 1) Where permitted by law, do not release information given to Department personnel by sources outside the Department without written permission. Do not use this information beyond the current emergency.
 - a) Immediately advise the appropriate outside source of any requests from the public for documents containing information provided by them.
 - d. Immediate suggestions about dealing with a person showing signs of mental illness.
 - e. Immediate information about services available to help someone in a psychiatric crisis.
 - f. Other necessary information.
4. The Police Department retains primary authority over any crisis situation covered by these guidelines. In an emergency, the Department will, when appropriate, use the advice and information the MCT provides.

12.110 HANDLING SUSPECTED MENTALLY ILL INDIVIDUALS AND POTENTIAL SUICIDES

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 3. Whenever there is any use of force or other significant police action with a state mental hold, sign appropriate criminal charges against the individual. This includes any use of force, use of chemical irritant, canine apprehension, or use of the Taser, beanbag shotgun, 40mm foam round, or pepperball launcher.
 - a. When placing criminal charges, place a prisoner hold at the hospital according to Procedure 12.600. Have Police Communications Section (PCS) notify the hospital if the person is an unusual security risk.
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- c. Supplying available psychiatric information about a person in imminent risk of danger to himself or others. The release of this information is in the interest of safety to the person, police, and public in emergency situations.
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 - a) Immediately advise the appropriate outside source of any requests from the public for documents containing information provided by them.
 - d. Immediate suggestions about dealing with a person showing signs of mental illness.
 - e. Immediate information about services available to help someone in a psychiatric crisis.
 - f. Other necessary information.
4. The Police Department retains primary authority over any crisis situation covered by these guidelines. In an emergency, the Department will, when appropriate, use the advice and information the MCT provides.

12.111 POLICE INTERACTION WITH HOMELESS ENCAMPMENTS

Purpose

To provide guidance for all officers to ensure the fair and equitable treatment of homeless persons.

To ensure that notice is given to those who are unlawfully trespassing on public property and that personal property is safeguarded according to law and Department procedure.

Policy

Department personnel encountering homeless encampments that require police action for trespassing on public property will immediately bring such condition to the attention of their Neighborhood Squad supervisor for investigation and appropriate action. Any additional law violations observed shall be addressed immediately by the responding officer.

The Police Department will allow 72 hours notice of trespass prior to arrest and removal of personal possessions from a homeless encampment, provided the homeless person properly identifies himself, is not violating any other laws, and exigent circumstances do not exist. The Notice Letter issued to each person at the encampment shall reflect that minimum period of time to gather his possessions and depart.

The 72 hour period refers to regular business hours and does not include weekends or holidays. This is necessary to allow outreach workers a reasonable period of time to contact persons in need and arrange necessary services, space, etc.

Information

Homelessness is an issue of significant social concern. Police interaction has been the focus of much litigation and police officers must approach such situations remembering the plight of the homeless person may well be the result of a disease or mental condition that cannot be controlled. Even so, law violations will not be ignored or be permitted to go unattended. Trespass actions require some type of notice to the offender that his actions are not permitted.

If the only law violation observed is trespassing on public property, then this procedure will be followed.

Procedure

A. Police Action:

1. Duties of the Initial Responding Officer:
 - a. Upon observation of, or receipt of, a complaint of a homeless encampment on public property, the officer will respond and assess the situation.
 - b. Discuss the homeless person(s) presence on the property with any and all persons found there to determine their purpose and intended length of stay and whether they have permission to be on that property.
 - c. Inspect the immediate area for health and/or safety violations that require immediate attention to avoid harm to persons. Take immediate action on observed dangerous conditions and law violations.
 - d. Complete a Form 560, Community Problem Solving Worksheet. Include on the Form 560 as much information as possible about the person(s) on the property. Forward the Form 560 to the Neighborhood Supervisor prior to the end of the shift.
2. Duties of the Neighborhood Squad Supervisor:
 - a. Review all Form 560 concerning homeless encampments.
 - b. Assign personnel as necessary to visit the encampment and assess the situation. Any assistance or social service referral that may provide immediate assistance shall be offered and facilitated to the extent possible.
 - c. Complete a Form 314, Notice to Appear, for each person found to be camping or living on the property. The NTA must be clearly marked WARNING and will not be placed on the citation board. These NTA's must be sent to Records Section for entry. Also, give each of them a Notice Letter. This is the written warning notifying them that that they are committing a trespass offense and they must depart. Note on the NTA that the Notice Letter was issued.

- d. Fax a copy of the Notice Letter and the NTA, on the same day issued, to the Greater Cincinnati Coalition for the Homeless office in order to notify appropriate outreach workers of the identity and location of a person(s) in need of services. The general phone number is (513)421-2701, fax number is (513)421-7813 and the email address is georginegetty@yahoo.com. Be sure to redact the necessary information such as social security and control numbers.
 - e. Send a copy of the NTA to Records Section for entry.
 - f. Following the reasonable notice period, respond to the affected location. Persons found there who have been previously warned will be given a final opportunity to depart. If they fail to depart or refuse, a physical arrest for Criminal Trespassing is appropriate.
3. Handling and Disposition of Property at a Homeless Encampment:
- a. If the homeless person chooses to depart rather than face arrest, they shall be encouraged to take all their personal property and possessions with them. Reasonable efforts shall be made to assist them in this endeavor.
 - b. Property located at the encampment site after all persons have departed, either voluntarily or by arrest, shall be assessed:
 - 1) Items that are spoiled or mildewed shall be considered trash. Appropriate arrangements shall be made to have the area cleaned up.
 - 2) Personal items that are/were owned by the departed trespassers that do not fit the criteria above, such as clothing, photographs, personal papers, and keepsakes, shall be processed into the Court Property Unit as Found/Hold for Owner.

12.112 GUIDELINE FOR ENFORCEMENT OF CINCINNATI MUNICIPAL CODE 910-11, PUBLIC DISTURBANCE; SECOND RESPONSE FEE

References:

Cincinnati Municipal Code 910-7, Loud Noises
 Cincinnati Municipal Code 910-8, Nighttime Construction
 Cincinnati Municipal Code 910-9, Loud Musical Noises
 Cincinnati Municipal Code 910-11, Public Disturbance; Second Response Fee
 Standards Manual 1.2.5

Policy:

Handle enforcement of Cincinnati Municipal Code (CMC) 910-11, Public Disturbance; Second Response Fee, in a fair and impartial manner. Nothing in this procedure prevents the enforcement of appropriate criminal statutes or city ordinances.

On a first response to a loud party/gathering/disturbance, any responding officer may issue a First Response Notice (Form 650).

On a second response to a loud party/gathering/disturbance where an officer issued a Form 650, any responding officer may issue a Second Response Notice (Form 651).

Purpose:

Reduce the burden second responses to loud parties/gatherings/disturbances place on patrol units, freeing them for other service activities.

Hold uncooperative citizens financially responsible for the expenses resulting from unnecessary use of Department resources for a second response.

Procedure:

A. First Response:

1. Duties of the responding officer:
 - a. Make sure the disturbance complaint is valid.
 - b. Interview the person responsible for the loud party/gathering/disturbance.

- 1) The responsible person is: the person (or persons) who owns, leases, resides in, or is in charge of the premises where a loud party or public disturbance takes place, or the person or persons who organized the loud party or event causing the disturbance. If the responsible person is a minor, then the parents or guardians will also be considered a Responsible Person and be jointly responsible.
- c. Advise the responsible person of the particular loud noise ordinance he is violating. Emphasize that the disturbing activity must cease.
- d. Advise the responsible person of the provisions of CMC 910-11 for fee assessment should a second response occur. Do not specify the amount to be assessed.
- e. If appropriate, complete a Form 650 and issue it to the responsible person.
 - 1) Obtain the nine digit incident number for the radio dispatch and record it in the appropriate space on the Form 650.
 - 2) After issuing a Form 650, clear the run using disposition code "650."

B. Second Response:

1. Duties of the Responding Officer:
 - a. Make sure the complaint is valid.
 - b. Determine if this is the second response to the address within the past eight hours for a loud party/gathering/ disturbance.
 - 1) Determine if any officer issued a Form 650.
 - 2) Obtain the nine digit CAD Incident number for the radio dispatch and record it in the appropriate space on the Form 651.
 - 3) Obtain the number of officers on the scene from the MDT incident. Include only those officers listed on the incident.
 - 4) Record the nine digit CAD Incident number from the first response in the appropriate space on the Form 651.

- c. Locate the responsible person. Prepare and issue a Form 651 if it is appropriate and necessary.
- d. If a Form 650 was not issued on the first response and it is now appropriate, locate the responsible person and issue a Form 650.

C. Routing of Forms 650 and 651:

1. Officers will turn in all Forms 650 and 651 at the end of their assigned shift.
2. Maintain the Form 650 not resulting in a second response in the district files.
3. If an officer issued a Form 651, a relief supervisor will review and sign the Form 651 and forward both the Form 650 and Form 651 to the district commander.
4. Forward a copy of the Form 651 to the Fiscal and Budget Section for billing.

D. Appeal Process:

1. The recipient of a Second Response Notice may appeal the issuance and/or fee assessment to the Department of Neighborhood Services, Office of Consumer Services.

E. Billing Process:

1. Fiscal and Budget Section is responsible for the billing process.
 - a. Fiscal and Budget Section will maintain a file on all billings for second response fees.
2. Billing is for actual costs based on current hourly manpower and equipment costs.

12.113 RIGHT OF ENTRY STICKERS AND RIGHT OF ENTRY LETTERS

Reference:

Ohio Revised Code (ORC) 2911.21 – Criminal Trespass
Procedure 12.111 – Police Interaction with Homeless Encampments
Procedure 12.372 – Chronic Nuisance Premises

Purpose:

Comply with state law, and to establish Police Department procedure to enable police officers to enforce Criminal Trespassing laws on private property with the property owner's consent.

Procedure:

A. Right of Entry (ROE) Stickers

1. ROE stickers will be triangular in design, manufactured from reflective material, and standardized with the words: City of Cincinnati – R.O.E. Community Partner.
 - a. The ROE sticker informs officers that a Right of Entry Letter is on file.
 - b. The ROE sticker can serve to deter potential trespassers and minimize the threat of criminal damage due to the owner's partnership with the police.
2. Displaying of ROE Stickers.
 - a. The stickers will be displayed prominently in a first floor window nearest the entry door and be visible from the street (no obstructions from trees, bushes, signs or other items).

B. Right of Entry Letters

1. Must be filed in the district where the property is located.
2. Will be notarized.
3. Will be renewed annually by the affected district's Neighborhood Liaison Officer.
 - a. Include contact information for the property owner/manager with an emergency or night phone number.
4. Annual renewal or change in ownership requires a new, notarized Right of Entry Letter.

C. Right of Entry Database

1. Each district commander will designate an officer (i.e. Crime Analyst, Neighborhood Liaison Officer) to maintain an accessible spreadsheet with information concerning persons who have been warned about trespassing on a specific property. This information will include the address of the property, the date of the violation, name, race, sex, date of birth, social security number, and control number of the person who was warned and the name and badge number of the officer who issued the warning.
2. The designated officer(s) will maintain a spreadsheet in a folder on the shared drive of the computer, accessible as a "read only" file for district personnel.

D. Enforcement/Processing

1. While investigating a complaint of trespassing at a location with a Right of Entry Letter on file, officers will exhaust all measures of ensuring the subject in question has no legal reason to be on the property (i.e. visiting relatives, friends, working).
2. Officers will contact the district to determine if the person has been warned in the past.
3. For a first time offense complete a Form 314, Notice To Appear (NTA) when the subject has no legitimate reason to be on the property.
 - a. At the top of the NTA, check the "other block" and write "Warning." In the violation section, write: **"As an agent of the above premise, I hereby warn you not to return to this address without permission of the owner."**
 - b. Ensure the address of the property and officers' name is clearly legible.
 - c. Ensure the subject signs the NTA and provide the subject with the Defendants Copy.
4. Supervisors will review and forward a copy of the NTA to the officer responsible for maintaining the district spreadsheet. Entries will be updated daily to ensure accuracy.
5. The NTA will be filed at the district for use in future court action.
6. Subsequent criminal trespass violations require a physical arrest.
 - a. Include the owner/manager contact information on the Form 527, Arrest and Investigation Report for notification for court.
7. Officers will ensure the original NTA "warning " and a copy of the Right of Entry Letter for the specific address where the violation occurred is on hand during court proceedings.

12.115 HANDLING WILD/EXOTIC ANIMALS, PIT BULLS, DANGEROUS/VICIOUS DOGS, AND ANIMAL REPORTS

References:

Cincinnati Municipal Code 701-1 – Animals, Birds, Fowl
 Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.550 - Discharging of Firearms by Police Personnel
 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release
 Ohio Revised Code 1533.121 - Deer Killed by a Motor Vehicle
 Ohio Administrative Code 3701-3-28 – Report of bite of dog or other mammal

Definitions:

Pit bull - a Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog that contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier.

A pit bull by City ordinance is defined as a vicious dog.

Vicious dog - any dog which, without provocation, has inflicted severe injury on a person **or** has been trained for dog fighting **or** is kept primarily or in part for the purpose of dog fighting **or** is a dog commonly defined as a pit bull **or** has been used in the commission of a crime.

Dangerous dog - any dog which has, without provocation, while off the owner/harbinger's premises, caused an individual to reasonably believe the dog will cause physical harm to a person **or** a propensity or disposition to unprovoked attack or cause injury to humans or domestic animals off the owner/harbinger's premises.

Severe injury - any physical injury to a human being that results in a broken bone or muscle tear requiring corrective or cosmetic surgery **or** resulting in hospitalization **or** any injury to a child under the age of six years of age requiring treatment by a licensed physician.

Wild or potentially dangerous animal - one which is wild by nature and not customarily domesticated in the City of Cincinnati and which, because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property.

Purpose:

To ensure the citizens of the community an environment where the quality of life is not threatened by uncontrolled dangerous or vicious dogs, while protecting the individual rights of dog owners.

To establish a procedure in handling wild/exotic animals, vicious dogs, dangerous dogs and animal reports to ensure the protection of the public and follow-up by the Health Department.

Policy:

Department members will exhaust every reasonable means before using firearms to dispose of vicious dogs, dangerous dogs, or wild and potentially dangerous animals as defined in Cincinnati Municipal Code (CMC) Sections 701-1-D1, 701-1-V or 701-42. Use of the firearm should always involve consideration for the safety of bystanders.

Information:

A ban on pit bulls was reinstated on November 1, 2003. Only pit bulls registered with the Cincinnati Police Department before November 1, 2003 will be allowed to remain in the City of Cincinnati. Owner/harbinger's of registered pit bulls, or other dogs determined to be dangerous/vicious, must re-register these dogs annually with the Cincinnati Police Department.

Procedure:

- A. Registration of Vicious and Dangerous Dogs/Re-Registration of Pit Bulls
 - 1. Department desk personnel will ensure a Form 15D, Dangerous/Vicious Dog Registration and a Form 15DE, Vicious Dog/Pit Bull Registration Envelope, is completed when a citizen responds to the district to register a vicious or dangerous dog, or re-register a pit bull. The registering officer is responsible for accurate recording of the required information on the Forms 15D and 15DE.
 - a. Department desk personnel will give the citizen registering the dog a copy of the Form 15D upon completion of the registration process. Upon completion of the registration process, the registering officer will provide the citizen with a copy of the Form 15D.
 - b. The completed Form 15D and the required documentation will be placed inside the Form 15DE. The completed packet will be hand carried to the Records Section by 0900 hours the following business day.
 - 1) Records Section personnel will send the information contained in the completed packet to Information Technology Management Unit (ITMU). The information will be placed on the Intranet to be accessed by Department personnel.
- B. Warnings Issued for Non-Aggressive Pit Bulls
 - 1. Aggressive or dangerous dogs identified to be Pit Bulls will be impounded. The district Pit Bull Investigator should be requested to respond and assist during their normal tour of duty.

2. Officers in the field encountering non aggressive dogs, they believe to be Pit Bulls may issue a warning without impounding the dog.
 - a. Contact the District Desk Officer and have them check the Pit Bull Warning Data base, located on the Department's intranet site, located under Vicious Dogs Data. Confirm no prior warning has been issued.
 - b. A second violation will result in impoundment of the dog and a citation to the person in control of the dog as described under Section C. of this procedure.
 3. Warnings will be documented on a Form 534, Contact Card.
 - a. Complete both sides of the Form 534, Contact Card. Check "Other" in reason for stop box. Under the Interview narrative portion write in bold and circle the word "PIT BULL".
 - b. Indicate in the narrative a Form 15PIT, Pit Bull Information Sheet was given to the person in control of the animal.
 - c. Provide a brief description of the animal and circumstances for the stop.
- C. Process for the Impoundment of Dangerous/Vicious Dogs and Pit Bulls
1. Any dog determined to be a dangerous/vicious dog as defined by CMC Sections 701-1-D1, 701-1-V, or is an unregistered pit bull, will be impounded.
 - a. Contact the Society for the Prevention of Cruelty to Animals (SPCA) through Police Communications, and request they respond.
 - 1) The SPCA has final authority on identification of a pit bull.
 - 2) Verify whether the dog has been registered with the Police Department.
 2. If the owner/harbinger of the animal is present when investigating a complaint, obtain the property owner's consent to enter the premises.
 - a. If the property owner refuses, and there is probable cause to believe a dangerous/vicious dog or unregistered pit bull is on the premises, obtain a search warrant to enter the premises and impound the dog.
 3. Notify the owner/harbinger of a dog being impounded using a Form 15DIH, Notice of Impoundment and Hearing.
 - a. The administrative hearing will be scheduled for the first business day seven days after the date of the impoundment. The hearing will be scheduled for 1300 hours at the Office of Administrative Hearings (OAH).

- b. If the owner/harbinger is not present, the ordinance requires they must be notified of the administrative hearing date, time and location within 3 days after a dog is impounded.
- 4. The SPCA will board dangerous/vicious dogs and unregistered pit bulls prior to any administrative and/or court hearings.
 - a. Arrange for transportation of the dog(s) by contacting the SPCA.
 - b. Officers will receive a kennel tag number from the SPCA representative. The SPCA kennel tag number must be written on the Form 15DIH.
- 5. Fax a copy of the Form 15DIH to the following locations:
 - a. Planning Section (352-2982).
 - b. Court Property Unit (352-6483).
 - c. Office of Administrative Hearings (352-4898).
- 6. The owner/harbinger may waive their right to an administrative hearing and request an immediate citation to the Hamilton County Municipal Court. Only have the owner/harbinger sign if they are waiving the OAH hearing.
 - a. Complete a Form 15DIH and have the owner/harbinger sign indicating a waiver of the administrative hearing.
 - b. Cite the owner/harbinger of dangerous/vicious dogs or pit bulls using CMC sections 701-4, 701-5, 701-6, 701-7, 701-8 or 701-9 depending on the nature of the complaint.
 - c. Inform the owner/harbinger of an impounded dog that failure to appear in court may result in forfeiture of their dog. The officer **must** place the following statement on the citation, "**Failure to appear on this citation will result in forfeiture of the animal(s) confiscated.**"
 - 1) Cite to court on the fifth court date from the day the citation is written. Hand carry the City's copy of the citation to Records Section for processing.
 - 2) The SPCA kennel tag number must be written on the Form 314, Notice to Appear (NTA).
- 7. Take three photographs of the officer with the dangerous/vicious dog or pit bull whenever possible; otherwise, take three photographs of the dog by itself.
 - a. Attempt to include the entire body of the dog in each of the photographs.

- b. Distribute the photographs as follows:
 - 1) One to the SPCA.
 - 2) One to the Court Property Unit.
 - 3) One for the administrative hearing case jacket.
- 8. Complete a Form 330, Property Receipt, for any impounded dog.
 - a. The SPCA should receive the yellow copy of the Form 330 and a photograph prior to leaving the scene. The SPCA will not take possession of a dog without a completed Form 330.
 - b. Forward the remaining copies of the Form 330, a photograph of the dog, and a copy of the Form 15DIH or Form 314 to the Court Property Unit.
 - c. Once the Form 330 is completed, the officer will comply with Procedure 12.715, Property and Evidence: Accountability, Processing, Storage, and Release.
 - 1) Court Property Unit must perform a bi-monthly audit of animals held at the SPCA to ensure they are disposed of upon completion of the administrative hearing and or court proceedings.
 - 2) Individuals who are awarded the return of their dog(s) will have 72 hours to pick up their dog(s) from the SPCA. Failure to respond will result in the forfeiture of the dog(s).
- 9. Prepare an administrative hearing case jacket for each incident when a dog has been impounded.
 - a. Case jackets will include a copy of the Form 15DIH; a copy of the Form 314, if applicable; a photograph of the dog(s); a copy of the Form 330; a copy of the Form 316, Minor Accident/Aided Case/Mental Health Response Report, if applicable; and any other related reports.
 - b. A relief supervisor will review the completed case jacket. Reporting officers will make necessary corrections prior to securing from their shift. Approved jackets will be routed to the Neighborhood Liaison Supervisor.
- D. Responsibilities of the Neighborhood Liaison Supervisor
 - 1. Review the administrative hearing case jackets for accuracy.
 - 2. Schedule an on-duty officer to present the case at the administrative hearing.

3. If the hearing officer determines the dog is dangerous or vicious, ensure the attending officer cites the owner/harbinger of the dog to Municipal Court on a Form 314.
 - a. Provided a copy of the citation to the hearing officer.
 - b. Hand carried the citation to Records Section.
 4. If the dog is determined to be dangerous or vicious and the owner/harbinger of the dog failed to appear at the administrative hearing, ensure the attending officer immediately files the appropriate criminal complaint.
 - a. Assign an officer to follow up on the open warrant for those individuals not appearing at the administrative hearing.
- E. Responsibility of the Officer Attending the Administrative Hearing
1. If the owner/harbinger is present at the administrative hearing and the hearing officer determines the dog is vicious or dangerous, immediately cite the individual to Municipal Court on a Form 314. The officer **must** place the following statement on the citation, **“Failure to appear on this citation will result in forfeiture of the animal(s) confiscated.”**
 - a. Cite to court on the fifth court date from the date of the administrative hearing. Refer to the 15DIH for the appropriate section and offense description.
 - b. Write the kennel tag number on the citation (obtained from the 15DIH). Include the investigating officer’s name as needed for court.
 - 1) Provide a copy of the citation to the hearing officer.
 - 2) Hand carry the citation to Records Section.
 - c. Notify the Court Property Unit of the outcome of the administrative hearing and forward them a copy of the citation.
 2. If the owner/harbinger is not present at the administrative hearing and the hearing officer determines the dog is vicious or dangerous, the attending officer will file a criminal complaint in Municipal Court against the individual named on the Form 15DIH. Refer to the Form 15DIH for the appropriate section number and description of the offense.

- a. Ensure the investigating officer is listed for court.
 - b. Notify the Court Property Unit of the result of the hearing.
3. Officers attending the Municipal Court hearing should request the prosecuting attorney fax a copy the court seizure/dispose order to the Court Property Unit at 352-6483.
- F. Officer Tactics When Confronted by Dangerous/Vicious Dogs
- 1. When confronting a dangerous or vicious dog which threatens bodily injury to the officer or citizen:
 - a. Exhaust all reasonable means to confine the dog.
 - b. Notify the SPCA to pick up the dog.
 - c. The use of department issued chemical irritant or the X26 Taser is effective on many animals.
 - d. When use of the firearm is absolutely necessary, avoid shooting the dog in the head.
 - 1) Once the firearm is discharged, the officer will comply with Procedure 12.550, Discharging of Firearms by Police Personnel.
 - a) Obtain the name and address of the owner/harbinger of the dog.
 - b) Obtain the name and address of any witness to the incident.
 - c) Notify the SPCA to pick up the dead dog pending a later examination by the Health Department.
 - d) Complete a Form 316, if applicable.
- G. Dog Bite Cases
- 1. Arrange for immediate medical attention.
 - 2. Complete a Form 316. **Note:** *All dog and other mammal bites must be reported to the Health Department within twenty-four (24) hours per Ohio Administrative Code 3701-3-28.*
 - a. Provide complete information on the victim. Include an address and telephone number.
 - 1) Detail the victim's injuries in the narrative section.

- 2) If the victim is a juvenile, ensure complete parental or guardian contact information (to include an address and telephone number) is obtained.
 - b. Complete the name, address, telephone number, and other pertinent information of the owner/harbinger of the dog.
 - c. Provide a thorough description of the animal, serial number, or inoculation tag, certificate information, microchip number or tattoo number, if applicable.
 - d. If the dog will not be impounded, instruct the owner/harbinger to confine the dog for a 10-day period of observation, and not to have the dog inoculated until after the 10-day observation period. Indicate on the Form 316 this was done.
 - e. In the event the dog is a stray or unidentified, mark the Form 316 "Incomplete." Fill out as much information as possible.
 - 1) If the dog is located, attempt to contain it. Notify the SPCA, through Police Communications, to respond and pick up the dog for the Health Department examination.
 - a) Notify the Health Department of the capture. Indicate same on the Form 316.
3. The reporting officer will issue a Form 314 for a violation of CMC section 701-1-V to the owner/harbinger of the dog following any bite which results in a severe injury as defined in CMC Section 701-1-S.
 - a. Officers will not confiscate the dog unless the dog is a vicious dog, as defined, and has not been registered with the Police Department.
4. Upon completing the Form 316, the reporting officer will make a legible photocopy of the Form 316, and fax it to the Health Department (352-2915). Indicate on the Form 316 the Health Department was "notified by fax", and retain the fax transmittal sheet.
 - a. Send the legible photocopy of the Form 316 directly to the Health Department through interdepartmental mail.
5. Attach the fax transmittal sheet to the original Form 316 and submit it for supervisory approval.
 - a. The district collators will forward the original Form 316 and attached fax transmittal sheet to Records Section.
 - b. After completing their investigation, the Health Department will sign any necessary affidavits for an inoculation violation.
 - 1) Dogs under three months of age need not be inoculated.
6. Report cat bites the same as dog bites.

7. Report wild animal bites the same as dog bites. If captured, hold for the SPCA.

H. Unlicensed Dogs

1. Officers have the discretionary authority to issue a "Warning Citation" to the owner/harbinger of an unlicensed dog.
 - a. Dogs less than 3 months of age or owned fewer than 30 days do not require a license.
 - b. A dog license is valid from January 1st of the current year to January 30th of the following year.
2. The SPCA has provided the Police Department with "Dog License Violation Warning Citations" for "Failure To File Application For Registration Of Dog."
 - a. When a warning citation is issued, the violator is given the pink copy of the three part carbonless form.
 - b. The white copy of the warning is forwarded to the SPCA weekly by the District Collator.
 - c. The yellow copy is retained at the district where the violation occurred.
3. The SPCA will follow up on all warning citations to ensure the owner/harbinger has purchased a current license. The SPCA will assess a fine on a dog owner/harbinger who fails to obtain a valid license.

I. Investigating Wild or Exotic Animal Complaints

1. When encountering a wild or exotic animal, request a supervisor respond to the scene.
 - a. The responding supervisor will ensure he has a shotgun and rifled slugs before responding to the scene.
 - 1) When use of the firearm is absolutely necessary (the animal poses an immediate threat to safety of the community), the weapon of choice for large animals is the shotgun with rifled slugs.
 - b. The responding supervisor will immediately notify the District Commander, Night Chief or Duty Officer of the encounter and outcome.
2. Notify the SPCA. The SPCA has the necessary equipment and resources to capture wild or exotic animals.

3. Once the firearm is discharged, the officer will comply with Procedure 12.550.
 - a. Obtain the name and address of the owner/harbinger of the animal.
 - b. Obtain the name and address of any witness to the incident.
 - c. Photograph the animal before removal for possible court proceedings.
4. If the owner/harbinger of the animal is present when investigating a complaint, obtain the property owner's consent to enter the premises.
 - a. If the property owner refuses, and there is probable cause to believe a wild or exotic animal is on the premises, obtain a search warrant to enter the premises and confiscate the animal.
 - b. Notify the SPCA through Police Communications and have them respond when serving a search warrant. They have the necessary equipment to capture the animal.
 - 1) Advise the owner/harbinger the animal may have to be tranquilized with a dart gun.
 - c. If the owner/harbinger voluntarily gives up the animal and wishes to transfer it to the SPCA's cage at the scene, advise the owner/harbinger of the possibility of using lethal force against the animal if control is lost.
 - 1) The SPCA must approve transfer of a non-tranquilized animal.
5. Once captured, photograph the animal for court proceedings.
6. When citing the owner/harbinger, use CMC 701-42.

J. Dead Animals

1. When a citizen reports a dog or other animal has been killed or found dead, the officer will notify the Health Department. The Health Department will determine if the animal is wanted for any previous incident involving a dog or animal bite.
 - a. If the animal is a deer killed by a motor vehicle, follow Procedure 12.225, Vehicular Crash Reporting.
2. If the animal is not wanted by the Health Department, notify Public Services to pick up the remains.

12.120 LABOR DISPUTES AND STRIKES

Reference:

Procedure 12.413, Enforcement of Court Orders
Procedure 19.140, Outside Employment

Policy:

In all cases of labor disputes or strikes in which there is picketing, demonstrations, or disorder, a district supervisor will confer with both labor and management officials. The supervisor will emphasize the Police Department's neutral position and its responsibility to protect life and property. The supervisor will also point out the rights and responsibilities of both labor and management toward the preservation of the peace.

Department personnel will not discuss controversial matters, or state their opinions on any issue concerning the dispute or strike.

Procedure:

A. Police Action:

1. District supervisor duties:
 - a. A district supervisor will respond to the scene of the strike or labor dispute.
 - b. Confer with both labor and management officials, and emphasize the Police Department's neutral position and its responsibility to protect life and property.
 - c. A supervisor from the district of occurrence will prepare a Form 17. FAX a copy immediately to Patrol Bureau. Send the original, through channels, to the Patrol Bureau Commander.
2. The district commander, when notified, will:
 - a. Take steps to provide sufficient police presence and supervision, if necessary.
 - 1) Form police details if conditions warrant.
 - b. Maintain close contact with both sides of the dispute in order to keep the Department informed.
 - c. Send the necessary written reports to the Patrol Bureau Commander. The reports will include incidents, complaints, or offenses related to the dispute.
 - d. Notify the Patrol Bureau Commander, via Form 17, when the involved parties settle the dispute.

3. If the dispute reaches a critical state, or the district needs extra assistance, the district OIC will request Police Communications Section (PCS) to notify the following:
 - a. Night Chief if occurring during his tour of duty.
 - b. District commander
 - c. Patrol Bureau Commander
 - d. Duty Officer if a weekend.
 4. In arranging for police presence at the scene of a labor or management conflict, and based upon a proven need, the Police Department will provide on-duty uniformed personnel up to the point where the problem requires more personnel than the Department can provide.
- B. Arrests:
1. Keep arrests resulting from minor incidents on picket lines or other demonstrations to a minimum. Exercise sound judgment and make arrests as a last resort.
 2. Try to clear minor incidents between individuals by separating and warning them. Order them to leave the area.
 3. Officers will make an immediate arrest for incidents such as assault, inciting to riot, property damage, etc.
 4. Before an arrest, the officer will:
 - a. Determine if sympathizers will interfere with the arrest.
 - 1) Make a positive identification of the person and arrest later if the arrest is not possible at the time.
 - b. If officers expect trouble, call for help before the need arises.
 - 1) A proper show of force can frequently end spontaneous acts of violence by the crowd.
 5. Immediately transport arrested persons from the scene to avoid rescue attempts or other acts by sympathizers.
 6. In the event of mass arrests, officers must be able to identify defendants at the trial.
 - a. When possible, use camera equipment to identify involved persons.

C. Court Orders:

1. If the court invokes a court order, injunction, or similar legal process, the OIC will advise the City Solicitor or prosecutor.
 - a. It is the responsibility of the City Solicitor or prosecutor to determine what impact the legal process will have upon the duties of the Police Department.
 - b. If other than normal business hours PCS will recall a solicitor.

12.125 LICENSES AND PERMITS: INVESTIGATION OF

Reference:

Ohio Revised Code 4737.10 Junk Yard Inspections
 Cincinnati Municipal Code 843, Junk Dealers and Second-hand Dealers
 Cincinnati Municipal Code 510, Assemblages and Parades
 Cincinnati Municipal Code 910-19, Violation of Special Event Ordinance

Definitions:

Junkyard – means a place of business, which is operated for the purpose of storing, keeping, buying or selling junk except manufacturing establishments.

Fence – a barrier at least six feet but not more than ten feet in height, which is either comprised of plantings or natural objects, or constructed of any non-transparent material.

License – permission or authority to do something which would be wrongful or illegal to do if permission or authority were not granted. Licenses are required in order to regulate public matter activities.

Permit – permission to do something, especially in written form. A document or certificate giving permission to do something that would be illegal to do if permission or authority were not granted prior to the act. Usually short in duration or life.

Notwithstanding – any ordinance or statute to the contrary; in spite of the fact that an alternative does/does not exist; and “although” when used as a conjunction.

Purpose:

Establish a guide and procedure for the inspection and processing of specific licenses and permits held by businesses or individuals within the City limits.

Policy:

Police Department personnel are responsible for the inspection and proper recording of licensure and permitting of businesses in the City as required by the Treasurer’s Office, City Manager, or Police Chief.

Information:

The Treasurer's Office of the Department of Finance will exercise all available means of contacting the licensee or permit holder, prior to referral to the Police Department for investigation.

The Treasurer's Office will mail the licensee or permit holder an application for renewal before the license or permit expires.

If the notice is not answered or renewal has not been made within a two-week period, the Treasurer's Office will forward a list of suspected violators to the Police Department.

The list will indicate the address of the licensee or permit holder and the district affected, and the section number of the specific violation.

In the case of regular annual and semi-annual inspections, the affected district is responsible for the scheduling of inspections and properly reporting the results.

Special Events Unit has the responsibility for processing applications for parades, special events, and street blocking.

Procedure:

A. Suspected Violators

1. The list of suspected violators will be routed to the Patrol Bureau Commander, for recording and distribution to each district.
2. The affected district and Intelligence Section will receive a list of suspected violators within the district, including information that renewal has not been made. The list will also relate why the correspondence has not been answered (e.g. no such address, no forwarding address, no response to mailings, etc.)
3. The district personnel will investigate to determine if the licensee or permit holder is located at the address indicated and if the business is still operating, and take enforcement action if operating in violation.
4. If a violation is observed, the investigating officer will determine if the licensee or permit holder is an individual or a corporation.
 - a. If a corporation, the officer will discuss the case with the Prosecutor's Office before any citation is issued.
 - b. The investigating officer will issue a payout citation or cite the violator to court indicating the specific violation observed and the proper section number for the violation.
 - c. The investigating officer will sign the affidavit and prepare a Form 527A, Case Summary. The representative of the Treasurer's Office whose signature appears on the list of suspected violators, will be included on the Form 527A as a witness. A copy of the Form 527A will be attached to the affidavit.
 - d. If at the arraignment proceedings, a "Not Guilty" plea is entered, the investigating officer and a representative of the Treasurer's Office will be notified by the Prosecutor's Office to appear in court.

5. The Police Department will notify the Treasurer's Office of the disposition upon completion of the court proceeding or investigation.

B. Firearms-Dealer Inventory:

1. In order to maintain current information concerning firearms and ammunition, the Police Department will conduct semiannual inspections of firearm dealers.
2. Each district will conduct an inspection of all firearms dealers within their respective areas on February 1st and August 1st.
 - a. Complete Form 599, Firearms and Ammunition Inventory Report, and make two copies:
 - 1) Forward the original to the Patrol Bureau Commander via the chain-of-command.
 - a) The Patrol Bureau Commander will forward Form 599 to Police Communications Section for placement in the Emergency Operations Center CDOP book.
 - 2) Forward a copy to Planning Section.
 - 3) Retain a copy for the district CDOP Book.
 - b. A Form 17 will be utilized as a cover for this report. Indicate which business should be given prime attention in the event of a civil disturbance.
 - c. When making these inspections, special attention will be given these factors:
 - 1) Security measures to be carefully examined and where deficiencies are noted, recommendations for improvement shall be made by the inspecting officer.
 - 2) The record shall include day/night telephone numbers of responsible members of the business.
 - 3) All dealers shall be advised to immediately notify their police district in the event of any sizable increase in their stock, or unusual sales activity.
3. Form 599 will be reproduced and distributed to the districts, and a limited quantity stored at Supply Unit to be ordered on a regular requisition.

C. Junk Yard Inspection Report:

1. In order to comply with Ohio law, the affected district will inspect all junkyards within their area, on a semi-annual basis.
 - a. The District Commander's designee (e.g. district investigator(s), officer charged with junk/abandoned autos, etc.) will conduct the inspection during the months of March and September.
 - b. Follow-up inspections will be done within the 60-day period following the original inspection and will be submitted as outlined in section C.3.a.
2. The junkyard inspection report is designed to answer all the requirements of the ORC and CMC. The form has two major sections for information gathering.
 - a. The top one third of the form is designed to capture who, when, where and why an inspection is being done.
 - 1) The bottom two thirds of the form identifies the items to be inspected.
 - b. All blocks listed under the Business Transactions Log must be checked off as being present, at the time of inspection, in order for the premise to be in compliance.
3. The inspection
 - a. The inspecting officer will contact the business owner to set a date and time for the inspection
 - 1) Contact Intelligence Section prior to inspection to obtain any background information on the licensee.
 - b. Conduct a physical inspection of the premises and the Business Transaction Log as outlined on the form 268 using the Information Sheet as a guide.
 - 1) Note on a Form 17 all names of people who have multiple transactions (three or more) within the past inspection period.
 - a) Forward these names via the chain-of-command to the Intelligence Section.

- c. Prepare Form 268, Junkyard Inspection Report , in triplicate
 - 1) Give the third copy of the report to the licensee or his representative. Turn in the remaining pages of the Form 268 to the district commander.
 - 2) The district commander will forward a copy of the form 268 to the Intelligence Unit.
- D. Applications for parades, special events, and street blocking
 1. Applications are available at any police facility, and on the Department's website.
 2. Forward completed applications via the chain-of-command to the Special Events Unit. Facsimiles or out dated versions of applications will not be accepted. The application must have the applicant's signature on it.
 3. Special Events Unit will send a copy of the application to the appropriate district, via Patrol Administration, for the district's review and recommendation.
 4. The district will make their recommendation for approval or disapproval of the event and return the application via the chain-of-command to the Special Events Unit.
 5. Special Events Unit will ensure acceptable insurance is obtained when required and obtain the approval from the City's Risk Manager. After the insurance is checked by the Risk Manager and the recommendation is received from the affected district, Special Events Unit will:
 - a. If the application for an event is approved; notify the affected district, the event applicant, the Fire Department, Southern Ohio Regional Transit Authority, and the Department of Public Works (Traffic & Road Operations).
 - 1) If the event involves the southern portion of District One, the Southbank shuttle and the Transportation Authority of Northern Kentucky will also be notified.
 - b. If the application for an event is not approved, send notice of disapproval to the affected district and the event applicant.
 - c. Maintain a calendar of events to provide specific event information and will direct this data to the Information Technology Management Section so it will be available on the Police Department's website.

- d. Submit requests for Notwithstanding Ordinances for all events taking place on city streets that charge admission, sell food, drinks or merchandise, or have any other specific need or feature requiring a Notwithstanding Ordinance.
6. All temporary liquor permit applications for special events on city property are coordinated through Special Events Unit.
7. Special Events Units maintains staff supervision over the entire process.

12.130 VICE CONTROL AND ENFORCEMENT RESPONSIBILITIES

Reference:

Procedure 12.715, Property and Evidence: Confiscation, Accountability,
Processing, Storage and Release

Procedure 12.720, Evidence: Submitting for Physical Analysis

Policy:

Enforce laws and ordinances dealing with the suppression of illicit activity in liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.

Procedure:

A. District Responsibilities

1. Function as the first line operation responsible for the control and suppression of vice activity.
2. Enforce all laws, ordinances, and regulations for the control or suppression of liquor, gambling, prostitution, narcotics, obscene materials, and regulatory violations.
 - a. Refer enforcement plans for obscene material violations involving commercial operations to the Central Vice Control Section (CVCS) for investigation and coordination with the prosecutor.
3. Inspect public and commercial amusement places for conditions affecting the health and moral welfare of the community and activities or devices having a gambling potential.
4. Investigate and make recommendations to CVCS on liquor permit renewal requests, location and ownership transfer requests, and issuance of new permits.
5. Direct requests for Liquor Commission hearings on reported violations to CVCS. CVCS will process the requests through the local office of the Ohio Investigative Unit.
6. Be alert for patterns, trends, or any type of organized vice activity. If found, relay the information to CVCS and concerned district personnel.

7. Request assistance, when necessary, from CVCS for vice cases, court case preparation, filing criminal complaints, search warrants, etc.
8. Process property needing analysis through the Court Property Unit.
9. Maintain a rapport with CVCS; Department bureaus; and public, private, and other government agencies concerned with vice control.
10. Prepare reports and maintain records necessary to vice enforcement or as prescribed by the Patrol Bureau Commander.
 - a. Ensure the blocks on the Form 527, Arrest and Investigation Report, pertaining to vice activity are completed, i.e., Vice Activity Arrest, Type of Premises, and Forfeiture Application DIS-94.
11. Improve the enforcement effort by participating in public information programs and personnel training.
12. Maintain license and permit files.
 - a. Each district will maintain a file of all businesses within the district boundary required by statute or ordinance to secure liquor licenses or permits to operate.
 - 1) File each business alphabetically and by "DBA" (Doing Business As).
 - 2) Use Ohio Division of Liquor Control (ODLC) Form 29, Record of Licensed Places, for these records.
 - b. Prepare an extra copy of the Form 301, Incident Report, or other official documents when an incident occurs in a liquor permit premise or has its origin there.
 - 1) File this copy in the district file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred".
 - 2) Forward a copy to CVCS.
 - c. Prepare Form 526A, Liquor Permit Premises Vice Activity, for all fights, disorders, violations, or unwholesome conditions arising in, or from, the operation of licensed liquor establishments. If an arrest has occurred, make a copy of the Form 527 instead.

- d. File Forms 526A and 527 in the district file, noting the DBA of the liquor permit premise and the correct address under "Type of Premises Where Offense Occurred".
 - 1) Forward a copy to CVCS.
- f. District commanders will designate a supervisor and officer to maintain these files. District commanders will make periodic checks to ensure the designated supervisor is properly maintaining the files.

13. Temporary Liquor Permits.

- a. Special Events Unit will process Temporary Liquor Permit applications for the Department.
 - 1) Desk personnel encountering persons, who wish to submit a completed application, will direct them to District One for application processing.
 - a) District One Desk personnel will forward all Temporary Liquor Permit applications to Special Events Unit.
- b. Special Events Unit will:
 - 1) Review all Temporary Liquor Permit applications and associated paperwork for completeness.
 - 2) Route the applications for the required signatures.
 - a) The District One Commander will serve as the Chief's designee for the final review and required Department signature.
 - 3) Forward a copy of the completed application to the affected District Commander as a notification of pending events within the affected district.
 - 4) Notify the applicant that the signed application is ready to be picked up from District One.
 - 5) Maintain a file of temporary Liquor applications in accordance with the established records retention schedule.

14. Notify CVCS of pharmaceutical diversion activities occurring within the district's boundaries.
 - a. The following circumstances will constitute cause to contact CVCS or request recall:
 - 1) The arrest of an employee of any health facility, hospital, nursing home, doctor's office, etc., for the possession or theft of any amount of dangerous drugs. The arrest of any of the above employees in a non-alcohol related Operating a Vehicle Under the Influence (OVI) offense.
 - 2) The arrest of any subject in illegal possession of the bulk amount or more of any schedule II controlled pharmaceutical substance, or 100 dosage units or more of any other controlled pharmaceutical substances or dangerous drugs.
 - 3) The arrest of a subject for, or any attempt or complicity to, the following offenses:
 - a) Theft (Drugs) - ORC Section 2913.02
 - b) Medicaid Fraud - ORC Section 2913.40
 - c) Insurance Fraud - ORC Section 2913.47
 - d) Workers' Compensation Fraud - ORC Section 2913.48
 - e) Trafficking in Drugs (Dangerous Drugs) - ORC Section 2925.03
 - f) Deception to Obtain a Dangerous Drug - ORC Section 2925.22
 - g) Illegal Processing of a Drug Document - ORC Section 2925.23
 - b. When an officer responds to a pharmacy for a stolen, altered, or forged prescription, and an arrest neither occurs nor is imminent, the prescription remains at the pharmacy. The responding officer will notify CVCS by the next business day. CVCS will receipt and preserve the evidence. Instruct the pharmacist to preserve the prescription for possible latent fingerprints. Do not handle the prescription.

B. Central Vice Control Section (CVCS) Responsibilities

1. Assist Patrol Bureau in the suppression of liquor, gambling, prostitution, narcotics, obscene material, and regulatory violations. CVCS will exercise staff supervision of Department activities in these efforts.
2. Monitor vice conditions throughout the city and keep the Police Chief, Investigations Bureau Commander, and district commanders informed of situations needing attention.
 - a. Notify Intelligence Section of any organized activity.
3. Actively engage in vice enforcement and involve district personnel in these activities.
 - a. Take immediate enforcement action on vice violations without involving district personnel when a delay would jeopardize the successful prosecution of the violation.
 - 1) Prepare a Form 526, Vice Activity Report, if an arrest has not occurred. Forward a copy of the form to the affected district.
 - 2) If an arrest has occurred, forward a copy of the Form 527 to the affected district.
4. Act as the liaison between the Department, Ohio Investigative Unit, and the Ohio Attorney General's Office.
 - a. CVCS prepares all requests for Liquor Control Commission citations on reported violations. Requests are submitted through the local office of the Ohio Investigative Unit.
 - b. Notify the district commander, in writing, if a reported violation was not submitted to the Liquor Control Commission for a hearing.
5. Act as the Department's liaison with Hamilton County and City of Cincinnati Prosecutor's Offices in obscene material cases involving commercial operations. Participate in enforcement planning for such violations with district personnel and the prosecutor.
6. Provide assistance to Department personnel in any vice case, especially in court case preparation, filing criminal complaints, and writing search warrants.

- a. If requested, assistance may include actual participation in planning, investigation, arrest, and court presentation.
 7. Field test suspected evidence when requested.
 8. Participate in recruit and in-service training programs.
 9. Aid in preparing public information programs which will improve the enforcement effort.
 10. Keep Department personnel informed of new laws, court decisions, etc., relating to vice activity.
 11. Make reports and maintain records necessary to their operation.
 12. Maintain a master vice activity file.
 - a. Maintain photographs of those actively engaged in various vice activities. File by type of activity.
 - b. Information from files is accessible to authorized personnel upon request through a CVCS supervisor.
 13. Be the central repository for all vice activity documents.
 - a. Review and analyze vice activity records to determine patterns, trends, or any type of organized activity. Give special attention to activities which cross district and city boundaries.
 - b. Provide for an orderly flow of information to concerned units and jurisdictions.
 14. CVCS is available to district personnel for recall to investigate pharmaceutical diversion activity. CVCS personnel need involvement in an investigation shortly after an arrest. This includes an opportunity to interview the prisoner or to offer any assistance to the arresting officer.
 15. CVCS will investigate the following cases:
 - a. The illegal diversion of pharmaceutical drugs.
 - b. Health care insurance fraud.
- C. Reporting Conditions of Liquor Permit Premises

1. Notify CVCS of suspected criminal or regulatory violations.
 - a. Officers may conduct warrantless administrative inspections subject to the following limitations:
 - 1) There is reasonable suspicion that evidence of violations of the Liquor Control Act and/or rules of the Liquor Control Commission would be found in the licensed premises.
 - 2) Inspections are conducted for the limited purpose of determining compliance with the Liquor Control Act and rules adopted by the Liquor Control Commission.
 - 3) Inspections are conducted only during those hours when the permit holder is open for business or when it reasonably appears all or part of the business is in use.
 - 4) Inspections may include only those portions of the property which are part of the licensed premises.
 - 5) Warrantless administrative inspections can include locked closets, filing cabinets, cellars, attics, storage rooms, desks, and safes located in the liquor premises.
- D. Arrests on Premises Where Liquor is Sold
 1. Case preparation for arrests on a liquor permit premises consists of:
 - a. Processing and analysis of liquor evidence.
 - b. Preparation of Form 527 and Form 529L, Request for Citation.
 - c. In cases involving a minor, the presence of the minor is necessary in court.
 - 1) Only certified copies of birth records are admissible as evidence.
 - a) Route requests for certified copies of birth/death certificates through CVCS. The request should include the first, middle, and last name of the individual, their sex, race, age, date of birth, father's name, mother's maiden name, city, county, state, and hospital of birth.

- b) CVCS will forward the request to the Bureau of Vital Statistics and return the certified copy to the requesting officer.
- 2) If certified copies of birth records are not available, the Form 529L must identify the minor's natural parents who can verify age.
 - a) The Form 529L should contain information concerning the minor's date of birth, city, county, state, hospital of birth, address, father's name, and mother's maiden name.
- 3) Take a written statement from minors whenever possible.
- d. Complete Form 529L for violations of the Liquor Control Act or Liquor Control Commission regulations. Also complete Form 529L for the arrest of a permit holder, agent, or employee involving violations of laws, ordinances, or liquor regulations on permit premises.
 - 1) CVCS retains original copy.
 - 2) Send copy to affected district.
- e. Make two copies of the Form 527 on all vice arrests.
 - 1) One copy to CVCS.
 - 2) One copy for the affected district.
- f. When filing liquor cases with no local charges and the case will go directly before the Liquor Control Commission, handle in the following manner:
 - 1) Complete Forms 529L and 526A in duplicate.
 - a) Original to CVCS.
 - b) Duplicate for the district file.
 - 2) CVCS will be responsible for the administrative preparation of the case before the Liquor Control Commission.

- 3) Court Property Unit will process evidence gathered for presentation to the Liquor Control Commission. Form 330, Property Receipt, will indicate "Columbus Only".
 - a) Unsealed evidence requires analysis prior to submission to the Liquor Control Commission.
 - b) Sealed evidence for presentment to the Liquor Control Commission does not have to be analyzed. Hamilton County Municipal Court requires sealed evidence to be analyzed.
 - g. In liquor cases involving multiple arrests, mark and tag all evidence under the legal name of the DBA appearing on the permit license. Write in red across the evidence tag "Hold for Columbus".
 - 1) List names of all arrested on the evidence tag after the DBA name.
 2. Arrests on premises where liquor is sold without a permit:
 - a. Refer to Procedure 12.720 concerning analysis and processing of liquor evidence.
 - b. Make two copies of the Form 527.
 - 1) Send original to CVCS.
 - 2) Duplicate for district file.
- E. Liquor Permits - Renewal, Transfer, or Issuance of New Permits
1. Route all correspondence concerning renewal, transfer, or issuance of liquor permits through CVCS. The CVCS Commander will make all recommendations to the ODLC in writing with the signed approval of the Police Chief, Law Department, and City Council.
 2. Location transfers or new permit applications:
 - a. The ODLC will send Form DLC 4053, Police Notification, for requests for liquor permits, transfer of applications, etc., to the Clerk of Council.
 - 1) CVCS prepares Form 474, Renewal, Transfer or Issuance of Liquor Licenses, and sends it to the involved district

commander who will investigate and notify CVCS of approval or disapproval. Forward completed paperwork, including the Form 529LI, Liquor Permit Premises Inspection Report, to CVCS.

- a) If disapproved, district commanders will note their disapproval on a Form 17 listing objections.
 - 1] Send original to CVCS.
 - 2] Place copy in the district file.
 - 2) CVCS will notify the Mayor and Members of Council by letter of the Department's approval/disapproval of the new permit, renewal, or transfer request.
- b. ODLIC Form DLC 4053:
- 1) Upon receipt of the above forms, CVCS will complete the Form 474 and any companion ODLIC forms.
 - a) CVCS will document any criminal records on the Form 243A, Police Department Conviction Record Transcript.
 - 2) Forward copies of Form 474 and the companion ODLIC forms to the affected district commander for approval or disapproval.
 - 3) The ODLIC regards the following as objectionable:
 - a) Conviction of the applicant for felonies or other crimes relating to his ability to operate a liquor establishment.
 - b) An applicant's alcoholism or drug addiction.
 - c) A prior unfavorable enforcement record.
 - d) Nonconformity with building, safety, or health requirements.
 - e) Inaccessibility by law enforcement authorities.
 - f) The establishment will substantially interfere with the public decency, sobriety, peace, or good order of the neighborhood.

- g) The establishment will substantially and adversely interfere with the normal orderly conduct of a church, library, public playground, school, or hospital.
 - h) The granting or transferring of a permit will be detrimental to the morals, safety, or welfare of the public.
 - i) Adverse effect of saturation of the area with other liquor establishments.
- 4) The district commander will immediately investigate and record a recommendation on the Form 474 and return all copies to CVCS.
 - a) Objections: Note objections on a Form 17 and return to CVCS.
 - b) No objections: Write no objections in the "Recommendation" section of Form 474 and return to CVCS.
 - 5) The CVCS Commander will make recommendations on the Form 474 and route it through the channels for the Police Chief's signature. The Police Chief will sign the Form 474 and return it to CVCS.
 - 6) The CVCS Commander will state on the Liquor Control Commission Application whether the Department approves or disapproves the new permit, location, transfer, etc.
 - a) CVCS will file a copy of Form 474 and the companion ODLC forms.
3. Permit renewals:
- a. ODLC issues all renewals each year in June.
 - 1) At renewal time, each district commander will investigate and determine recommendations for permit renewal. Check the accuracy of the district permit file information.
 - 2) Forward complaints against a permit premise to CVCS each year at renewal time.

- a) Renewal objections will address enforcement actions occurring on the permit premise during the past year. The liquor permit year is June to June.
 - 1] Attach a list of radio runs, a description of the nature of the run, and disposition.
 - b) Record the reason for objection on a Form 17 and forward to the Police Chief. List the names of officers who can testify about conditions existing on the premises.
 - 1] CVCS submits their recommendations to the Police Chief for consideration.
 - c) No action is necessary when there is not an objection to a permit renewal.
- 3) Districts must complete a Form 17 for all annual renewal objections, both new and reaffirmed.

F. Gambling Investigations

1. On all suspected gambling operations, the unit initiating the activity will prepare a Form 526, listing all the facts and forward to CVCS.
 - a. Personnel will not visit suspected gambling places alone unless authorized by an immediate supervisor. In some instances, infiltration by civilian clothes personnel is necessary to secure evidence. In these cases, obtain prior permission from a supervisor.
 - b. Whenever possible, a supervisor will accompany personnel in the investigation of suspected gambling places.
2. A supervisor will respond and observe the accounting of all money or equipment held as evidence in gambling arrests.
 - a. Record claims to money, but do not determine ownership.
 - b. Ensure all proper reports are made and seized property protected.
3. CVCS and each police district will maintain a file on gambling operations. Each file will contain the following:

- a. Correct street addresses and locations within the buildings.
 - b. Owner of building.
 - c. Lessee of building.
 - d. Backer of game.
 - e. Forms 526, 527, and other information pertaining to such address.
4. Make three copies of Form 526 on all investigations of gambling locations.
 - a. Original to CVCS.
 - b. One copy for the initiating unit.
 - c. One copy for affected district.
 5. Make three copies of the Form 527 on gambling arrests.
 - a. One copy to CVCS.
 - b. One copy for the initiating unit.
 - c. One copy for the affected district.
 - d. If an organized ring is suspected, send a copy to Intelligence Section.
 6. CVCS will prepare a letter to the property owner relating the facts and apprise the owner of possible criminal sanctions for future violations.
 - a. Send the letter by registered mail with personal receipt requested.
 7. Maintain a copy of the owner's notice in the gambling files.
 8. Charge all persons found participating in gambling games under Ohio Revised Code (ORC) Sections 2915.02 - Gambling, 2915.03 - Operating a Gambling House, or 2915.04 - Public Gaming.
- G. Pinball Machine Seizures

1. When observing unlawful use of a pinball machine, confiscate and process the machine. Deliver the machine to the Court Property Unit.
2. Remove the exhibitor's license from the premises and send to Court Property Unit in a property envelope. If the license is under the glass of the machine and not accessible, send the license with the machine to the Court Property Unit.
3. Prepare a Form 17 including the following information:
 - a. Time and date of arrest or incident.
 - b. Arresting officer.
 - c. Persons arrested and charges.
 - d. Address and type of business where violation occurred.
 - e. Facts concerning violation.
 - f. Make of machine and serial number, if available.
 - g. Machine license number, distributor, person to whom issued, and the expiration date of the license.
 - h. Exhibitor's license number and to whom issued.
 - i. Forward copies of the Form 17 to CVCS and Intelligence Section.
4. The arresting officer will promptly submit a supplemental Form 17 reporting the court disposition.
5. Following conviction, CVCS will send a destruction order request to the Clerk of Council.

H. Pornography Cases

1. When Department members are advised of, or come into contact with, pornography, other than mere possession, they will notify CVCS.
 - a. Report all cases of child pornography to CVCS and the Personal Crimes Unit.
2. The CVCS Commander will assign personnel to investigate the complaint.

- a. CVCS personnel will view the pornographic material, consult the Prosecutor's Office, and make a determination whether to prosecute and the proper charges.
- b. They will record such information as:
 - 1) Time, date, and location of the violation.
 - 2) Name and address of the theater or store.
 - 3) Name and address of the owner; if a corporation, names and addresses of the corporation and officers.
 - 4) Name and address of the theater or store manager.
 - 5) Name and address of the projectionist, if a theater.
 - 6) Names of all police and civilian witnesses.
- c. CVCS will notify the originating unit of action taken, if any.

I. Drug Abuse Locations

1. When officers believe probable cause exists to file a violation of Cincinnati Municipal Code (CMC) 911-5 (c), Permitting Drug Abuse, they will:
 - a. Prepare a Form 526 listing the facts and a written summary of evidence and submit to CVCS for review. Make three copies of the Form 526 and distribute as follows:
 - 1) Original to Central Vice Control Section.
 - 2) Copy for the initiating unit.
 - 3) Copy for the affected district.
2. No enforcement action will be taken without administrative review by CVCS.
3. Upon approval, an investigative packet will be returned to the originating officer who will file a criminal complaint. Upon arrest or citation, send a copy of the Form 527 or Form 314, Notice to Appear, to CVCS.

4. When a felony drug offense is committed on property owned by another, CVCS will prepare a notification letter to the property owner, lessee, occupant, custodian, or supervisor of the location. It will relate the facts and apprise the responsible party of their responsibilities and possible arrest for future violations.
 - a. Make notification within 72 hours by certified mail, return receipt requested, or by personal service with a signature as receipt.
 - b. District CPOP officers will assist in personally notifying the owners, occupants, custodians, etc., of drug abuse locations.
5. CVCS and each police district will maintain a file on drug abuse locations. Each file will contain the following:
 - a. Correct street addresses and locations of drug abuse location premises, real estate, or vacant land, including specified areas (e.g., "Apartment 123," "first floor," "northwest corner," etc.).
 - b. Owner of premises or real estate.
 - c. Lessee of premises or real estate.
 - d. Arrestees and their addresses.
 - e. Forms 526, 527, and any other information pertaining to drug arrests at these addresses.
6. Maintain a copy of the owner's notice in the drug abuse location files.
7. Charge persons found participating in drug abuse under Ohio Revised Code Chapter 2925, Drug Offenses, where applicable.
8. Property held as evidence in drug abuse location arrests will be processed according to Procedure 12.715.
 - a. Ensure all proper reports are made and seized property protected.
9. Make three copies of the Form 527 of a drug abuse location arrest:
 - a. Copy to CVCS.
 - b. Copy for the initiating unit.
 - c. Copy for the affected district.

- d. If an organized ring is suspected, send a copy to Intelligence Section.

12.131 CONFIDENTIAL INFORMANT MANAGEMENT AND CONTROL

References:

Procedure 12.620 - Criminal Pursuit Fund
Procedure 12.700 - Securing and Service of Search Warrants
Procedure 12.815 - Court Appearance
Ohio Revised Code 2933.32 - Body cavity and strip searches; conducting unauthorized search; failure to prepare proper report

Definitions:

Sources of Information (SOI) - Persons or organizations not under the direction of a specific police officer. A source of information furnishes information without compensation and will not take an active part in an investigation. When sources of information seek compensation or become an active part of an investigation, their status changes to confidential informant. SOIs do not require registration.

Confidential Informants (CI) - Persons under the direction of a specific police officer giving information or other lawful assistance on criminal activity. Confidential informants take active parts in investigations and/or receive compensation. Register all CIs.

Confidential Defendant Informants (CDI) - Confidential informants who are current defendants in pending court cases and expect compensation in the form of judicial or prosecutorial considerations. Register all CDIs.

Inactive Confidential Informants - Confidential informants not debriefed within a year, or declared inactive by the control officer.

Debriefing - Initial and continued questioning of confidential informants. Intelligence gathering on backgrounds, motives, limitations, and other information they have on all types of criminal activity.

Compensation - Money or judicial/prosecutorial considerations.

Informant Control Officer (ICO) - Officer controlling the confidential informant.

Informant Secondary Officer (ISO) - Serves as contact for the confidential informant when the control officer is unavailable and acts as a witness for the control officer.

Purpose:

Control confidential informant behavior by providing standard confidential informant management procedures and control forms for use by all Department personnel.

Maintain a secure confidential informant master file location where officers will check confidential informant applicant's history before starting covert activities.

Establish a system where supervisors ensure officers follow confidential informant control procedures, reducing the use of undesirable informants.

Assure accountability of funds provided to confidential informants, using standardized receipts approved by supervisors.

Policy:

The Investigations Bureau Commander can waive portions of this procedure in cases of extreme sensitivity where absolute confidentiality is necessary. Submit specific case information to the Investigations Bureau Commander on a Form 17. Hand-deliver the Form 17 through the appropriate chain of command.

Department personnel assigned to the Regional Narcotics Unit (RENU), Federal Bureau of Investigation (FBI) Task Force, and the Violent Crimes Task Force (VCTF) are exempt from this procedure. Personnel assigned to RENU will follow the Hamilton County Sheriff's procedure. Personnel assigned to the FBI Task Force and the VCTF will follow the FBI procedure.

CI's are assets of the Department, not specific officers. When ICOs retire, transfer, get promoted, or engage in mismanagement, the Department can reassign a CI to another ICO.

Relationships with CI's will remain strictly professional in nature. Social and business contacts are prohibited.

Never use contraband as compensation.

Interdepartmental mail will not be utilized for the delivery of CI documents. All documents regarding the use of CI's will be hand carried.

Procedure:

- A. A person must meet three criteria to establish them as a CI:
 - 1. The person is in a unique position to help the Department in a present or future investigation.
 - 2. The person will not compromise Department interests or activities.
 - 3. The person will accept the direction necessary to effectively use their services.
- B. Precautions When Dealing with CI's:
 - 1. Never provide CI's with knowledge of police facilities, operations, activities, or personnel.

2. Two police officers must be capable of contacting a CI. Two officers will be present at all contacts with CIs unless otherwise approved by a supervisor.
 - a. When dealing with CIs of the opposite sex or homosexual CIs, two officers will always be present.
 - b. Two officers will always be present when paying CIs.
3. Immediately document initial debriefing contacts with CIs on Form 277, CI Registration and Reliability Report.
4. Document all significant contacts with CIs on Form 277A, Controlling District/Section/Unit Debriefing Report. Examples of significant contact are:
 - a. Receiving information about criminals or criminal activity including information from phone conversations.
 - b. Any compensation made to CIs.
 - c. Any contact that results in an arrest or the execution of a search warrant.
 - d. The CI becomes involved in criminal activity.
5. Before starting informant activities, CIs will read, understand, and sign Form 278, Cooperating Individual Agreement; Form 280, Cooperating Individual Release of all Claims; and Form 281, Concealed Transmitter and Recording Consent.
6. ICOs cannot guarantee judicial or prosecutorial consideration without approval from the court.
7. Avoid revealing a CI's identity during court. Thoroughly discuss the CI's confidentiality with prosecutors before court proceedings.
 - a. Consider alternatives to revealing a CI's identity.
 - b. In situations where the disclosure of a CI's identity might adversely affect the outcome of a more significant investigation, officers may request dismissal of the immediate case.
 - 1) When requesting a dismissal, or intervening in the disposition of any case, follow Procedure 12.815, Court Appearance.
 - a) Hand-deliver requests through the appropriate chain of command.

C. Restricted Use CIs:

1. Restricted use CIs are:
 - a. Persons under 18 years old.
 - 1) Get permission from a parent or legal guardian before using juveniles as confidential informants.
 - a) Get the signature of the parent/legal guardian on Form 280.
 - b) Use juvenile CIs only to make controlled purchases of drugs, alcohol, or in other criminal investigations when circumstances are extraordinary and conventional investigative techniques do not produce results.
 - b. Persons having a history of drug or alcohol dependency.
2. Get permission from an immediate supervisor before using restricted use CIs.

D. Undesirable CIs:

1. Undesirable CIs are those who:
 - a. Commit an act which could endanger the life or safety of a police officer.
 - b. Reveal the identity of a police officer to suspects, or in any other way compromise an official investigation.
 - c. Try to use the Department to further criminal goals.
 - d. Provide false or misleading information to police officers.
 - e. Engage in conduct that brings discredit or embarrassment upon the Department.
2. The use of an undesirable CI requires the permission of an immediate supervisor.
 - a. A Form 17 will be initiated by the Intelligence Section informing the ICOs supervisor the CI is undesirable. The supervisor will return the Form 17 to the Intelligence Section indicating his approval/disapproval of the CI's use before the CI is used.

- E. Informant Control Officer (ICO) Responsibilities:
1. Use Department approved forms for management and control of CIs.
 2. Contact the Intelligence Section (Monday-Friday 0800-1600) to determine if using a CI will conflict with use by other Department personnel.
 - a. An immediate supervisor will contact the Police Communications Section and request recall of Intelligence Section personnel when needing information on critical cases.
 3. When possible, contact former control officers for more information.
 4. Check and report on the reliability of CIs with immediate supervisors.
 5. Using persons on probation or parole as CIs.
 - a. Persons under the authority of the Federal Court System (parole/probation/awaiting trial) will not be used by Department personnel as CIs.
 - 1) Control of federal defendants is by the sponsoring federal agency that brought the charges before the federal court.
 - b. Use state court probationers/parolees by complying with the following guidelines:
 - 1) Contact the person's probation/parole officer.
 - a) Advise of the person's intention to be a CI.
 - b) Request approval and cooperation.
 - c) Obtain the person's conditions of probation/parole.
 - 2) Inform the CI:
 - a) All conditions of probation/parole must be obeyed.
 - b) That his probation/parole officer was informed of intent to be used as a CI.
 6. Conduct debriefings.
 - a. Document significant debriefings in detail on Form 277A. Submit debriefings to the immediate supervisor.
 - b. Debrief CIs every time a significant contact occurs during current investigations.

- c. For general intelligence gathering purposes, ICOs will contact and debrief CIs that have not been heard from at least quarterly. Submit completed Forms 277A to immediate supervisors.
- d. CIs not debriefed within a year become inactive and require new registration before use.
 - 1) Immediately send a closing Form 277A to the Intelligence Section indicating inactive or undesirable status.
- e. Use the original CI number issued by the Intelligence Section when activating former CIs. Activating an inactive or undesirable CI requires the same procedure as the initial registration.

F. Immediate Supervisor Responsibilities:

- 1. Securely hand-deliver the proper documentation to the Intelligence Section.
 - a. Inquire into the financial aspects of criminals, including:
 - 1) Real estate, automobiles, bank accounts, and businesses owned by suspects.
- 2. Send information on crime in other jurisdictions to the appropriate law enforcement agency.
- 3. Ensure ICOs register and manage people who meet the criteria as CIs.
- 4. Ensure ICOs receive and document approval for using persons with backgrounds that require their classification as restricted use CIs.
 - a. Ensure ICOs exercise strict control measures on CIs who have a history of drug or alcohol dependency.
 - b. Prohibit ICOs from using CIs for random investigations of drug treatment programs for the sole purpose of determining the identity of persons enrolled.
 - c. Identify people who ICOs cannot control effectively and prohibit or restrict their use.
- 5. Ensure payments to CIs are not excessive and include an approved and witnessed Form 279, Confidential Informant Receipt.
- 6. Review CI records with unit commanders.
- 7. Strictly adhere to all provisions of this procedure.

G. District/Section/Unit Commander Responsibilities:

1. District/section/unit commanders will review all CI records with the ICO supervisor to ensure proper usage.
2. Submit to Intelligence Section by June 1st and December 1st a list of active CIs by CI number.
3. Review and audit payments to CIs.

H. Intelligence Section Responsibilities:

1. Intelligence Section will maintain a master CI file containing all original CI forms used by the Department. The Intelligence Section will:
 - a. Issue CI identification numbers after receiving the completed and approved confidential informant forms.
 - b. Compare CI signatures on Form 279A, Confidential Informant Receipt Part I with the CI signature on original CI registration forms. Notify the unit commander when discrepancies are noted.
 - c. Notify ICOs when obvious conflicts of interest occur.
 - d. Notify an ICOs supervisor, by Form 17, when a CI is undesirable.
 - e. Direct appropriate inquiries by field officers to current or previous ICOs.
 - f. Tell ICOs when other officers make inquires about their currently controlled CI.
 - g. Deactivate CI records not used or updated within a year.
 - 1) Ensure control units deactivate CIs not used within a year.

I. Confidential Informant Forms, Documents, and Photographs:

1. Form 277, Confidential Informant Registration and Reliability Report.
 - a. ICOs will complete a wanted and history check on all CIs via RCIC and NCIC.
 - 1) Take appropriate enforcement action on wanted CIs, and notify the immediate supervisor.
 - b. Confirm new adult CI applicants have fingerprints on file at the Warrant/Identification Unit for comparison to ensure positive identification.

- c. In the space provided on Form 277, take fingerprints of the CIs left four fingers. Have the Warrant/Identification Unit compare them with the fingerprints on file for positive identification and have the deputy sign the confirming space on the Form 277.
 - 1) Juveniles are not fingerprinted for use as CIs. If the juvenile has been arrested for a crime, ORC 2151.313 must be followed.
- d. Make a complete set of fingerprints from adult CI applicants not having prints on file.
 - 1) ICOs can roll CI applicant fingerprints in the field.
 - a) Roll fingerprints on a Bureau of Criminal Identification (BCI) Civilian Identification ten print card and an FD-249 ten print fingerprint card.
 - b) Submit CI applicant fingerprint cards to the Criminalistics Squad for processing.
- e. ICOs who cannot roll legible fingerprints will respond to the Criminalistics Squad with CI applicants for fingerprinting.
 - 1) The Criminalistics Squad operates 0800-1600 and 2000-0400 hours, seven days a week.
 - a) Contact the Criminal Investigation Section Commander for fingerprinting CIs in cases of extreme sensitivity.
 - 2) When requested, Criminalistics Squad personnel will take fingerprints of CI applicants and send them to the proper agencies for identification.
 - a) On the BCI and FD-249 fingerprint cards, in the space requiring a charge, the Criminalistics Squad will insert the term "Criminal Inquiry."
- f. Use CIs on a provisional basis while awaiting confirmation of identification from the Criminalistics Squad.
 - 1) The Criminalistics Squad will contact ICOs for transporting returned, completed fingerprint cards for placement into the CI master file at the Intelligence Section.
- g. On the Form 277, in the CI reliability section on the back of the form, include the reason for the person becoming a CI, with the initial debriefing.

2. Form 277A, Controlling District/Section/Unit Debriefing Report .
 - a. Record entries on the Form 277A after every significant contact with a CI.
 - 1) Sign and date each entry.
 - 2) Make changes to the CI's personal profile when needed.
 - 3) Complete whenever CIs are paid.
 - 4) Deliver updated Forms 277A to the Intelligence Section.
3. Form 278, Cooperating Individual Agreement, and Form 280, Cooperating Individual Release of All Claims.
 - a. ICOs will ensure CIs understand and sign the Form 278 and Form 280.
 - b. ISOs or immediate supervisors will witness the signing of the Form 278 and Form 280.
4. Forms 279A and 279B, Confidential Informant Receipts Parts I and II.
 - a. Conform with Procedure 12.620, Criminal Pursuit Fund, when disbursing funds to CIs.
 - b. When providing funds to CIs, the ICO will complete Form 279A and 279B.
 - 1) Include the CI number on both portions of the receipt.
 - 2) A brief statement on the Form 279A will include what service the CI gave.
 - 3) The CI will sign the Form 279A using his real name.
 - 4) Immediate supervisors will review and approve all payments to CIs.
 - 5) Keep completed Form 279B receipts and a copy of the Form 277A at the control unit.
 - 6) Attach the Form 279A to the original Form 277A and forward to the Intelligence Section.
5. Concealed Transmitter and Recording Consent (Form 281).
 - a. Complete a Form 281 before using transmitter/recording devices on any person other than a police officer.

6. Photographing CIs.
 - a. Take two photographs of all adult CIs. Take new photographs when their appearance changes significantly.
 - 1) Deliver one to the Intelligence Section with the initial Form 277.
 - 2) Keep the other photograph at the control unit. Only the code name or number should identify the photograph.
 - b. Juveniles are not photographed by police for use as CIs. A picture furnished by a parent or guardian would be permitted. If the juvenile has been arrested for a crime, ORC 2151.313 must be followed.
- J. Delivery of Confidential Informant Forms, Documents, and Photographs:
 1. After supervisory review and approval, immediately hand deliver all completed CI forms, documents, and photographs to the Intelligence Section.
 - a. After receiving the completed and approved forms/documents, the Intelligence Section will issue CI numbers to control units. Once issued, this number will remain with the CI throughout their use and will never be issued again.
 - 1) Record the CI number on all future forms, documents, or pictures instead of the CI's actual name.
 - 2) Record the CI number on the Criminal Pursuit Fund Expense Report (Form 680) instead of the CI's actual name.
- K. Control Unit Records on Confidential Informants:
 1. Control units will maintain the following:
 - a. CI code books with:
 - 1) The CI code number issued by the Intelligence Section.
 - 2) The name of ICO and ISO.
 - 3) The date of establishment.
 - 4) The nickname or code name of the CI used by the controlling unit.
 - b. Updated copies of Forms 277A using only the CI code number and code name as identity.
 - c. Completed Forms 279B.

- d. A current photograph of adult CIs.
 2. After inactivation of a CI, control units will forward all records to the Intelligence Section where the master file is kept. A new sign up is required before use of an inactive CI.
- L. Controlled Purchases Using Confidential Informants:
1. Get permission from an immediate supervisor before making controlled purchases.
 2. When possible, use CIs to introduce police officers to make purchases.
 3. Use a concealed body transmitting device and/or recording devices on CIs whenever possible.
 - a. Never destroy recordings before the conclusion of court proceedings, including appeals.
 4. Search all CIs before and after conducting a controlled purchase of drugs.
 - a. The Strip Search Law (ORC 2933.32) does not apply to the voluntary search of CIs.
 - b. Tell an immediate supervisor whenever a strip search of a CI occurs.
 - c. Male officers will search male CIs, female officers will search female CIs.
 5. Currency used in controlled purchases.
 - a. Make an enlarged photocopy and record serial numbers.
 - b. Two officers will witness buy money given to CIs.
 6. When possible, use two or more officers for surveillance of CIs during controlled purchases.
 7. File appropriate criminal charges on CIs fleeing or trying to flee with funds or proceeds of controlled purchases.
 - a. Notify the Investigations Bureau Commander on a Form 17 when CIs flee with funds or proceeds. Hand-deliver the Form 17 through the appropriate chain of command.
 - 1) Include the report in the CIs file after the Investigations Bureau Commander reviews the incident and recommends action.

- M. Search Warrants Based on Confidential Informant Supplied Information:
1. Confirm information supplied by CIs used in the drafting of search warrants.
 - a. Officers acting as affiants must see the exact location, for example, house, apartment, floor and door, where correct entry will be made for the service of all search warrants.
 - b. Supervisors will confirm officers have personal knowledge before approving plans for the service of search warrants.
 - c. Affiants and their supervisors must direct and control others that help with the service of search warrants.
 - 1) When necessary, affiant officers will show exact entry locations to other units that help with initial entries, e.g., SWAT, uniformed units, other agencies.
 - 2) For more information, review Procedure 12.700, Securing and Service of Search Warrants.

12.135 REPORTING FALSE ALARMS ON A FORM 315

References:

Chapter 807, Cincinnati Municipal Code: Alarm Businesses and Alarm Systems
City of Cincinnati Ordinance 108-5
City of Cincinnati Ordinance 448-1986
City of Cincinnati Ordinance 0147-2003
City of Cincinnati Ordinance 0256-2003

Purpose:

Establish Form 315, Alarm Response Report, as the uniform method for documenting a false holdup, burglar, audible, or panic alarm.

Improve the effectiveness of alarm systems.

Reduce the number of false alarms.

Document false alarms resulting from defective alarm equipment and/or subscriber negligence.

Provide information for determining fees.

Policy:

Department personnel will respond to and investigate all audible, burglar, holdup, and panic alarms. Officers will exercise due caution when investigating these alarms and shall continue to do so until the alarm is proven to be false or, prior to an officer's arrival, the alarm is cancelled by the alarm company through Police Communications Section (PCS).

The Department may impose fees for multiple false alarms from the same user pursuant to Cincinnati Municipal Code, section 807.

Procedure:

A. Form 315, Alarm Response Report:

1. A Form 315 will be completed for the following false alarms:
 - a. Signal 6: holdup alarm
 - b. Signal 66: direct line holdup alarm
 - c. Signal 7: burglar alarm
 - d. Signal 77: recorded burglar alarm
 - e. Robbery Apprehension Program (RAP) alarm

- 1) In addition to completing a Form 315, the investigating officer will immediately contact the Criminal Investigation Section desk with the false RAP alarm information.
- f. Audible alarm on structures
- g. Panic alarm
- h. Panic alarm from vehicles
 - 1) These include audible or silent duress alarms activated by a vehicle occupant and transmitted to an alarm company. They do not include audible alarms indicating vehicle tampering or break-in.
2. Do not complete Form 315 for:
 - a. Offenses that will be documented on a Cincinnati Police Department Incident Report.
 - b. An alarm activated by an officer during the investigation of a Place Found Open (PFO) (see Section B.).
 - c. A false fire box alarm.
 - d. An audible tampering alarm from a vehicle.
 - e. False alarms cancelled by the alarm company through PCS, prior to police arrival.
 - 1) Personnel should record the disregard on their Form 436A Daily Activity Record
3. Preparing a Form 315:
 - a. The following information is mandated by the City's alarm ordinance. PRINT all information neatly and accurately. Form 315 is reference material for alarm appeal hearings and municipal court.
 - 1) DATE - Date of dispatch.
 - 2) TIME - Time of dispatch.
 - 3) DISTRICT/BEAT - Location where the alarm occurred.
 - 4) NAME - Record the full name of the business or resident subscriber.
 - 5) REGISTRATION NUMBER - is provided by the alarm company of the registered alarm user, in the text of the radio run. If no registration number is provided, enter "NONE" in the box.

- 6) ADDRESS - Be specific. Include the zip code to allow for proper billing of the subscriber.
- 7) APARTMENT, BUILDING, ETC. - In addition to the street address, include the apartment number, building number, etc.
- 8) ALARM LOCATION - Record, if known, the exact location of the alarm (i.e. front door, 1st floor rear window, etc.).
- 9) SIGNAL - Record the proper signal for the type of alarm. (Refer to Section A.1.a through g.)
- 10) RESIDENTIAL, BUSINESS, OTHER - check the appropriate box for the type of premise.
- 11) ALARM COMPANY - Record only if known (e.g., information from PCS, owner or company representative).
- 12) ALARM COMPANY RESPONDED - Check the appropriate block.
 - a) If an alarm company representative responds while the police are at the scene, record the name of the individual.
- 13) OWNER/REPRESENTATIVE NOTIFIED - On alarms where an owner/representative is notified while the police are present, record the individual's name and obtain their signature. The False Alarm Reduction Unit (FARU) will mail the yellow copy of the Form 315 to the registered alarm user along with a letter of notification.
 - a) If unable to obtain a signature from the owner/representative, process Form 315 as described in A.4.a. No further attempt to obtain a signature is required.
- 14) OFFICER NAME, BADGE NUMBER - Enter the notifying officer's name and badge number. (PRINT)
- 15) ABLE TO SEARCH PREMISES - Check the appropriate block describing the extent of the search.
- 16) K-9 - Note the involvement of a canine team, if applicable.
- 17) CAUSE - This is the reporting officer's judgment, based upon known facts and observations while at the scene. Use additional comments if needed.
- 18) WEATHER - Check the appropriate block based upon the officer's observations at the time of dispatch and arrival.

- 19) OTHER COMMENTS - This space is available for any relevant information. For example, the reporting officer may note an area-wide power outage at the time of the alarm. Report any information which will help the subscriber improve the alarm system. Use the back of the form if necessary.
- 20) REPORTING OFFICER - Provide the name, rank, and badge number of the reporting officer. This officer need not be the officer dispatched or first at the scene. However, the reporting officer must have been on the scene during the alarm investigation.
- 21) SUPERVISOR - The reviewing supervisor will check the form for completeness and accuracy, then sign his name, rank, and badge number.

NOTE: Under Cincinnati Municipal Code, Section 807-11, alarm users are responsible for multiple false alarms sent by alarm systems on premises under their control.

If alarm users have problems with their alarm system, they should contact their alarm company representative immediately. Failure to correct the problem can lead to the assessment of administrative fees. The paragraphs above are printed on back of Form 315 and should be noted to alarm users.

4. Routing Form 315:
 - a. Using interdepartmental mail, the collator will forward the white and yellow copies of the completed Form 315 to the False Alarm Unit, in care of the Law Department daily.
 - b. The False Alarm Unit of the Law Department will:
 - 1) Review each Form 315 for completeness and accuracy.
 - 2) Compare the report with the PCS computerized summary of alarms.
 - a) If a Form 315 is not received, notify the affected unit commander.
 - 1] The unit commander will take the necessary action to ensure the False Alarm Unit of the Law Department receives the required Form 315.
 - 3) Correct the Form 315 as necessary.
 - 4) Enter the Form 315 into the computerized file.

- 5) Charge alarm users for false alarms as authorized in City Ordinance 448-1986. The yellow copy of the Form 315 will be mailed with the invoice.

B. Burglar Alarms Activated by Officers Checking a Place Found Open:

1. Do not complete Form 315.
2. Complete a Form 317 titled, "Place Found Open".
 - a. In the section titled "Action Taken," state the investigating officer activated the alarm while searching the premises.
3. Submit the completed Form 317 for supervisory approval.
4. Supervisor will route the completed Form 317 to the collator for submission to Records Section.
5. This alarm activation will not be counted against the alarm user.

12.140 CANINE OPERATIONS

Reference:

Procedure 12.141 - Narcotic Detection Canines
Procedure 12.545 - Use of Force
Procedure 12.905 - Fingerprinting and Photographing of Juveniles
Procedure 19.105 - Sick/Injured With Pay & Special Leaves

Definitions:

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

To familiarize Department personnel with canine operating procedure and policy that incorporate the handler-controlled alert curriculum and to ensure the best use of canine teams. This curriculum is implemented to prevent, through canine training and handler control over the canines, any bite except for those occurring under the circumstances specified in section A.3.e. below.

Educate supervisors on the appropriate uses of canine teams to ensure effective utilization and management in deployment situations.

Policy:

The primary use for Department canine teams is as a finding tool. Once a suspect is located, with limited exceptions, the handler will restrain the canine and summon sufficient personnel and equipment to make the apprehension. Force, including a canine, is never to be used against a compliant subject who is submitting to arrest.

Off-leash deployments, searches, and other instances where there is a significant risk of a canine bite to a suspect shall be limited to searches of commercial buildings or instances where the suspect is wanted for an offense of violence or is reasonably believed to have a weapon.

Patrol canine teams are normally assigned to such tasks and areas as directed by the Special Services Section Commander. Handlers will maintain control of the canine and be diligent to ensure the safety of the general public.

Except for training purposes, no teasing, petting, or feeding of the canines by police or civilian personnel is permitted without the handler's consent.

Information:

The Cincinnati Police Department utilizes three types of canine teams:

- Patrol
- Explosives Detection
- Narcotic (Drug) Detection

Police canines are not infallible. Their effectiveness depends largely upon the intelligent application of their capabilities. Police canines react instinctively to situations. Anyone making a sudden or threatening move toward the canine or handler risks the chance of the canine engaging and causing injury.

Do not enter a search area before the canine team arrives. Police canines can pick up the scent of a suspect for a reasonable time after he has fled provided there is no contamination of the scene.

Canine teams will normally respond to all major crimes where their presence would aid in an arrest.

Canine teams are assigned to the Park Unit and are normally available 24 hours a day. In cases of emergency, when no canine teams are on-duty, a canine team may be recalled through Police Communications Section (PCS). PCS will recall canine teams using a specific rotation schedule.

District commanders may request canine teams for special or extended assignments through the Special Services Section Commander.

Procedure:**A. Use of the Patrol Canine:**

1. An on-duty Canine Squad supervisor must authorize a canine deployment (canine released from the car or announcement made that canine will soon be released). The supervisor in charge of the scene will make the decision to deploy a canine team if an on-duty Canine Squad supervisor is unavailable.
 - a. The supervisor must respond to the scene.
 - b. The supervisor must consider all three of the following criteria, and ensure at least one of them is met, before authorizing an off-leash canine deployment:
 - 1) Search of a commercial building;
 - 2) Suspect is wanted for a crime of violence; or
 - 3) Supervisor reasonably believes that suspect has a weapon.

2. Canine teams may be requested to the scene by any unit believing canine assistance will be helpful. A supervisor (as defined above in A.1.) must authorize the actual deployment of the canine. The approving supervisor shall not serve as a canine handler in the deployment.
3. The canine handler will:
 - a. Ensure the canine is secure in the police vehicle except when directly involved in a police function or the handler anticipates imminent use.
 - b. Canines will be kept on lead in areas where the public has access and contact is a probability, unless the animal is being used for a police purpose (see section A.1.b. above for off leash deployment requirements).
 - c. Recommend to the on-scene supervisor the best tactical application and deployment of the canine.
 - d. If the handler's Standard Operating Procedures (SOPs) and the on-scene supervisor's interpretation of the best tactical application and deployment of the canine conflict, the on-scene supervisor will contact the Canine Squad supervisor. If the Canine Squad supervisor is not available, contact the following personnel in order:
 - 1) Park Unit supervisor.
 - 2) Park Unit Commander.
 - 3) Special Services Section Commander.
 - e. Canine handlers will only allow their canines to engage a suspect by biting if the suspect poses a risk of imminent danger to the handler or others or is actively resisting or escaping. In the case of concealment, consistent with the use of force policy, handlers will not allow their canine to engage a suspect by biting if a lower level of force could reasonably be expected to control the suspect or allow for the apprehension. Imminent danger means a suspect is armed with a weapon or other instrument capable of producing significant bodily injury.
 - f. In instances where a canine apprehends a suspect by biting, the handler will call the canine off at the first moment the canine can be safely released, taking into account that the average person will struggle if seized or confronted by a canine. Struggling alone will not preclude the release of the canine.

4. Tracking:

- a. All tracking is done with the canine on leash. A canine team may be used to conduct a track if the suspect is wanted for a felony, a crime of violence, or is reasonably believed to be armed. Whenever a canine team is deployed for the purpose of performing a track, the handler will announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The announcement will be made unless the supervisor authorizing the deployment reasonably believes that the suspect is armed and the verbal warnings will cause unnecessary danger to the officer or others. If an announcement is made, the canine handler shall wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender.

B. Tracking Guidelines

1. No one will follow the canine team on the track unless directed by a supervisor.
2. Canines will not search for other animals.
3. In extreme cases, canine teams may search for lost or missing persons. Before authorizing the use of a canine team, the supervisor must weigh the urgency of locating the person with the risk of the person being engaged by the canine.

C. Building Searches

1. A canine team may be used to conduct a search of a commercial building. Whenever a canine team is deployed for the purpose of performing a commercial building search, the handler will announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The canine handler issuing the announcement shall wait a sufficient period of time between the announcement and the canine deployment to allow the suspect to surrender. If the building is large, the handler will repeat the announcement loudly and clearly as the search proceeds onto different floors or parts of the building where the initial announcement may not have been heard.
 - a. If a breaking & entering offense is discovered at a school, officers will investigate the nature and extent of the offense before requesting a canine unit. Many breaking & entering offenses at schools involve juveniles who engage in petty theft and/or vandalism. Conversely, some breaking & entering offenses occurring at schools are committed by adults intent on significant theft, such as computers and other valuable equipment.

- 1) Officers at the scene of a school-related breaking & entering offense will investigate to determine if the offense appears to be primarily theft-related or primarily vandalism-related.
 - 2) Canine units will not be used to conduct a building search for vandalism-based breaking & entering offenses at schools. If reasonable suspicion exists that the offense is primarily theft-related, the canine unit may be used to conduct a building search, under the building search guidelines above.
 - 3) If no reasonable suspicion exists to indicate whether a breaking & entering offense at a school is primarily theft-related or primarily vandalism-related, then canine units will not be used to conduct a building search.
- b. Canine units will not be used to search a residence except in extraordinary circumstances.
 - 1) The risk of innocent persons and pets being mistakenly engaged in a residence by the canine is too great.
 - c. Canine units will not be used to conduct a building search on a Place Found Open (PFO) unless reasonable suspicion of a breaking & entering offense is present. If so, a canine team may be used under the building search guidelines above.

D. Article Searches

1. Canine teams can locate articles by alerting to the residual human scent adhering to the article.
2. Canine teams dispatched for evidence or property searches at a crime scene or incident will:
 - a. Meet with the on-scene supervisor regarding the property sought.
 - b. Announce loudly and clearly that a canine will be deployed and that anyone approached by the canine should surrender and remain still. The canine handler shall wait a sufficient period of time between the announcement and the canine deployment to allow anyone on the scene to surrender.
 - c. Refrain from using the canine to search for evidence in areas that present a danger to the team, including drug searches when chances of the canine ingesting or inhaling narcotics are high.

E. Canine Bites

1. Whenever a canine-related injury occurs, immediately render first aid to the injured person and summon medical assistance from the Cincinnati Fire Department (CFD). Further medical attention will be handled by being transported to a hospital.
 - a. The handler will complete a Form 316, Minor Accident/Aided Case/Mental Health Response Report, in all cases of injury from canines.
2. In the following order, the supervisor who authorized the deployment will notify one of the following supervisors, who will assume responsibility for the investigation:
 - a. The on-duty Canine Squad supervisor (if not involved in the deployment order);
 - b. The on-duty Park Unit supervisor; or
 - c. If the Canine Squad or Park Unit supervisor is not available, the on-scene supervisor will then become the investigating supervisor. If the on-scene supervisor ordered the deployment, then another on duty supervisor will be responsible for the investigation.
3. The investigating supervisor will thoroughly investigate and document the incident.
 - a. While still on the scene, notify a command officer using the following order:
 - 1) Special Services Section Commander.
 - 2) District Commander.
 - 3) Night Chief, if during the night hours.
 - 4) Duty officer.
 - b. Photograph the injuries.
 - 1) If photographs of juveniles are taken, the supervisor will follow Procedure 12.905, Fingerprinting and Photographing of Juveniles.
 - 2) Ensure a full body photograph of the arrested is taken along with pictures of the injury.

- c. Tape record statements from:
 - 1) Arrestee.
 - 2) Handler.
 - 3) All witnesses who observed the apprehension.
- d. Complete a Form 652, Release of Medical Record Information.
 - 1) If the arrested refuses to sign the release, write "Refused" in the signature block.
 - 2) The original is to be retained by the investigating supervisor and is to be forwarded through channels in the Use of Force case jacket in case there is a future need to obtain medical records.
- e. Interview the treating physician about the extent of the injuries.
 - 1) If the physician approves, tape record the interview.
 - 2) If the arrested is not treated before the end of the investigating supervisor's tour of duty, note "arrested still undergoing treatment" on the Form 18C.
- f. Prepare a Form 18C according to Procedure 12.545, Use of Force.
- g. A separate Form 18C should be completed when two or more persons are bitten during the same incident. Each Form 18C should be documented with sequential ETS case numbers. Example 2008-102767.1 and 2008-102767.2
- h. The investigating supervisor will work-flow the completed Form 18C and all computer attachments, as well as forward all original forms, photos, tapes and copies of applicable MVR/DVRs to the Special Services Section Commander for review.
 - 1) When work-flowing the Form 18C and attachments "Add Notification" to the following units:
 - a) Patrol Bureau.
 - b) Inspections Section.
- i. If the Form 18C is not complete and the investigating supervisor needs to retain the document to complete their investigation, they should work-flow the document to themselves while still notifying the above listed units by the "Add Notification" function. **Do not** use the "Add Recipient" function.

F. Use of Canine Teams Outside City Limits

1. The intended use of the canine team must adhere to Cincinnati Police Department guidelines.
2. Approval must be by a CPD captain or higher.
 - a. If a captain or higher is not available, a Special Services Section supervisor may give authorization.
 - b. If a captain or higher or a Special Services Section supervisor is not available, obtain approval from the OIC of the nearest district.
3. The OIC, before giving approval, will check with PCS to ensure the requesting agency is on the mutual-aid agreement list.
4. Statutory limitations prohibit out of state requests for service.

G. Reporting

1. In addition to maintaining a complete list of canine bites, the Canine Squad will also document canine deployments and canine apprehensions (whenever a canine is deployed and plays a clear and documented role in the capture of a person).
2. On a monthly basis, the Canine Squad will calculate bite ratios (the number of bites divided by apprehensions) by Squad and by individual canine teams.

12.141 NARCOTIC DETECTION CANINES

Reference:

Procedure 12.140, Canine Operations
Procedure 12.545, Use of Force
U.S. Supreme Court Decision, *Illinois v. Caballes*
U.S. Supreme Court Decision, *U.S. v. Ross*

Policy:

Narcotic detection canines are extremely effective when used within the boundaries set by the courts.

Obtain a search warrant or consent to search before using narcotic detection canines to sniff areas where defendants have the right to privacy; e.g., homes, places of residence.

An officer does not need reasonable suspicion for a dog to sniff the outside of an automobile during a traffic stop. However, a traffic stop can become unlawful if the officer prolongs the stop beyond the time reasonably required to issue a traffic citation.

When specific, articulable facts cause an officer to suspect illegal drug activity has occurred, is occurring, or is about to occur, then the car and occupants can be detained so that a narcotic detection canine can sniff the outside of the car. If the canine alerts to contraband inside the car, probable cause now exists to search the passenger area of the car and any containers within the passenger area without a search warrant. If the canine alerts to contraband in the trunk, the trunk and any containers within the trunk may be searched without a search warrant.

A narcotic detection canine may sniff an area to gain probable cause for obtaining search warrants for private property in public places; e.g., lockers in bus terminals and schools (with permission of person in charge).

Narcotic detection canines are not infallible. Their effectiveness depends on the intelligent use of their capabilities by department personnel. Handlers will maintain control of the canine and be diligent to ensure the safety of the general public.

Procedure:**A. Use of Narcotic Detection Canines**

1. Narcotic detection canines and handlers are assigned to Central Vice Control Section (CVCS) and are normally available from 1100 to 0300 hours. If Cincinnati Police Department narcotic detection canines are not available, request the use of RENU narcotic detection canines.
2. Cincinnati Police Department narcotic detection canines will be primary responders. The canines are to be utilized to develop probable cause in compliance with search and seizure standards. The canine handlers will provide information for best application of the canine.
 - a. When a narcotic detection team is not working, PCS will contact a CVCS supervisor for recall of a narcotic detection canine team.
3. Only assigned handlers will conduct searches with narcotic detection canines.
 - a. The handler is responsible for the safe and effective use of the narcotic detection canine.
4. Narcotic detection canines can detect the following substances:
 - a. Cocaine/Crack
 - b. Heroin
 - c. Hashish
 - d. Marijuana
 - e. Opium
 - f. Methamphetamine
 - g. Ecstasy

B. Building Searches

1. Secure the search area.
 - a. All officers will remain out of the area to be searched until notified by the canine handler the search is completed.
2. Remove all persons and animals from the search area.
 - a. If unable to remove persons/animals, place them in one restricted area.

3. Do not follow or get close to the canine when he is working unless requested by the handler.
 4. Advise the handler of anything that could injure the canine; e.g., needles, broken glass, drugs in plain view, etc.
 5. Keep noise to a minimum when the canine is searching.
- C. Persons Injured by Narcotic Detection Canines
1. A supervisor will complete necessary reports in accordance with Procedure 12.140.
 2. A RENU supervisor will report canine bites involving Cincinnati Police Department narcotic detection canines assigned to RENU on a Form 18C, Use of Canine. If a RENU supervisor is unavailable, a shift supervisor will complete the report.
 3. A police supervisor will complete a Form 91SP, Supervisory Investigation of Employee Injury, in addition to a Form 316, if a Police Department employee is injured by a narcotics detection canine.
 - a. If the police officer's supervisor is unavailable, a supervisor from the district where the injury occurred will complete the report.
- D. Prohibited Use
1. Do not use narcotic detection canines to search people.
 2. A narcotic detection canine's reaction on finding narcotics is normally aggressive. Therefore, do not engage narcotic detection canines in covert or undercover searches.
 3. Narcotic detection canines are trained to interact and communicate exclusively with their handlers.
 - a. Police personnel are not to tease, pet, feed, or interact with these canines, since these actions can reduce their effectiveness.

E. Reports

1. Handlers of department owned canines will maintain a continuous record of all instances of narcotic detection canine usage.
 - a. RENU will maintain all records concerning RENU owned canines.

12.142 MOUNTED SQUAD

References:

Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming
Procedure 12.035 - Reporting Police Vehicular Accidents and Damage
Procedure 19.105 - Sick/Injured with Pay and Special Leaves

Purpose:

Familiarize Department personnel with the functions and capabilities of the Mounted Squad.

General Information:

The effectiveness of the mounted unit depends upon intelligent use of its capabilities. The Mounted Squad supervisor or officer will decide which services the horse and rider are capable of providing.

Mounted units are extremely mobile. They quickly cover terrain which hinders vehicles or foot officers (e.g., housing projects, heavily congested areas, parks, woods, etc.).

Mounted units can provide all patrol functions except transporting personnel or prisoners. Only in emergency situations will the mounted officer leave the horse unattended.

Procedure:

A. Mounted Squad Uses:

1. Foot pursuit situations
2. Provide increased police presence in high crime areas
3. Search for missing persons, suspects, or physical evidence in large or wooded areas
4. Crowd control situations
 - a. A district supervisor may request a mounted unit respond to the scene of a crowd. Often the presence of a mounted unit can prevent an escalation of the situation.
5. Respond to spontaneous incidents anywhere in the city. Response time is approximately 45 minutes depending upon available personnel and transportation.
 - a. Mounted units will not respond outside the city limits except at the direction of a police captain or above.
6. Respond to incidents occurring in their assigned areas

B. Requests for Mounted Squad Response:

1. Request mounted units through Police Communications Section (PCS) for situations outlined in Section A. PCS will notify the Mounted Squad or Park Unit supervisor.
2. Submit a Form 17 through channels to the Support Bureau Commander for planned events or when expecting large crowds.

C. Personal Injury/Property Damage by Police Horses:

1. If injury involves a Department employee, refer to Procedure 19.105, Section E.
2. If property damage is Department property, refer to Procedure 12.020, Section G.
3. If injury/damage is to other than Department personnel/property, refer to Procedure 12.035, Section C.

12.143 EXPLOSIVE ORDNANCE DETECTION CANINE OPERATIONS

Reference:

Procedure 12.300 – Investigation of Bombs and Bomb Threats, Disposal of Dangerous War Souvenirs and Explosives

Purpose:

Familiarize Department personnel with Explosive Ordnance Detection (EOD) canines operating policies and procedures.

Policy:

EOD canines are assigned to tasks and areas by the Tactical Planning Unit Commander. However, the Department may use them for any situation requiring police action where their use will further the police mission. Handlers will maintain control of the canine to ensure the safety of the public.

The handler will ensure the dog is secure in the police vehicle except when directly involved in a police function or the handler anticipates imminent use. Canines will be kept on a lead in areas where the public has access and contact is probable, unless the animal is being used for a police purpose.

Information:

EOD canines are not infallible. Their effectiveness depends largely upon the intelligent application of their capabilities. EOD canines can be used to augment a search by detecting the odor of the most common explosive substances.

EOD canine teams should be utilized for:

- Investigating suspicious packages and bomb threats.
- Identifying possible secondary devices, if an explosive device has been located.
- Sweeping the staging areas of critical incidents or incidents with the potential to be a terrorist incident for suspicious packages and possible secondary devices.

Except for training purposes, no teasing, petting, or feeding of the canines by police or civilian personnel is permitted without consent of the handler.

EOD canine teams are assigned to the Tactical Planning Unit and normally work Monday through Friday, 0800-1600 hours. They are available to be recalled 24 hours a day via Police Communications Section.

District commanders may request EOD canine teams for special or extended assignments through the Tactical Planning Unit Commander.

Procedure:

A. Use of the EOD Canine

1. The on-scene supervisor will make the decision to request an EOD canine team and will organize a search of the premises according to Procedure 12.300, Section A.4.
2. The EOD canine handler will recommend the best tactical application and deployment of the canine to the on-scene supervisor.
 - a. Since the EOD canine is used for a specific purpose, a clear understanding of how to properly use the canine is very important.
 - b. EOD canine handlers will determine the method and duration of EOD canine deployment.
 - c. If the handler's Standard Operating Procedure and the on-scene supervisor's interpretation of the best tactical application and deployment of the canine conflict, the on-scene supervisor will contact a Tactical Planning Unit supervisor.

B. Accidental Bites

1. First response is to render immediate first aid to the injured person and call for additional medical assistance, if necessary.
 - a. The handler will complete a Form 316, Minor Accident/Aided Case/Mental Health Response Report, in all cases of injury from canines. For instances involving police officers or other City employees see Section B.2.b.
2. The on-scene supervisor will notify an on-duty Tactical Planning Unit supervisor.
 - a. If an on-duty Tactical Planning Unit supervisor is not available, the incident will be investigated by a supervisor in the district of occurrence.
 - b. The supervisor will complete a Form 91SP, Supervisory Investigation of Employee Injury, in instances involving police officers or other City employees.

- c. While still on the scene, notify one of the following in this order:
 - 1) Tactical Planning Unit supervisor.
 - 2) Planning Section Commander.
 - 3) Night Chief, if during night hours.
 - 4) Duty officer.

C. Use of EOD Canine Teams Outside City Limits

- 1. The intended use of EOD canines must follow guidelines listed in the Procedure Manual and the Manual of Rules and Regulations and Disciplinary Process.
- 2. Approval must be given by a Department captain or above.
 - a. If a captain or above is not available, a Tactical Planning Unit supervisor may give authorization.
 - b. If a captain or above or a Tactical Planning Unit supervisor is not available, obtain approval from the OIC of the nearest district.
- 3. EOD canines may be used on request in the following counties:
Kentucky: Campbell, Kenton, and Boone; Indiana: Dearborn; and Ohio: Butler, Clermont, Hamilton, and Warren.

D. EOD Canine Officer Uniforms

- 1. EOD canine officers will wear the uniform of the day while attending court or involved in any extension of police service detail not utilizing their EOD canine.
- 2. EOD canine officers will wear the dark blue, tactical-type uniform pants and shirt whenever the officer is performing a search or training.

12.146 MARINE PATROL: WATERWAY ENFORCEMENT AND EMERGENCIES ON THE OHIO RIVER

References:

Cincinnati Municipal Code Chapter 411 - Wharves and Public Landing
 Procedure 12.020 - Uniforms, Related Equipment, and Personal Grooming
 Procedure 12.035 - Reporting Police Vehicular Accidents and Damage
 Procedure 12.145 - Critical Incident Response Plan
 Manual of Rules and Regulations - 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 8.03
 Ohio Administrative Code 1501.47- Division of Watercraft
 Ohio Revised Code Chapter 1547 - Watercraft and Waterways
 Ohio Revised Code Chapter 1548 - Watercraft Certificates of Title
 Ohio Revised Code Chapter 1901.027 - Ohio River Jurisdiction
 SB284 - 119th Ohio General Assembly
 Ohio v. Kentucky, 471 U.S. 153 (1985)

Purpose:

Provide uniform guidelines for Department personnel when investigating marine emergencies on the Ohio River or other waterways.

Provide guidelines for the use, care, and maintenance of the Marine Patrol vessel and equipment.

Policy:

The primary responsibility of the Marine Patrol is to provide security patrols of waterway infrastructures designated as Buffer Zone Protection Plan (BZPP) sites during elevated Maritime Security (MARSEC) levels and Homeland Security threat levels.

A secondary responsibility of the Marine Patrol will include navigating and when necessary, enforcing waterway laws on the Ohio River within the City of Cincinnati's river boundaries. Marine Patrol operators may navigate outside the specified boundaries if exigent circumstances exist, i.e.:

- A Priority 1, Priority 2, or Priority 3 incident.
- During elevated (MARSEC) levels or Homeland Security threat levels.
- At the request for assistance from a law enforcement vessel operating on the river.
- At the direction of the Tactical Planning Unit OIC.
- At the direction of the district commander.
- Emergencies outlined in Section A. 5. h. 2).

Only qualified personnel will operate the vessel. When not operating under elevated Maritime Security levels or Homeland Security threat levels, a minimum of two qualified personnel must be on board the vessel before being placed in operation on a waterway.

Whenever the vessel is underway, all persons on board the vessel will wear an approved United States Coast Guard (USCG) personal flotation device (PFD).

During routine river patrol and marine emergencies, Marine Patrol operators will report to the affected district/section/unit officer in charge (OIC).

During elevated MARSEC levels or Homeland Security threat levels, Marine Patrol operators will report to the Tactical Planning Unit OIC.

Information:

The Cincinnati Police Communications Section (PCS) is the central agency for initiating emergency notifications of agencies affected by marine disasters or potential marine disasters with the possibility of loss of life, in an area encompassing a 35-mile stretch. This area, beginning just east of the I-275 Bridge on the east side of Hamilton County and extending to the Ohio-Indiana border on the west, includes the Licking and Great Miami Rivers. Twenty-three different police agencies from Ohio and Kentucky are included in this area.

The Cincinnati Police Department operates a 23' SeaArk Marine Patrol Boat (vessel). When in tow, the vessel has a clearance height of 13'5" and cannot be operated under certain overpasses, i.e., 6300 Madison Road and the 300-400 block of Collins Avenue. All overpasses under 14' display placards indicating clearance height.

The Marine Patrol vessel is assigned to the Tactical Planning Unit and can be recalled 24 hours a day via PCS. Marine Patrol operators can deploy to the scene of an incident within two hours of being recalled. Tactical Planning Unit and PCS maintain a current list of qualified personnel permitted to operate the vessel.

Upon request, the Marine Patrol will provide assistance to jurisdictions with mutual aid agreements or under Homeland Security agreements.

Services include:

- Homeland Security missions during heightened terrorism threat levels as assigned by the U.S. Department of Homeland Security.
- Security missions during elevated MARSEC levels.
- Enforcement of state and local waterway laws. (The preferred course of action is to advise vessel operators to correct deficiencies to bring them into compliance with state and local waterway laws.)
- Investigation of boating accidents.
- Assistance to boaters in distress.

- Search/recovery of missing persons.
- Boating/water safety instruction.

The Marine Patrol vessel will be utilized to transport and provide a diving platform for the Hamilton County Police Association Underwater Search and Recovery Unit (USRU).

In addition to the above, the Marine Patrol is equipped to respond to marine disasters or potential marine disasters with the possibility of loss of life.

The affected district OIC will determine the priority of the marine disaster incident.

General Classes of Incidents:

- Priority 1 - Any incident with the potential to threaten significant amounts of the population or a large area of the river with the potential for a general evacuation.
- Priority 2 - An incident that presents a significant threat to a localized area or areas. A general evacuation is not needed; may require a local evacuation.
- Priority 3 - A serious accident or incident involving a manned vessel with fatality, injury, or the potential for same. Minimum threat to land base or river facility with no evacuation.

Procedure:

- A. Responding to Emergencies on the Ohio River
 1. Officers who become aware of an emergency situation on the river will contact PCS and provide the following information:
 - a. Nature of emergency (e.g., runaway barge, chemical spill, boat fire, drowning, etc.).
 - b. Location by river mile marker (if known), land address and/or prominent landmark.
 - c. If the emergency is moving, note direction and approximate speed.
 - d. Identification of vessel(s), person(s), and facilities involved.
 - 1) If the vessel has cargo, attempt to determine type of cargo. This information will facilitate the proper response.
 - a) Barges carrying flammable/combustible liquids display a red 3x4 foot pennant affixed to the hull.

2. Request the Cincinnati Fire Department (CFD).
3. Request the affected district OIC if incident appears to fall within a Priority 1, Priority 2, or Priority 3 classification.
4. PCS will:
 - a. Notify the CFD.
 - b. Notify the affected district OIC.
 - c. If necessary:
 - 1) Contact other potentially affected agencies, i.e., USRU, Boone County Water Rescue, Campbell County Water Rescue, Kenton County Water Rescue, Greater Cincinnati Water Works, Ohio Department of Natural Resources (ODNR), USCG, and relay necessary information.
 - d. When requested, make notification according to the Situational Occurrences Notification List.
5. The affected district OIC will:
 - a. Respond and evaluate the circumstances, if needed, initiate the following:
 - b. Request assistance from agencies equipped to handle waterway operations i.e., USRU, Boone County Water Rescue, Campbell County Water Rescue, Kenton County Water Rescue, Greater Cincinnati Water Works, ODNR, or the USCG.
 - c. Implement the Seven Critical Tasks according to Procedure 12.145 Section B.
 - d. Notify restaurants, head-boats at marinas, industrial and commercial sites along the river, etc., of the potential for danger and the possibility of evacuation.
 - e. Close the Public Landing, parks, or other riverfront recreational areas.
 - f. Close bridges affected or potentially affected by the emergency.
 - g. Prohibit waterway travel on the affected area of the river.
 - h. Request the Marine Patrol through PCS.
 - 1) Response time, nature and priority level of incident must be considered when requesting use of the Marine Patrol.

- 2) Emergencies which may require the use of the Marine Patrol include, but are not limited to:
 - a) Barge breakaway due to collision, grounding or loose mooring.
 - b) Loss of cargo which may impact population on the river bank, bridges, or river commerce (Note: cargo may be oil, hazardous materials, etc.).
 - c) Boat fire or explosion of a commercial passenger vessel (e.g., B & B Riverboats, the Anderson Ferry).
 - d) Sinking barge or vessel with occupants.
 - e) Boat collision with serious injury/death.
 - f) Waterfront facility fire or explosion.
 - 1] Floating restaurant, office, marina, or fuel dock.
- i. Ensure completion of all Department reports generated during the incident (Form 318, Conditions Affecting Other Departments; Form 316A, Deceased Person Report, for notification of next-of-kin; Form 316, Minor Accident/Aided Case/Mental Health Response Report; Form 301, Incident Report, etc.).
 - 1) The affected district OIC will prepare and forward a Form 17, After Action Report, through the chain of command.

C. Non-Emergency Use of the Marine Patrol

1. Districts/sections/units requesting use of the Marine Patrol for special events or incidents must submit the request on a Form 17 through channels. After approval by the Police Chief or the affected bureau commander, the requesting district/section/unit should contact the Tactical Planning Unit during normal business hours to reserve the Marine Patrol vessel.

D. Homeland Security Patrols

1. During elevated MARSEC levels and Homeland Security threat levels, the Marine Patrol will conduct patrols of waterway infrastructures designated as BZPP sites.
2. A minimum of four officers will be on board the vessel at all times.
 - a. Two officers will be qualified vessel operators.
 - b. Two officers will be SWAT officers.

E. Use of Marine Patrol Outside City Limits

1. Approval must be given by a captain or higher.
2. If a captain or higher is not available, the Tactical Planning Unit commander may give authorization.
3. If the Tactical Planning Unit commander is not available, obtain approval from a Marine Patrol supervisor.
4. An officer from the requesting agency must be on board to initiate enforcement action.
5. Only CPD Marine Patrol operators will navigate the vessel.

F. Marine Patrol Duties and Responsibilities

1. Notify PCS the vessel is underway, number of personnel on board, current location and destination of vessel.
2. Notify the USCG Sector Ohio Valley on VHF Channel 16 and provide above information.
3. Enforce state and local waterway laws.
 - a. The preferred course of action is to advise vessel operators to correct deficiencies to bring them into compliance with state and local waterway laws.
4. Coordinate efforts with public agency vessel operators while keeping PCS informed of the situation.
 - a. If vessels have not been deployed to the scene, notify PCS of specific equipment needed and the nature of the task to be performed (e.g., recovery of wreckage, articles, cadavers, towing of boats, etc.).
 - 1) If requested, provide a diving platform for the USRU.
5. Relay river emergency information via VHF Channel 16 to all commercial/recreational vessels, marinas, commercial/industrial sites, etc.
6. Tow disabled boats.
 - a. Tow boats to the nearest dock or place of safe mooring.

7. Report any damage to vessel and/or equipment to the OIC of the event or incident.
 - a. Ensure all necessary forms and reports are completed according to Procedure 12.035, Reporting Police Vehicular Accidents and Damage.
 - 1) Check that all additional equipment assigned is accounted for and operational.
 8. Immediately acknowledge a unit contact with location of river mile marker and status.
 9. Secure with PCS and the USCG when the Marine Patrol vessel is safely moored.
 10. Complete a Marine Patrol Daily Activity Log and forward to the Tactical Planning Unit for record keeping.
- G. Equipment Inventory
1. Marine Patrol operators will inventory and inspect the Marine Patrol vessel and equipment after each deployment, call-up, or training session.
- H. Tactical Planning Unit Duties and Responsibilities
1. Maintain an updated "Emergency Notification Plan" for responses to Ohio River emergencies.
 - a. Forward copies to Districts One, Two, and Three.
 2. Maintain a copy of the emergency notification list forwarded by Districts One, Two, and Three.
 3. Maintain a Marine Patrol SOP and recall roster.
 4. Maintain a log of Marine Patrol deployments, call-ups, and training sessions.
- I. Districts One, Two, and Three will:
1. Maintain a copy of the "Emergency Notification Plan" at the district front desk and in the supervisors' field Civil Disturbance Operation Procedure (CDOP) manuals.
 2. Maintain an emergency notification list of potentially affected locations along the river within their respective district boundaries.
 - a. Update the list immediately upon learning of a change.
 - b. Review and update their respective lists annually.

- c. Ensure notification/evacuation of affected areas within their district.
- d. Ensure Tactical Planning is forwarded a copy of their current emergency notification list.

J. Recall Roster

1. Marine Patrol operators will immediately notify the Tactical Planning Unit of any change of address or phone numbers.
2. Tactical Planning Unit will provide an updated personnel recall roster to PCS following any changes.

12.150 PLAN FOR CONTROL OF DISORDERS AT HAMILTON COUNTY ADULT CORRECTIONAL FACILITIES

Reference:

Procedure 12.155 - Juvenile Youth Center Disorders
Procedure 12.170 - Civil Disturbance Operation Procedure
Ohio Revised Code 5120 - Ohio Jail Standards
Standards Manual - 1.3.5, 2.1.2, 46.1.3

Policy:

The primary responsibility for control of disorders at the Hamilton County Justice Center Detention Facility and its related off-site facilities rests with the Hamilton County Sheriff. The Hamilton County Sheriff's Office (HCSO) is the authority for any actions taking place within the facility including the carrying of firearms or any weapon within the facility.

The Cincinnati Police Department recognizes that circumstances may arise when the resources of the Department may be required to assist in handling situations beyond the normal capabilities of HCSO personnel.

Purpose:

Establish a procedure to be followed in a disorder at any of the following Hamilton County Correctional Facilities in which the assistance of the Cincinnati Police Department is requested:

- Queensgate Correctional Facility, 516 Linn
- Hamilton County Justice Center, 1000 Sycamore Street
- Hamilton County Jail, 1000 Main Street
- Work Release Center, 217 Charles Street
- Talbert House, 1617 Reading Road
- River City Correctional Center, 3220 Colerain Avenue

For Disorders at Hamilton County Juvenile Court Youth Center, 2020 Auburn Avenue, see Procedure 12.155.

Provide sufficient police personnel and equipment necessary for proper perimeter security and traffic control.

Procedure:

A. Duties of Sworn Personnel:

1. At the first indication of a major disorder at any of the facilities outlined in the Purpose section of this procedure, the ranking supervisor of the facility will notify the Police Communications Section (PCS) and provide pertinent details.
 - a. All requests for Police Department assistance will be directed through PCS.
2. PCS will:
 - a. Determine the location of the facility supervisor.
 - b. Notify and dispatch the district shift officer in charge (OIC) to the scene.
 - c. Direct four beat cars, two-officer units if possible, from the affected district to the four corners of the perimeter of the facility to prevent the escape of prisoners.
 - d. In the event of an active disturbance, notify the district commander to respond to the scene. (An active disturbance is defined as a situation where the disorderly prisoners have initiated an offensive act against the facility, detention personnel, or other prisoners.)
 - e. Notify the Night Chief if the disturbance occurs during his tour of duty.
 - 1) The Night Chief will respond to the scene and assume command of Department personnel until the arrival of the district commander or a bureau commander.
3. The district shift OIC will:
 - a. Meet with the ranking supervisor of the facility.
 - b. Coordinate all Police Department activities outside the facility and keep PCS informed of the situation.
 - c. Call up a SWAT team, if one may be needed.

4. The district commander or in his absence, the Night Chief, will:
 - a. Assume command of all Police Department personnel at the scene.
 - b. Confer with the facility supervisor in charge.
 - 1) If the facility supervisor in charge requests Police Department personnel to assist inside the facility, the district commander will personally observe the situation to determine if the need is valid.
 - 2) Police Department personnel will not be used inside a facility until all available facility personnel are committed and are unable to resolve the disturbance.
 - c. Determine if the situation requires initiation of the CDOP procedures, alert, phases, etc.
 - d. Determine, after conferring with the supervisor of the facility, if assistance is needed inside the facility and have PCS notify the Patrol Bureau Commander or the Duty Officer to respond to the scene.
 - 1) Police Department personnel will not enter the facility until after the arrival of the Patrol Bureau Commander, Duty Officer, or Night Chief unless a serious or life threatening injury could occur if there is a delay in response, and then only at the direction of the HCSO supervisor in charge.
 - 2) Police Department personnel, after they have been authorized to enter the facility, will remain under the direct control of a Police Department supervisor.
 - 3) The HCSO will retain final authority over the use of Police Department personnel inside the facility. Department personnel will be withdrawn, without question, if the HCSO supervisor in charge requests it.
 - e. Establish a command post notifying PCS of the telephone number.
 - 1) Hold the phone line to the command post open to preclude interference from other callers who may call the published number being used for the command post.
 - f. Request district CDOP equipment if necessary.
 - 1) Establish a staging area for personnel and equipment.
 - g. Establish sufficient traffic posts to direct the movement of all emergency equipment and redirect the flow of traffic, if necessary.

- h. Provide for transport of injured persons to hospitals.
 - 1) Notify PCS to have a Fire Department Paramedic Unit and transport vehicle respond to the staging area. Identify and advise of a proper safe area for the Paramedic Unit to respond and to whom they should report.
 - 2) District Four will provide security for prisoners at University Hospital until relieved.
 - i. Request the reservation and use of a proper tactical radio channel.
 - j. Request additional manpower, if the situation warrants it.
5. All supervisors and command officers involved in the disturbance will maintain a log of events.
- a. An After Action Report will be prepared in quadruplicate and submitted through channels by the district commander.
 - 1) Original copy to the Police Chief
 - 2) Duplicate to the Patrol Bureau Commander
 - 3) Triplicate for the Safety Director's Office
 - 4) Quadruplicate for district files

12.155 JUVENILE YOUTH CENTER DISORDERS

Reference:

Procedure 12.170 - Civil Disturbance Operation Procedure
Procedure 12.175 - Use of Special Weapons and Tactics Unit
Standards Manual - 2.1.2, 12.2.1, 46.1.3

Procedure:

- A. At the first indication of any major disturbance at the Hamilton County Juvenile Court Youth Center (HCJCYC), 2020 Auburn Avenue, the on-duty youth center supervisor will notify Police Communications Section (PCS) and provide pertinent details.
- B. PCS Will:
 1. Dispatch the District Four shift officer in charge (OIC) to the HCJCYC Intake rear door.
 2. Dispatch one District Four car to establish a traffic post at the driveway entrance to the HCJCYC. This post will direct the movement of all emergency equipment.
 3. Dispatch four District Four cars to the north, south, east, and west perimeters of the HCJCYC to contain prisoners.
 - a. If District Four cars are not available, assign units from other districts to cover the perimeter points.
 4. Notify the appropriate command officers.
 - a. District Four Commander
 - b. Patrol Bureau Commander
 - c. Duty Officer
 - d. Night Chief
- C. The District Four Shift OIC Will:
 1. Respond to the HCJCYC Intake rear door, meet with the youth center supervisor, evaluate the situation, and determine a course of action.
 2. Assume command of all youth center and police personnel at the scene. The youth center supervisor will act in an advisory capacity to the Police Department and coordinate any activities involving youth center personnel.
 3. Establish a separate command post and staging area.
 4. Ensure all supervisors involved maintain a log of events.

5. Have officers secure their firearms in the lock boxes provided at the entrance of the detention section or the trunks of police vehicles, unless the inmate(s) is in possession of potentially dangerous weapons (knives, etc.), or a firearm is involved requiring immediate police action.
 - a. The ranking supervisor at the scene makes the decision to enter the detention section with firearms.
 6. If necessary, establish a Spontaneous Alert per Procedure 12.170.
 7. If hostages, firearms, or large numbers of inmates are involved, activate SWAT per Procedure 12.175.
 8. Once the disturbance is brought under control:
 - a. Phase out the manpower as necessary.
 - b. Return control of the HCJCYC to youth center personnel.
 9. Prepare an after action report.
 - a. Critique the action taken.
- D. The District Four Commander will review, comment, and distribute copies of the completed report as follows:
1. The Police Chief
 2. Patrol Bureau Commander
 3. District Four files

12.160 RUMORS/POTENTIAL CIVIL DISTURBANCES

Reference:

Procedure 12.417 – Hate Crimes: Response to Racial, Religious, Ethnic/National Origin, or Sexual Orientation Bias Incidents

Purpose:

Provide for the documentation, processing, and analyzing of rumors concerning racial problems, civil disturbances, other police problems or services.

Establish policies for handling incidents arising from or indicative of a racial nature and for protecting the civil rights of all citizens.

Establish responsibility and authority of Police Department and Cincinnati Human Relations Commission (CHRC) personnel during field situations.

Policy:

The Cincinnati Police Department will immediately investigate and document incidents of racial tension or civil disturbance.

Procedure:

- A. Processing Rumors Involving Racial Problems, Civil Disturbances, or Other Police Problems:
 1. All members of the Police Department are charged with the following responsibilities concerning rumors:
 - a. Obtain as many pertinent facts as possible.
 - b. Identify the person passing the information and the source of the information, if possible.
 - c. Assess the reliability and credibility of the informant.
 - d. Instruct the informant not to discuss the subject with anyone other than the police.
 - e. Refrain from any words or actions which might lend credibility or incentive to the rumor.
 2. Immediately telephone information involving racial problems, civil disturbances, or public safety issues (motorcycle gangs, terrorism, etc.) to the Intelligence Section if received between 0800 and 1700 hours on weekdays.

- a. During other hours, if the information is determined to need immediate investigation, a supervisor will notify the district commander, the Night Chief, or the Duty Officer who will recall the following appropriate personnel, if necessary:
 - 1) Intelligence Section.
 - 2) CHRC.
- b. Document this information on a Form 17 with copies to the:
 - 1) Police Chief.
 - 2) Investigations Bureau Commander.
 - 3) Patrol Bureau Commander.
 - 4) Originating unit.
- c. The Intelligence Section will coordinate the investigation and evaluate the information in terms of providing intelligence to affected units or agencies.

B. Racial Incidents:

1. Police Communications Section (PCS) will dispatch the shift officer in charge (OIC) to the scene. The OIC will evaluate the situation and request PCS dispatch the necessary personnel.
 - a. Use both white officers and black officers, male and female, in teams, when possible.
 - b. Officers will conduct themselves in a neutral, impartial manner. Exercise discreet judgment in policing incidents of this nature.
 - c. Remove the focal point of the crowd or incident from the scene as soon as possible.
 - d. Cooperate with members of the news media.
 - 1) Do not permit the media to take actions that would endanger their safety, the safety of police officers or the public.
 - 2) Access granted the media must be consistent with the needs and goals of public safety and order.

2. The shift OIC will execute a Form 17, Interdepartmental Correspondence Sheet, describing the nature of the incident and the action taken and forward copies to the:
 - a. Police Chief
 - b. Investigations Bureau Commander, who will route the form to the Intelligence Section.
 - c. Patrol Bureau Commander.
 - d. C.O.P. Coordinator.
 - e. Originating unit.
3. After the initial police action, the Intelligence Section Commander will determine if immediate follow-up action is necessary and initiate the appropriate requests through channels.
 - a. The C.O.P. Coordinator will determine if immediate follow-up action is necessary and initiate the appropriate requests through channels.

C. Utilization of CHRC Field Representatives:

1. Upon learning a racial incident exists, the ranking command officer will notify CHRC via PCS and provide the following information:
 - a. Nature of the incident.
 - b. Parties or groups involved.
 - c. Location of the incident and the neighborhood(s) affected.
 - d. Police action already taken or planned.
 - e. Whether immediate CHRC response is requested.
 - 1) Advise response location.
 - 2) Advise name of incident OIC.
2. When CHRC personnel receive information which has the potential for creating a racial incident, they will notify the C.O.P. Coordinator as soon as practical.
 - a. After the normal working hours, if the situation warrants, CHRC will notify PCS.
 - 1) PCS will notify the appropriate command officers.
3. The CHRC Executive Director will coordinate with CHRC field representatives, who will respond as requested and contact the incident OIC.

4. The ranking command officer will determine what actions the CHRC representative may take and obtain an estimated cost for their services.
5. The OIC will evaluate and determine the effectiveness of the actions of CHRC field representatives in calming the situation.
 - a. If the ranking command officer believes CHRC field representatives are no longer effective, they will be notified to cease their activity and withdraw.
 - b. The ranking command officer should base this determination on criteria such as an overt action on the part of the crowd, an increase in crowd size, etc.
6. The incident OIC will request CHRC submit a report of their observations and assessment of the incident to the Intelligence Section Commander.
7. District commanders may request CHRC field representatives assist in the resolution of various other community problems.
 - a. District commanders should submit a Form 17 to the Police Chief with the following information:
 - 1) Nature of the problem.
 - 2) Reason for requesting CHRC's assistance.
 - 3) An estimate of the number of work-hours expended by CHRC personnel.

12.165 EMERGENCY RECALL AND TEST RECALL

Reference:

Procedure 12.170 - Civil Disturbance Operation Procedure
Standards Manual - 11.2.1, 11.3.1, 46.1.9

Purpose:

Increase the efficiency of emergency recall.

Establish a Department wide system of testing the efficiency of emergency recall.

Procedure:

A. General Guidelines:

1. Each supervisor will maintain and keep readily available at all times an up-to-date list of the personnel under his command. This list will contain their rank, name, address, telephone number, permanent car number, and SWAT designation, if applicable.
 - a. Sworn personnel named on this list are subject to an actual or test recall. Only civilian personnel needed during an emergency should be so designated and included in an actual or test recall.
 - b. Each district, section, unit, shift, will submit a current Chain of Notification Recall Roster in the approved format (see page 5) to their bureau commander. The roster will be updated and submitted immediately whenever a change occurs.
 - 1) The bureau commanders will maintain an updated recall list of personnel under their command.
2. Each bureau commander will submit a recall list to Police Communications Section (PCS) listing his name and the names of five alternates, home phone numbers, pager numbers, and cellular phone numbers.
 - a. PCS will contact each bureau commander or an alternate to initiate recall within that bureau.

B. Actual Emergency Recall:

1. Upon initiation of a Phase II, PCS will initiate an all city broadcast and teletype message indicating a Phase II is in effect. PCS will telephone each district, Criminal Investigation Section (CIS), Traffic Section, Park Section, and each bureau commander or designee.
 - a. PCS will give instructions indicating the number of off-duty personnel to recall.

2. Responsible command personnel will contact the available ranking off-duty supervisor for the unit or shift to be recalled. Instruct this supervisor to recall the requested number of off-duty personnel and have them report for duty fully equipped.
 - a. This ranking off-duty supervisor will use his associate supervisors to assist with notifications so all off-duty personnel may report for duty as quickly as possible.
 - 1) Patrol Bureau personnel will normally report to their unit of assignment.
 - 2) Other Department personnel will report as directed in their internal CDOP plan.
 - b. Normally, Department personnel will not make long distance telephone calls for actual recall. The Department OIC may authorize calls to mobilize needed command personnel, SWAT personnel, etc.
 - c. Supervisors involved in the recall operation will keep a record of recall activity on a Mobilization Alert (Form 586).
 - d. The supervisor in charge of the scene where recalled personnel report will maintain and log the time each recalled member reports for duty.

C. Test Recall:

1. The Police Chief may initiate a Department wide test recall.
 - a. Bureau and district/section commanders may institute additional tests for personnel under their command.
2. PCS will teletype a message to each district/section/unit involved indicating a test recall is being conducted.
 - a. PCS will follow up the teletype message with a telephone call to each district, CIS, Traffic Section, Park Section, and each bureau commander or designee.
3. Bureau commanders will contact their district/section commanders to initiate a test recall of their respective personnel.
 - a. Ranking on-duty and off-duty supervisors will use other supervisors to assist with the test recall so all off-duty personnel may be contacted as soon as possible.
 - b. A test recall will include all off-duty personnel except those off sick or injured. Department personnel will not make long distance telephone calls.

4. If, when calling off-duty officers, an answering machine is reached, the supervisor will leave a message advising the officer to call back within the time limit of the test recall.
 - a. If the officer responds before the end of the test recall, list the officer as contacted.
 - b. If there is no response, or the officer responds after the time limit, list the officer as not contacted.
5. The test recall will begin upon notification by PCS and will terminate one hour later.
 - a. PCS will notify bureau commanders, districts, CIS, Traffic Section, and Park Section of the official start time of the test recall.
 - b. Supervisors can make second calls during a test recall. No calls will be made after the one hour limit.
6. Upon termination of a test recall, supervisors will use the Form 586 to show the time off-duty personnel were contacted.
 - a. Forward the completed Form 586 to the district/section/unit commander.
7. Each district/section/unit commander will complete a Recall Test Alert (Form 586A) and forward it to the bureau commander.
 - a. Base all statistics on the Form 586A only on personnel subject to recall.
 - b. Attach to the Form 586A, all copies of the Form 586.
8. Bureau commanders will review these reports and forward the original to the Police Chief and copies to the CDOP chairman. The CDOP chairman will evaluate Department wide test recalls and make appropriate recommendations to the Police Chief.

RECALL ROSTER

UNIT NAME (IN CAPS)

REVISION DATE

RANK	NAME	ADDRESS	PHONE	PERMANENT CAR#
**Capt.	LAST, First	1234 Somewhere St.	555-1212 555-1313-P 555-1414-C	400
* Lt.	LAST, First	4567 Nowhere St.	555-1515	420
* Sgt.	LAST, First	789 Everywhere St.	555-1616 555-1717-O	421 SWAT
PS	LAST, First	345 Maple Av.	555-1122	
PO	LAST, First	789 Vine St.	555-3344	
PO	LAST, First	678 Walnut St.	555-4455	
* Sgt.	LAST, First	234 Circle Av.	555-7788	422
PO	LAST, First	678 Grove Pl.	555-8899	

INSTRUCTIONS FOR RECALL ROSTER FORMAT

The Recall Roster will be completed and stored on the Unisys Computer System for easy update and revision. The roster will be updated whenever any change occurs.

The roster will contain the rank, name, address, telephone number, cellular telephone number, permanent car number, and SWAT designation (if applicable) of all personnel subject to recall. Sworn supervisory personnel will be listed by rank and rank seniority. Do not include additional information.

The roster will have a one inch (1") margin on the left side of the document. Recommended settings on the Unisys Computer right margin at .75 and text width at 6.75.

The person with primary notification responsibility will be designated with an indication of "***" before the rank. A minimum of four persons with secondary notification responsibility will be designated with an indication of "*" before the rank. Telephone numbers will be indicated as "P" for pager, "C" for cellular phone, and "O" for others after the telephone number. All permanent radio call numbers and SWAT designation (if applicable) will be indicated.

List all sworn personnel subject to recall, actual or test. Only those civilian personnel needed during an emergency, actual or test, should be listed.

Colonel _____, Police Chief

RECALL TEST ALERT

The results of the Recall Test Alert held on _____

at _____ hours by _____

follows:

	<u>SWORN/CIVILIAN</u>
Total number of personnel	/
Total number of on duty personnel	/
Total number of off duty personnel contacted	/
Percent of total off duty personnel contacted	/
Total personnel available	/
<u>Percent of total unit personnel available</u>	/

12.170 CIVIL DISTURBANCE OPERATION PROCEDURE

Reference:

Procedure 12.145 – Critical Incident Response Plan
 Procedure 12.160 - Rumors/Potential Civil Disturbances
 Procedure 12.165 - Emergency Recall and Test Recall
 Procedure 12.171 - Use of the Mobile Command Center
 Procedure 12.175 - Use of Special Weapons and Tactics Unit
 Procedure 12.545 – Use of Force
 Ohio Revised Code 2917.04 - Failure to disperse

Definitions:

Command Post Call Number - District Command Posts are designated by the word "District" and district number followed by the words "Command Post" (e.g., District One Command Post, District Two Command Post, etc.)

Police Command Center (PCC) - Established when the Police Chief, or in his absence an Assistant Police Chief, orders recall of police personnel. The Center is located at 310 Ezzard Charles Dr. in the Chief's conference room.

Emergency Operations Center (EOC) - Established when the City Manager orders recall of all City departments' personnel. Police Communications Section (PCS) maintains the recall list. The EOC is located at the Regional Emergency Operations Center, (REOC) 2000 Radcliff Drive. If conditions exist that render the EOC inoperable, the Police Chief or his designee will determine an alternate location.

Staging Area Call Number - District Command Post number followed by the beat, which the staging area is located, e.g., 1002: District One/Beat 2, etc.

Standby Cars - One supervisor and two two-officer units designated daily from each district and shift for rapid deployment to any location for a variety of critical incident situations.

Field Command Vans – Each district is equipped with a van designed for supplying Department personnel the tactical equipment needed for handling critical incidents and civil disturbances. Districts should consider field command vans as rolling armories.

Any equipment in their armory (gas masks, riot shields, riot helmets, shotguns, beanbag shotguns, 40mm foam rounds, PepperBall launchers, ammunition, etc.) which has a primary purpose of supporting field operations, should be placed within the field command van.

Alert Cars – Two two-officer units assigned to patrol that part of their district closest to the trouble area. Alert cars are NOT dispatched on routine radio runs.

District Platoons – Each district will identify a platoon of officers to assist with managing civil unrest and/or crowd management. A platoon will consist of a platoon leader (lieutenant), assistant platoon leader (lieutenant or sergeant) and six squads. During periods of civil unrest, the district will be advised how many squads to deploy. Squads not utilized can remain in the district to perform routine patrol duties.

Squads – A squad consists of a squad leader (lieutenant or sergeant) and ten officers. Squads are deployed as a group and should be kept together. Squad responsibilities can vary from static posts to patrolling trouble areas or as logistical support, e.g., prisoner processing, prisoner transport, staging area security. A multi passenger van should be utilized for squad transportation. Two squad members will be designated as grenadiers and shall be equipped with beanbag shotguns. During instances requiring mass arrests, squads can be subdivided to allow for two arrest teams of four officers each.

Squad Call Numbers – Squads are issued two digit call numbers. The first number identifies the district/section/unit where the squad originated. The second number indicates which squad from that district/section/unit, e.g. Squad 52: District Five, 2nd Squad.

SWAT Response Teams – SWAT response teams consist of a team leader (sergeant) and from five to nine officers. Each SWAT response team operates in a caravan of between three and five marked police vehicles. SWAT response teams can deploy in either uniform of the day or in SWAT uniform. SWAT response teams are dispatched to trouble areas involving shots fired, officer or citizen rescue, or crimes in progress, e.g., Aggravated Riot, Riot, Assault, Breaking and Entering, Vandalism, Criminal Damaging, Arson, etc. Each SWAT response team is equipped with tactical weapons to facilitate their response to critical incidents requiring their intervention.

Risk Management Teams – Risk Management Teams are comprised of personnel from the Internal Investigations Section and the Inspections Section. A Risk Management Team consists of two to four supervisors/officers. Risk Management Teams respond to handle citizen complaints and use of force investigations, including the completion of any related reports associated with a complaint or use of force.

Crowd Management – Observing, monitoring and facilitating the activities of persons assembled.

Crowd Control – The use of police action to stop the activities of persons assembled.

Phase II Notification List - List of persons notified by PCS for Phase II.

Chain of Notification Recall Roster - List of alternate personnel notified by PCS, if they are unable to reach the number one person on the Phase I - Phase II Notification Lists.

Fire Department Strike Team – Three engine companies.

Fire Department Task Force - Three engine companies, two ladder companies and one staff officer.

Purpose:

Provide Department members with a plan of action during civil disturbance operations.

Enhance the mobilization of personnel and equipment to quell disturbances, which could escalate into more serious situations.

Provide for the integration of Hamilton County police agencies, Ohio National Guard, Ohio State Highway Patrol (OSHP), and federal troops with Department personnel.

Policy:

During a Phase II through a Phase IV, the following practices are in effect.

1. Curtail routine radio dispatches and routine police duties.
2. Immediately direct rumors and other information pertaining to racial problems, civil disturbances, or police involvement to the Emergency Operations Center (EOC), located at the Regional Emergency Operational Center, (REOC) 2000 Radcliff Drive.
 - a. If conditions exist that render the EOC inoperable, the Police Chief or his designee will determine an alternate location.
3. Assign a subordinate to command officers and supervisors as a recorder, driver, etc., as soon as personnel become available.
4. Request aid or assistance from sources internal or external to the Cincinnati Police Department through the EOC.
5. The Cincinnati Police Department may be placed on 12-hour shifts, and may have off days, off time, and vacations cancelled.
 - a. Only the Police Chief or Acting Police Chief can initiate a 100 percent recall.

Fire or police command officers will designate operational zones during civil disturbances as follows:

1. Green Zone
 - a. Indicates areas of the City not involved in hostile activities and no anticipation of hostile activities developing.
 - b. Normal activities will continue within this zone, although operations may be modified as the citywide situation escalates and various criteria are implemented.
 - c. Fire Department personnel will respond into this zone without police escort.

2. Yellow Zone
 - a. Indicates areas where hostile activities are not presently occurring but are deemed likely to develop.
 - b. Closely monitor personnel safety operations with caution being exercised during all activities.
 - c. Fire Department personnel may request a police escort to enter this zone.
3. Red Zone
 - a. Indicates areas where civil disorder is known to be occurring.
 - b. Fire Department personnel will not enter this zone without a police escort.

Information:

To control a variety of situations, ranging from small crowds to riotous conditions, the Department has provided a systematic approach to personnel mobilization. Depending upon the gravity of the situation, an Alert, Phase I, Phase II, Phase III, or Phase IV may be initiated as it becomes apparent additional personnel and equipment are needed to contain the situation.

Procedure:

A. Standby Cars

1. Each district is responsible for identifying one supervisor and two two-officer patrol units as standby cars at the beginning of each tour of duty. These standby cars are designed for rapid deployment to any location for a variety of critical incident situations.
 - a. After deployment of the first set of standby cars, unaffected districts will establish a second set of standby cars. Deployment of this second set of standby cars constitutes an Alert.

B. Alert

1. When an event with a potential for problems is known in advance, a captain or above can initiate a Planned Alert. When an event occurs without warning, a sergeant or above can initiate a Spontaneous Alert.
 - a. The initiation of an Alert does not necessarily commit personnel to the scene. It provides district supervisors with adequate standby personnel if needed.
2. When an Alert is initiated, all supervisors in the trouble area will maintain a log of events.

3. PCS will:
 - a. Initiate a radio broadcast, mobile data computer (MDC) transmission, and teletype message announcing an Alert.
 - 1) Make a follow-up telephone call to each district.
 - b. Notify the officer in charge (OIC) of each district, Criminal Investigation Section (CIS), and Special Services Section (SSS).
 - c. Notify the bureau commanders or alternates.
 - d. Dispatch Alert cars to the Command Post only when requested by the OIC of the trouble area.
 - e. Do not dispatch Alert cars on routine radio runs.
 - f. Transfer Alert cars from their assigned locations within the Computer Aided Dispatch System (CAD) to US PA (Unit Status – Alert Dispatch Group). This will create a file listing all car numbers and officers assigned as alert units.
 - g. Clear the file contents when the incident has secured.
4. Each district OIC will:
 - a. Field two two-officer patrol unit Alert cars.
 - b. Ensure a replacement Alert car(s) is fielded, in anticipation of a Phase I, should the initial Alert car(s) respond to the scene.
 - 1) Transmit the radio call numbers of Alert cars to PCS immediately.
5. Alert cars will patrol that part of their district closest to the trouble area, and respond to the scene only if dispatched by PCS.
 - a. Respond to the command post when dispatched.
6. The responding officers' district OIC is responsible for returning unused vehicles.
7. The OIC at the trouble scene will establish a command post if the Alert cars are requested to respond.
 - a. When the 10 initial Alert cars are dispatched to the scene, the OIC must establish a Phase I to obtain the 10 standby cars established under Section B.4.b.

C. Phase I

1. A Phase I may be initiated without having previously been in an Alert status, or may follow a situation where initial Alert cars have been exhausted.
2. The district supervisor (sergeant or above) initiating a Phase I will immediately furnish PCS with the following information:
 - a. A brief account of conditions necessitating the Phase I.
 - b. The location of the forward command post and staging area.
3. The initiating supervisor in the trouble district will select a driver/recorder and:
 - a. Ensure the seven critical tasks have been implemented (refer to Procedure 12.145).
 - b. Establish fixed posts, as necessary, e.g., vulnerable properties, observation posts, roadblocks, etc.
 1. Transmit this information to PCS as soon as possible.
4. PCS will immediately:
 - a. Dispatch to the staging/command post area two two-officer patrol units from each district.
 - b. Dispatch the district commander, or in his absence, the ranking district supervisor.
 - c. Notify command officers as directed by the Phase I Notification List.
 - d. Notify Department units by radio, MDC, and teletype that a Phase I is in effect, followed by a telephone call to each unit.
 - 1) PCS will notify all persons on the Phase I Chain of Notification Recall Roster that a disturbance is in a formative stage.
 - e. Dispatch one two-officer patrol unit, as an escort, to the location where each Fire Department Strike Team and Task Force is formed, when requested by the Fire Department.
 - 1) The Fire Department may also request assignment of one two-officer patrol unit, as an escort, to each Rescue Unit.
 - f. Assign Park Unit personnel to the District Five OIC and Traffic Unit personnel to the District Three OIC.

5. The OIC of each district and section will begin forming on-duty personnel into two-officer patrol units and notify PCS of radio call numbers.
 - a. The OIC will identify officers who will be formed into squads in the event of a Phase II.
 - b. Personnel will not respond to the disturbance unless dispatched by PCS.
 - c. A request for additional supervisors at the trouble scene will be honored by using supervisors from those districts or sections having more than one supervisor on duty.
6. Districts and sections will initiate internal operation plans. The OIC will notify district/section commanders.
 - a. If the district station is not endangered by the disturbance, it will not be necessary to deplete personnel by assigning station guards or special guard details.
7. Initiate a Phase V if the disorder is contained and quelled.

D. Phase II

1. Only the Police Chief or assistant police chief can initiate a Phase II.
 - a. The Chief or an assistant police chief will provide PCS instructions indicating the number of off-duty personnel to be recalled, and those units that should be held on duty beyond their normal working hours.
2. Patrol Bureau and Resource Bureau Commanders will take charge of field operations and communications. Each commander will work 12-hour shifts.
3. Administration Bureau and Investigation Bureau Commanders will take charge of prisoner processing and internal investigations. Each commander will work 12-hour shifts.
 - a. Risk Management Teams will be formed to respond to citizen complaints and use of force investigations and reporting.
4. The Evidence/Property Management Section Commander will take charge of supplies and equipment and personnel transportation requirements including supply and equipment movement.
5. PCS will immediately:
 - a. Dispatch the requested number of squads identified by each district and section under Phase I to the command post or staging area.

- b. Notify Department units by radio, MDC, and teletype that a Phase II is in effect.
 - 1) Follow-up will be via a telephone call to each police district and section.
 - a) Each section will notify its units.
 - c. Provide recall and other instructions given by the command officer initiating the Phase II.
 - d. Activate the Police Command Center at the order of the Police Chief.
 - e. Activate the EOC at the order of the City Manager.
 - f. Notify all personnel on the Phase II Notification List.
 - g. Dispatch one two-officer patrol unit, as an escort, to the location where each Fire Department Strike Team, Task Force, and Rescue Unit is located.
 - 1) These patrol units will remain with Fire Department personnel at all times, including standby periods.
 - 2) Additional personnel may be requested by police officers if necessary.
6. The OIC at the Command Post will:
- a. Assign responding personnel using the district beat plan.
 - 1) Supervisory personnel from outside the trouble district will maintain their permanently assigned call number.
 - b. Revise the emergency lineup and transmit it to PCS immediately.
7. All units will initiate internal operation plans.
- a. Units instructed to recall personnel will identify officers who can be utilized in forming squads.
 - 1) Assign remaining recalled personnel into two-officer units.
 - 2) Prepare a revised lineup and transmit it to PCS immediately.
 - b. Units not instructed to recall personnel will continue to operate with two-officer units formed under Phase I.
 - c. District stations not endangered by the disturbance will not deplete personnel by assigning station guards or special guard details.

8. The SWAT Coordinator will form SWAT personnel into SWAT response teams.
 - a. Recall additional SWAT personnel to allow SWAT members to be on duty during each shift if the Phase II continues beyond the current shift.
 - 1) Do not use SWAT response team personnel for other duties so they are available for dispatch in the shortest time possible.
 - 2) Ensure the commanding officers of SWAT personnel are notified of SWAT assignments.
9. Police personnel who encounter a sniper or an armed barricaded person will immediately summon a SWAT response team.
 - a. If needed, a squad may be dispatched in addition to a SWAT response team to assist in securing the outer perimeter.
10. Mutual Aid
 - a. The Police Department has mutual aid agreements on file with the majority of municipal police agencies in Hamilton County. The Police Chief may request aid from these agencies through the Hamilton County Communications Center.
 - 1) Make every effort to integrate these officers with Department personnel to provide communications, power of arrest, knowledge of the area, etc.
11. Initiate a Phase V if the disorder is contained and quelled.

E. Phase III

1. The City Manager or Mayor can initiate a Phase III. It involves integrating the Ohio National Guard or Ohio State Highway Patrol (OSHP) with Department personnel.
 - a. The average response time to Hamilton County by the OSHP is twenty minutes. The average response time of the Ohio National Guard, with force, is eleven to twelve hours.
 - b. Make every effort to integrate these personnel with Department personnel to provide communications, powers of arrest, knowledge of the area, etc.
2. PCS will alert all units that a Phase III is in effect.
3. All police units will initiate Phase III internal operations plan.
4. Initiate a Phase V if the disorder is contained and quelled.

F. Phase IV

1. The City Manager or Mayor through the Governor can initiate a Phase IV. It involves the integrating of federal troops with the Ohio National Guard, OSHP, and Department personnel.
 - a. Make every effort to integrate these personnel with Department personnel to provide communications, powers of arrest, knowledge of the area, etc.
2. PCS will alert all units that a Phase IV is in effect.
3. All police units will initiate Phase IV internal operations plans.
4. Initiate a Phase V if the disorder is contained and quelled.

G. Phase V

1. A Phase V is the decreasing of personnel strength as the seriousness of the disorder decreases.
2. A Phase V is initiated by the OIC once the disorder is brought under control. It can be initiated after a Phase I, II, III, or IV.
3. Prepare after action reports using log sheets maintained by supervisors, as directed in the after action report procedure contained in each unit's internal Civil Disturbance Operation Procedure (CDOP) plan.
4. Hold a critique of operations in conjunction with all primary, backup, and supporting agencies.

H. CDOP Equipment Inventory and Inspection/Facilities Security and Maintenance Inspection

1. The 4th Sunday of every month, each district/section/unit will conduct an inspection and inventory of all items listed on Form CDOP103, CDOP Equipment Inventory, and Form CDOP103A, Facility Security and Maintenance Inspection.
 - a. A unit supervisor designated by the unit commander has direct control of the inspection.
 - 1) Accuracy of the report and the readiness of the equipment are the responsibility of this supervisor.
 - b. Prepare Form CDOP103 in duplicate.
 - 1) Insert "DNA" in the appropriate column if an item is not assigned.
 - 2) Check the applicable block on the reverse side of Form CDOP103.

- 3) Explain in the "Remarks" section of the Form CDOP103 any discrepancies between the equipment assigned and the equipment on hand.
 - 4) Record the serial number of all weapons on the Form CDOP103 (shotguns, beanbag shotguns, PepperBall launchers, 40mm foam round launchers).
 - a) List the location, manufacturer's name and type, and the serial number of the weapon.
 - b) Inspect all firearms. Clean when necessary to prevent rust.
 - c) Account for weapons kept at places other than police facilities or assigned to non-Department personnel on the reverse side of the Form CDOP103.
 - 5) As part of the inspection, district supervisors will ensure all assigned patrol rifles are inspected and cleaned monthly. During the inspection the supervisor will ensure each patrol rifle has two magazines loaded with 30 rounds each.
 - a) The magazines must be physically unloaded, the rounds counted, and the magazines re-loaded.
 - d) SWAT rifles stored in district/section/unit armories will be inspected by SWAT personnel only.
 - 6) Submit a Taser Cartridge Spreadsheet listing serial numbers of cartridges issued from the district/section/unit's stock and email list to Supply Unit.
- c. Take immediate action to replace or repair inoperative, defective or missing equipment.
 - d. The district/section/unit commander will review and sign the completed Form CDOP103 and CDOP103A.
 - 1) Route completed Forms CDOP103 and CDOP103A to Patrol Administration. Patrol Administration will forward the forms to Tactical Planning Section.
 - a) Tactical Planning will forward a copy of Form CDOP103 to Supply Unit. Supply Unit will update the Master Inventory Database.
 - 2) Retain a duplicate copy of Forms CDOP103 and CDOP103A in the unit file.

12.171 USE OF THE MOBILE COMMAND CENTER

Reference:

Procedure 12.030 – Vehicles: Assignment, Use, and Maintenance
Procedure 12.035 – Reporting Police Vehicular Accidents and Damage
Manual of Rules and Regulations – 2.03, 7.01, 7.03

Information:

The Mobile Command Center (MCC) is stored at the Regional Operations Center located at 2000 Radcliff Drive.

Roof clearance for the MCC is 11'11", therefore the MCC cannot be operated under some overpasses, i.e.; railroad overpass at 6300 Madison Road and the Rookwood overpass at 1699 Eastern Ave. Use caution as there may be other overpasses too low to pass under.

Tactical Planning Unit maintains a current list of qualified operators.

There is no smoking in the MCC.

Purpose:

Provide guidelines for the proper use, care, and maintenance of the MCC.

Procedure:

- A. Non-emergency use of the MCC
 1. Districts/sections/units wishing to use the MCC for special events or incidents must submit the request on a Form 17 through channels. After approval by the Police Chief or the affected bureau commander, the requesting district/section/unit should contact the Tactical Planning Unit during normal business hours to reserve the MCC.
- B. Emergency Use of the MCC
 1. In an emergency, the Night Chief or a captain or above can request the MCC through PCS.
 - a. A PCS supervisor will contact an operator to pick up the MCC and respond to the scene.
- C. Operation of the MCC
 1. Only Police Department or Fleet Services personnel who have the following qualifications may operate the MCC:
 - a. A valid driver's license.
 - b. Successful completion of training provided by Training Section.

2. Operator responsibilities
 - a. Complete a Form 427, Cincinnati Police Vehicle Inspection Report, each time the MCC is placed in use. Report any damage to the officer in charge (OIC) of the event or incident.
 - 1) Check that all additional equipment assigned is accounted for and operational.
 - 2) All communications equipment such as radios and cell phones will be secured in the communications cabinet.
 - a) If any cell phone is removed, the user must provide the MCC operator a completed Mobile Command Center Telephone Log when returned.
 - b. Complete the sign-out log each time MCC is put in use. The sign-out log is located in the MCC.
 - c. Position the MCC in a safe and secure area.
 - d. Notify PCS of the location of the MCC when powered up.
 - e. Ensure the MCC is set up properly and safely, including electrical connections.
 - f. Assist other personnel in the proper use of any equipment in the MCC.
 - g. When unattended, set the alarm on the MCC.
 - 1) Instruct the event or incident OIC how to set the alarm in the absence of the operator.
 - h. Return the MCC to the Regional Operations Center in a clean condition free of any debris or trash.
 - i. On the next business day after returning the MCC to quarters, notify Tactical Planning Unit of any supplies needed for the MCC.
3. Event or incident OIC responsibilities
 - a. Ensure the MCC is used for its intended purpose.
 - b. In the absence of the assigned operator ensure the alarm is set.
 - 1) Initiate a directed patrol (DIRPAT).
 - 2) Advise PCS of location and times the MCC will be unattended.

- c. Permit only authorized personnel inside the MCC.
 - 1) Record all cellular phone calls and FAX transmissions on the Mobile Command Center Telephone Log.
 - a) Personnel will use the cellular phone and FAX machine only to conduct City business. Personal calls are prohibited.
 - b) When the event or incident is completed send the Mobile Command Center Telephone Record to Tactical Planning Unit.
 - d. Email Tactical Planning Unit with any defects or damage with the MCC on the next business day.
 - 1) Ensure all necessary forms and reports are completed according to Procedure 12.035, Reporting Police Vehicular Accidents and Damage.
4. In the event of mechanical failure contact the Municipal Garage.

12.172 NIGHT CHIEF

Information:

This procedure is to inform field supervisors of their responsibilities to the Night Chief, when to notify the Night Chief of incidents, and provide direction to lieutenants and captains who are temporarily assigned Night Chief duties.

Lieutenants or captains assigned these duties are encouraged to review the Night Chief Job Description found in the Department Organizational Chart and Narrative on the Department Intranet located under References.

Policy:

The Night Chief shall exercise authority commensurate with the responsibilities of the ranking officer on duty and be accountable directly to the Patrol Bureau Commander.

The SWAT Commander or designee is the tactical OIC of a SWAT operation and will command all personnel involved, in cooperation with the Night Chief and district supervisors.

Procedure:

- A. Supervisors should notify the Night Chief of all critical incidents as soon as they become aware. Incidents requiring notification of the Night Chief are, but not limited to:
 1. Working fires.
 2. All uses of force.
 3. Injuries to prisoners or officers.
 4. Any auto accident involving officers or where serious injuries occurred.
 5. Major road closures.
 6. Any arrest, including large quantity of drugs or weapons, which deserve the Senior Command Staff's immediate attention, or newsworthy events.
 7. Original violent felony arrests, original felony sex offenses, and original felony offenses involving a minor as a victim.
 8. Prior to the execution of a search warrant.
 9. All mutual aid requests such as K-9 deployment.
 10. Requests for recall of personnel.
 11. Protests, labor disputes or civil disorder.

12. Personnel issues involving disciplinary measures above written counseling.
 13. Requests for a media release.
 14. The Night Chief should be conferred for advice, direction or when incidents are considered outside normal circumstances and may have an impact on daily operations or affect the reputation or perception of the Department.
- B. Duties of the Night Chief.
1. In addition to all duties described in the job classification, these duties are provided as a guide to assist in the daily responsibilities.
 - a. The Night Chief generally is assigned to 2000 to 0400 hours.
 - b. Notify PCS when on duty and provide your working hours and a cell phone number for contact. Inquire if there are any significant incidents.
 - c. Set the portable radio to scan.
 - d. Relief Lieutenants assigned Night Chief Duties are not required to tour the city, but must monitor citywide operations and be available to respond upon request.
 - e. Captains will tour the city and indicate in the unit/section blotter they have visited and inspected the facility.
 - f. Once notified to respond to an incident, monitor the incident on the radio while enroute, make sure an OIC has been designated prior to your arrival and provide any needed assistance or direction.
 - g. Notify PCS when securing.
- C. Administrative Duties.
1. Preparing Daily Rounds.
 - a. Rounds should be documented on a Form 202A, Commanding Officer's Daily Time Report, found on the "H" drive.
 - b. Submit daily rounds at the end of the tour. Forward email copies to all captains, assistant chiefs and the Chief's administrative assistant.
 - c. Begin the rounds with your starting time and who you notified at PCS.

- d. The rounds should contain a list of your activities, observations and any incidents you were notified of or responded to. List each incident separately, including the time you were notified, by whom, along with basic information about persons, places, and facts involved.
- e. Incidents confidential or of sensitive nature should not be reported in the rounds, but should be documented on a Form 17 and submitted through channels.
 - 1) Original citizen complaints that are not part of other documented police action reported in the rounds, such as use of force or injury to prisoner, should be emailed to the Patrol Bureau Commander.

12.180 USE OF CRISIS NEGOTIATIONS TEAM

Reference:

Procedure 12.110 – Handling Mentally Ill Individuals and Potential Suicides
Procedure 12.175 – Use of Special Weapons and Tactics Unit
Standards Manual - 33.6.2, 46.1.4

Policy:

In a hostage, barricade, threatened suicide, or other applicable situation, a crisis negotiations team will respond and attempt to resolve the situation by utilizing the skills of trained police negotiators.

Procedure:

A. Duties and Responsibilities:

1. Refer to Procedure 12.175, Section A.
2. Should the crisis negotiations team be utilized without the Special Weapons and Tactics (SWAT) team, the team leader will assume the responsibility of supervising the tactical aspects of the operation.

B. When to Utilize the Crisis Negotiations Team:

1. A negotiations team will respond during the event of a SWAT call-up (Refer to Procedure 12.175).
2. A supervisor may request a negotiations team respond when he determines their services would be useful or upon recommendation of a Mental Health Response Team officer, in resolving a passive category situation that has not yet reached the criteria for utilizing SWAT. Some examples of these type situations are:
 - a. A person threatening suicide without the use of an offensive weapon, such as a gun or knife (Bridge jumpers, overdose of pills, etc.).
 - b. A barricade situation in which the person is unarmed and poses no serious physical threat.
 - c. Any situation which could be peacefully resolved through the use of trained police negotiators. Remember, the safety of police and innocent persons is the highest priority in dealing with this type of situation.

3. Activation
 - a. The district supervisor will contact Police Communications Section (PCS) to request a call-up of the crisis negotiations team. Do not request a single negotiator; a team will respond during the event of a call-up.
 - b. PCS will contact the SWAT Commander for approval. The SWAT Commander will direct a limited call-up of SWAT personnel to support the negotiations team.
- C. Post Action Reports:
 1. The requesting supervisor will submit a Form 17 Incident Report and route to the following:
 - a. Police Chief
 - b. Patrol Bureau Commander
 - c. District of occurrence
 2. The crisis negotiations team leader will submit the proper reports to the Police Chief.
- D. Equipment and Inventory:
 1. The Crisis Negotiations Team leader, or designee will inventory and inspect negotiations team equipment after each training session and call-up.
- E. Recall Roster:
 1. Crisis negotiations team members will immediately notify the team leader of any change of address or phone number.
 2. The team leader will provide an updated personnel recall roster to PCS following any changes.

12.190 POLICE SUBSTATIONS

Reference:

Procedure 17.110 – Requisition and Inventory Control: Equipment Supplies, and Services

Manual of Rules and Regulations

Purpose:

To identify a location within the community to work in partnership with the citizens and provide access to police services.

To ensure every substation is properly acquired and maintained.

Policy:

The use of the substation is for official Police Department business. Only authorized persons on official business are permitted in the substation. Any real estate in which Police Department personnel or their immediate family have any financial interest will not be considered for use as a substation. District supervisors will conduct random inspections to ensure procedural compliance.

Information:

The Neighborhood Squad Sergeant is the official Department contact with the property owner. The Police Department will consider a site for a substation based on the following criteria/conditions:

- Twenty-four hour accessibility
- Restroom accessibility
- Decals or other signage identifying facility as a Cincinnati Police Department substation must be visible from the outside. The Cincinnati Police Department will provide decals.
- Provide one telephone for police use.
- Provide one desk, two chairs and a filing cabinet.
- Provide keys to utilities and all access doors.
- Provide general building maintenance.
- Nothing in this procedure precludes the provision of items by sources other than the property owner, upon approval from the Police Chief.

Procedure:

A. Approval Process

1. The Neighborhood Squad Sergeant will conduct the initial site assessment of the prospective substation and complete the Substation Request Form (Form 17SS). Submit, Form 17SS with recommendations from Neighborhood Squad Sergeant, via chain of command.
2. The District Commander will review the Form 17SS and forward with recommendations to the Patrol Bureau Commander.
3. The Patrol Bureau Commander will review the Form 17SS and forward with recommendations to the Police Chief.

B. Use of Facility

1. Police personnel will notify Police Communications Section (PCS) of a directed patrol while at a substation.
2. Police personnel will notify the Neighborhood Squad Sergeant of any deficiencies or problems that exist.

C. Access Keys/Alarm Codes

1. The Neighborhood Squad Sergeant will determine distribution of keys/alarm codes to beat personnel. Upon transfer from a district all police substation keys will be returned to the Neighborhood Squad Sergeant.
2. The Neighborhood Squad Sergeant will ensure that all key(s)/alarm code(s) are available for:
 - a. All District Supervisors
 - b. Inspections Section

D. Substation Inspections

1. Shift supervisors will conduct random inspections of police substations.
2. The Neighborhood Squad Sergeant will conduct monthly inspections of all substations.
 - a. The Neighborhood Squad Sergeant will complete a Form 17 MS, Monthly Substation Form and a Form MSI, Monthly Substation Inspection Checklist. These forms must be completed by the 15th of each month, noting the results of the monthly inspection.
 - 1) Forward the Form 17MS and the Form MSI with comments to the District Commander for approval.

- b. Maintain the original Form 17MS and Form MSI at each district for random access by Inspections Section.
- c. Forward a copy of Form 17MS and attached to Form 17MS a Form MSI, Monthly Substation Inspection Addendum for each substation to COP Coordination Unit.

12.200 SNOW EMERGENCIES AND HAZARDOUS ROAD CONDITIONS

Reference:

Cincinnati Municipal Code 502-25 - Snow Emergency
Cincinnati Municipal Code 508-34 - Special Parking Restrictions
Ohio Revised Code Section 2921.331 – Failure to Comply with Order or Signal of Police Officer

Purpose:

Outline an orderly process to be followed when roadways become hazardous due to snow or ice.

Expedite traffic movement when road conditions are hazardous due to inclement weather.

Information:

The City Manager will declare and cancel all City snow emergencies. City snow emergencies will be directed at restricting parking along snow emergency routes. This information will be transmitted to Police communications Section (PCS) by the City Manager, or the designee, who will normally be the on-duty Public Services supervisor.

The Hamilton County Sheriff will declare and cancel all Level 3 snow emergencies. This information will be transmitted to Police Communications Section (PCS) by the Hamilton County Communications Center. When a Level 3 snow emergency is declared, all highways and roadways, including those within the City of Cincinnati, are closed to non-emergency personnel. Those traveling on highways and roadways are subject to arrest per Ohio Revised Code Section 2921.331.

The City Manager has designated the Public Information Office (PIO) Commander as the media liaison for the City of Cincinnati during all City or County snow emergencies. The PIO Commander will work directly with the Traffic and Road Operations Department to ensure the accurate and timely release of all information during a snow emergency.

If an emergency is declared, the owner/operator of a vehicle must move the vehicle from the snow emergency route immediately.

Procedure:

A. Hazardous Road Conditions

1. When hazardous conditions are probable, uniformed field personnel will routinely check primary traffic routes, and if conditions warrant, notify the shift officer in charge (OIC).
2. During severe weather, responding to vehicle accidents and making accident reports in which the vehicles are drivable and there are no injuries can be suspended by the following command officers:
 - a. Monday-Friday: Patrol Bureau Commander or his designate, 0400-2000 hours, 24 hours on holidays; 2000-0400 hours, Night Chief
 - b. Saturday, Sunday: Duty Officer, 24 hours
3. Activating and terminating flashing lights
 - a. If conditions warrant, the district OIC will direct field personnel to:
 - 1) Place traffic control signals on flashing cycle at hazardous intersections (see Section A.4.b. for suggested locations).
 - 2) Return lights to regular cycle after hazardous conditions have been eliminated.

NOTE: Extreme caution should be exercised in the use of flashing traffic control signals, especially at school crossings.
 - b. Field personnel will notify the district of street conditions and that traffic signals have been placed on flashing. District desk personnel will in turn notify the Public Services dispatcher of the signals that have been put on flashing.
 - 1) Obtain the name of person notified.
 - 2) District personnel will make a blotter entry. The blotter entry will include time, location, reason, officer making light change, and the name of the Public Services dispatcher notified.
 - a) A blotter entry will be noted when the lights are returned to normal cycle.
 - 3) District supervisors will review these blotter entries during their current tour of duty.

- c. As soon as an intersection where red or amber lights are flashing has been treated, the Public Services supervisor in charge will notify the Public Services Communications Center, who will, in turn, notify the designated Transportation and Engineering personnel. Transportation and Engineering personnel, upon examining conditions at the flashing light location, will exercise their discretion whether to return the light to normal operation or retain the flashing cycle.
 - 1) Both Transportation and Engineering personnel and the Police have the discretionary responsibility to return the flashing light to normal operation if, in their opinion, it will alleviate an undesirable traffic condition. Transportation and Engineering Department has final authority in case of disagreement.
4. The shift OIC will:
- a. Reroute traffic only when absolutely necessary.
 - b. Assign Police personnel to key intersections when conditions prevent the use of traffic control signals.

SUGGESTED LOCATIONS

District One

- 1) Third Street and Broadway
- 2) Third and Elm Streets
- 3) Fourth and Elm Streets

District Two

- 1) Columbia Parkway and Delta Avenue
- 2) Columbia Parkway and Torrence Parkway
- 3) Columbia Parkway and Tusculum Avenue
- 4) Delta Avenue and Griest Avenue
- 5) Delta Avenue and Observatory Avenue
- 6) Madison Road and Observatory Avenue
- 7) Paxton Avenue and Erie Avenue
- 8) Paxton Avenue and Marburg Avenue
- 9) Beechmont Avenue and Redfield Place
- 10) Hackberry Avenue and Taft Road

- 11) Dana Avenue and I-71 (NB entrance ramp) (SB exit ramp)

District Three

- 1) Harrison Avenue and Queen City Avenue
- 2) Eighth Street and State Avenue
- 3) Hopple Street and Beekman Street
- 4) Grand Avenue and Warsaw Avenue

District Four

- 1) Reading and Paddock Roads
- 2) Reading Road and Seymour Avenue
- 3) Gilbert Avenue and Eden Park Entrance
- 4) Gilbert Avenue and Victory Parkway
- 5) Madison Road and Vista Avenue
- 6) Victory Parkway and Dana Avenue

District Five

- 1) Central Parkway and Western Hills Viaduct
- 2) Ravine and McMillan Streets
- 3) Knowlton's Corner
- 4) Lafayette Avenue and Ludlow Avenue
- 5) Middleton and Ludlow Avenues
- 6) 3035 Jefferson Avenue (Jefferson and W. St. Clair)
- 7) Woodside Place and W. St. Clair Avenue
- 8) 3217 Clifton Avenue (Good Samaritan Hospital)
- 9) Blue Rock Road and Colerain Avenue
- 10) Spring Grove Avenue and Winton Road

5. Placement of barricades

- a. If it becomes necessary to place barricades (see locations), the district beat officer will respond to the storage place(s) and place a barricade(s) at a needed location(s).
 - 1) Notify district of placement of barricade(s).
 - a) District desk personnel will notify CIN-1 - Line 2938.
 - b) Both units will maintain a log.
 - 2) PCS will issue an All County Broadcast (ACB) and notify Fire Dispatch to send a General Broadcast (GBDC) teletype advising emergency units county wide of the location of street(s) that have been barricaded.
- b. District Personnel, when weather conditions permit, will return the barricades to their place of storage and notify the district to place a disposition in the blotter that they have returned the barricades to storage. Personnel assigned to retrieve the barricades will notify a supervisor of any that are not found at the assigned location.
- c. Districts are responsible for marking the barricades as "Police Department Equipment" and will note on the barricade the location that it must be returned to.
- d. District Personnel will notify CIN-1 – Line 2938 what streets have been re-opened.
- e. PCS will issue an ACB, notify Fire Dispatch and send a GBDC teletype advising emergency units county wide of the location of street(s) that have been re-opened.

B. Snow Emergencies

1. City of Cincinnati snow emergencies

- a. After notification by the City Manager, or the designee, of the official City snow emergency declaration, PCS will record the time of the notification. PCS will notify all units of the Department by radio and teletype, including the Night Chief, if it occurs during duty hours.
 - 1) The OIC of each district will also be notified, via telephone by PCS, and informed of the reporting time and location for detailed personnel.
 - 2) District supervisors will ensure all uniformed personnel have a current copy of the Snow Emergency Route Street Listing, which can be obtained from Traffic Unit.

- b. PCS will notify the PIO Commander who will become the media liaison for the City of Cincinnati during the snow emergency. The PIO Commander will be recalled if the snow emergency is declared after duty hours.
- c. PCS will notify the news media, via voice mail, of the declaration of the snow emergency. PCS will inform the news media that the PIO Commander will be their point of contact within the City of Cincinnati.
- d. PCS will notify the on-duty Traffic Unit supervisor of the snow emergency, who will become the snow emergency vehicle removal detail supervisor.
 - 1) If no Traffic Unit supervisor is working, one will be recalled.
 - a) If no Traffic Unit supervisor can be contacted, the Patrol Bureau Commander or the Night Chief will designate an on-duty supervisor to be the snow emergency vehicle removal detail OIC.
 - 1] PCS will keep on file an updated copy of the Traffic Unit Standard Operating Procedure (SOP) on snow emergencies for use by this designated supervisor.
 - a] The most current copy of the Snow Emergency Route Street Listing will be obtained from Transportation and Engineering and included as part of the SOP.
 - b] The Traffic Unit Commander will be responsible for keeping the PCS copy of the Traffic Unit Snow Emergency SOP updated.
- d. PCS will notify two wreckers from the rotation list for each district to respond to the Public Services Garage, 3300 Colerain Avenue, at the specified time. The time will be determined by the Public Services Department.
- e. The Police Department will provide ten officers. Two officers and two marked police vehicles from each district will be detailed as snow emergency vehicle removal units. The district OIC will notify PCS of the detailed units.
 - 1) Traffic Unit will provide a supervisor to ensure supervision of these officers who will be working in conjunction with other city agencies.

- a) The detail supervisor will meet with the Public Services supervisor to determine their priorities for the operation. The detail supervisor will then assign his officers accordingly.
 - 1] The detail supervisor will notify PCS of call numbers and areas of assignment for the detailed units.
- 2) Snow emergency vehicle removal units will report to the Public Services Garage at a designated time (usually one hour before plowing begins) to be briefed on their duties and areas of assignment.
 - a) The primary responsibility for removal of vehicles on snow emergency routes will be with the snow emergency vehicle removal units. Each removal unit will be assigned a private wrecker.
 - b) The following guidelines will be followed for issuing citations:
 - 1] If the snow emergency is declared between 2100 and 0500 hours, issue citations after 0800 hours.
 - 2] If the snow emergency is declared between 0500 and 2100 hours, issue citations three hours after the time the snow emergency is declared.
 - a] If the snow emergency is declared between 0500 and 0800, a "move only" will be utilized in order to facilitate the snow removal process without issuing a citation.
 - c) All personnel are reminded to exercise discretion during a snow emergency.
 - 1] Make every possible effort to contact the owner/operator of a vehicle before it is moved.
 - 2] Ensure the position of the vehicle is affecting the free and safe movement of traffic.
 - 3] Ensure relocation of the vehicle will improve the traffic situation.
 - 4] Ensure each district desk person has a list, updated hourly, of streets cleared of vehicles along snow emergency routes.

- d) If the owner/operator is located, the snow emergency vehicle removal officer on the scene will advise the owner to move the vehicle to a location not on the snow emergency route or the vehicle will be moved by the police.
- e) If the owner/operator is not located, or does not move the vehicle after being notified, the snow emergency vehicle removal officer will:
 - 1] Cause the assigned detail wrecker to relocate the vehicle.
 - a] Have the wrecker driver move the vehicle to a nearby non-critical area (complete a Form 369, Towing Report). If there is not a non-critical area available, tow the vehicle to the Impound Unit (complete a Form 369).
 - 2] Issue a citation if three hours have passed since the declaration of the snow emergency and the owner/operator does not move the vehicle after being notified to do so.
- f) When a wrecker is used to move a vehicle, complete a Form 369 in duplicate for each vehicle being moved.
 - 1] Be specific and complete every blank of the Form 369, if possible.
 - 2] Under "Is Car Locked," indicate if car was opened and re-secured.
 - 3] Under "Other Information," give location to which the vehicle was moved, and list the name of the towing company.
 - 4] The officer must clearly sign his first and last name and list his badge number.
 - a] Original will be given to the wrecker driver as a receipt to use in collecting his towing fee.
 - b] Duplicate will be verified and initialed by the detail supervisor who will forward the Forms 369 to the Impound Unit by 0800 hours the following day.
- g) If a vehicle is towed to the Impound Unit by a private wrecker, complete the appropriate form and send it with the wrecker driver.

- h) Any time a vehicle is moved or impounded, immediately supply the district with the time, original location, the location it was moved to, make of vehicle, and license number.
 - i) Each district will maintain a file on all vehicles relocated.
 - 1] Inquiries concerning relocated vehicles will be referred to the appropriate district.
 - f. District personnel will conduct a continual survey of the snow emergency routes in their districts, giving special attention to:
 - 1) Inbound lanes from 2300 hours to 1100 hours.
 - 2) Outbound lanes from 1100 hours to 2300 hours.
 - g. Appropriate enforcement action and vehicle removal will be continued until the snow emergency is cancelled, regardless of whether plowing is complete or not.
 - h. The City Manager, or the designee who will normally be the on duty Public Services supervisor, will notify PCS upon the termination of the snow emergency. PCS will record the time of the notification. PCS will notify all units of the Department by radio and teletype, including the Night Chief if notification occurs during duty hours.
 - 2. Hamilton County Level 3 snow emergencies
 - a. After notification by the Hamilton County Communications Center of the official Level 3 snow emergency declaration, PCS will record the time of the notification. PCS will notify the Patrol/Resource Division Commander or the Duty Officer.
 - b. PCS will notify the PIO Commander who will become the media liaison for the City of Cincinnati during the snow emergency. The PIO Commander will be recalled if the snow emergency is declared after duty hours.
- C. Preparation of Police Automotive Equipment
- 1. Cable chains will be put on at all districts as well as Fleet Services main facility.
 - a. Any district needing chains to be put on will notify Fleet Services, Line 352-3681.
 - b. Regular district mechanics in Districts One, Two, Three, Four and Five will install chains during work hours.

- c. If during the off hours, Fleet Services (if notified by a Police supervisor), will recall personnel to respond to Districts One, Two, Three, Four and Five.
- d. All rear wheel drive vehicles will have cable chains available.
 - 1) All personnel should be instructed to exercise care when driving with cable chains to prevent vehicle damage.
 - 2) Broken links will be repaired or removed by Fleet Services personnel as soon as possible with minimum driving.
- 2. City policy states city owned vehicles should not be started and allowed to run if not in use, regardless of the number of days the vehicle has not been used. Severe temperature, such as 0 or below, will not modify the City's position on this issue. The only requirement in severe weather is for the operator of the vehicle to turn on the headlights and light bar for 1 – 2 minutes while the vehicle is running prior to driving to allow the snow to begin to melt from these lights.

BARRICADE STORAGE LOCATIONS

District 1

Martin St. & Eden Park Dr. All stored at District 1

Hill St. & St. Gregory Ave.

Paradrome at Loudon St.

District 2

Francis Ln. at Victory Parkway - All stored at District 2

Collins Ave. & Wm. Howard Taft Rd.

EB McMillan Ave. at Hackberry

SB Torrence Pkwy. at Madison Road

NB Herschel View at Observatory Ave.

SB Paxton Ave. at Ziegler Ave.

District 3

Faraday Rd. at President Dr. - Five barricades at Fire Station, 2131 State Avenue

Worthington Ave. at 3096

Bassett Rd. at Woodlawn Ave. - Five barricades at District 3

Grand Ave. at Lehman Rd.

Mt. Hope Ave. at Ansonia Ave.

Seegar Ave. at Fairmount Ave.

Wilder Ave. at Glenway Ave.

White St. at Harrison Ave.

Sutter St. at Bleecker Ln.

Lehman Rd. at 2860

District 4

Dorchester St. at Highland Ave. - All stored at District 4

Sycamore St. at Dorchester St.

District 5

Ashtree Ave. at Hamilton Ave - All stored at Public Services Garage 3300
Colerain Avenue Dispatcher's Office

Kirby Ave. at North Bend Rd.

Ravine St. at Warner St.

Straight St. at Ravine St.

Central Parkway at Marshall Ave.

12.205 TRAFFIC ENFORCEMENT

Reference:

Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.240 - Ohio Multi-count Uniform Traffic Ticket (MUTT)
 Procedure 12.537 – Mobile Video Recording Equipment
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.900 - Processing Juvenile Offenders
 Procedure 19.140 - Outside Employment
 Procedure 12.554 – Investigatory Stops
 Cincinnati Municipal Code Chapter V
 City of Cincinnati Police Pamphlet
 Ohio Revised Code - Motor Vehicle Laws
 City Ordinance 88-2001

Purpose:

To afford the public a fair measure of enforcement consistent with the objectives of efficient traffic regulation, accident investigation, and relieving traffic congestion.

To employ discretion as directed in borderline cases when:

- There is a reasonable possibility of human error in judgment on the part of either the police officer or the public.
- There is a logical possibility of malfunction of mechanical equipment without knowledge or intent on the part of the driver.
- The content of the particular law, which was violated, is not common knowledge.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in their enforcement program. Any member of the Department who engages in illegal profiling shall be subject to disciplinary action, in accordance with applicable civil service law, up to and including dismissal, and may face claims of civil rights violations in Federal court.

Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits. Recording will continue until the traffic stop is completed and the stopped vehicle departs, or until the officer's participation in the stop ends.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop has been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

Department personnel will provide assistance to any motorist in need of general assistance on the highway. This includes those needing towing services or other mechanical assistance, seeking directions, stranded, or in need of other emergency assistance. Personnel will make the necessary corrective actions or notifications when they encounter inoperable or damaged traffic control devices, roadway defects, debris, or any other hazardous roadway conditions.

Department personnel will not provide emergency escorts. Routine requests for escort services that may affect the flow of traffic will be referred to District One.

Information:

The Cincinnati Municipal Code Ordinance No.88-2001 requires the collection of the following information for all motor vehicle stops:

- The number of vehicle occupants;
- Characteristics of race, color, ethnicity, gender and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the police officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;
- The nature of the stop;
- The location of the stop;
- If an arrest was made, the misdemeanor or crime charged;
- If a search was conducted, whether the individual consented to the search, the probable cause for the search, whether the individual's property was searched, and the duration of the search;
- Whether any contraband was discovered in the course of the search and the type of any contraband discovered;
- Any additional information that the Police Chief deems appropriate.

This information will be collected on a Form 534, Contact Card. Officers are required to complete a Contact Card for all motor vehicle stops.

Procedure:

A. Traffic Enforcement

1. On-duty enforcement will be guided by the following:
 - a. On ALL motor vehicle traffic stops, officers will complete a Contact Card and submit it with their worksheets at the end of the shift.
 - b. When participating in traffic stops, officers must ensure video and audio equipment is activated.
 - c. Take appropriate enforcement action whenever a violation is detected, including provable violations determined as the result of accident investigations.
 - 1) Handle juvenile traffic offenders as outlined in Procedure 12.900, Processing Juvenile Offenders.
 - d. Traffic law enforcement activities will be primarily but not exclusively selective; e.g., directed toward accident causing violations.
 - e. Officers will not engage in at rest patrol or stationary observation during the heavy traffic hours of 0600-0900 and 1500-1800 weekdays, other than holidays, except while performing speed enforcement in school zones.
 - 1) Traffic enforcement activities will include locating and relieving traffic congestion and hazards on arterial highways, minimizing interference with the flow of traffic, and being alert to traffic conditions.
 - f. Objectively enforce parking regulations.
 - g. Members encountering problem conditions which are the responsibility of other city agencies (Traffic and Road Operations Division, Public Utilities, etc.) will complete a Form 318, Report of Conditions Affecting Other Departments, in triplicate and distribute as follows:
 - 1) Fax a copy of the Form 318 to Public Services, Customer Service at 591-6027.
 - 2) Original is sent to Public Services, Customer Service via interdepartmental mail.
 - 3) Copy to the City Solicitor's Office.
 - 4) Copy filed at the initiating unit.
 - h. When traffic violators are stopped for violations, which under normal conditions, merit a citation, and the officer involved believes a physical arrest on the traffic violation is necessary, he will call his supervisor to the scene. The responding supervisor will make the final decision.

- 1) If the traffic violator conducts himself in a disorderly manner, or when there is a violation other than a traffic offense, the officer may decide to arrest and use discretion in requesting a supervisor to respond.
- i. In order for a person to legally drive a vehicle in Ohio, a person must be legally licensed (ORC §4507.02). That means either this state, or some other state has conferred upon the driver the privilege to drive, and that privilege is still in effect. There is no requirement for the operator of a motor vehicle to carry, or have about his person, a drivers license. Consequently, the mere lack of a drivers license on his person is not probable cause for an arrest. However, a person may be arrested under the following conditions:
- 1) Pursuant to §4507.35, if a driver does not have his license, and fails to provide satisfactory proof of a valid license, there is a legal presumption that he does not in fact have a valid license. Under those circumstances, the officer has probable cause to arrest the individual for a violation of §4507.02.
 - 2) A person supplies satisfactory evidence of his license status by providing the officer with sufficient information, which will allow the officer to verify that license status from the state BMV.

Examples:

- If a person supplies a name and social security number which, when run through the BMV, does return a description which matches the suspect and does indicate that the license is valid, then sufficient evidence of a valid license has been provided. No further action is warranted.
- If a person supplies a name and social security number which, when run through the BMV, returns a description which indicates that there is a valid license under the name submitted, but the descriptive information does not match the subject, then sufficient evidence of a valid license has not been provided and an arrest may be made under §4507.02. Falsification and/or Obstructing Official Business may be additional options.
- If a person supplies a name and social security number and the officer is unable to run that information through the BMV due to the system being down and has no other way to verify the existence of a valid license, then sufficient evidence of a valid license has not been provided and an arrest may be made under §4507.02. With the availability of both police radios and MDTs, this situation should rarely occur.

- 3) Pursuant to §4507.35, if a driver does have his license on his person, and refuses to display that license upon the demand of the officer, such action does constitute a first-degree misdemeanor. The person should be charged with a violation of §4507.35.
 - a) This offense may be hard to establish, since the failure to have a license on his person does not give the officer the right to conduct a pat down or search for the license. Consequently, in cases where an individual tells the officer that he does not have a license on him, when in fact he does, but provides sufficient information to the officer to determine a valid license does exist, that person has committed a violation of §4507.35, but the officer may not know it.
 - b) This violation will normally be charged where the license is discovered pursuant to a search incident to a lawful arrest for some other incident (such as an open warrant or capias), or where the individual later admits to the officer he really does have the license on him.
 - j. Officers encountering violations of Cincinnati Municipal Code (CMC) Section 506-11, Railroads Crossing Highways at Grade, will obtain the full name of the railroad company, its local business address, the name of the local ticket or freight agent, the name of the conductor of the train, and the name and address of the complainant, if any.
 - 1) A district supervisor will respond to the scene to conduct an investigation.
 - a) Do not make citations or physical arrests solely for violation of CMC Section 506-11.
 - b) For violations in excess of 15 minutes, submit a Form 17 through the Patrol Bureau to the Municipal Court Prosecutor's Office requesting a court summons for the railroad company.
 - k. Officers engaged in police related outside employment are considered on duty for purposes of this procedure and should conduct themselves accordingly.
2. Off-duty enforcement guidelines
 - a. Off-duty officers who determine enforcement action is appropriate will contact Police Communications Section (PCS) to request an on-duty police officer and supervisor to respond to the scene to conduct the investigation. This applies to off-duty officers not engaged in police related outside employment, as defined in Procedure 19.140, Outside Employment.
 - 1) If possible, the on-duty officer will make the arrest/citation with the off-duty officer serving as a witness.

- 2) The Department recognizes that in some cases an officer must take immediate action. In these cases, as soon as possible, the officer will contact PCS to request an on-duty supervisor to respond to the scene.
 - a) The responding supervisor will investigate the situation and submit a Form 17 to the Police Chief detailing the circumstances of the incident.
- 3) Officers will not try to stop vehicles while off duty unless it is a serious life-threatening situation.

B. Traffic Enforcement Guide

1. Individual police officer discretion and on-scene supervisory decisions should be guided by policy and specific situations.
2. Lack of hazardous circumstances in borderline violations may warrant enforcement action less than citation; i.e., warning.

Examples:

503-1 - Lights, General

Citation - Recurring violation, violation after warning, violation caused accident, or aggravated circumstances.

Warning - Most violations, with officer discretion dictated by above.

506-39 - Emerging from Alleys or Driveways

Citation - Failed to stop, stopped at place other than designated place (stop line) and interfered with pedestrian or vehicular traffic, or involved in accident with skidmarks crossing stop line.

Warning - Stopped but not at designated place (stop line) and did not interfere with traffic.

- a. Do not issue warnings for violations causing accidents.
3. Police officers must familiarize themselves with the City of Cincinnati Police Pamphlet and Ohio Revised Code - Motor Vehicle Laws for the legal requirements of each ordinance.

C. Speed Enforcement

1. Use only those speed measuring devices or methods approved by the Police Chief to enforce any ORC (Ohio Revised Code) or municipal ordinance relating to speed. They include measuring speed via pacing, radar, and laser.
2. Speed measuring devices will not be used if any known condition exists that endangers the officer or the public. Officers must use sound judgment when considering weather conditions, roadway conditions, traffic congestion, time of day, etc., before initiating the use of a radar or laser unit.
 - a. Check radar and laser units daily for proper operation and calibration before using to enforce any ORC or municipal ordinance relating to speed. Immediately remove radar and laser units from service if the devices fail any portion of the calibration check procedure or are found to be in a state of disrepair.
 - 1) Return radar and laser units in need of repair to the Traffic Unit. They will coordinate the repair by the manufacturer or authorized representative. Make a unit blotter entry indicating the device has been removed from service.
 - 2) Traffic Unit will provide a spare radar or laser unit if available.
 - b. Radar and laser units will be examined and field certified annually by their manufacturer or authorized representative for accuracy of the device and calibration accessories.
 - c. Traffic Unit will maintain records of all radar and laser unit certifications as well as all repairs performed on these units.

D. Pacing

1. Pacing is the act of following a violator's vehicle at the same speed for a given distance, maintaining a set distance between the two vehicles, to establish the violator's speed. Speeds are determined by comparing the police vehicle's calibrated speedometer or speed measuring device to the speed of the violator's vehicle. A pacing distance of one-fourth of one mile is required before determining the violator's speed and enforcing any ORC or municipal ordinance relating to speed.
 - a. Pacing vehicles will not be used if any known condition exists that endangers the officer or the public. Officers must use sound judgment when considering weather conditions, roadway conditions, traffic congestion, time of day, etc., before pacing is used to enforce any ORC or municipal ordinance relating to speed.

- b. All marked vehicles are equipped with field certified speedometers upon receipt by the Police Department. Additionally, each marked vehicle's speedometer is professionally checked and certified accurate before the vehicle is put into service.
 - 1) Certificates of accuracy for all marked Department vehicles are maintained by Fleet Management Unit.
 - 2) Officers notified for court regarding a speeding citation issued based on the pacing of the violator's speed must contact the Fleet Management Unit as soon as possible upon receiving the court notify.
 - a) The Fleet Management Unit will assist the officer in having the vehicle's speedometer recertified before the court date to ensure the proper evidence is available in the event the case goes to trial.

12.210 TRAFFIC CONTROL: MAJOR THOROUGHFARES

References:

Procedure 12.225 - Vehicular Crash Reporting

Purpose:

To ensure the safe and orderly flow of traffic during peak traffic hours, planned or unexpected repair and/or when roadways are under construction.

Procedure:

A. General Guidelines:

1. When stopped on heavily traveled or unlighted streets or highways to provide traffic control, officers will:
 - a. Activate all the emergency flashing lights of their vehicle.
 - b. Remove the police vehicle from the traveled portion of the highway, whenever possible.
 - c. Use flares and traffic cones whenever possible.
 - d. Wear the blue safety vest when outside of their vehicles and in the street for extended periods or directing traffic.
2. Officers on the scene of any incident requiring an expressway or major artery to be closed to vehicular traffic will:
 - a. Immediately notify Police Communications Section of the circumstances and conditions that necessitate the closure.
 - b. Immediately notify their supervisor of the problem and any action taken.
3. Supervisors will:
 - a. Ensure sufficient traffic posts are set to reroute traffic.
 - b. Monitor the situation and have the road opened to traffic as soon as possible after the incident has been brought to a conclusion or when conditions allow for the safe use of the roadway.

B. Rush Hour Traffic Control:

1. Patrol officers will constantly patrol from 0600 to 0900 and 1500 to 1800 hours on weekdays, other than holidays.
 - a. Generally, except radio runs, exclude non-emergency services during these hours.

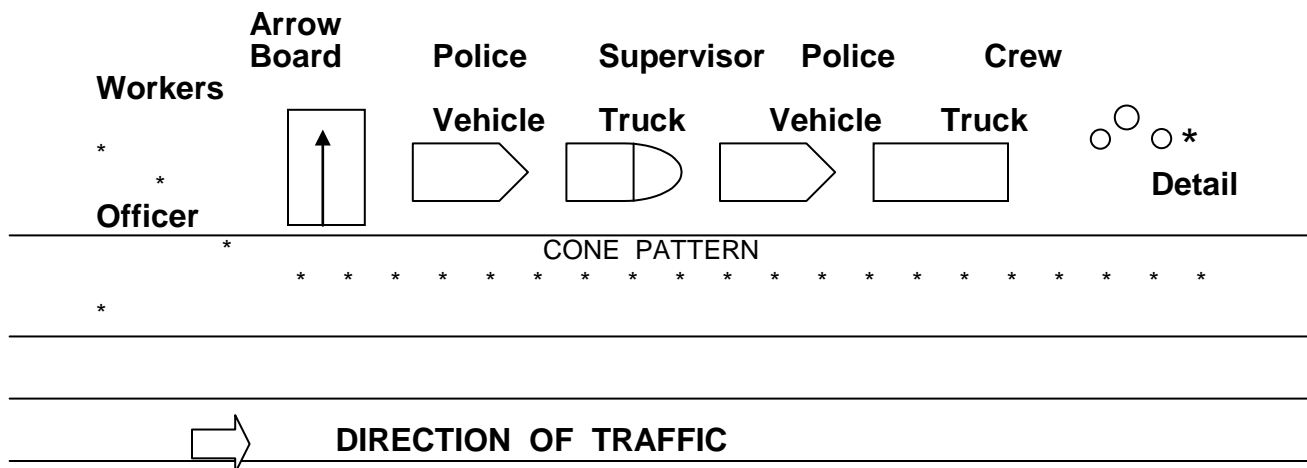
- b. District/Traffic Unit uniformed personnel will remain on moving patrol whenever possible. Uniformed patrol officers will not stop to eat during these hours.
 - c. In inclement weather, hold roll call briefing to a minimum.
 - d. Patrol officers will give attention to major thoroughfares with 0600 to 0900 and 1500 to 1800 parking restrictions.
 - e. District supervisors will inspect the major arteries of their districts for violations of 0600 to 0900 and 1500 to 1800 parking restrictions and other traffic impediments.
2. Take immediate action upon finding traffic congestion or hazardous roadway conditions.
 - a. Notify Police Communications Section (PCS) if assistance is needed, e.g., signal 38, an additional officer to direct traffic, etc.
 - 1) Nonuniform members will also advise PCS of traffic congestion.
 3. When a disabled vehicle interferes with heavy traffic movement, the first uniformed officer on the scene will attempt to alleviate the situation.
 - a. Whenever possible, do not park the police vehicle in a manner that will hamper traffic flow, or block driveways or traffic control devices.
 - 1) If possible, park in a safe position ensuring approaching motorists a clear field of vision with enough distance for braking and merging into traffic.
 - b. If it is not possible to move a disabled vehicle immediately, notify PCS what assistance is needed. Direct the traffic around the disabled vehicle while waiting for assistance.
 4. Unit supervisors should respond to inspect conditions at major accidents and fires.
- C. Roadway Repair Details Using Marked Police Vehicles:
1. Detail Coordination Unit will ensure that any entity that hires a traffic detail receives a copy of Procedure 12.210 when the Letter of Understanding is completed.
 - a. Detail Coordination Unit will instruct the employer that they will be held to the content of this procedure.

2. Detail Coordination Unit will assign all roadway repair details.
 - a. Detail Coordination Unit will forward a copy of any/all highway maintenance details to the district of occurrence.
 - 1) It will be the responsibility of the district supervisor for that shift to respond and inspect the detail (including setup on the interstate).
3. The location, time, and speed limit of the repair site will dictate the number of police officers needed for a detail. This applies to both on-duty and off-duty details.
4. Uniformed police officers and marked vehicles are used to protect roadway repair details by directing and slowing traffic around the repair site and crew.
 - a. Detail officers will not leave their posts to pursue vehicles violating the safety zone(s). The detail officer will give PCS a description for a "traffic wanted" broadcast.
5. The only authorized types of traffic control for roadway repair details are:
 - a. A stationary lane closure on the expressway: This is a stoppage of traffic in the number of lanes that allows safe completion of the repair work. This could be all moving lanes of the expressway depending on the location (e.g., curve), or a single lane.
 - b. A moving lane closure on the expressway: This is a slowing down of traffic in the lanes being worked in. Where the distance and number of entrances permit, two officers will slow all traffic to about 5 MPH to allow the repair crew to move forward and complete the repairs before the moving block approaches. This minimizes the stopping of traffic.
 - c. Repair work not on the expressway system or on streets where the speed limit is 35 MPH or less: A district supervisor will evaluate the repair site to determine the number of officers and the traffic control pattern needed.
 - d. Emergency repair work: This is unplanned work that is immediately needed and can be done in a short time span. Two on-duty officers will be dispatched to meet the supervisor from Public Works. One of the above types of traffic control must be used.
 - 1) District supervisors will ensure that detail officers are relieved to avoid overtime costs to the Police Department.
 - 2) Emergency repair work will not interfere with the movement of traffic for extended periods.

- 3) Avoid repair work during peak traffic hours, 0600 to 0900 and 1500 to 1800, unless the condition to be repaired is an extreme hazard to the motoring public.
- 6. If there is disagreement with the repair crew supervisor, or any question about the traffic control methods to be used, the detail officer will immediately contact a police supervisor from the district in which the repair work is to be done.
- 7. Descriptions and charts depicting the authorized traffic control patterns (minimum requirements):

NOTE: The flow pattern allows adequate warning of restricted area and a gradual escape for the inattentive motorist.

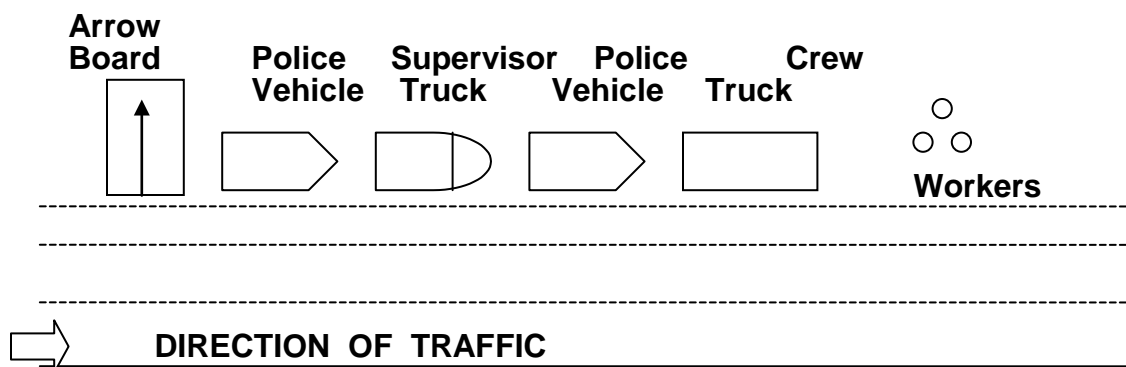
CHART 1 - STATIONARY LANE CLOSURE (EXPRESSWAYS AND OTHER ROADS OVER 35 MPH)



- a. Stationary lane closures on multilane roads with speeds over 35 MPH (refer to Chart 1 above)
 - 1) Stationary signs in advance of closure
 - a) Location and number of signs determined by the repair crew supervisor.
 - 2) Traffic cone pattern
 - 3) Arrow Board
 - 4) Police officer and marked vehicle.
 - a) The officer will take a position outside his vehicle to monitor or direct oncoming traffic, as needed.
 - 5) Repair crew supervisor vehicle

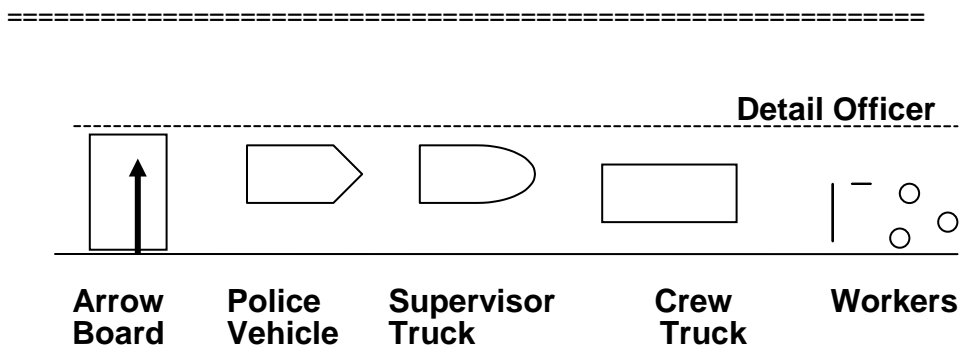
- 6) Second police officer, with a marked vehicle, if warranted (as determined by the traffic detail supervisor). The officer will be outside the vehicle.
- 7) Vehicle for repair crew
- 8) Workers

CHART 2 - MOVING LANE CLOSURE (EXPRESSWAYS AND OTHER ROADS OVER 35 MPH)



- b. Moving lane closures on multilane roads with speeds over 35 MPH (refer to Chart 2 above).
 - 1) Arrow board (when available)
 - 2) Police officer in marked vehicle
 - 3) Repair crew supervisor vehicle
 - 4) Second police officer in marked vehicle
 - 5) Vehicle for repair crew
 - 6) Workers

CHART 3 - REPAIR WORK ON 35 MPH OR SLOWER STREETS



- c. Repair work on streets where speed is 35 MPH or less (refer to Chart 3 above).
- 1) Arrow board
 - 2) Police officer and marked vehicle
 - a) The officer will take a position outside his vehicle to monitor or direct oncoming traffic, as needed.
 - 3) Repair crew supervisor vehicle
 - 4) Vehicle for repair crew
 - 5) Workers

12.215 CINCINNATI PARKING INFRACTION (CPI)

Reference:

Procedure 12.205 - Traffic Enforcement
 Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.445 - Complaint Report – Form 305

Purpose:

Provide for the uniform issuance of Cincinnati Parking Infractions.

Information:

There are parking meter spaces and “handicapped parking only” spaces throughout the City for the exclusive use of handicapped motorists. Special blue parking meter heads indicate the space is for handicapped motorists only. The “handicapped parking only” spaces are indicated by a sign. Only vehicles bearing an officially issued handicapped license plate or handicapped card may use these specially marked spaces.

Procedure:

A. Guidelines

1. Use the Cincinnati Parking Infraction (CPI) when enforcing the following infractions:
 - a. License plate infractions on parked vehicles.
 - b. Parking infractions.
 - c. Meter infractions.

Exception: When citing a juvenile for the above listed infractions, issue an Ohio Multi-Count Traffic Ticket (MUTT).
2. Enforce all other violations except warning tags on a MUTT.
3. When citing an adult for the above infractions and the person is not the owner of the vehicle:
 - a. List the operator's full name, address, date of birth, social security number, sex, and race in the "Notes" block of the CPI.
4. Record the license plate sticker number on the CPI in the block titled "Validation Number". Write "None" if the sticker is missing.
5. When enforcing parking violations on a vehicle that is not displaying license plates, tow the vehicle; do not issue a CPI. CPIs cannot be processed without a license plate number. This applies to both occupied and unoccupied vehicles.

B. Enforcement Guidelines

1. Issue a CPI rather than a warning for the following parking infractions:
 - a. Unauthorized stopping and parking.
 - b. Stopping, loading, or unloading on primary arteries.
 - 1) During restricted hours.
 - 2) In "No Stopping or Parking" posted areas.
 - c. Commercial trucks or vehicles displaying commercial truck license plates may load/unload on downtown streets, except in areas posted "No Stopping or Parking".
 - 1) Truck drivers do not need to place coins in parking meters when actively engaged in loading or unloading.
2. Holiday enforcement
 - a. Holiday, when used in connection with any traffic control device, will mean each of the following:
 - 1) New Year's Day - January 1st
 - 2) Martin L. King, Jr. Day - Third Monday in January
 - 3) Memorial Day - Last Monday in May
 - 4) Independence Day - July 4th
 - 5) Labor Day - First Monday in September
 - 6) Thanksgiving Day - Fourth Thursday in November
 - 7) Christmas Day - December 25th
 - b. Enforce "No Parking 6/7 - 9 AM and 3/4 - 6 PM" parking restrictions as posted, except on holidays.
 - 1) Issue a CPI when impounding for a violation of peak hour restrictions.
 - 2) Enforce parking meter infractions as noted on each meter.
 - c. Enforce all other parking regulations on holidays.
 - c. During religious services, officers should contact institution officials before taking enforcement action on parking complaints in areas adjacent to religious institutions.

3. Enforce parking restrictions on undedicated streets, shopping center lots, privately owned roads or driveways, only on complaint.
 - a. Handicapped parking restrictions can be enforced without a complaint.
 - b. Officers will enforce signs posted by the City restricting parking on undedicated streets.
 - 1) Undedicated streets are those private streets open to the public as a thoroughfare for vehicular traffic.
 - c. Officers will enforce fire lane signs posted by the City on privately owned roads and driveways.
 - 1) Privately owned roads and driveways are in private ownership and not open to the public.
 - d. Contact Traffic Engineering, Monday through Friday, 0830 - 1700 hours to determine if signs were posted by the City.
 - e. Officers may enforce infractions of public safety zones (fire lanes) on shopping center parking lots.
 - 1) The following areas have officially recognized fire lanes:
 - a) University Village Shopping Mall in Corryville
 - b) Hughes High School connector to Krueck Community Center
 - c) Western Hills Plaza
4. Police officers will enforce parking meter infractions at City owned, off street parking facilities that do not issue meter permits.

C. Handicapped Parking Enforcement

1. Meter enforcement
 - a. Issue a CPI to vehicles without the proper license plate, windshield placard, or parking card using Cincinnati Municipal Code (CMC) Section 508-36. Tow only as a last resort or in aggravated cases.
 - b. Section 4511.69 of the Ohio Motor Vehicle Code allows a handicapped person to park a vehicle for a period of two hours in excess of the legal parking period, except where the vehicle is parked in such a manner as to be clearly a traffic hazard.
 - 1) The handicapped person must deposit a coin in the meter to obtain time to park. Parking is allowed two hours beyond the expiration of that time before a violation can be issued.

- 2) An officer with personal knowledge that the two-hour grace period has expired may issue a CPI for a Meter Violation, CMC Section 509-7.
 - 3) Handicapped persons cannot park at these meters during 6/7 - 9 AM or 3/4 - 6 PM parking restrictions. In this instance, issue a CPI for the parking violation.
 - a) Tow only as a last resort, or in aggravated circumstances, with the approval of a supervisor.
2. Enforcement on private property
 - a. Officers may enforce handicapped parking infractions on private lots under CMC Section 508-36.
 - 1) Vehicles can park in handicapped parking spaces only if they display handicapped license plates, a windshield placard, or a parking card.
 3. Enforcement of "Handicapped Parking Only" signs on City streets
 - a. Issue a CPI to vehicles without the proper license plate, placard, or card using CMC Section 508-36. Tow only as a last resort or in aggravated cases.
- D. Defective Parking Meters
1. Defective parking meter (no CPI)
 - a. Notify the district desk person of the location and condition.
 - b. District desk personnel will make the necessary blotter entry.
 - 1) Notify the Parking Facilities Office (Mon. - Fri., 0800 - 1630 hours). If closed, first shift will make the notification on the next business day.
 2. Defective parking meter reported, CPI issued by a parking enforcement officer
 - a. Instruct the citizen to immediately mail or deliver the CPI to the Meter Shop at City Hall, 801 Plum St., Room 24. An explanation of the defective parking meter by the citizen should accompany the CPI.
 - b. Notify the district desk person of the location and condition.
 - c. District desk personnel will make the necessary blotter entry.
 - 1) Notify the Parking Facilities Office (Mon. - Fri., 0800 - 1630 hours). If closed, first shift will make the notification on the next business day.

3. Defective parking meter, CPI issued by a police officer
 - a. The officer will accept the CPI and write in the name, address, and phone number of the recipient.
 - 1) The officer will notify his supervisor. The supervisor will complete a Form 654, Request for Cancellation, containing the following information: CPI number, name of the issuing officer, and the name of the officer verifying the defective meter. The supervisor will forward the Form 654 and the CPI to the Parking Facilities Office.
 - b. Before forwarding the Form 654, the district supervisor will call the Records Section Customer Service Supervisor. The supervisor will place a hold on the CPI, pending an investigation by Parking Facilities.
 - c. Parking Facilities will note the results of the parking meter inspection on the CPI and forward it to the Police Chief's Office.
 - 1) If the meter was found to be defective, the Patrol Bureau Commander will forward the CPI to the Court Control Unit for dismissal by the hearing officer. Patrol Bureau will notify the complainant by mail of the disposition.
 - 2) If the parking meter was not defective, Patrol Bureau will mail the CPI back to the complainant with instructions for its proper disposition.

E. Street Sweeping Enforcement

1. Officers will enforce street sweeping signs only when requested by a Public Services supervisor. Officers will enforce street sweeping signs on city streets maintained by the Cincinnati Metropolitan Housing Authority (CMHA) upon complaint from CMHA security personnel.
 - a. Issue a CPI for a violation of CMC 502-3, Parking Prohibitions During Street Sweeping Operations, but do not tow.
 - b. Note the Public Services supervisor's or CMHA security officer's name and address in the "Notes" block as witness information for cases contested at any subsequent hearing.

F. Enforcement of Temporary "No Parking" Signs

1. The City Manager has designated the Police Chief or his designee to act on the Manager's behalf for the purpose of posting and maintaining temporary "No Parking" signs on local highways and all other municipal property pursuant to CMC Sections 502-24 and 508-2.

- a. A private citizen, contractor, or public utility under contract to the City may be authorized to post temporary "No Parking" signs by the Police Department.
 - 1) Temporary "No Parking" signs for work scheduled to exceed one day requires the completion of a Form 305, Complaint Report. The Form 305 will include the date and time the signs are posted and the expected completion date.
 - 2. Take enforcement action only if there is a prior blotter entry indicating the location, time posted, and effective hours of the temporary signs.
 - a. Temporary signs must be posted at least 14 hours before a CPI for overtime parking can be issued.
 - b. A district supervisor will assign an officer to check the signs for proper posting. Note the time checked in the disposition column of the blotter and/or the Form 305.
 - 3. Street paving enforcement
 - a. Tow and issue a CPI to vehicles in violation of properly posted signs. If the Impound Unit is full and a supervisor approves a move only tow, issue a CPI.
 - b. If temporary "No Parking" signs are absent or improperly posted, a police supervisor may order a move only tow to accommodate the street paving operations. Do not issue a CPI in this situation.
- G. Parking Facilities Parking Enforcement Officers
- 1. Parking enforcement officers enforce selected parking infractions in addition to meter infractions.
 - 2. When responding to a parking enforcement officer's request for advice or assistance regarding proper enforcement of these ordinances, render police support in a professional manner.
 - 3. A police officer receiving a parking complaint from a citizen will take the appropriate enforcement action. Do not refer the citizen to Parking Facilities.
 - 4. Parking enforcement officers cannot enforce the following CMC Sections:
 - 508-4 Removal of Obstructing Vehicles
 - 508-5 Vehicle Obstructing After Collision
 - 508-12 Parking Unreasonable Time
 - 508-21 Use of Bus Stop
 - 508-34 Special Parking Restrictions

12.220 PEDESTRIAN TRAFFIC - LAW ENFORCEMENT

Reference:

Standards Manual - 61.1.5

Procedure:

- A. All police personnel, when issuing citations for pedestrian violations to both adult and juvenile pedestrians, will:
 - 1. Make every effort to obtain proof of identification from the violator. This can be a driver's license, salary record, telephone bill, charge-a-plate, or any other type of credential normally carried by pedestrians.
 - a. If the pedestrian violator does not possess some kind of identification, the officer shall, through careful and courteous questioning, attempt to obtain accurate information in order to properly complete the citation.
 - b. The kind of identification submitted by the violator shall be entered in the "Driver's License" space of the citation. If the violator has no proof of identification, this fact will be noted in this space.
 - 2. Ensure all traffic citations are legibly and neatly printed, with special attention to recording names and addresses.
 - 3. Ensure that all violators, who are issued an O.U.T.T. citation, receive a readable copy of the O.U.T.T.
- B. Unit supervisors shall carefully inspect all pedestrian citations for accuracy and legibility. If any doubt exists, the supervisor will return the citation to the officer for clarification and verification before forwarding it to the Records Unit.
- C. All district personnel shall actively engage in the pedestrian enforcement program. Participation or lack of participation in the pedestrian enforcement program shall be considered a factor in evaluating individual and unit efficiency in traffic supervision.
- D. Provisions of Procedure 12.260, Warrants: Service and Recording, shall be strictly adhered to.
- E. Commanding officers shall evaluate individual and unit effectiveness in the pedestrian enforcement program, and require written explanations where there is a lack of participation or deviation from prescribed procedures.

12.225 VEHICULAR CRASH REPORTING

Reference:

Traffic Crash Report Procedures - State of Ohio Department of Highway Safety
 Ohio Revised Code 1533.121 - Deer Killed by Motor Vehicle
 Ohio Revised Code 2935.28 - Property Owners to be Provided with Names of
 Persons Charged with Damaging Their Property
 Procedure 12.030 - Vehicles: Assignment, Use and Maintenance
 Procedure 12.035 - Reporting Police Vehicular Accidents and Damage
 Procedure 12.106 - University Air Care Helicopter
 Procedure 12.210 - Traffic Control: Major Thoroughfares
 Procedure 12.226 - Aircraft Crash Response and Reporting
 Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
 Procedure 12.235 - Operating a Vehicle Under the Influence (OVI): Processing
 and Arrest
 Procedure 12.265 - Wrecker and Towing
 Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.435 - Reporting Conditions Affecting Other Departments - Form
 318
 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage,
 and Release
 Manual of Rules and Regulations – 2.03

Purpose:

Assign responsibility for investigating and reporting vehicular crashes.

Ensure compliance with the State of Ohio Department of Highway Safety's
 Traffic Crash Report procedures.

Policy:

Officers will conduct a thorough investigation and accurately document vehicular
 crashes while making every effort to ensure the safety of the community and
 return the roadway to a normal traffic pattern.

Information:

A Form 683, Vehicle Crash Report Log, will be maintained at each district and
 will serve as the source for the crash report number entered on the Form OH-1,
 State of Ohio Traffic Crash Report. After all crash report numbers from a log
 sheet have been used, the sheet will be removed from the log and forwarded to
 the collator.

Procedure:**A. Investigation Assignment**

1. Traffic Unit is responsible for investigating and reporting the following vehicle crashes:
 - a. Fatal crashes.
 - b. Potentially fatal crashes.
 - c. Spectacular or unusual crashes requiring detailed and extensive investigation.
 - d. Interstate highway crashes, if available.
 - e. Hit-skip follow-up investigations.
2. Districts are responsible for investigating and reporting the following vehicle crashes:
 - a. Non-life threatening injury crashes.
 - 1) Non-life threatening injuries can include broken bones, cuts, and bruises when vital signs indicate the victim is in no apparent danger of death.
 - b. Non-injury, property damage crashes.
 - 1) This includes most hit-skip crashes and fender-bender type collisions.

B. Vehicular Crash Investigation

1. The responding officer will:
 - a. Determine if there are injuries and if medical aid is necessary.
 - b. Request a supervisor respond if the injuries are serious.
 - c. Request Police Communications Section (PCS) dispatch the Fire Department, if needed.
 - d. Protect the crash scene.
 - e. Have the drivers remove all vehicles from the roadway, if possible, and then complete all necessary paperwork. Use push bumpers, when possible, to remove disabled vehicles from the roadway in order to relieve traffic congestion.

- 1) Under no circumstances will officers attempt to move a motor vehicle when the following circumstances exist:
 - a) A vehicle carrying Hazardous Materials (HAZMAT) has overturned or received significant structural damage.
 - b) The vehicle is involved in a fatality or potential fatality.
 - 2) Before having drivers remove vehicles from the roadway, ensure:
 - a) Any injuries will not increase in severity because of the movement.
 - b) The driver of the vehicle may legally operate the vehicle, i.e., the driver is not intoxicated, etc. Retain all driver licenses until the investigation is completed.
 - c) The vehicle has no major defects that may cause the driver to lose control.
 - d) The driver has full instructions as to where they are to exit the roadway and where to meet the investigating officer. Ensure that the place where they are to meet the investigating officer is a safe location.
- f. Conduct a complete investigation.
- 1) Investigating officers will process any Polaroid photos taken at the crash scene as evidence to be held for court.
 - a) Label each Polaroid and include the Form OH-1 report number.
- g. Determine the need for other departments or agencies in cases of gas leaks, down wires, damaged buildings, broken or down telephone poles, damaged fire hydrants, hazardous material spills, etc.
- 1) Notify district desk personnel of damage. District desk personnel will call Public Works Customer Service to report the damage.
 - a) Public Works will determine the agency responsible for the damaged property and make the proper notification.

- 2) Complete a Form 318, Conditions Affecting Other Departments Report, and include the Form OH-1 report number when conditions require action by other City departments or the Ohio Department of Transportation.
 - a) Officers will forward the Form 318 and two copies to the district/unit collator with the Form OH-1.
 - 1] The original Form 318 will be forwarded and faxed to the Public Works Customer Service Office by the district/unit collator.
 - 2] Copies will be forwarded to the City Solicitor's Office and filed at the initiating unit by the district/unit collator.
 - 3] The collator will forward a copy of the Form 318 to the Ohio Department of Transportation if conditions require action by that agency.
 - 3) When a fire hydrant is struck, request the Fire Department respond to assess damage and handle necessary repairs.
- h. Request wreckers when needed.
- i. Have the drivers involved in the crash complete a Form 528, Driver or Person Involved in Accident, to exchange necessary information: name, address, telephone number, insurance information, vehicle information, etc.
- 1) When a crash causes damage to property, upon request of the property owner, the investigating law enforcement agency will provide the name of the driver if the driver is charged with a violation of a City ordinance or State statute.
 - a) Law enforcement agencies and their employees acting in good faith are not civilly liable.
 - 2) Refer requests for information or copies of completed Forms OH-1 to Records Section.
- j. If the crash involves City equipment, request a supervisor from the affected City department respond to the scene.
- 1) The supervisor of the involved employee will complete the City accident form. Administrative action will be taken if the employee is found at fault.

2. The investigating officer will request a supervisor respond to the scene in the following cases:
 - a. Crashes involving an on-duty or off-duty police officer.
 - b. Fatal, potentially fatal, or serious injury crashes.
 - c. Unusual crashes.
3. The responding supervisor will:
 - a. Determine if a Traffic Unit investigator is needed.
 - b. Determine if the Night Chief or district officer in charge is needed.
 - c. Ensure a complete investigation is made.
4. Reports at district stations
 - a. District personnel will prepare a Form OH-1 and other necessary forms when a citizen responds to a district to report a crash.
5. Reporting crashes on private property
 - a. PCS will not dispatch police personnel to crashes on private property unless it involves an injury, hit skip, or the vehicles are not operable.
 - 1) PCS will advise participants involved to respond to the nearest district to file a report.
 - 2) If dispatched to the scene of a crash on private property, the officer will make the report.
 - 3) Police personnel witnessing or coming upon the scene of a crash on private property will make the crash report.
6. Reporting crashes involving Hamilton County vehicles inside the city limits
 - a. Department personnel will investigate and complete a report for all auto accidents involving County vehicles inside the city limits.
 - b. PCS will notify Hamilton County Communications Center of all auto accidents involving County vehicles with serious injuries or fatalities.
 - 1) Hamilton County Sheriff's Office Traffic Section personnel may respond and monitor the auto accident investigation.

C. Form OH-1, State of Ohio Traffic Crash Report

1. The investigating officer must complete a Form OH-1 for all crashes whether the vehicle is occupied or not.
 - a. Complete a Form 533, Hit Skip Supplementary Report, in all unsolved hit-skip crashes and attach it to the Form OH-1.
 - 1) Information on unsolved hit skip vehicles is recorded on the Form 533, not on the Form OH-1.
 - 2) Upon completion of the report, the investigating officer will fax a copy of the Form OH-1, the Form 533 (both sides), and any other pertinent information to the Traffic Unit.
2. Print all information with a black ink ballpoint pen only.
3. Obtain a crash report number from the Form 683, Vehicle Crash Report Log, located at each district.
 - a. The investigating officer will obtain this number from the district in which the crash occurred.
 - 1) This number may be obtained via telephone or MDT.
 - b. The investigating officer will record the Form OH-1 report number on the crash report.
 - c. The investigating officer will leave a copy of completed fatal, unusual, or serious injury crash reports at the district of occurrence. Traffic Unit will fax a copy of these types of crash reports to the affected district. Desk personnel will use these reports when releasing information to the news media.
 - 1) Crash reports will normally be available within seven to ten business days at Records Section.
 - d. Off-duty detail officers will process the crash report upon completion of the detail at the district in which the detail was worked.
 - e. Completed Crash Report Logs will be stored at the district of use and one copy of the completed log will be forwarded to Records Section.
 - 1) Records Section will verify the information on the log and return a signed copy to the affected district.

4. Before ending a tour of duty, the investigating officer must submit the completed Form OH-1 to a supervisor.
 - a. When an investigation extends beyond the investigator's tour of duty, the investigator will obtain authorization from a supervisor to continue working. At the discretion of a supervisor, completion of the investigation and report may be assigned to the following shift.
5. A supervisor will review the completed crash report for accuracy and forward it to a collator.
 - a. The collator will log the auto accidents on the Auto Accident Summary, and forward the summary to the Crime Analysis Unit by the 10th of each month.
 - b. The collator will ensure the reports are hand carried to Traffic Unit by 0900 hours each weekday.
 - c. When a crash involves a University of Cincinnati (UC) or Xavier University (XU) student who is seriously injured, the report will be faxed to either UC at 556-4940 or XU at 745-3861.
6. If additional information is obtained after completing and forwarding the original report, use a Form OH-1 and check the "supplement" box. Use the original report number when providing additional information.
7. Records Section will separate the top copies of pages 1-3 of the Form OH-1 and any supplemental reports and forward them to the Ohio Department of Public Safety. The bottom copies of pages 1-3 and any supplemental reports will be forwarded to Traffic Engineering.
 - a. The information will be entered into the Optical Imaging System by Records Section prior to forwarding.

D. Deer Killed by Motor Vehicle

1. Ohio Revised Code 1533.121 allows the release of a deer carcass to the driver of the vehicle hitting and killing the deer. If the driver does not want the carcass, it may be released to a public or private institution or charity. The following rules govern release of the deer carcass:
 - a. The driver must be an Ohio resident. The private or public institution or charity must be an Ohio institution or charity.
 - 1) Hamilton County Communications Center has a list of institutions and charities willing to accept the deer carcass.
 - b. The crash that kills the deer is reported within 24 hours.

- c. The driver, institution, or charity agrees not to sell or give away the deer. The driver and the driver's immediate family or the inhabitants of the institution or charity receiving it will eat the deer.
2. If an individual comes to a district to report and claim a deer killed by a motor vehicle, the investigating officer should inspect the carcass to be sure the injuries are consistent with a motor vehicle accident, e.g., no gun shot wounds.
 - a. If the injuries are questionable or inconsistent with a motor vehicle accident, do not release the carcass. Contact PCS to request a local Wildlife Officer respond to the scene.
 - b. Illegal deer killing is a violation of ORC 1531.02 and is a third degree misdemeanor.
3. Releasing a deer to the driver or charitable institution
 - a. Complete a Form 21, Ohio Division of Wildlife Deer Killed by Motor Vehicle. The officer will sign his name and badge number in the section for the Game Protector's signature.
 - 1) Each district maintains a supply of the Form 21. Additional copies of the Form 21 are available at the Supply Unit.
 - b. Give the yellow copy of the Form 21 to the person or institution taking possession of the deer as a receipt for the carcass.
 - c. Attach the white copy of the Form 21 to the Form OH-1.
4. If neither the driver nor a charitable institution wants the deer, contact Public Works at 591-6010 to dispose of the carcass. Complete and forward the Form 21 to the Traffic Unit.
 - a. Traffic Unit will send a copy of the top portion of Form 21 to the Division of Wildlife (Xenia Office) biweekly and keep a copy for Department records.

12.226 AIRCRAFT CRASH RESPONSE AND REPORTING

References:

Procedure 12.106 – University Air Care Helicopter
Procedure 12.145 – Critical Incident Response
Procedure 12.210 – Traffic Control: Major Thoroughfares
Procedure 12.230 – Fatal Crash Investigation and Placement of Related Charges
Standards Manual – 2.1.2, 46.1.2

Definitions:

An **aircraft crash** is an occurrence involving an aircraft in flight (takeoffs and landings included) that results in injury to an occupant of the aircraft or substantial structural damage to the aircraft. An aircraft striking an object while being taxied or bent propellers and broken wheels from a hard-landing, if no one is injured, are not considered crashes.

Purpose:

Assign responsibility for investigating and reporting airplane crashes.

To ensure compliance with the Federal Aviation Administration's (FAA) rules and regulations.

Information:

The Aircraft Accident or Emergency Situation Alert categories are:

- **Alert I:** Normal State of Operation. This state of alert indicates that all airport emergency equipment is available.
- **Alert II:** Emergency Stand-By. Air Traffic Control Tower personnel will advise Aircraft Rescue and Fire Fighting Unit (ARFF-18) and Crash/Rescue Unit (CR-1) when an aircraft in the vicinity of, or on the ground at, Cincinnati Municipal Airport has declared an emergency. ARFF-18/CR-1 equipment responds to the appropriate standby area.
- **Alert III:** Accident, Fire, or Bomb Threat. If the accident/incident is on the airport property, the airport shall be CLOSED immediately and will remain closed until the incident is addressed (safe) and turned over by the Cincinnati Fire Department Incident Commander and Airport Management or a designated representative re-opens it.

Procedure:

- A. The first officer at the scene of an aircraft crash will:
1. Immediately notify Police Communications Section (PCS) and advise what police equipment and personnel are necessary for immediate response.
 2. Notify the affected district officer in charge (OIC)
 3. Recommend the location of emergency posts pending arrival of OIC.
- B. The affected district OIC will:
1. Assume command until relieved and respond to the scene.
 2. For serious accidents: immediately implement the **SEVEN CRITICAL TASKS** for successful critical incident resolution (refer to Procedure 12.145)
 - Exercise command and control over the operation
 - Establish the Kill Zone
 - Identify an inner perimeter
 - Identify an outer perimeter
 - Identify a command post
 - Identify a staging area
 - Identify additional resources
- C. PCS will:
1. Notify, in addition to the Situational Occurrences Notification List, the following:
 - a. An on-duty Traffic Unit supervisor, or recall one if necessary.
 - 1) The Traffic Unit supervisor will respond and determine if PCS should notify the Ohio State Patrol (OSP).
 - a) When requested, a PCS supervisor will call the appropriate OSP post and make a blotter notation of the person notified.
 - b. Greater Cincinnati-Northern Kentucky International Airport Police Department
 - 1) The Greater Cincinnati-Northern Kentucky International Airport Police Department will notify the FAA and the National Transportation Safety Board (NTSB).

D. Crash Scene Protection

1. Department personnel at the scene are to ensure the crash site is protected until released by the Federal Aviation Administration (FAA), National Transportation Safety Board (NTSB), or military officials.
 - a. After the scene is isolated and stabilized, no one, including police officers, are permitted access to the scene unless specifically directed by the investigative authority after they have taken control of the scene.
 - b. Do not move any portion of the aircraft, luggage, or any other objects which may have been on the aircraft.
 - c. Do not move fatalities until directed by the Hamilton County Coroner.
2. Aircraft disasters or emergencies at Lunken Airport:
 - a. One supervisor or the OIC will respond immediately to the Lunken Airport Fire Station # 18 to establish communications between the Control Tower and responding police, and/or directions for entry onto the airfield if necessary.
 - 1) One uniformed marked vehicle is to respond to the rear of Lunken Airport Fire Station to prevent unauthorized persons and/or vehicles from entering the airfield area fire access ramp.
 - 2) One uniformed marked vehicle is to respond to Airport Road east guard building to prevent all unauthorized persons and/or vehicles from entering the airfield area.
 - 3) A member of the Public Information Office will be requested if OIC deems it appropriate (refer to Procedure 12.145).
 - b. Under no circumstances are police vehicles or personnel to enter the runway area or restricted areas without radio contact with the Lunken Airport or Cincinnati-Northern Kentucky International Airport control towers. Obtain approval of the OIC on site in the Lunken Airport control tower or the Lunken Airport firehouse when the tower is closed.

NOTE: It is a violation of Federal law to enter the airport runway area without authorization as described.
 - c. Under no circumstances is the news media allowed to enter the runway area or any restricted area without explicit permission from the FAA and a control tower supervisor.
 - 1) News media granted permission must have a police or authorized airport personnel escort.

- 2) Direct news media to respond to the rear of the Lunken Airport Administration Building, where parking is available.

E. Investigation Assignment:

1. Traffic Unit will investigate the crash as a courtesy to the OSP. The investigation will be conducted concurrently with the FAA, NTSB, or military officials.
 - a. OSP may desire to investigate a crash, relieving Traffic Unit of this responsibility.
 - 1) In these instances, OSP and Ohio Department of Transportation (ODOT) Aviation Division investigators, after showing proper identification, will be afforded access to the scene.
 - b. In cases of major or complex crashes, the Traffic Unit supervisor may contact the OSP for assistance.
 - 1) Notify PCS to contact the appropriate OSP post, as listed in the PCS Situational Occurrences Notification List, and request that Columbus OSP be notified for assistance.
 - a) The OSP Headquarters in Columbus has trained pilots who can be flown to the crash scene by helicopter to assist with the investigation. Travel time from Columbus is approximately one hour after notification.
 - c. The investigation by the Traffic Unit will be secondary to the investigation by the FAA, NTSB, and military authorities. Do not contaminate the scene.
 - d. The Traffic Unit investigator will complete the following forms and make a copy for Traffic Unit files:
 - 1) OSP Form HP-3A, Aircraft Accident Record
 - 2) OSP Form HP-70, Investigative Field Sketch
 - e. A Traffic Unit supervisor will review these forms and mail:
 - 1) The original to:

Ohio Department of Transportation
Division of Aviation
2829 W. Dublin-Granville Rd.
Worthington, Ohio 43085
Attention: Aircraft Crash Report

- 2) And a copy to:

District Commander
Ohio State Highway Patrol
950 Rombach St.
Wilmington, Ohio 45177

2. The FAA investigates and determines the cause of aircraft crashes.
 - a. Each FAA investigator carries a standard FAA identification card. Permit ingress through police lines after presentation of the card.
 - b. The NTSB or military authorities may be requested by the FAA to conduct an investigation of a crash.
 - 1) The NTSB or military authorities may conduct an independent investigation without an FAA request.
 - 2) Give NTSB and military investigators access to the scene after showing proper identification.
3. Department personnel are responsible for assisting FAA, NTSB, OSP, ODOT, and military officials in their investigation of aircraft crashes.

12.230 FATAL CRASH INVESTIGATION AND PLACEMENT OF RELATED CHARGES

Reference:

Procedure 12.225 - Vehicular Crash Reporting
 Procedure 12.235 - Driving Under the Influence (DUI): Processing and Arrest
 Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.605 - Identification of Persons in Police Custody and Wanted Persons
 Procedure 12.616 - Deceased Persons: Notifying Next of Kin
 Procedure 12.815 - Court Appearances, Other Hearings and Correspondence to Other City Departments
 Procedure 18.120 - Standards for Releasing Information to the News Media
 Cincinnati Police Department Crime Scene Manual
 Standards Manual - 42.2.2, 55.2.7, 61.2.1, 61.2.2, 61.2.3, 61.2.6, 61.3.2, 82.2.1, 82.2.2, 83.1.1, 83.2.4, 83.2.5

Purpose:

Provide uniform guidelines for Department personnel when at the scene of a fatal or potentially fatal crash.

Provide uniform guidelines for Department personnel when charging individuals with Aggravated Vehicular Homicide, Vehicular Homicide, or Aggravated Vehicular Assault.

Policy:

Traffic Unit personnel are responsible for the investigation of all fatal and serious motor vehicle crash investigations.

Traffic Unit will coordinate the investigation of these crashes with the Prosecutor's Office prior to filing criminal charges.

Procedure:

- A. Investigation of Fatal or Potentially Fatal Crashes:
 1. A police officer at the scene of a fatal or potentially fatal crash will:
 - a. Analyze and address medical needs.
 - b. Request a supervisor respond to the scene.
 - c. Protect the crash scene. Keep unauthorized persons away from involved vehicles, debris, and tire marks. Do not permit the Fire Department to flush the scene unless a danger of fire or explosion exists. Do not move any items unless necessary for obvious safety reasons.

- d. Locate drivers and witnesses and have them remain at the scene. If witnesses must leave, request they complete an Ohio Traffic Accident Witness Statement (Form OH-3). Information on the Form OH-3 includes the witness's name, date of birth, social security number, address, and telephone numbers at home and work. Give this information to the Traffic Unit officer investigating the crash.
 - e. Establish traffic control.
 - f. Assist Traffic Unit where needed.
2. The first supervisor on the scene will:
 - a. Request Police Communications Section (PCS) dispatch a Traffic Unit supervisor and Traffic Unit officer to investigate the crash.
 - 1) PCS will recall Traffic Unit personnel if the crash occurs outside Traffic Unit's duty hours.
 - b. Request PCS notify the Night Chief if the investigation occurs during their duty hours.
 - c. Coordinate the activities of all officers at the scene until the arrival of a Traffic Unit supervisor or officer.
 - d. When participants are injured and probable cause exists to charge under DUI statute, request necessary blood samples from Fire Department paramedics or hospital emergency room personnel if Traffic Unit personnel are delayed.
3. Upon arrival, the ranking Traffic Unit officer will assume command of the crash investigation and will:
 - a. Thoroughly investigate and prepare the necessary reports.
 - b. Ask all drivers involved in fatal or potentially fatal crashes to take a voluntary breath or urine test when insufficient probable cause exists to charge under the DUI statute. This is strictly voluntary. If a driver declines, proceed with the remaining investigation.
 - 1) If drivers give voluntary consent, have them sign a Consent to a Chemical Test Without a Warrant (Form 603) prior to a test. By signing this form, they waive their protection afforded under the Fourth Amendment and the test results are admissible in court.
 - 2) It is not necessary for the police to have probable cause or even reasonable suspicion for test results to be admissible in a consent situation.

- c. If probable cause exists to charge under the DUI statute, handle the drug/alcohol test according to state law.
 - 1) The testing officer will request breath, urine, or blood samples to determine use of alcohol, drugs, or a combination of both.
4. The Traffic Unit supervisor will notify the Hamilton County Coroner's Office.
5. Tow vehicles to the Impound Unit for post accident examination.
 - a. Tow all vehicles involved in a fatal or potentially fatal auto accident directly to the Impound Unit.
 - 1) Process according to Procedure 12.270.
 - 2) A captain or above can recall Impound Unit personnel, if necessary.
 - b. When inclement weather may destroy evidence, or unusual circumstances exist, tow the vehicles to the Coroner's Office garage. Request PCS contact the Coroner's Office for permission prior to towing.
6. Traffic Unit will consult the Prosecutor's Office prior to charging under the following criminal sections of the Ohio Revised Code:
 - a. Aggravated Vehicular Homicide; Vehicular Homicide (2903.06)
 - b. Aggravated Vehicular Assault; Vehicular Assault (2903.08)
 - c. Involuntary Manslaughter (2903.04)
7. When using Sections 2903.06, 2903.08, or 2903.04 and the traffic violation is an element of the offense, do not complete an Ohio Multi-count Traffic Tag (MUTT). Include the causative factors in the criminal complaint form.
 - a. Do not issue an MUTT for companion charges until the criminal complaint is signed.
8. If there is a seriously injured person from a crash, do not issue MUTT citations to the individual at fault. Wait a reasonable time to see if the injured person survives. The time will vary with each case.
 - a. If the injured person recovers, issue the appropriate criminal or traffic citation.

- b. If the injured person dies:
 - 1) Contact the Prosecutor's Office and explain the full circumstances before filing vehicular homicide charges.
 - 2) And the MUTT charges are pending, after consulting with the Prosecutor's Office, request a dismissal in court and file the appropriate vehicular homicide charge.
 - a) Follow Procedure 12.815 when requesting dismissal of charges in court.
 - b) If the traffic violations have already been disposed of in court, double jeopardy may prevent filing vehicular homicide charges.

B. Notification of Next of Kin in Cases of Death:

- 1. Refer to Procedure 12.616.

12.235 OPERATING A VEHICLE UNDER THE INFLUENCE (OVI): PROCESSING & ARREST

Reference:

- Ohio Revised Code 1547.11(B) - Operating Under Influence of Alcohol, Drugs Prohibited; Test Analysis
- Ohio Revised Code 4511.19 - Driving While Under the Influence of Alcohol or Drugs or with Certain Concentration of Alcohol in Bodily Substances; Chemical Analysis
- Ohio Revised Code 4511.191 – Chemical Tests for Determining Alcoholic Content
- Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
- Procedure 12.240 - Multi-Count Uniform Traffic Tag (MUTT)
- Procedure 12.260 - Warrants for Adults: Service and Recording
- Procedure 12.270 - Impounding, Moving, and Release of Vehicles
- Procedure 12.537 - Mobile Video/Digital Video Recording Equipment
- Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
- Procedure 12.600 - Prisoners: Securing, Handling, and Transporting
- Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage and Release
- Procedure 12.900 - Processing Juvenile Offenders

Definitions:

Qualified witness includes another police officer, a civilian police employee, any Cincinnati Fire Department personnel or an employee of a medical facility.

Physical control is defined as being in the driver's position in the front seat and having possession of the vehicle ignition key or ignition device.

Purpose:

To provide a safe environment for all motorists and pedestrians on area roadways.

Policy:

The Cincinnati Police Department will aggressively engage in OVI enforcement. Officers will properly preserve and prepare evidence for all OVI court cases. The Police Department will work with the community to help develop and participate in preventative programs relating to OVI enforcement.

Each police district has a testing site. District Commanders must designate a supervisor with a valid breath testing permit responsible for the care and security of the testing site. Traffic Unit is responsible for the care, maintenance, and instrument checks of the breath testing instrument.

Information:

An officer making an arrest for OVI must establish reasonable grounds for the initial stop. An officer observing an operator commit a traffic violation or any reasonable investigation are examples of a basis for a stop. The officer must then establish probable cause to arrest for OVI before administering any Blood Alcohol Concentration (BAC) Test. Administer Standardized Field Sobriety Testing at roadside prior to arrest when possible.

Procedure

- A. Breath Testing for Blood Alcohol Concentration (BAC)
1. Officers making an OVI arrest who are not certified breath testing instrument operators will request one respond to the arresting officer's district.
 - a. If time is of the essence, officers will use the nearest testing site.
 - b. Read the arrested the Miranda Warning and advise of the right to make a telephone call at the time of arrest. Document this information on the Form 495, Cincinnati Police Department Intoxication Report, in the Arrest Information section.
 2. Officers must obtain a breath, urine, or blood test within two hours of the violation (i.e. last operation of a vehicle). There is no time limit when a chemical test is not taken under 4511.19(A)(1)(a).
 3. The order of testing for Blood Alcohol Concentration (BAC) is:
 - a. Breath
 - b. Urine
 - c. Blood
 - 1) If arrested is being treated for injuries at a hospital, blood is the preferred test.
 4. The arresting officer or the breath testing instrument operator must observe the subject for 20 minutes or more before administering the breath test to ensure nothing is ingested orally.
 5. The breath testing instrument operator will:
 - a. Ensure the breath testing instrument is functioning properly and the testing site log book is in proper order.
 - 1) An internal radio frequency interference (RFI) detector protects the breath testing instrument from radio interference. Radio interference inside the testing site may set off the RFI detector.

- 2) If the RFI detector activates during a breath test, the operator will start the testing process over from the beginning. This does not excuse the arrested from the responsibility of giving an additional breath sample.
 - a) Do not attempt a third test on the breath testing instrument if the RFI detector activates a second time.
 - 1] Time permitting, transport the arrested to another testing site.
 - 2] If time is a factor, the arresting officer will request a urine sample.
 - b. An operator encountering a problem which creates doubt as to the breath testing instrument's accuracy or renders the breath testing instrument inoperable will remove the breath testing instrument from service.
 - 1) The breath testing instrument operator will make a blotter entry noting the reason for removing the breath testing instrument from service and notify the shift Officer In Charge (OIC).
 - 2) The shift OIC will notify the Traffic Unit as soon as possible, but no later than the Traffic Unit's next working day.
 - c. The breath testing instrument operator will conduct all testing and processing according to the Ohio Administrative Code Sections 3701.53.01-10 and Ohio Revised Code (ORC) Sections 4511.19 and 4511.191.

B. Operating a Vehicle Under the Influence - Arrest

1. Complete the Multi-Count Uniform Traffic Tag (MUTT) as follows:
 - a. Charge all persons arrested for OVI, including a refusal of chemical test(s), with ORC Section 4511.19(A)(1)(a) "Operated a vehicle while under the influence of alcohol and/or drugs of abuse" in the OVI area of the MUTT.
 - b. If a completed breath test reveals the arrested has a BAC of .08 but less than .170 BAC the arresting officer will charge the arrested with ORC Section 4511.19(A)(1)(a) in the OVI area and 4511.19(A)(1)(d) in the first available other offense block of the MUTT.
 - 1) The "Description of Offense" for ORC Section 4511.19(A)(1)(d) should read: "Operate a vehicle with a concentration of ___ Grams by weight of alcohol per 210 liters of breath".

- c. If a completed breath test reveals the arrested has a BAC of .170 or above, the arresting officer will charge the arrested with ORC Sections 4511.19(A)(1)(a) in the OVI area and 4511.19(A)(1)(h) in the first available other offense block on the MUTT.
 - 1) The "Description of Offense" for ORC Section 4511.19(A)(1)(h) should read: "Operate a vehicle with a concentration of _____ Grams by weight of alcohol per 210 liters of breath."
- d. If a completed breath test reveals the arrested has a BAC of less than .08, the arresting officer will charge with ORC Section 4511.19(A)(1)(a). Word the MUTT as in Section B.1.a.
 - 1) If drug abuse is suspected, or a combination of alcohol and drug abuse is suspected, request a urine sample.
- e. For blood or urine samples when alcohol is involved, the arresting officer will charge the arrested with ORC Section 4511.19(A)(1)(a) in the OVI area of the MUTT and 4511.19(A)(1)(b) or (e) in the first available other offense area of the MUTT as follows:
 - 1) Blood: 4511.19(A)(1)(b), "Operate a vehicle with a BAC above .08 grams of alcohol per 100 milliliters of blood."
 - 2) Urine: 4511.19(A)(1)(e), "Operate a vehicle with a BAC above .11 grams of alcohol per 100 milliliters of urine."
- f. The Court Property Unit will send a copy of the blood or urine test results to the Traffic Unit and the arresting officer.
 - 1) The Traffic Unit will send a copy of the analysis to the City Prosecutor's Office when requested.
- g. When only drugs are involved, use Section 4511.19(A)(1)(a).
- h. If the arrested refuses a breath, urine, or blood test, the arresting officer will charge with ORC Section 4511.19 (A)(1)(a). Word the MUTT as in Section B.1.a.
 - 1) Failure to give an adequate breath sample (deficient sample) is considered a refusal.
 - 2) Only a urine test can be offered and refused at the Hamilton County Justice Center.
- i. If the arrested refuses a chemical test and has a conviction for OVI or Underage Consumption, both 4301.69 and 4511.19(B)(3) in the last 20 years the arresting officer will also charge with ORC Section 4511.19(A)(2).

- 1) Wording for ORC Section 4511.19(A)(2) will be "Refused a chemical test under 4511.191 with a prior OVI in 20 years".
2. All charges supporting the OVI charge will be written on the same MUTT in the other offense area.
 - a. If another MUTT is used due to additional charges, print the words "Companion Case" across the "Conditions area" of the MUTT. Also, cross reference the MUTT serial numbers on each companion MUTT.
3. If the arrested fails to produce a driver's license, but has a valid license through Law Enforcement Automated Data System (LEADS) verification, do not cite for Section 4510.12. If the arrested has no driving privileges, cite the proper ORC Section for Driving Under Suspension (DUS) or No Operators License on the MUTT.
 - a. Advise the arrested to surrender the driver's license, within 24 hours of the arrest, to the district where processing occurred.
 - 1) The district receiving the license will forward it to the Traffic Unit.
4. Cite the arrested on the MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or a legal holiday, use the next court day.
5. OVI - Physical Arrest:
 - a. Physically arrest the violator having two or more OVI convictions within the last six years or 5 or more convictions within the last 20 years. (Example: You have an OVI offender with one prior conviction, they are charged as a second offender. Two prior convictions are charged as third offenders, etc.) Those charged as first and second OVI offenders may be cited (see Procedure 12.555).
 - 1) The Form 495 must reflect the number of OVI convictions which occurred in the last six years.
 - b. If the location of the arrested's residence and place of employment makes extradition necessary (Procedure 12.555), physically arrest and require bond.
 - c. If the arrested is hospitalized or remains under hospital care, whether or not a BAC test was given, follow Procedure 12.600.
 - d. See Section N. for proper routing of forms.

C. Underage Consumption/Arrest

1. If the person is under 21 years of age and has consumed alcoholic beverages and operated a vehicle but is not believed to be under the influence, complete the (MUTT) as follows:
 - a. If a completed breath test reveals a BAC of .02 but under .08 BAC, charge the arrested under ORC Section 4511.19(B)(3) in the first available other offense block of the MUTT.
 - 1) The "Description of Offense" should read: "Operate a vehicle after underage alcohol consumption" 4511.19(B)(3).
 - b. If a completed breath test reveals a BAC of .08 or greater, charge under the 4511.19(A) OVI arrest.
 - c. If the violator refuses chemical tests, then charge under 4301.69 on a NTA.
 - 1) The "Description of Offense" should read: "No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, or consume any beer or intoxication liquor in any public or private place".
 - 2) If the violator refuses a request for chemical testing, advise the violator he is under an immediate Administrative License Suspension (ALS) but do not seize the vehicle.
 - d. If the arrested submits to the breath test and the results reveal a BAC of .079 or less, his driving privileges shall not be suspended and the vehicle should not be seized. Do not allow violator to operate the vehicle.

D. Physical Control Under the Influence - Arrest

1. If a person is under the influence of alcohol and/or drugs of abuse and exercises physical control over a vehicle but does not move the vehicle then complete the MUTT as follows:
 - a. Charge all persons arrested for Physical Control, including a refusal of chemical test(s), with ORC Section 4511.194.
 - 1) The "Description of Offense" for ORC Section 4511.194 should read: "Physical control of a vehicle under the influence of alcohol/drugs" in the first available other offense block on the MUTT.

- 2) If the violator refuses request for chemical test advise the violator he is under an immediate ALS suspension but do not seize the vehicle.
- b. If a completed breath test reveals the arrested has a BAC of .08 or greater the arresting officer will also charge the arrested with an additional ORC Section 4511.194 in the next available other offense block on the MUTT.
 - 1) The "Description of Offense" for ORC Section 4511.194 with a breath test of .08 BAC or greater should read: "Physical control of a vehicle with a concentration of _____ grams by weight of alcohol per 210 liters of breath".
 - 2) If the arrested submits to the breath test, their driving privileges shall not be suspended and the vehicle should not be seized. Do not allow violator to operate the vehicle.

E. Completing Required Forms

1. The arresting officer will complete a Form BMV-2255, Administrative License Suspension (ALS) for each OVI, Physical Control and Underage Consumption arrest.
 - a. The ALS contains all rights, penalties, and appeals concerning driving privileges. The arresting officer, in the presence of a qualified witness, must read and show the offender the back side of the form regarding the "Test and Refusal Consequences." The arrested must have the opportunity to sign the form. If the arrested refuses, mark the "Refused to Sign" box. If the offender is unable due to injury, the form will still be read to the offender and write "Unable" on the signature line.
 - 1) Ensure the ALS is completed with current information, signed by a qualified witness and notarized before separating the form.
 - a) The OFFENDER copy must be complete, but notarization is not required.
 - b. Impound the vehicle of a person arrested and charged with OVI for pretrial seizure if they are the vehicle owner, based on LEADS verification, and have at least one (1) OVI conviction within the last six years.
 - 1) Refer to Procedure 12.270, for towing or moving a vehicle.
 - a) Advise Police Communications Section (PCS) the vehicle is a pretrial seizure when requesting a wrecker.

- c. Routing the Administrative License Suspension
 - 1) OVI arrests
 - a) If the arrested tests .08 or above BAC or refuses a breath, urine, or blood test:
 - 1] Send the ORIGINAL and LAW ENFORCEMENT copies to the Traffic Unit.
 - a] Attach the driver's license of the arrested to the ORIGINAL and LAW ENFORCEMENT copies.
 - b] Attach the COURT copy to the MUTT.
 - c] Give the OFFENDER copy to the arrested.
 - b) If the arrested tests below .08 BAC or a urine or blood sample is taken:
 - 1] Send the ORIGINAL and LAW ENFORCEMENT copies to the Traffic Unit.
 - 2] Attach the COURT copy to the MUTT.
 - a] Attach the arrested's drivers license to the MUTT.
 - 3] Give the OFFENDER copy to the arrested.
 - 2) Physical Control and Underage Consumption Arrests
 - a) If arrested submits to a chemical test all copies of completed ALS are stored in the OVI jacket at the processing site.
 - b) If the arrested refuses a chemical test
 - 1] Send the ORIGINAL and LAW ENFORCEMENT copies to the Traffic Unit.
 - a] Attach the arrested's drivers license to the ORIGINAL and LAW ENFORCEMENT copies.
 - b] Attach the COURT copy to the MUTT.
 - c] Give the OFFENDER copy to the arrested.
- 2. The arresting officer will complete a Form 600, Notification of Rights for each OVI arrest.

- a. Read and show the arrested the Form 600 in the presence of a qualified witness. The arrested must have the opportunity to sign the form. If the arrested refuses, mark the "Refused to Sign" box.
 - 1) At the time of arrest, read the arrested the Miranda Warning. Refer to Section A.1.b.
 3. The arresting officer will complete a Form 495 for each OVI arrest.
 - a. The summary of arrest must contain sufficient information to establish reasonable grounds for the initial stop and probable cause to arrest for OVI.
 4. The instrument operator will complete a Form HEA2652, State of Ohio Test Report, breath test record, and testing site log book entry whenever the breath testing instrument is operated or placed in operation, even if the arrested refuses the test.
 - a. For refusals, complete the Form HEA2652 through Step 4. Check the "Refusal" block.
 - b. Enter all refusals, instrument checks, breath, urine and blood tests in the testing site logbook.
 - 1) All logbook entries must be in numerical order according to the OVI number on the Form 495.
 - 2) If an entry needs to be deleted in the testing site logbook, draw a single line through the item and notify Traffic Unit of the deletion.
 - 3) Notify Traffic Unit of any irregularities involving the testing site logbook.
- F. Urinalysis Testing for BAC
1. Use the ALS for the implied consent.
 - a. The arresting officer must read and show the arrested, in the presence of a qualified witness, the "Test and Refusal Consequences" on the back side of the Form BMV-2255. The arrested must have the opportunity to sign the signature line on the front. If the arrested refuses to sign, mark the "Refused to Sign" box.
 2. A police officer of the same sex as the arrested must witness the giving of urine specimens to assure authenticity.
 - a. Arresting officers do not have to be licensed breath testing instrument operators to process urine samples.
 - b. Collect two samples in clean, tightly closed containers.

- c. Add one Jenneile Enterprises sodium fluoride capsule to each sample. Indicate on the Evidence Submission Form and the Form 495 the sodium fluoride capsule was added.
 - d. Seal each specimen container with evidence tape and initial the tape.
 - e. Label each specimen container with the name of the arrested, name of the person taking the specimen, date and time the specimen was taken, and that the sodium fluoride capsule was added.
 - f. Complete one original Evidence Submission Form. Place the OVI number in the upper right corner. List the court date and ORC violation.
 - g. Place both sealed specimen containers in one evidence biohazard bag.
 - h. In the outside pocket of the biohazard bag place the following. Do not use staples or paper clips:
 - 1) Original Evidence Submission Form
 - 2) Original Form 327, Property Tag
 - 3) Original Form 330, Property Receipt
 - 4) Copy of the Form 495 or citation.
3. During normal business hours (0700 to 1600 hours), the arresting officer will hand deliver the evidence to the Court Property Unit.
 - a. If the Court Property Unit is closed, the officer will take the evidence to the Criminal Investigation Section (CIS) and place it in the CIS refrigerator. The delivering officer will make an entry in the CIS log book.
 - b. Court Property Unit personnel will pick up the evidence during normal business hours.
 4. Court Property Unit personnel will take both evidence specimens to the Hamilton County Coroner's Lab for analysis.
- G. Blood Testing for Blood Alcohol Content
1. Use the ALS for the implied consent.
 - a. The arresting officer must read and show the arrested, in the presence of a qualified witness, the "Test and Refusal Consequences" on the back side of the Form BMV-2255. The arrested must have the opportunity to sign the signature line on the front. If the arrested refuses to sign, mark the "Refused to Sign" box.

2. Only a physician, registered nurse, qualified technician, chemist, phlebotomist or Cincinnati Fire Department paramedic can draw blood specimens.
 - a. A Cincinnati Fire Department paramedic is the first choice when requesting blood specimens.
 - 1) If a paramedic unit has been dispatched to the scene of an accident due to injuries, etc., and the driver is suspected of OVI, the arresting officer may request the paramedic unit draw blood for analysis.
 - 2) Blood should only be drawn inside an ambulance or hospital.
 - b. Do not request area hospital personnel (physicians, nurses, etc.) provide this service unless circumstances warrant their assistance.
 - 1) An officer who has reasonable grounds to believe a subject was operating a vehicle under the influence of alcohol or drugs may request a blood test pursuant to ORC Section 4511.191. The officer will request the hospital perform the appropriate test by completing an official request form designed by each hospital when required.
 - a) If the hospital refuses to assist in obtaining the specimen, contact the Traffic Unit.
 - c. PCS cannot dispatch Fire Department paramedics for the sole purpose of drawing blood to ascertain BAC.
 - d. Arresting officers do not have to be licensed breath testing instrument operators to process blood samples.
 - e. The arrested will be shown and read the ALS and agree to have his blood drawn for the purpose of analysis.
 - 1) An unconscious person is deemed to have given consent under ORC Section 4511.191.
 - 2) When the arrested refuses to take a blood test under ORC Section 4511.191, no test may be given.
 - 3) The use of force to take blood samples is not permitted in Ohio.
 - f. A police officer will insure alcohol swabs are not used in conjunction with blood samples.
 - 1) A police officer will witness the drawing of the blood samples and maintain control of the evidence for court purposes.

3. Obtain two blood specimens.
 - a. Be sure the test tubes for the blood specimens have a gray cap and contain sodium fluoride and potassium oxalate as anticoagulants.
 - 1) Officers will check the expiration date on the tube to be sure it hasn't expired.
 - 2) Officers in need of blood test tubes will obtain tubes from the district OVI room or the Traffic Unit.
 - b. Seal each specimen container with evidence tape and initial the tape.
 - c. Label each specimen container with the name of the arrested, name of person taking the specimens, and the date and time specimens were taken.
 - d. Complete one original Evidence Submission Form. Place the OVI number in the upper right corner. List the court date and ORC violation.
 - e. Place both sealed specimen containers in one evidence biohazard bag.
 - f. In the outside pocket of the biohazard bag place the following. Do not use staples or paper clips:
 - 1) Original Evidence Submission Form
 - 2) Original Form 327
 - 3) Original Form 330
 - 4) Copy of the Form 495 or citation.
 - g. Route the evidence as outlined in Section F.3. of this procedure.

H. Testing for Drug Abuse

1. When drug abuse, or a combination of alcohol and drug abuse is suspected, obtain either a urine or blood specimen and follow Section F. or G. of this procedure. Do not complete a Form HEA2652.

I. Felony Arrests

1. Persons arrested with five or more prior OVI or Underage Consumption convictions within 20 years will be charged as a 3rd degree felony (see Section B.5.a.).

- a. Officers must verify through the Regional Crime Information Center (RCIC) and LEADS that a person has at least five prior OVI or Underage Consumption convictions within 20 years before charging as a 3rd degree felony.
 - b. In bold letters write "3rd DEGREE FELONY" in the conditions block of the MUTT and the top of Form 495.
2. Persons arrested with three or more prior OVI convictions within six years will be charged as a 4th degree felony (see Section B.5.a.).
 - a. Officers must verify through the RCIC and LEADS that a person has at least three prior convictions within six years before charging as a 4th degree felony.
 - b. In bold letters write "4th DEGREE FELONY" in the conditions block of the MUTT and the top of Form 495.
 3. Physically arrest all persons charged as a 3rd or 4th degree felony OVI as outlined in Procedure 12.555.
 - a. Complete the Form 527, Arrest and Investigation Report and the Form 527A, Bond Information Sheet as outlined in Procedure 12.555.

J. Juvenile OVI Offender

1. A juvenile OVI offender is processed the same as an adult when probable cause exists for ORC Section 4511.19(A) if the BAC is .08 or more.
 - a. If BAC is .08 but below .170 the arresting officer will charge the juvenile with ORC Sections 4511.19(A)(1)(a) and 4511.19(A)(1)(d) on the MUTT (see Section B.1.).
 - 1) Word the "Description of Offense" ORC Section 4511.19(A)(1)(a) and 4511.19(A)(1)(d) the same as an adult (see Section B.1.).
 - 2) The ALS is completed the same as an adult (see Section C.1.).
 - b. If BAC is at .170 or above, the arresting officer will charge the juvenile with ORC Sections 4511.19(A)(1)(a) and 4511.19(A)(1)(h) the same as an adult.
 - c. A juvenile OVI offender is processed the same as an adult when probable cause exists and the offender is charged with ORC Section 4511.19(A)(1)(a) when the offender refuses any chemical test.
 - d. Release the juvenile to a parent or guardian only.

- 1) Cite the arrested juvenile on the MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or legal holiday, use the next court day.
 - a) The court appearance is at 1600 hours in Juvenile Court, Broadway Building, 800 Broadway.
 2. A juvenile is processed for "Underage Alcohol Consumption" ORC Section 4511.19(B)(3), when a completed breath test reveals the juvenile has a BAC of .02 to less than .08, and probable cause does not exist for the ORC Section 4511.19(A)(1)(a) offense of OVI (per Information Section).
 - a. Word the "Description of Offense" ORC Section 4511.19(B)(3) as follows: "Operate a vehicle after underage consumption" in the first available other offense area of the MUTT.
 - 1) An ALS is completed for underage consumption but not processed unless chemical test is refused.
 - 2) Attach the driver's license to the MUTT.
 - 3) A juvenile who refuses a chemical test for underage consumption 4511.19(B)(3) refer to Section C.1.c.
 3. If physically arrested, follow Procedure 12.900.
 4. Obtain the consent of a parent or legal guardian before taking a blood sample.
 5. Write the word "Juvenile" in bold letters in the top left corner of the original Form 495 and all copies.
- K. Form 496, Operating a Vehicle Under the Influence Investigation Record
1. The arresting officer will complete a Form 496, OVI jacket for each OVI arrest. The OVI jacket will contain the following forms:
 - a. Original Form 495
 - b. Original Form HEA2652
 - c. Original Breath Test Record
 - d. Original Form 600
 - e. One copy of the OH-1, Ohio Traffic Crash Report (if applicable)
 - f. One copy of the ALS
 - g. One copy Form 527 (if applicable)
 - h. One copy of the MUTT

- i. One Polaroid picture (adults only).
2. Anytime a MVR/DVR equipped police vehicle is involved in a stop where an individual is arrested for OVI:
 - a. Officers will record all OVI incidents from the point of initial contact to the arrival at the testing location. Officers will record during the transport to jail.
 - b. A copy of the OVI incident captured on tape or disc will be held as evidence. Clearly mark the 527 and MUTT(s) with "ACE" (Automated Control of Evidence). Also, mark "yes" in the specific block on the 495.
 - 1) If the incident captured on a DVR is over an hour in length, the incident will be copied to more than one disc.
 - c. Complete a Form 606, Records Request. Process the copy of the MVR tape or DVR disc as evidence held for court (see Procedure 12.715). Mark the copy of the tape or disc with the date and OVI number.
 - 1) Tapes/discs must be identified by attaching a label with all pertinent information. Do not write directly on the disc.
 - d. When an incident is captured on a DVR, a second copy of the disc will be made and routed to the Prosecutor's Office with the OVI paperwork.
3. The testing site supervisor will review and file all OVI jackets.
 - a. The testing site supervisor will ensure each form is properly completed.
4. OVI jackets can only be removed for court or with the permission of the district testing site supervisor or district commander.
 - a. To remove an OVI jacket, complete an entry in the OVI Jacket Sign Out Log. The entry must contain the OVI jacket number, name of the officer removing the OVI jacket, reason (including room number and case number), and the date removed. The OVI jacket must be returned promptly and an entry made in the log indicating the return date. The site supervisor will re-file the OVI jacket.
 - 1) Officers unable to return OVI jackets within five days must submit a Form 17 explaining why.
 - b. The testing site supervisor will ensure accountability and security of all OVI jackets.

- 1) An audit of all OVI jackets will be conducted on January 1st and July 1st each year. Forward a summary of the audit through the affected division commander to Inspections Section and Traffic Unit.

L. Use of Testing Sites by Outside Agencies

1. A Form 495 will be used for each outside agency arrest. If the outside agency has its own intoxication report, assign a Cincinnati OVI number to each report.
2. The arrest will be entered in the Cincinnati Police Department testing site log book by OVI number in numerical order.
3. The Form HEA2652 will be completed when any breath test is given (not necessary with blood or urine).
4. All original documents, Form 495, Form HEA2652, Breath Test Record, Form 600, ALS, Operator's License, and any other form completed for the arrest will remain with the arresting officer from the outside agency. It will be the responsibility of the arresting officer from the outside agency to forward the proper copies to their court system.
5. Copies of all of the above listed forms completed for the arrest will be filed in the Form 496. Mark in bold letters on the top of the case jacket "OTHER AGENCY ARREST."
6. Copies of all the paperwork listed in 4. above will be sent to the Traffic Unit.

M. Supervisory Review of Completed Forms

1. A supervisor will review all forms for accuracy and completeness. The approving supervisor will sign the Form 495.
2. The testing site supervisor will review the logbook weekly for accuracy and completeness.
 - a. The testing site supervisor will notify Traffic Unit of any irregularities.

N. Routing Completed Forms

1. All copies must be hand delivered before 0800 hours each court day. Each copy must be legible and on 8-1/2" X 11" paper.
 - a. City Prosecutor's Office, 801 Plum Street, Room 200:
 - 1) Two copies of the Form 495
 - 2) One copy of the State of Form HEA2652 and breath test record attached to the Form 495

- 3) One copy of the OH-1 (if applicable).
 - 4) One copy of the DVR disc. The disc will be identified with the arrestee's name, the date of arrest, and the OVI number. The information will be written on a label and attached to the disc. The Prosecutor's Office will continue to obtain MVR tapes from the Court Property Unit.
- b. Municipal Court Probation Division, Broadway Building, 800 Broadway:
- 1) One copy of the Form 495, placed in an envelope and labeled "Municipal Court Probation Division" and left at the Prosecutor's Office.
- c. Traffic Unit, 800 Evans Street:
- 1) One copy of the Form 495
 - 2) The ORIGINAL and LAW ENFORCEMENT copies of the ALS with the driver's license attached, if applicable
 - a) Attach the license to the ALS when breath tests are .08 or above or any chemical test is refused and forward to the Traffic Unit.
 - b) Attach the license with the COURT copy of the ALS to the MUTT for ORC Section 4511.19(A)(1)(a) on any test under a .08 BAC, or blood and urine samples.
 - 3) One copy of the Form HEA2652 and breath test record.
 - a) Attach all of the forms together.
- O. Instrument Checks
1. Traffic Unit will perform an instrument check on the breath testing instrument once every seven days.

12.240 OHIO MULTI-COUNT UNIFORM TRAFFIC TICKET (MUTT)

Reference:

Procedure 12.205 – Traffic Enforcement

Procedure 12.235 – Operating a Vehicle under the Influence (OVI): Processing and Arrest

Procedure 12.900 – Processing Juvenile Offenders

Policy:

Officers will use the Ohio Multi-Count Uniform Traffic Ticket (MUTT) citation for all moving violations cited under city ordinances or state codes regardless of the violator's place of residence.

The citation is the actual summons so notarization is not required. Officers will record on the citation the date the summons is personally served on the defendant.

All citations for minor misdemeanor moving violations must provide the violator with the option of paying out the fine instead of appearing on the scheduled court date. Violators will not receive the payout option when one of the following applies:

- The violator requires medical care and/or is unable to provide for his own safety.
- The violator cannot or will not offer satisfactory proof of identity.
- The violator refuses to sign the citation.

Most moving violations are minor misdemeanors unless the violator has a previous conviction for a moving violation within the past 12 months. Officers will treat all minor misdemeanor moving violations as a first offense (requiring payout option), unless the officer has personal knowledge the violator has a conviction for a moving violation within the past 12 months. Personal knowledge should include the information available through the computer system.

Information:

A State of Ohio Supreme Court decision has stated: "The authority granted in Section 2935.03 to a police officer to arrest and detain an individual found violating a law of this State, does not confer authority upon a municipal police officer to arrest without a warrant outside the geographical boundaries of his municipality for traffic offenses observed by the officer to have been committed outside such municipal limits."

The Hamilton County Municipal Court requires that police officers advise persons cited to Traffic Court to bring proof of financial responsibility to court with them.

Procedure:

- A. Completing MUTT citations:
1. Neatly print the citation in its entirety (except the signature of the violator).
 - a. All violators must receive a readable copy of the citation.
 - b. Give adult violators a court date 10-14 calendar days from the date of violation.
 - c. If the violator is involved in an auto accident and is cited for a minor misdemeanor only, give them a court date 7-10 calendar days from the date of violation.
 - d. Refer to Procedure 12.900, Section G., when investigating juvenile traffic violations.
 2. When issuing a citation for a traffic violation, the officer will include the violator's zip code as part of the address.
 3. A total of six violations can be written on each MUTT citation. If conditions exist where more than one citation is issued to an individual, they will be handled in the following manner:
 - a. You must give the offender the same court date on each citation issued. You must continue to check the Court Appearance Required block for each violation requiring a court appearance.
 - 1) In instances of DUI arrests, refer to Procedure 12.235 for proper citation instructions.
 - b. The citing officer will write across the "Conditions" section of the citation the words, "Companion Case." Include citation serial numbers for each companion case.
 - c. When making a physical arrest write on the Arrest Form 527, under "Facts of Arrest," that it is a companion case. Include citation serial numbers for each companion case. Deliver all companion citations to Central Intake with the arrest slip.
 - d. Staple all companion cases together.
 4. Check the Court Appearance Required block for each moving violation which is a fourth degree misdemeanor or higher. Violations not marked as Court Appearance Required will be considered payout citations.
 5. Legibly sign (and/or print below your signature) as the charging officer and assign a court date on all citations.
 6. Require the violator to sign the citation along the right hand side of the citation in the space marked "Signature" to acknowledge receipt.

- a. Officers have the authority to make a physical arrest on all moving violations if the violator continues to refuse to sign the citation after being advised of the physical arrest consequences.
 - 1) If the violator refuses to sign the citation, the officer will notify a supervisor of the situation. The supervisor will review the circumstances and decide if the violator will be arrested.
 - 2) When a physical arrest is affected, the officer will write "Refused" on the signature block of the MUTT. The officer will also write "Physical" across the Court Date block at the bottom of the citation to cancel the court date and payout option.
 - 3) The officer will write on the Arrest Form 527 that the subject refused to sign the citation.
 - 4) Officers will not make a physical arrest in situations, such as auto accidents, where the officer did not witness the violation. If the violator refuses to sign the citation, officers should write "Refused-auto accident" in the signature block of the MUTT.
 - b. If the violator is unable to sign the citation (unavailable at the hospital, unconscious, etc.), the issuing officer will exercise reasonable measures to get the signature of the violator.
 - 1) In cases involving aggravated circumstances, the officer may choose to wait to issue the citation until the violator can sign. Another choice is to place a Police Hold on the subject at the hospital, completing an Arrest Form 527 after consulting with a supervisor.
 7. When applicable, officers will complete the space for witnesses and officer's notes on the reverse side of the pink copy of the citation. Use the insert flap to prevent defacing the front of the page when writing on the rear of the carbonless form.
 - a. Any officer desiring a copy for personal use will use the unit copying machine to make such copy.
 8. Give the violator a copy of the Payout Instructions (Form 655T) along with a copy of the citation.
- B. To require additional security from moving violators and to assure compliance with the requirements of the citation:

1. Usually officers will not require additional security to ensure moving violators pay the established fine or appear as required, regardless of whether the violator is a Hamilton County resident, out-of-county Ohio resident, or out-of-state resident.
 - a. Most citations issued to violators for minor misdemeanor moving violations will simply provide both a court date and a payout option, as detailed above, without requiring further security from the violator regardless of the violator's place of residence.
 - b. Most citations issued to violators for moving violations which are fourth degree misdemeanors or higher will simply require a mandatory court appearance as detailed above, without requiring further security from the violator, regardless of the violator's place of residence.
 - 1) This general rule will not prevent officers from physically arresting violators for certain serious moving violations as detailed below.
 - c. Officers will advise violators that failure to pay the fine or appear as required will result in a *capias* being issued for the violator's arrest, and entry of such *capias* into the Regional Police Computer System.
 - 1) The Form 655T contains such a warning to the violator.
2. Officers may require additional security from some traffic violators, according to the guidelines listed below, to ensure compliance with the requirements of the citation in cases which include aggravated circumstances or in which the officer has reason to believe the violator will not pay the citation or appear in court.
 - a. Officers do not have the legal authority to physically arrest Hamilton County residents for minor misdemeanor violations unless the offender requires medical care, cannot or will not offer satisfactory proof of identity, or refuses to sign the citation; regardless of any aggravated circumstances that might be present. The violator's failure to comply with the requirements of the citation will result in a *capias* served by law enforcement officers.
 - b. Officers will continue to physically arrest Hamilton County residents for moving violations that are fourth degree misdemeanors or higher when aggravated circumstances exist, and police discretion so dictates.
 - 1) When a physical arrest is necessary for a charge that would usually result in a citation, the officer will call a supervisor. The supervisor will review the circumstances and decide if the violator will be arrested.
 - 2) The arresting officer will write "Physical" across the bottom portion of the citation, and complete an Arrest Form 527.

- 3) The officer will call a supervisor in cases requiring a cash bond.
- 4) When citing out-of-county Ohio residents or out-of-state residents for minor misdemeanor moving violations, citing officers may require the violator to post a cash bond. Do not accept a license from out-of-state residents as security for moving violations.
 - a) The officer will call a supervisor in cases requiring a cash bond.
- 5) Such bond may be posted in one of the following two ways:
 - a) If the violator has enough cash to post bond immediately, the officer will remove the violator to the Clerk's Office at the Justice Center, 1000 Sycamore Street, and witness the posting of bond before releasing the violator.
 - b) If the violator does not have enough cash to post bond immediately, the officer will remove the violator to the Justice Center, Central Intake, without delay.
 - 1] The citing officer will not write "Physical" across the bottom of the citation, since the violator retains his option to payout or appear.
 - 2] The officer will write on the Arrest Form 527 "Detained for Bond."
- c. When citing out-of-county Ohio residents for moving violations which are fourth degree misdemeanors or higher, in cases in which aggravated circumstances exist and/or police discretion so dictates, officers may:
 - 1) Request the violator to surrender his valid Ohio driver's license as security to assure compliance, as may be done with minor misdemeanor moving violations, except that a driver's license may not be accepted if the violator is charged with any of the following offenses:

<u>ORC</u>	<u>CMC</u>	<u>OFFENSE</u>
4511.02	502-9	Disregarding a Police Officer's Signals - Fleeing
4511.19(A)(1)		Driving Under the Influence
4511.20	506-6	Reckless Operation
4511.251	506-30	Drag Racing

4513.36 Resisting Officer During Traffic Arrest

- 2) **Or**, require the violator to post a cash bond as may be done with minor misdemeanor moving violations.
 - 3) **Or**, physically arrest the violator, mark "Physical" across the bottom portion of the citation, and complete Form 527.
 - a) When a physical arrest is necessary for a charge that would usually result in a citation, the officer will call a supervisor. The supervisor will decide if the violator will be arrested.
- d. When citing out-of-state residents for moving violations which are fourth degree misdemeanors or higher, in cases in which aggravated circumstances exist and/or police discretion so dictates, officers may:
- 1) Require the violator to post a cash bond, as may be done with minor misdemeanor moving violations, **or**
 - 2) Physically arrest the violator, marking "Physical" across the bottom portion of the citation, and completing a Form 527.
 - 3) The officer will call a supervisor when requiring a cash bond or when a physical arrest is necessary for a charge that would usually result in a citation.

12.245 PROCESSING OF TRAFFIC TAGS/OUTTs

Reference:

Standards Manual - 82.3.4

Procedure:

- A. Police Equipment Section (314 Broadway).
 - 1. When Cincinnati Traffic Tag (CTT) and Ohio Uniform Traffic Tag (OUTT) citation books are received at the Equipment Section, an entry will be made in their ledger by a supervisor indicating:
 - a. The date received.
 - b. That the certified list has been received from the manufacturer and is on file.
 - c. The number of books received and their serial numbers.
 - d. The name of the supervisor.
 - 2. When the Equipment Section issues these books to the field units, they will mark the ledger stating the number of books dispensed and the serial numbers of the books.
- B. Field units.
 - 1. When a field unit requires a supply of CTT/OUTT citation books, they will send two copies of a Requisition (Form 10) to the Equipment Section stating the number of books required. Normally a unit should not maintain more than a month's supply of citation books, with the lower numbered books distributed first, in order.
 - a. Return the original Form 10 to the field unit with the requested number of citation books.
 - b. Retain the duplicate Form 10 for the Equipment Section files.
 - 2. Store the CTT/OUTT citation books for the field unit in a locked cabinet under the control of supervisors only.
 - a. The district/unit receptacle for citations and receipt cards will always be locked with the key under the control of supervisors only.
 - 3. When an officer requires CTT/OUTT citation books, the shift supervisor will issue the requested number of books. The requesting officer will immediately:
 - a. Examine the book for completeness.

- b. Confirm and note the beginning and ending serial numbers, his badge number, unit of assignment, and sign the receipt card in the front of the book.
 - c. Give the receipt card to the supervisor.
- 4. The shift supervisor will examine the CTT/OUTT receipt card for completeness and accuracy. He will place his badge number in the lower right-hand corner, showing he has issued the citation book. The supervisor will then give the receipt card to the data entry clerk, who will enter it into the computer.
 - a. Upon completion the data entry clerk will send the receipt card to the Records Unit.
- 5. When the last CTT/OUTT citation tag in the book has been issued, the officer will hand in the ledger card to the shift supervisor. He will completely fill out the ledger card noting each violation written.
- 6. All issued citations will be turned in each day at the end of the officer's tour of duty to a supervisor.
- 7. Each day on the third shift, the OIC will prepare or have prepared a Receipt for Traffic Citation (Form 308). This form will list numerically all citation tags issued by his unit during the preceding 24 hours.
 - a. Upon completion of all the information on the Form 308, the officer preparing the report will place his name in the column Prepared by Officer. A supervisor will confirm and sign the column Verified by Supervisor.
 - b. Prepare a separate Form 308 for juvenile OUTTs, adult OUTTs (companion cases stapled together) and all CTTs. Process the three Forms 308 in three separate envelopes and mail them to the Records Unit during the next regular mail run.
 - 1) Records Unit will mail the second copy of the Form 308 back to the district after verifying the information on the form.

C. Records Unit.

- 1. File the OUTT and CTT receipt cards and the CTTs when they are received from the field units. Enter the OUTTs and CTTs into their appropriate computer system.
 - a. File clerks will maintain the CTT affidavit copies in numerical sequence. When the ledger card is received, they will check to make sure that all 25 affidavit copies are on file.
 - 1) Exception: When a warrant is issued and the affidavit copy is removed for this purpose, the clerk will so state on the CTT receipt card, with the date and serial number of the CTT.

- b. If any affidavit copies are found to be missing, the Records Unit supervisor will advise the affected bureau commander via a Form 17.

12.250 CANCELLATION OF CITATIONS, TRAFFIC WARRANTS, & CRIMINAL WARRANTS

Reference:

Procedure 12.215 - Cincinnati Parking Infraction (CPI)
 Procedure 12.251 - Citations Issued to Department Owned Vehicles

Purpose:

To maintain integrity, professional excellence and community trust through the proper enforcement of state and local laws.

To establish a procedure for the timely correction of citations and warrants issued in error.

Policy:

When the Department becomes aware of a potential citation/warrant written in error, an immediate and thorough investigation will be made to ensure that charges against the wrongfully accused are dismissed and the correct violator is identified and charged with the offense.

Information:

Ohio Traffic Rules require submission of all written traffic citations to the court for proper disposition.

Submit traffic citations, parking infractions, and notices to appear, issued in error to the Records Section for official disposition in court under the following circumstances:

- When the issuing officer made an obvious error in judgment or committed a violation of Department policy.
- Issued a citation for a violation of a nonexistent sign, an inoperative traffic signal, unintentionally wrote a citation using an operator's license or identification of a person not the violator are examples when a dismissal request is justified.

Normally, a minor mistake; e.g., color of vehicle, street condition, omitting the make of the vehicle, etc., does not justify a request for dismissal.

When it is necessary to make a correction, do not scratch out the mistake. Strike a single line through the mistake to enable the defendant's copy to be compared when it is received in the system.

It is imperative that the warrant number(s) are checked accurately and that these warrants match the physical description of the subject along with statistical information (i.e.; date of birth, social security number, control number, etc.). Even one number being transposed on either the warrant or personal statistical data can mean the difference between a person being wrongly accused and the correct violator being identified and charged with an offense.

Procedure:

- A. Felony/Misdemeanor/Traffic Warrant(s)/Capias issued in error to adults not the violator of the offense:
1. Officers discovering an error will notify a supervisor immediately.
 2. Supervisor will:
 - a. Verify appropriate case number with the clerk's office or through a computer query.
 - b. Verify if multiple charges have been listed with each case number (i.e.; A-D).
 - 1) Specify each charge to be cancelled if multiple charges exist.
 - c. Contact the appropriate Prosecutor's Office to request a cancellation of the warrant/capias.
 - 1) For **felony warrants/capiases**, contact the Hamilton County Prosecutor's office (0800-1600 hours) at 946-3000.
 - 2) For **misdemeanor/traffic warrants/capiases**, contact the City Prosecutor's office (0800-1700) at 352-5333.
 - 3) If an error is discovered after normal business hours make an entry into the district/section/unit blotter indicating the actions taken.
 - a) A first shift supervisor will contact the appropriate Prosecutor's office during the following business day to verify that a request for cancellation is in process.
 - d. Prepare a Form 17, briefly stating the facts including the subject's name, control number, court case number, all related charges (i.e.; A-D), and the title of the criminal offense. List the name of the prosecutor and action taken on the Form 17.
 - 1) Fax a copy of the Form 17 to the appropriate Prosecutor's office within one (1) hour following the initial phone call to validate the cancellation request.
 - a) The Prosecutor's office will place the request for cancellation on the court docket for the following day.
 - e. Route the Form 17 through the chain of command to the Bureau Commander.

3. The Bureau Commander will:
 - a. Indicate approval/disapproval by initialing the Form 17 within three working days and forward it to the appropriate prosecutor's office:
 - 1) **Felony Warrants/Capiases:**
 Hamilton County Prosecutor's Office
 Chief Assistant Prosecutor
 230 East Ninth Street
 Suite 4000
 Cincinnati, Ohio 45202
 - 2) **Misdemeanor and Traffic Warrants/Capias:**
 City Prosecutor's Office via interdepartmental mail
 - b. Notify the proper District/Section/Unit commander of the originating officer signing the warrant/capias of the approval/disapproval.
4. District/Section/Unit Commanders or his designee will:
 - a. Notify the officer under his command who signed original charge on the individual in error.
 - 1) The originating officer will re-open the investigation and attempt to identify and sign appropriate charges on the proper violator.

B. Citations:

1. Officer will notify a supervisor when a citizen makes a complaint about a Multi-Count Uniform Traffic Ticket (MUTT), Cincinnati Parking Infraction (CPI), or a Notice to Appear (NTA).
2. The supervisor will:
 - a. Conduct a preliminary investigation to determine the validity of the complaint.
 - b. If warranted, notify the Records Section Customer Service Supervisor to place a "hold" on the citation pending an investigation. A hold may be placed 24 hours a day. If all copies of the citation are present, no "hold" is necessary.
 - 1) Only Police Department supervisors, Traffic Engineering supervisors, and Public Utilities supervisors can place a hold on a CPI, MUTT, or an NTA.

- 2) The Records Section Commander will maintain a tickler file and conduct periodic audits to determine if the citation in question has been investigated and a disposition made.
- c. Forward the citation to the Police Chief's Office for assignment to the appropriate unit. A Form 17 will accompany the citation identifying the person contacted at Records Section and indicating the time and date the hold was placed and the name of the supervisor placing the hold. It will also include the name of the complainant and the nature of the complaint.
 - 1) If the original complaint is received at the issuing officer's unit, routing to the Police Chief's Office for assignment is not necessary.
 - 2) If a Public Utilities employee issued the citation, instruct the citizen to immediately mail or deliver the citation to the Public Utilities Office.
3. A supervisor, upon receipt of a citation from the Police Chief's Office, will verify a hold was placed and take action on the complaint based on the investigation.
 - a. If the complaint relates to a matter of law rather than policy or procedure, and does not qualify for cancellation, the citation will be:
 - 1) Returned to the violator if the original complaint was received at the issuing officer's unit of assignment. Explain the citation can either be paid out, if permitted, or registered for court or a hearing. Remove the hold at Records Section.
 - 2) Returned to Patrol Bureau with a Form 17 if the complaint originated from the Police Chief's Office, explaining the results of the investigation.
 - a) The Patrol Bureau will return the citation to the violator and remove the hold at Records Section.
 - b. If in the opinion of the investigating supervisor an error was made, document the error on a Citation Cancellation Request (Form 654) and request dismissal of the citation by the court or hearing officer.
 - 1) Do not tell the citizen the citation will be dismissed. Official disposition is adjudicated by the court/hearing officer. Advise the citizen he will receive a letter from the Chief's Office.
 - c. If a person already paid the citation, or is convicted of a violation from a citation issued in error, the investigating supervisor will document this in the "Details" section of Form 654.

- 1) The investigating supervisor will make a request for reimbursement and dismissal of the citation by the court or hearing officer.
4. If an officer discovers an error after writing the citation but before issuing it to the offender, he will turn in all copies of the citation to his supervisor who will verify and document the error on a Form 654.
 - a. The issuing officer's supervisor will indicate on the Form 654 the action taken or initiated in order to prevent recurrence of the error; e.g., signs to be changed or replaced, etc. Attach a Report of Conditions Affecting Other Departments (Form 318).
 - 1) In those instances where disciplinary action is initiated or recommended, (counseling, reprimand, etc.), do not include recommendations in the original Form 654.
 - a) Inform the bureau commander of such action via a brief statement on the bureau commander's copy of the Form 654.
 - 2) After approval by the district/section commander and affected bureau commander, forward the Form 654 with the citation attached to the Patrol Bureau Commander.
5. The Patrol Bureau Commander will stamp the back of the violator's copy "Recommend Cancellation by the Court" if approved.
 - a. When appropriate, the Patrol Bureau Commander will notify the complainant by letter of the action taken.
 - b. The Form 654 and attached citation will be forwarded to the Records Section Commander for review. Do not forward the Form 654 dealing with disciplinary action.
 - 1) Records Section will prepare a master docket sheet for all citations for submission to the court/hearing officer for cancellation.
 - 2) Send photocopies of all Forms 654 and citations to the Hamilton County Municipal Court Clerk's Office along with the master docket sheet by the second Friday of each month.
 - 3) The clerk will sign the master docket sheet as a record of receipt.
6. A Department employee will not schedule a parking infraction for a hearing unless the citation has been issued to the employee.
7. This procedure does not alter existing Procedure 12.215, Cincinnati Parking Infraction (CPI), regarding the processing of citations involving defective parking meters.

C. Juvenile Warrant(s)/Capias Issued in Error:

1. Officers observing an error will notify a supervisor immediately.
2. Supervisor will:
 - a. Immediately contact Hamilton County Juvenile Court's Director of Case Management and Docketing Office at 852-3016 and request a cancellation of the warrant(s)/capias.
 - b. Prepare a Form 17, briefly stating the facts including the subjects name, control number, court case number, and the title of the criminal offense.
 - 1) Supervisor must fax a copy of the Form 17 to the Hamilton County Juvenile Court's Director of Case Management and Docketing Office at 852-3009 within one (1) hour following the initial phone call to validate the cancellation request.
 - c. Route the Form 17 through the chain of command to the Bureau Commander.
 - 1) The Bureau Commander will indicate approval/disapproval by initialing the Form 17 within 3 working days and forward it to the Hamilton County Juvenile Court's Clerks Office.
 - d. Ensure the proper District/Section/Unit commander to whom the originating officer signing the warrant/capias reports to is notified of the approval/disapproval.
 - 1) District/Section/Unit commander or his designee will notify the officer who signed original charge on the individual in error.
 - a) Officer will re-open the investigation and attempt to identify and sign appropriate charges on the proper violator.

D. Juvenile Offenders Cited as Adults:

1. If an MUTT or NTA is issued to an individual believed to be an adult, and it is later determined the person in question is a juvenile, the following will apply:
 - a. If the issuing officer recognizes the mistake, the officer's supervisor will prepare a Form 654, briefly stating the facts.
 - 1) Send the Form 654 with the citation attached to the Warrant/ Identification Unit (W/IU) and mark "Attention: Warrant Supervisor."

- b. The W/IU will deliver the Form 654 with the citation attached to the Hamilton County Municipal Court Clerk's Office so it may be placed on the docket for the following court day.
 - c. If dismissal criteria is met, the court will mark the citation "Transferred to Juvenile."
 - d. The room clerk in Traffic Arraignment will transfer the citation to Juvenile Court.
 - e. Juvenile Court will assign a new court date and notify the juvenile of the mandatory court appearance.
2. If a citation is submitted to court, and at the hearing it is discovered the person cited is a juvenile, follow Sections D.1.c. through D.1.e.
- E. Citations: Unwritten, Soiled, Defaced, or Unusable:
1. Dispose of soiled, defaced, obsolete, or unusable citations in the following manner:
 - a. Prepare a Form 17 briefly stating the reason.
 - b. List citations numerically by serial number.
 - c. The district/section commander and the bureau commander will indicate approval by initialing the Form 17 and forwarding it with all copies of the citations to the Supply Unit.
 - 1) A copy of the Form 17 will be returned to the unit authorizing removal of the citations from the computer system.
 - 2) The Supply Unit will keep a copy of the Form 17.
 - d. The Supply Unit will dispose of citations by shredding.
 2. Citations soiled by body fluids:
 - a. Place citations in an evidence bag and mark with a biohazard label.
 - b. Follow Sections E.1.a. through E.1.c. for routing the Form 17.
 - c. Send citations directly to the Court Property Unit with a copy of the Form 17.
 - d. Court Property Unit will dispose of citations by burning.

12.251 CITATIONS ISSUED TO DEPARTMENT OWNED VEHICLES

Reference:

Procedure - 12.215 - Cincinnati Parking Infraction (CPI)

Procedure - 12.250 - Cancellation of Citations

Procedure:

- A. When a Police Department employee receives a Cincinnati Parking Infraction (CPI) on a city owned/leased vehicle, the employee will:
1. Immediately notify his supervisor the citation has been issued.
 2. The employee will document on a Form 17 the circumstances which caused the citation to be issued.
 3. The employee may choose to pay the citation or schedule a hearing. In this case, Sections A.1. and A.2. of this procedure must still be followed.
- B. The Employee's Supervisor Will:
1. Notify the Records Unit Customer Service Supervisor to place a "holder" on the citation pending an investigation if the employee chooses not to pay or schedule a hearing.
 2. Investigate and verify the information as related by the employee.
 3. Indicate on the Form 17 submitted by the employee corrective action taken or initiated.
 4. If circumstances warrant a cancellation, complete a Citation Cancellation Request (Form 654).
 5. The employee's Form 17 and the Form 654 with the citation attached will be forwarded to the district/section commander.
- C. The District/Section Commander Will:
1. Review and make a recommendation.
 2. Forward the entire packet to the affected bureau commander for approval.
- D. If the employee was not conducting official police business, or the district/section or bureau commander disapproves the request for cancellation, the following will apply:
1. The employee's supervisor will notify the Records Unit Customer

2. Return the citation to the employee for payment or to schedule a hearing.
 3. Failure to have the citation properly disposed of will result in disciplinary action.
- E. If the district/section commander and the affected bureau commander recommend cancellation, the employee's Form 17 and the Form 654 with the citation attached will be forwarded to the Patrol Bureau Commander.
1. The Patrol Bureau Commander will stamp the back of the citation "Recommend Cancellation by the Court" if he approves the request.
- F. The employee's Form 17 and the Form 654 with the citation attached will be forwarded through the Central Records Section Commander to the Records Unit.
1. The Records Unit will prepare a master docket sheet for all citations submitted to the hearing officer for cancellation.
 2. Photo copies of all Forms 17, Forms 654, and citations will be sent to the Hamilton County Municipal Court Clerk's Office along with the master docket sheet by the second Friday of each month.
 3. The master docket sheet will be signed by the clerk as a record of receipt.
- G. If, in the judgment of the hearing officer, the citation does not warrant cancellation or dismissal, the citation will be returned and processed as described in Section D.
- H. This procedure does not alter existing Procedure 12.215 regarding the processing of citations involving defective parking meters.

12.255 DELINQUENT VEHICLES: IMPOUNDING/PROCESSING DELINQUENT TAGS

Reference:

Cincinnati Municipal Code 513-1 - Impoundment of Motor Vehicles
Standards Manual - 61.1.2, 61.4.3
Procedure 12.031 Automatic License Plate Recognition (ALPR)

Information:

When owners do not respond to parking infraction citations and the citations become delinquent, the Records Unit will publish the license numbers of such vehicles on the Delinquent Vehicle List, which is distributed every 30 days.

Procedure:

- A. Any police officer locating a delinquent vehicle will query Police Communications Section (PCS) by radio for registration by VIN and by license plates to determine the delinquent status and owner of the vehicle. If the registration by VIN and license plates do not match, further investigation is indicated. After verification, the officer will take the following steps to process the vehicle:
 1. If the vehicle is unattended and the officer is unable to locate the owner/driver, he will:
 - a. Notify PCS via Signal 38.
 - b. Initiate a Towing Report (Form 369).
 - c. Wait with the delinquent vehicle until the wrecker arrives.
 - d. Give a copy of the Form 369 to the wrecker driver and wait until the vehicle is actually towed from the scene.
 2. If the vehicle is attended (the driver or owner is in or around the vehicle and makes his presence known before the wrecker leaves the curb and enters a moving traffic lane):
 - a. The officer can direct or escort the driver to the district or the Hamilton County Municipal Court Clerk's Office to satisfy the delinquent tags.
 - b. If the driver cannot satisfy the tags without delay at the Hamilton County Municipal Court Clerk's Office, or if it is more convenient for the officer, direct and escort the driver with the vehicle to the nearest district.
 - c. Inform the driver that his vehicle will be impounded if he does not satisfy the delinquent tags and return to the district with proof within a specified time.
 - 1) Police personnel should consider existing circumstances

(availability of parking spaces at the district, time of day, etc.) when determining what is a reasonable time before impounding the vehicle.

- d. If the driver fails to return with proof that tags were satisfied within the specified time, remove the vehicle to the Impound Unit.
3. The investigating officer has the discretion at any time to impound any delinquent vehicle when circumstances dictate. The officer is responsible for the safety of the operator and occupants when impounding an occupied delinquent vehicle. The officer will transport the occupants if needed to a safe location such as a residence or nearest police station.
- B. The type and number of delinquent violations can be verified by running a Query Outstanding Ticket (QOT).
1. Any vehicle appearing on the delinquent list has more than one delinquent tag. The fine doubles for each delinquent tag.
 2. In order to redeem the delinquent vehicle, the driver/owner must:
 - a. Pay all delinquent tags at the:

Hamilton County Municipal Court Clerk's Office - Room 112
Hamilton County Justice Center
314 East Ninth Street
 - b. If the owner of a delinquent vehicle wishes to contest his delinquent citations, he may register them for court.
 - c. If warrants have been issued, bond must be posted on each.
 3. The owner/driver may retrieve his vehicle held at a district by presenting proof the tags have been paid or registered for court.
 4. The owner/driver may retrieve his vehicle held at the Impound Unit, 1810 South Street, by presenting proof the tags have been paid or registered for court, and by paying impoundage fees.
- C. By ordinance, the owner of any vehicle impounded under Cincinnati Municipal Code Section 513-1 must be given notice of such impoundment. Make the notice personally or by regular mail sent to the last known address of the registered owner.
1. The impounding officer will attempt to notify the owner of the vehicle in person or by telephone of the impoundment, providing such notification can be made during the impoundment and investigation process.
 - a. The officer will indicate notification has or has not been made in the space provided on the Form 369.

- b. If the impounding officer is unable to notify the owner during the impoundment/investigation process, the officer will note on the Form 369 under "Remarks & Explanation" any information gained relative to the owner's current address or telephone number.
 - c. Impound Unit personnel are responsible for the notification after the vehicle is received at the Impound Unit.
2. The notification will consist of:
- a. The vehicle has been taken into custody and stored at (location).
 - b. The reason for impoundment.
 - c. The procedure for obtaining release of the vehicle.
 - d. The accrued charges for impoundment and storage.
 - e. That the persons claiming the vehicle can challenge the validity of the impoundment at a hearing before the sworn officer on duty at the Impound Unit.
 - f. That failure to obtain release of the vehicle within 20 days after impoundment may cause it to be sold at auction.

12.260 WARRANTS FOR ADULTS: SERVICE AND RECORDING

Reference:

Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and
Felony Offenders

Procedure 12.900 - Processing Juvenile Offenders

Purpose:

Establish a uniform system for handling warrants throughout the Police Department.

Identify the warrant service responsibilities of police districts/sections/units receiving warrants for service.

Policy:

District/section/unit commanders will continually review and evaluate the warrant load of the unit and ensure the load remains at a manageable level.

Procedure:

A. Recording Warrants

1. Hamilton County Central Warrants Processing Unit (CWPU) prepares and forwards warrants as follows:
 - a. Misdemeanor warrants will be forwarded to the appropriate unit based upon the defendant's address.
 - b. Felony warrants signed by citizens are forwarded to Criminal Investigation Section (CIS).
 - c. Felony warrants signed by police officers are forwarded to the police officer who signed the warrant.
2. CWPU will prepare warrants with the name, address, date processed, warrant number, charge, bond (if any), date of offense, and assigned district.
3. Warrants sent to the wrong district/section/unit should be forwarded to the correct district/section/unit through interdepartmental mail.

- a. Form 481, Cincinnati Police Warrant Transfer, will be completed in duplicate.
 - 1) The original will remain with the transferring unit.
 - 2) The copy will be forwarded with the warrant.
4. Units will immediately enter warrants into their unit database.
 - a. Felony warrants will be assigned to the police officer who signed the warrant.
 - b. Misdemeanor warrants will be assigned to the beat officer who signed the warrant or who is assigned to the beat of the defendant's last known address.
 - c. City warrants for county residents will be assigned to the unit warrant officer.
 - d. An Open Warrant List will be printed and distributed on a daily basis to all district/section/unit personnel after warrant assignments are made.
 - 1) A list of capiases issued on the previous court date will also be attached.
5. When a warrant is paid out, recalled by the Clerk's Office or Records Section, or bond is posted, CWPU will notify the assigned district/section/unit by teletype.
 - a. The unit will note the recall in their unit database.
6. Record information relative to a warrant on the Open Warrants List.
7. Process warrants for persons held at the Hamilton County Justice Center or other correctional facilities through CWPU.
 - a. When the serving officer learns of the incarceration, the officer will contact CWPU for further instructions.
8. At the end of each calendar month, all affected units will submit a Warrant Report which will include the following information:
 - a. Warrants on hand at the beginning of the work period.
 - b. Warrants received during the work period.

- c. Warrants processed during the work period.
 - d. Warrants on hand at the end of the work period.
9. At the end of each calendar month, all affected units will notify Patrol Administration of how many felony warrants were received and how many were served.
- B. Serving Warrants
- 1. Service areas for warrants
 - a. Criminal warrants issued for City of Cincinnati cases by the judiciary are the responsibility of the Cincinnati Police Department. The service areas for Hamilton County follow U.S. Postal zones. The following zones will serve as boundaries outside the City limits:
 - 1) Service areas for District Two: 45230, 36, 42, 43, 44 and parts of 45111 (Camp Dennison), 45140 (Loveland) and 45174 (Terrace Park) within Hamilton County.
 - 2) Service areas for District Three: 45211, 33, 38, 48 and parts of 45001 (Addyston), 45002 (Cleves), 45030 (Harrison), 45033 (Hooven), 45041 (Miamitown), 45051 (Mt. St. Joseph) and 45052 (North Bend) within Hamilton County.
 - 3) Service areas for District Four: 45212, 15, 16, 17, 37, 41, and 46 within Hamilton County.
 - 4) Service areas for District Five: 45218, 24, 31, 39, 40, and 47 within Hamilton County.
 - 2. Record all information obtained about the wanted person on a Form 311, Incident Closure Report, and return to the warrant officer.
 - 3. If the warrant can be served at an address different than the one listed, the police officer will complete a Form 481 and forward it to the correct district/section/unit.
 - 4. Units will attempt to serve the warrants within a 30 day period.
 - a. Do not return "Unable to Serve" within the 30 day period when there is an indication the subject lives at the listed address.

- 1) In multiple-unit dwellings, at least two persons, identified by name, must verify the subject does not live at that address.
 - 2) Contact the manager or owner of the dwelling for verification and possible forwarding address.
- b. If the wanted person moved or is not known to reside at the stated address, check the City Directory, Telephone Directory, Regional Crime Information Center (RCIC) system and the Internet (www.courtclerk.org, etc.) for possible new addresses.
- c. If no information is secured by these means, request the post office branch serving the area furnish a forwarding address.
- 1) Use a Form 675P, Address Information Request, to contact the post office.
- d. Canvass the neighborhood for information concerning wanted persons (neighbors, store clerks, postal workers, etc.).
- e. If there are children of school age in the wanted person's family, contact the Cincinnati Public School's Student Information System (Phone: 363-0380) for the student's current address.
- 1) For this purpose, provide the full name of the child, birth date or age, and the names of both parents.
- f. Explore the possibility of a transposition of street numbers or the chance the named street might be in a neighboring community.
- g. When returning a warrant "Unable to Serve", officers will note on the Open Warrants List the reason for this and forward the warrant to the warrant officer.
- 1) The unit will note the information in their unit database.

C. Cold Case Warrants

1. Felony warrants unable to be served after the 30 day period will be considered cold case warrants. The Intelligence Section Commander will request RCIC to initiate a query of the master name file. RCIC will return a list of persons who have a warrant for any felony of violence outstanding for more than 30 days. The Intelligence Section Commander will identify the most violent offenders and develop a list for dissemination.

2. Intelligence Section will maintain a Cold Case Fugitive spreadsheet and ensure the spreadsheet is updated with all events involving each cold case fugitive.
3. Monthly, the Intelligence Section Commander will select up to 30 names. Each name will be listed on a Form 637, Cold Case Fugitive form.
4. Intelligence Section will:
 - a. Conduct a preliminary investigation.
 - b. Note useful data on the Form 637.
 - c. Complete the necessary paperwork to have the warrant removed from files and databases if the fugitive is deceased.
 - d. Process holders and, when appropriate, arrange for extradition if the fugitive is incarcerated.
 - e. If the fugitive is neither deceased nor incarcerated, the Intelligence Section Commander will assign the Form 637 for follow-up investigation to the Southern Ohio Fugitive Apprehension Strike Team (SOFAST).
5. If an arrest is made, return the Form 637 to the Intelligence Section Commander with pertinent data related to the arrest.
6. If no arrest is made within 30 days, return the Form 637 to the Intelligence Section Commander. Include all data obtained regarding the fugitive.
7. Intelligence Section personnel will update the Cold Case Fugitive spreadsheet and file the Form 637.

12.265 WRECKER AND TOWING

References:

Procedure 12.200 – Snow Emergencies and Hazardous Road Conditions
 Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.275 - Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
 Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
 United States Supreme Court Decision: Colorado v. Bertine, 55 LW 4105.
 Standards Manual 61.2.2, 61.4.1, 61.4.2, 61.4.3,1.2.4

Purpose:

To provide a procedure for towing vehicles.

To specify the type of wrecker used and towing destination for each situation requiring the use of a wrecker.

To ensure inventory searches of vehicles are conducted within the guidelines of all applicable laws so that citizens' 4th Amendment rights are protected.

To ensure the proper handling and protection of property found within towed vehicles.

Policy:

Cincinnati Police Department personnel will conduct a thorough inventory search of all vehicles taken into custody per Cincinnati Municipal Code (CMC) Section 513-1.

The towing officer will immediately notify Police Communications Section (PCS) whenever a vehicle is towed or moved. This includes but is not limited to the following: rotation tow, special event tow, contract wrecker tow, junk tow, peak travel hour tows etc. Notification can occur via radio (signal 38), phone or fax.

An exception to this procedure is snow emergencies. During a snow emergency, follow Procedure 12.200, Snow Emergencies and Hazardous Road Conditions. Notification is not necessary when private wreckers tow vehicles involved in a crash.

Procedure:

A. Use of Wreckers

1. A private contract wrecker is available through the Impound Unit, Monday-Friday, and personnel will use it to:
 - a. Move and spot vehicles at the Impound Unit

- b. Tow vehicles from the Impound Unit to the Coroner's Office, court, etc.
 - c. Tow vehicles from district storage
2. Officers will use rotation wreckers for all other tows or moves. Officers may also use rotation wreckers for the following:
- a. To remain with a police officer at major events such as parades, or for keeping traffic routes clear.
 - 1) Payment for rotation wreckers comes from the Police Department budget. Wreckers remaining with a police officer will receive payment for each vehicle towed or the pre-established hourly fee, whichever is greater.
 - b. To remain with a police officer to move several vehicles from a snow emergency route, or under other circumstances where they must move several vehicles.
 - c. To haul heavy objects, such as a safe.
3. Police personnel needing a wrecker for a City vehicle will contact their district/unit desk officer who will call Fleet Services at the Municipal Garage. Fleet Services will contact the Channel 8 operator who will dispatch a wrecker from the Department wrecker rotation list. A Form 369, Towing Report, is not needed.
- B. Request for Wrecker Service
- 1. Field personnel will initiate requests for wrecker service by calling PCS by radio, telephone or MDT (to CH08).
 - a. When officers use the radio, they will give their car number and "Signal 38," indicating the need for the service of a wrecker.
 - 2. The PCS dispatcher will request the officer's location and advise the officer to switch to Channel 8. To help the Channel 8 operator determine the type of wrecker and equipment to dispatch, the officer will give the following information:
 - a. Location, make, model and vehicle license number, or VIN if there is no license plate
 - b. Reason for request

- c. Conditions that will affect wrecker type and equipment needed:
 - 1) Tires: up, flat, or missing
 - 2) Wheels: straight, turned in, etc.
 - 3) Is vehicle overturned, off roadway, over embankment, etc.
 - 4) Size and type of vehicle such as pick-up truck, semi, 2-ton, motorcycle, vehicle with fiberglass body, vehicle with accessories hanging below bumper, 4 wheel drive etc.
 - 5) In parking garage with low ceiling

C. Impoundment of Semi-trailers

- 1. PCS will attempt to locate a qualified CDL driver to drive the semi-trailer to the impound lot. If a qualified CDL driver is not available, PCS will arrange for a heavy-duty wrecker to tow the semi-trailer to the impound lot.

D. Improper Use of Wreckers

- 1. Officers will issue a citation to operators of private wreckers in violation of the following Cincinnati Municipal Code Sections:
 - 506-13 - Following an Emergency Vehicle
 - 506-14 - Following an Emergency or Public Safety Vehicle
 - 506-15 - Gathering at the Scene of Accident
 - a. The citing officer will forward a legible copy of the Form 314, Notice to Appear and/or MUTT citation to the Impound Unit.
- 2. When officers find a rotation wrecker not in compliance with the City Manager's Wrecker and Towing Rules and Regulations, the officer will advise a supervisor. The supervisor will prepare a Form 17 giving full details. The supervisor will then forward the Form 17 through channels to the Police Chief. This includes:
 - a. Slow or no response
 - b. Improper or lack of equipment
 - c. Failure to display Police Rotation (PR) sticker when towing off the police rotation list.

- d. Any other noncompliance with the rules and regulations. The rules and regulations are on file at the Impound Unit.
 - 1) Failure to comply with these rules and regulations can result in suspension or removal from the rotation-towing list.

E. Reporting Towed or Moved Vehicles

1. In all cases where officers use a commercial wrecker for impoundment or move only purposes, the officer will remain with the vehicle and will furnish the wrecker driver with a written order to tow. The towing officer will immediately notify PCS for every towed or moved vehicle. The notification can occur via radio (signal 38), phone or fax.
 - a. The wrecker operator will be given the yellow copy of the Form 369 for auto theft recoveries. The white and yellow copy of Form 369 will be given to the wrecker operator for all other types of towed vehicles. Officers will route copies as per Procedure 12.270.
 - b. Officers will report a move only on a Form 369, as required per Procedure 12.270.
 - 1) If a wrecker moves a vehicle to a location other than the Impound Unit, such as a district or the Coroner's Office, and subsequently the vehicle is moved to the Impound Unit, a Form 369 must accompany the vehicle.
 - c. Officers will report vehicles towed for violation of signs erected to expedite traffic during morning and evening peak travel hours on a Form 369.
2. Officers will record vehicles involved in crashes and towed by private wreckers on a Form OH-1, State of Ohio Traffic Crash Report. It is not necessary to complete a Form 369 or to notify PCS of the tow.
3. All reports regarding the removal of vehicles (moved or impounded) will include, in addition to the requested information, on the form:
 - a. A specific list of the damages on the vehicle in the space provided on the Form 369.
 - b. Additional information in the "Narrative" block of a Form 301, Incident Report, for auto theft recoveries. Entries such as "poor," "fair," etc., are not acceptable.
 - c. Property remaining in the vehicle and its location.

- d. The exact reason for towing or impounding the vehicle. If applicable, state the type of offense, offense numbers, etc.

F. Property Contained in Vehicles Towed or Moved

1. The officer ordering the tow will complete the inventory search. The inventory search will include the opening of closed containers and the listing of their contents.
 - a. The purpose of the inventory search is not to locate evidence of criminal activity, but to protect the owner's property, protect the Police Department from subsequent claims of loss or stolen property, and to protect Police Department personnel from dangerous items. If there is any doubt, obtain a search warrant or contact the Prosecutor's Office for advice.
2. Most property in vehicles removed to private storage areas will be left in the vehicle and under the custodial care of the rotation wrecker operator. An exception to this is visible contraband, evidence, and valuable property.
 - a. Officers will remove from the vehicle all contraband, confiscated property, valuable property, and property held for court. Process all items at the district.
 - b. For purposes of this procedure, valuable property is any one item or group of items having a value of \$500.00 or more.
 - c. Items that are in a secured non-visible area of the vehicle, such as the trunk or a lockable storage bin, may remain in this secured area if they do not exceed \$500.00 in total value.
 - 1) If not in a secured area, property up to \$500.00 may be secured in a lockable trunk, if accessible.
 - d. The spare tire, vehicle jack, and lug wrench are considered part of the vehicle and will remain in the vehicle, in the trunk or out of sight if possible. List these on an Incident Report and/or Form 369.
 - e. The occasional flashlight, screwdriver, jumper cables, quart(s) of oil, or dirty clothes may remain in the vehicle.
3. The towing officer will call to the attention of the wrecker operator all visible property left in the vehicle being towed.
4. Officers will identify and tag all property removed from vehicles and not held for court or confiscated as "Found Property."

- a. The Form 330, Property Receipt, should list descriptive data of the vehicle from which the property came.
5. When a vehicle is towed to the district, the towing officer may leave the property in the vehicle until the vehicle has arrived at the district. The officer will then process the property through the district property room or locker.
 6. Property will remain in the vehicle towed to the Impound Unit for violation of peak hour restrictions.
 - a. Officers will record on the Form 369 a description of the property remaining in the vehicle and inform the wrecker operator of any such property.
 - b. Receiving officers at the Impound Unit will be responsible for approved property left in the vehicle in conformance with this procedure and will process such property in accordance with the Impound Unit Standard Operating Procedure (SOP).
 7. When Impound Unit personnel find property that should have been processed by the towing officer, they will contact the officer to respond to the Impound Unit to process the property.
 - a. If the towing officer is unavailable to respond, the officer's unit supervisor will be contacted.
 - 1) The towing officer's unit supervisor will have someone respond to process the property.

12.266 UTILIZATION OF VEHICLE ENTRY DEVICES

Definition:

Slim-Jim A metal device which can be slipped between the window and molding of a vehicle's window to unlock the vehicle's door.

Purpose:

Provide a guide for officers in the use of vehicle entry devices or Slim-Jims

Policy:

Personally owned vehicle entry devices (Slim-Jims) may be carried by on duty personnel to expedite the police mission.

Information:

Police officers possessing Slim-Jim tools for opening locked vehicles should be aware that a single type of Slim-Jim will not open all vehicles.

This procedure does not preclude the use of a Slim-Jim to execute a search warrant.

Procedure:

- A. Police officers may utilize Slim-Jim devices in the following circumstances:
 1. To facilitate the removal of an auto that is blocking traffic or causing a hazard.
 2. Protection of life or property; (e.g., small child locked in auto).
 3. Conditions exist that the use of a Slim-Jim device would expedite the police mission. Some conditions to be considered include but are not limited to:
 - destitute nature of vehicle's driver
 - lateness of the hour
 - location of occurrence
 - a lack of alternative assistance
 - possible threat to vehicle/driver's safety
- B. Police officers utilizing the Slim-Jim to open autos, under the above circumstances, will first determine that the requesting person is the owner of the vehicle or legally entitled to entry.
 1. Owners must be informed of the possibility of damage to the vehicle.

2. Damage to vehicles resulting from the use of a Slim-Jim other than as described in A.2. will be the personal responsibility of the user of the device.
 - a. Officers should be aware of newer model vehicles with anti theft devices and safety equipment (e.g., side impact airbags).
- C. Police Communications Section (PCS) will not dispatch police units to utilize Slim-Jim devices except in the circumstances described in A.2.

12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

References:

Procedure 12.205, Traffic Enforcement
 Procedure 12.215, Cincinnati Parking Infraction (CPI)
 Procedure 12.255, Delinquent Vehicles: Impounding/Processing Delinquent Tags
 Procedure 12.265, Wrecker and Towing
 Procedure 12.275, Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
 Procedure 12.420, Reporting Vehicle Thefts and Related Offenses
 Cincinnati Municipal Code Chapter 513 - Impoundment of Motor Vehicles
 Cincinnati Municipal Code Chapter 503 - Vehicular Construction and Equipment
 Cincinnati Municipal Code Chapter 759 - Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime
 Ohio Revised Code 4511.681- Parking prohibitions on private property
 Ohio Revised Code 4513.60 - Abandoned Vehicles

Purpose:

Determine when vehicles may be impounded and/or released.

Establish accountability for safeguarding property contained in impounded vehicles.

Information:

Cincinnati Municipal Code (CMC) Chapter 759 authorizes officers to tow vehicles used in drug or prostitution offenses. Vehicles will be held in lieu of payment of a civil fine authorized under this ordinance. To tow the vehicle, the offender must be the registered owner or joint owner of the vehicle, unless an officer can prove the owner knew the vehicle was being used for a drug or prostitution offense. The vehicle can then be towed, as the owner no longer qualifies as an "innocent owner".

The civil penalty may still be issued to offenders not the registered owner, but the vehicle cannot be held in lieu of payment. If the vehicle is owned by an innocent party, the vehicle will be treated as any other "driver arrested" situation, e.g. park the car, turn keys over to responsible party, etc.

The Impound Unit, located at 3425 Spring Grove Avenue, is open from 0630 to 2130 hours seven days a week.

Procedure:

- A. Impoundment of Vehicles Outside Impound Unit's Business Hours
 - 1. Using a supervisor approved move-only, cite and move to a non-hazardous location any vehicle parked in violation and creating a hazard.
 - 2. Do not tow delinquent vehicles when Impound Unit is closed.
 - a. If the vehicle is occupied, drive it to the district and hold it while the owner pays the citation or posts the required bond for delinquent tags.
 - b. If parked, cite the vehicle for any current violation. Make a blotter entry noting the location of the vehicle for follow up.
 - 3. Do not tow vehicles bearing tags expired more than 30 days when the Impound Unit is closed.
 - 4. Tow vehicle recoveries to a designated private storage facility if it is not possible to release the vehicle to the owner at the scene.
 - 5. Provide the district desk person with a completed Form 369, Towing Report, whenever a vehicle is held at a district. Make a blotter entry to have the vehicle towed during Impound Unit's operating hours.
- B. Impoundment Guidelines
 - 1. A police officer may impound any motor vehicle which is:
 - a. Stolen.
 - b. Parked in violation of the law.
 - c. Involved in a motor vehicle crash.
 - d. Has two or more outstanding delinquent parking infractions.
 - e. Not displaying license plates.
 - f. Blocking ingress or egress to a street, alley, roadway, driveway, parking facility, or loading facility.
 - g. In the possession of a physically arrested person.
 - h. Driven by a person under the influence of alcohol, drugs, or a combination thereof.
 - i. Under the control of a person who requests impoundment for safekeeping.
 - j. Held for evidence or investigation (requires supervisory approval).

- k. Driven by an owner who is under suspension.
2. Officers will tow vehicles when probable cause exists to make a physical arrest for a violation of CMC Chapter 759. To tow the vehicle, the offender must be the registered owner or joint owner of the vehicle, unless an officer can prove the owner knew the vehicle was being used for a drug or prostitution offense.
 3. With the exception of vehicles towed pursuant to CMC Chapter 759, do not impound the motor vehicle of a physically arrested person or a first offender OVI arrest if:
 - a. The owner/driver allows the officer to safely and legally park the vehicle.
 - b. The vehicle is not needed for evidence.
 - c. The driver arranges for someone to take custody of his vehicle.
 4. Do not leave vehicles on expressways.
 - a. Allow up to three hours for owners/operators to move vehicles legitimately disabled on the side of expressways not in a hazardous location.
 5. If unable to release a stolen vehicle to the owner, complete Form 303, Motor Vehicle Incident Report, and Form 369.
 - a. The original Form 303 is to be forwarded to Records Section.
 - b. Fax Form 369 to the Impound Unit (352-3998), as soon as possible.
 - 1) Give the yellow copy of Form 369 to the wrecker driver.
 - 2) The pink copy of Form 369 is retained at the district.
 - a) Forward a copy of Form 369 to Records Section.
 - 3) Forward the original white copy of Form 369 to the Impound Unit.
 6. For all other tows, the original Form 369 will accompany the vehicle to the Impound Unit.
 7. The owner of any vehicle impounded under CMC Section 513-1, Impoundment of Motor Vehicles, must be notified in person or by a letter sent to the last known address of the registered owner.
 - a. Impounding officers will attempt to notify the vehicle owner in person or by phone and note same on the Form 369. If officers are unable to make notification, they will record any relevant information that would help Impound Unit personnel make the notify.

- 1) After towing to the lot, Impound Unit personnel will be responsible for notifying the owner.
- b. The notification will include the:
 - 1) Reason for impounding and the location where the vehicle was towed.
 - 2) Procedure for obtaining release of the vehicle.
 - 3) Basic charges for impound and storage according to current posted rates.
8. Vehicles which were legitimately disabled and towed to clear the flow of traffic are not subject to impound fees if claimed within 48 hours of impoundment. Impound Unit personnel will make this determination.
9. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.
10. The towing officer will inventory the vehicle and the contents of any vehicle taken to the district. Do this even though someone may be responding to pick up the vehicle.

C. Impounding Vehicles

1. The driver/owner is arrested and the vehicle has to be impounded:
 - a. A supervisor must approve the impound.
 - 1) Supervisors do not need to approve vehicle tows when a subject is arrested under CMC Chapter 759.
 - b. Tow or drive the vehicle directly to the Impound Unit during normal business hours.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by contract wrecker the next day.
2. Vehicles towed for CMC Chapter 759 violations:
 - a. Persons charged with violations of CMC Chapter 759 must be given a written "Notice of Civil Citation".
 - 1) The hard copy of the "Notice of Civil Citation" is given to the defendant.
 - 2) The pink copy goes to the Office of Administrative Hearings.
 - a) These copies must be delivered by 1100 hours the day following the arrest.

- 3) The yellow copy is forwarded to the Treasurer's Office at City Hall.
 - a) Officers must also fax a copy to the Treasurer's Office (352-6984) in the event the defendant attempts to pay the civil fine before the copy of the citation arrives.
 - b. Complete Form 369. Indicate in the "Reason for Towing" and "Comments" blocks the operator was arrested for the CMC 759 violation.
 - c. Provide the wrecker driver with the Form 369 and attach a copy of the Form 527, Arrest and Investigation Report, and the original (white) copy of the "Notice of Civil Citation".
3. Operating a Vehicle under the Influence (OVI) and Driving while Under Suspension (DUS).
 - a. Tow a vehicle for pretrial seizure in all cases of DUS except:
 - 1) When charging the driver with ORC 4510.037J.
 - a) Points suspensions (12 or more points).
 - b) Status – "Suspended".
 - 2) When charging the driver with ORC 4510.21.
 - a) Suspensions with time limits/dates that are expired.
 - b) Driver failed to pay fines/fees required to reinstate license.
 - c) Status – "Failure to Reinstate".
 - b. If a vehicle operator is arrested for any of the following, tow the vehicle which is subject to forfeiture:
 - 1) Operating a vehicle which has been ordered immobilized.
 - 2) Arrested for an OVI with three previous convictions within six years.
 - 3) Arrested for wrongful entrustment with one previous conviction (no time limit).
 - 4) Arrested for an FRA suspension with two previous convictions within five years.
 - 5) Arrested for an OVI suspension with two previous convictions within six years.

- c. Complete Form BMV-2255 (ALS) and Form 369.
 - d. Inform Police Communications Section (PCS) whether the vehicle is being towed for pretrial seizure or is subject to forfeiture.
 - 1) Towing companies will tow vehicles held for pretrial seizure and those subject to forfeiture to the Impound Unit.
4. Vehicles ordered immobilized by the courts not already impounded.
- a. Records Section will distribute all court issued Immobilization Notices (BMV-2270) to Patrol Bureau for action.
 - 1) Districts will make reasonable attempts to locate these vehicles and impound them.
 - 2) If the vehicle is found, impound the vehicle and advise PCS the vehicle is a court ordered immobilization. These tows go to the Impound Unit.
 - a) Complete Form 369.
 - b. Patrol Bureau will return Forms BMV-2270 to Records Section along with the disposition.
5. Stolen/recovered vehicles:
- a. Every effort should be made to release auto recoveries to the owner at the scene of recovery.
 - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, the vehicle will be towed by a private wrecker designated for auto recoveries.
 - 1) Request PCS dispatch a private wrecker.
 - 2) Forms 369 and 303 will be completed by the recovering officer.
 - a) Fax Form 369 to the Impound Unit (352-3998), as soon as possible.
 - 1] The yellow copy will be given to the wrecker driver.
 - 2] The original white copy will be forwarded to the Impound Unit.
 - 3] The pink copy will be retained at the district.
 - 4] Forward a copy of the Form 369 to Records Section.

- b) All copies of Form 303 will be turned in at the district for processing.
 - c. If the vehicle is not held as evidence, follow Procedure 12.420.
 - d. Investigations concerning recoveries will be done at the private storage facility within 24 hours of recovery.
 - 1) Location of the vehicle can be obtained from the Form 369 or PCS.
 - e. All fees for towing and storage are charged by the private towing company.
6. Held for evidence/investigation
- a. A supervisor must approve the impounding of the vehicle.
 - b. Tow or drive the vehicle directly to the Impound Unit, during business hours.
 - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by contract wrecker the next day.
 - d. If a coroner's case, the vehicle may be towed to the Coroner's Office, with supervisory approval. Other options include towing or driving to the district for processing and release, or towing to the Impound Unit by first shift.
 - e. Take vehicles held by specialized units to a district with the approval of the district shift officer in charge (OIC). Specialized units will maintain responsibility for the disposition of the vehicle.
7. Vehicles held at the request of other authorities
- a. If possible, contact the requesting authority.
 - b. If they can respond immediately, release the vehicle to them.
 - 1) Obtain a signed Form 330, Property Receipt, for the vehicle.
 - c. If the requesting authority cannot respond immediately:
 - 1) Drive the vehicle to the district.
 - 2) If the vehicle is not drivable, tow to the Impound Unit during business hours. If outside of Impound Unit's business hours, tow to the district. Include all pertinent information on the Form 369.
8. Vehicles unlawfully parked on a street and interfering with pedestrian or vehicular traffic:

- a. Have the owner/driver move the vehicle immediately.
 - b. If the owner/driver is not immediately available, cite for the proper violation and tow it to the Impound Unit.
 - 1) When the Impound Unit is closed, a supervisor may approve a move-only. Issue a citation and tow to a non-hazardous location.
9. Vehicles parked on private or public property without consent of the owner:
- a. For vehicles parked on private property, or public property under the control of non-City government agency (Board of Education, Metropolitan Housing Authority, etc.).
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle. Include on the Form 369 a brief investigative summary and the property owner's name who requested the vehicle removed.
 - a) Issue citations for any applicable violations.
 - 2) If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, loading dock, etc., the officer will run a computer check to see if it is stolen, wanted, etc. The officer will tow only if there is a computer hit.
 - a) Do not tow delinquent vehicles from private property.
 - 3) For vehicles on private property, other than City property, and not stolen or wanted, the officer should try to find the vehicle owner to move the vehicle. The officer will advise the property owner of the towing provisions under Ohio Revised Code Sections 4511.681 and 4513.60. If the property owner follows these guidelines, the vehicle can be towed at the vehicle owner's expense.
 - a) For abandoned junk vehicles on private property, refer to Procedure 12.275.
 - b. For private property owned or controlled by the City, including the Park Board, Recreation Department, etc., take the following action:
 - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle.

- a) If applicable, issue a citation for the violation.
 - 2) If the vehicle is stolen, otherwise wanted, or in violation of the law, impound it.
 - c. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
10. Follow Procedure 12.275 for abandoned or junk vehicles.
11. Follow Procedure 12.255 for delinquent vehicles.
12. Vehicles wanted for hit-skip:
 - a. If an individual is cited or physically arrested for hit-skip, tow the vehicle to the Impound Unit, only if it is needed for follow-up investigation, with the approval of a supervisor.
 - b. Impound the vehicle if needed as evidence, with supervisory approval.
 - 1) If the driver is physically arrested, follow Section C.1. of this procedure.
 - c. Complete Form 369. A photocopy of the Form 369 will be forwarded to the Hit Skip Squad with the OH-1.
13. Expired license plates:
 - a. If the plate is expired 30 days or less, issue a citation for CMC 503-52 if the vehicle is moving; or CMC Section 508-25 if the vehicle is parked.
 - b. If the plate is expired more than 30 days, the vehicle may be impounded. A citation is sufficient if registration information is verified and the owner notified.
14. No license plates:
 - a. Impound the vehicle; do not issue a citation. This applies to both occupied and unoccupied vehicles.
15. Unroadworthy vehicles:
 - a. Officers will issue an Ohio Multi-Count Uniform Traffic Ticket (MUTT) using CMC 503-29.
 - 1) Have the vehicle towed to the Impound Unit. Do not drive or allow the vehicle to be driven.
 - 2) Impound Unit will arrange to have the vehicle inspected by a mechanic from Fleet Services.

- a) The mechanic will record his findings on a Form 17, noting his name, unit, and telephone line number. Unroadworthy Forms 17 are kept in a separate file at Impound Unit. A copy of this Form 17 is also sent to the impounding officer by Impound Unit for use in court cases.
 - b) If the inspection determines the vehicle is unroadworthy, the additional towing charge and the inspection fee charged to the Department by the Municipal Garage will be passed on to the owner of the unroadworthy vehicle.
- b. Officers notified for court about an unroadworthy vehicle charge will contact the Impound Unit supervisor who will notify the mechanic to appear in court to testify about the condition of the vehicle.
16. Parked vehicle involved in a vehicular crash:
- a. If legally parked and not causing a safety hazard, do not tow.
 - b. If parked in violation or interfering with traffic, and the owner is not located, tow the vehicle to the Impound Unit as held for owner.
17. Follow Procedure 12.215 for street cleaning or paving violations.

D. Move-Only Tows

- 1. Use a move-only as a last resort unless an emergency situation requires immediate action. Costs for move-only tows are charged to the Police Department.
 - a. Cite vehicles when violations are present.
- 2. Complete Form 369. Be specific, complete each appropriate space.
 - a. Remain at the scene to direct the wrecker driver.
 - b. Give the white copy to the wrecker driver.
 - c. The officer's immediate supervisor will review, sign, and forward the yellow copy to the Impound Unit without delay.
 - d. Note on the Form 369 if the vehicle was cited for a traffic violation.

E. Mechanically Disabled Vehicles

- 1. The owner/driver is responsible for securing a wrecker for a disabled vehicle not involved in an auto accident. Instruct the owner/driver to secure a licensed wrecker of his choice.

- a. If the position of the vehicle creates a hazard to motorists or pedestrians the officer will ensure the vehicle is removed.
 - 1) The officer will attempt to move the vehicle to a non-hazardous location with the use of push bumpers.
 - 2) If the vehicle is unable to be moved the officer will remain with the vehicle and may allow the owner/driver one hour to secure a private wrecker.
 - 3) The officer will remove the vehicle if it is determined a greater hazard would be created by allowing the vehicle to remain.
 - a) The officer will inform the owner/driver they are responsible for the wrecker payment.
 - b) The officer will instruct the wrecker driver to charge the owner/driver and not the Police Department.
2. Vehicles disabled due to fire will immediately be removed from the roadway by the owner/driver or impounded by the officer.

F. Property Contained in Vehicles

1. Process as required in Procedure 12.265.

G. Damage on Vehicles:

1. List as required in Procedure 12.265.

H. Releasing Vehicles

1. At the scene
 - a. Release vehicles, not needed for evidence or by other authorities, to persons with right of possession if they arrive at the scene before the wrecker driver has left the curb and entered a moving lane of traffic.
 - 1) Issue a citation for existing violations.
 - 2) Advise PCS to put the wrecker driver back on top of the rotation list.
2. From Impound Unit
 - a. An owner wishing to claim an impounded vehicle must present a Certificate of Title and/or License Registration and proper identification at Impound Unit. Impound Unit will ensure the owner of the vehicle is queried for outstanding warrants prior to releasing the vehicle.

- b. Inform owners that impound and storage fees do not include payment for traffic citations. Traffic citations attached to the vehicle are to be processed by the vehicle's owner in the regular manner.
- c. Impound Unit will obtain the total impound and storage fees from the vehicle owner/driver.
 - 1) Extra costs for any service necessary to impound or properly maintain the vehicle will also be added to the impound and storage fees.
 - 2) Any person whose vehicle is towed under CMC Chapter 759 will also be required to pay a \$500.00 civil fine.
 - 3) Impound Unit accepts cash, Visa, or MasterCard for payment of impound fees. No checks are accepted.
 - a) Only the person whose name appears on the credit card may use it.
- d. Inform owners with vehicles on the delinquent list that all delinquent tags must be paid or registered for court. They must present proof of payment to the Impound Unit before the vehicle will be released.
- e. Releasing vehicles when Impound Unit is closed:
 - 1) Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the Night Chief, or in his absence the shift OIC of the involved district may authorize recall of an Impound Unit officer to release a vehicle. PCS maintains a recall list. Examples of unusual circumstances include: a vehicle impounded through error which would reflect adversely on the public image of the Department, extreme hardships such as an out-of-town family with young or ill members, etc. Supervisors ordering such recalls should bear in mind the expense incurred from a recall.
 - 2) Vehicles driven or towed to the district may be released without charge at the district upon authorization of the Night Chief, or in his absence, the shift OIC. Send a copy of the completed Form 369 to the Impound Unit.
 - 3) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.
- f. Removal from district lot

- 1) Vehicles impounded at the district when the Impound Unit is closed will be ordered towed to the Impound Unit after 0700 by notifying the Impound Unit OIC. Impound Unit will dispatch the contract wrecker. If release is imminent, or a given period has been permitted for the owner to claim the vehicle from the district without imposing a towing fee, the towing may be deferred.
- 2) If a vehicle is towed to a district and again to the Impound Unit, the additional towing charge is not passed on to the owner. The owner will pay only the normal fee.
- 3) Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.

12.275 REMOVAL OF ABANDONED JUNK MOTOR VEHICLES (PUBLIC OR PRIVATE PROPERTY) AND OVERTIME PARKED VEHICLES

References:

- Ohio Revised Code 4513.63 – Photographing and Recording Information as to Abandoned Junk Vehicles; Disposal of Vehicle
- Ohio Revised Code 4513.64 – Willfully Abandoning Junk Motor Vehicle Prohibited
- Ohio Revised Code 4513.65 – Junk Motor Vehicle; Collector's Vehicle; Storage; Notice
- Cincinnati Municipal Code 508-12 – Parking Unreasonable Time
- Cincinnati Municipal Code 511-31 – Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts
- Cincinnati Municipal Code 512-26 – Penalty for Violation of Section 511-31; Impoundment
- Cincinnati Nuisance Ordinance # 0054-2003 – Junk Vehicles
- Procedure 12.265, Wrecker and Towing
- Procedure 12.270, Impounding, Moving and Release of Vehicles

Definitions:

Ohio Revised Code defines an **abandoned junk motor vehicle** as a motor vehicle which meets all the following requirements:

1. Remains on private property for more than 48 hours without the permission of the property owner; remains on a public street over 48 hours.
2. Three years old or older.
3. Extensively damaged or missing functional parts.
4. Apparently inoperable.
5. Has a fair market value of \$1,500.00 or less.

Cincinnati Municipal Code defines a **nuisance junk motor vehicle** as a motor vehicle which meets all of the following requirements:

1. Has been left on private property for more than 72 hours or left on a public street, public way, or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for more than 48 hours.
2. Three years old or older.

3. Extensively damaged, including but not limited to any combination of the following types of damage: deflated, wrecked, or missing tires or rims; missing or wrecked body parts; broken or missing headlights, taillights, or brake lights; broken, cracked or missing windows or windshields; missing all or part of the motor or transmission; missing or invalid license plate(s); or a vehicle that is otherwise apparently inoperable and
4. Has a fair market value of \$1,500.00 or less.

Overtime-parked vehicle - any vehicle parked upon a highway longer than 14 hours and not moved. Overtime parked vehicles that are also junk vehicles will be processed as junk vehicles.

Inoperable vehicle - any vehicle missing wheels, tires, windshield, motor, or transmission or which has been so damaged as to appear not safely operable. Any vehicle that remains parked in one location for more than 30 days is presumed to be inoperable. Inoperable vehicles parked on expressways can be towed immediately.

Purpose:

To assure proper classification of abandoned/nuisance junk and overtime parked vehicles under provisions of state and local laws and to provide a procedure for the removal and/or disposal of such vehicles.

Policy:

Officers will promptly and thoroughly investigate abandoned nuisance, abandoned junk, overtime, and inoperable vehicles.

The Police Department will work together with the community, the Health Department, the Department of Buildings and Inspections, and the Public Services Department to maintain safe traffic patterns by removing unsafe and unsightly vehicles from the streets, public ways and private properties.

Procedure:

- A. Officers receiving complaints concerning junk or overtime parked vehicles will:
 1. Query the vehicle by license plate and vehicle identification number.
 2. Make a reasonable attempt to have the owner move the vehicle.
 3. Mark the tires.
 4. Enter the following information into the District Overtime Parking Book:
 - a. Date of entry and name and badge number of the officer making the entry.
 - b. Location of vehicle.

- c. Make, model, and color of the vehicle.
 - d. License plate and VIN of the vehicle.
 - e. Badge number of the officer that checked NCIC and RCIC.
 - f. Date, time, and badge number of the officer that marked the tires.
5. Complete two Forms 368, Abandoned Vehicle stickers, to mark abandoned vehicles, abandoned junk vehicles, overtime parked vehicles, and vehicles parked on expressways.
 - a. Place one completed sticker on the driver side door window. Place the other sticker on the rear window. When windows are missing, place the stickers as close to these windows as possible.
 - b. Officers may choose to covertly mark the position of a vehicle rather than applying the Form 368 if they believe a violator is attempting to avoid towing.
 6. Follow Procedure 12.265, Wrecker and Towing, if vehicles do not move within the allotted time.
- B. The District Overtime Parking Enforcement Officer has the responsibility for inspecting the District Overtime Parking Book and completing the investigation and required reports.
1. Tow overtime parked vehicles that meet all requirements to the Impound Unit.
 - a. Tow overtime parked vehicles between 0630 and 2130 hours only.
 - b. On the Form 369, Towing Report, check the Overtime Parker block and indicate the date and time the tires of the vehicle were marked.
 - c. In the notes section of the Form 369 state the vehicle was marked with two Forms 368.
 - d. Make the appropriate disposition entry in the District Overtime Parking Book.
 2. Tow abandoned junk vehicles that meet all requirements to the Impound Lot within seven days of the initial investigation.
 - a. Use the designated junk vehicle wrecker when towing these vehicles.
 - b. On the Form 369, check the Abandoned Junk Vehicle block.

- c. In the notes section of the Form 369, note the vehicle was marked with two Forms 368.
- d. Note the appropriate disposition and badge number of the investigating officer in the District Overtime Parking Book.

C. Vehicles Parked on Expressways

1. Immediately tow vehicles creating a traffic hazard.
2. Allow up to three hours for owners/operators to move vehicles that are legitimately disabled on the side of expressways not in a hazardous location.
3. Vehicles legitimately disabled and claimed within 48 hours of impoundment are not subject to impoundment fees. Impound Unit personnel will make this determination.

D. Enforcement of Junk Vehicle Nuisance Ordinance

1. All requests for enforcement of the Junk Vehicle Nuisance Ordinance will be forwarded to the Health Department.
2. The Health Department will disseminate junk vehicle complaints in the following manner:
 - a. Junk vehicles on private property will be investigated by the Health Department utilizing the following guidelines:
 - 1) Respond and inspect (making nuisance determination).
 - 2) Issue civil notice.
 - 3) Allow 168 hours for appeal request.
 - 4) If vehicle is not moved, notify Impound Unit to schedule tow.
 - 5) Impound Unit will notify the Health Department upon completion of the tow.
 - 6) Health Department will issue a fine.
 - b. Public Property/City Streets
 - 1) All complaints will be forwarded to the Police Department.
 - 2) Appropriate enforcement action will be initiated utilizing the guidelines set forth in this procedure.

- E. Towing of Unlicensed/Inoperable Vehicles from Private Property or Commercial Property
1. Enforce violations of CMC 511-31 on a complaint only basis. Officers must obtain a search warrant before entering onto private property for enforcement action without the consent of the property owner.
 2. Impound Unit maintains a log of CMC 511-31 violations including the status.
 3. Initial Investigation Process
 - a. Enter complaints of unlicensed or inoperable vehicles on private property in the District Overtime Parking Book.
 - b. District officers investigate all reported violations of CMC 511-31.
 - c. Visually inspect the premises before entering onto the property.
 - 1) Close the complaint unfounded if the vehicle is not visible from the sidewalk, street, a public place, or a neighboring property and no further action is needed.
 - 2) Vehicles visible from the sidewalk, street, a public place or a neighboring property require further investigation.
 - d. An officer, locating a vehicle that is subject to towing, will attempt to locate the property owner or vehicle owner.
 - 1) Officers can enter on private property and question persons found there when attempting to locate a vehicle owner.
 - 2) Officers may question persons found on the property and attempt to determine the ownership of the vehicle or property.
 - 3) Officers locating owners of the property or vehicle will explain the nature of the complaint and request permission to inspect the vehicle. Officers will leave the location immediately when consent for a search is denied.
 - 4) Officers obtaining consent will verify current registration and inoperable status. In determining inoperable status use the Definitions section of this procedure as a guide.
 - e. Advise owners of vehicles determined to be unlicensed and/or inoperable they are in violation of CMC Section 511-31. The owners have 72 hours to move the vehicle or be cited.
 - 1) Officers will first issue a warning citation to the owner of the vehicles or property.
 - 2) Vehicles removed within 72 hours require no further action.

- 3) When vehicles are not removed, contact the Impound Unit to find out if the violator has a prior conviction for CMC 511-31.
 - a) Issue a Notice to Appear (NTA) with a minor misdemeanor payout fine schedule for first offense.
 - b) When violators have a prior conviction, the second offense is a misdemeanor of the 4th degree. Complete a criminal complaint and issue a NTA with a mandatory court date.
 - c) After a conviction in court is obtained, the investigating officer will request a court order authorizing towing, impounding and immediate disposal of the vehicle.
 - d) Vehicles will only be towed and impounded with a court order.
- f. Officers will notify the Impound Unit with results of investigations for violations of CMC 511-31.
 - 1) Send a copy of the citations to the Impound Unit.
4. When violator denies consent to investigate the officers will:
 - a. Notify the Impound Unit.
 - 1) Impound Unit will investigate all cases where the initial investigation by district officers is incomplete because consent to enter the property was denied.
 - 2) Impound Unit personnel will obtain a search warrant when necessary for completion of an investigation.
 - 3) Impound Unit will inspect the vehicle to determine if a violation of CMC 511-31 exists and issue citations where necessary. An Impound Unit and district officer will appear in court on contested cases.
 - b. After a conviction in court is obtained, Impound Unit personnel will request a court order authorizing towing, impounding, and the immediate disposal of the vehicle.
 - c. Vehicles will only be towed and impounded with a court order.

12.300 INVESTIGATION OF BOMBS AND BOMB THREATS, DISPOSAL OF DANGEROUS WAR SOUVENIRS AND EXPLOSIVES

Reference:

Procedure 12.143 – Explosive Ordnance Detection Canine Operations

Definitions:

Terrorism - the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

Terrorist Incident - a violent act, or an act dangerous to human life, in violation of the criminal laws of the United States or of any State, to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives.

Purpose:

To ensure the safety of all citizens and public safety personnel in the area of suspected explosive devices.

Policy:

Officers will immediately respond and thoroughly investigate threats of bomb and explosive devices. Explosive Ordnance Detection (EOD) canines will conduct a thorough search of the premises when deemed necessary.

Information:

During large public events, i.e., Riverfest, stadium sporting events, etc., police officers should pay particular attention to unattended packages or packages in suspicious areas.

Procedure:

A. Bomb Threats

1. Immediately advise Police Communications Section (PCS) after receiving a bomb threat.
 - a. PCS will dispatch a beat car and a supervisor to the scene.
2. Notify PCS of arrival before reaching a minimum 1000 feet (approximately two city blocks) from the bomb threat scene. Turn off all radios, mobile phones, Mobile Data Computers, and other types of electronic transmitting devices.

3. The first officer on the scene will consult with the person in charge of the property regarding evacuation. The person in charge of the property must decide to evacuate immediately or wait for a search before evacuation.
4. The on-scene supervisor will evaluate the situation and determine whether an EOD canine team should respond. A search of the premises can occur with or without evacuation.
 - a. When possible, use citizen volunteers familiar with the premises to assist in the search.
 - b. The EOD canine handler may assemble a search team consisting of other police officers and/or citizen volunteers. There will be a maximum of three persons on a team.
 - c. When possible, place officers at entrances and exits of buildings to stop and investigate suspicious individuals leaving the building and advise individuals entering the building of the situation.
 - d. Instruct personnel involved in the search not to touch suspicious objects or anything attached to them. Also instruct them not to interfere with the EOD canine and handler during the search and remain behind the handler.
 - e. List the areas searched on the Form 311G, Confidential Investigative Notes General.

B. Locating Suspicious Items or Bombs

1. If a police officer or a citizen identifies a suspicious package or explosive device, a police supervisor will determine if an EOD canine is to be utilized.
2. When finding suspicious items or possible explosive devices, the on-scene supervisor will evacuate all civilians at least 600 feet away from the suspicious object.
 - a. If it is impractical to evacuate civilians 600 feet away from a suspicious object or possible explosive device inside a building, evacuate a minimum of three floors above and below the object.
 - b. Officers should be aware there is always a possibility of secondary explosive devices.
 - 1) Supervisors should consider requesting an EOD canine team respond to sweep and clear the operational area of potential secondary devices.

3. Call PCS from a landline telephone at least 600 feet away from the object and request the Fire Department's EOD Disposal Unit.
 - a. PCS will notify the following:
 - 1) Fire Department EOD Unit.
 - 2) Criminal Investigation Section.
 - 3) Intelligence Section.
 - 4) Tactical Planning Unit.
 - a) A Tactical Planning Unit supervisor will evaluate the incident and activate the Terrorism Early Warning Group if it is determined to be a terrorist act or a potential terrorist act.
 - 5) Bureau of Alcohol, Tobacco, Firearms, and Explosives, if an actual explosive device is located or an explosion occurs.
 - 6) The Night Chief, when applicable.
 - 7) Utility services: Duke Energy, Cincinnati Water Works, Cincinnati Bell Telephone Company, if necessary.
 4. Assign officers to a mobile patrol ensuring all electronic transmitting devices within 1000 feet of the object are off.
 - a. Keep news representatives outside of 1000 feet of the object and advise them not to broadcast.
 5. Seal off the perimeter with an adequate number of police officers.
 6. Wait for the Fire Department's EOD Unit.
 - a. Once the Fire Department's EOD Unit is on scene, a designated team member will direct them to the location of the object.
- C. Bomb Disposal
1. Upon arrival, the ranking Fire Department supervisor will assume command of the operation and responsibility for the disposal of suspicious items or explosive devices.
 - a. Only Fire Department EOD personnel will operate within 300 feet of the object. They may request a larger or smaller evacuation area and will determine if military aid is necessary.

2. The Police Department will provide support personnel for area security and marked police vehicles for escorting the bomb disposal vehicle.
 - a. The Fire Department EOD Unit will determine the proper number and order of vehicles for bomb escorts.

D. Reports

1. The on-scene supervisor will ensure a Form 301, Incident Report, is completed for either:
 - a. Making False Alarms, 2917.32 Ohio Revised Code (ORC), (Bomb Threat) when there is no evacuation.
 - b. Inducing Panic, 2917.31 ORC, (Bomb Threat) when evacuation occurs.
2. The on-scene supervisor will submit a Form 17 to the Police Chief whenever an explosive device is found or an explosion occurs.

E. Dangerous War Souvenirs & Explosives

1. Whenever a police officer discovers or a citizen turns over any war souvenirs, live ammunition, dynamite, percussion caps, fuses, or other explosives and devices, the following applies:
 - a. Citizens will be advised they are relinquishing all property rights to the items surrendered, so as to prevent requests for the Department to deactivate and return souvenirs.
 - b. Each item will be considered potentially dangerous. Do not handle any explosive devices found.
 - c. An inquiry will be made as to whether anyone has attempted to deactivate the device, and this information will be forwarded to the Fire Department upon arrival.
 - d. If an officer discovers an explosive device on-scene, follow Sections A. through C. of this procedure.
 - e. If a citizen brings an explosive device to a police facility:
 - 1) Immediately turn off police radios.
 - 2) If the item is a war souvenir, it is safer to get the item outside and limit access to it until the Fire Department's EOD Unit arrives. An alternative is to evacuate the building and wait for EOD to respond.
 - 3) If an item appears to be a bomb or is suspicious, immediately evacuate the building.
 - 4) Notify PCS from a phone line to have the Fire Department respond to the scene.

- 5) Upon arrival, the ranking Fire Department supervisor will assume command of the operation and the responsibility for the disposal of suspicious items or bombs.

12.310 WASTE AND MEDICAL DEBRIS USED AT CRIME SCENES AND TRAFFIC ACCIDENTS

Reference:

Cincinnati Fire Department Operations Manual 204.01 T
Cincinnati Health Department Housing Regulation 00053-9A
Standards Manual - 61.2.3, 61.3.2

Purpose:

Define the responsibilities of Police and Fire Department personnel for removing waste, medical debris, blood, and body fluids at crime scenes and traffic accidents, and from public places such as sidewalks and streets.

Procedure:

- A. Police Department personnel are responsible for removing any nonbiohazardous items at a crime scene or traffic accident.
 - 1. Remove and properly dispose of rubber gloves, crime scene tape, flash bulbs, discarded film containers/boxes, etc., before securing the scene.

- B. Fire Department personnel are responsible for removing any medical debris, blood, and body fluids from a crime scene, traffic accident, or in public places such as sidewalks and streets, and decontaminating the area.
 - 1. The police officer-in-charge (OIC) may request Fire Department personnel to leave the crime/accident scene intact during a prolonged investigation of the crime/accident scene.
 - a. The police on-scene OIC will contact the fire on-scene OIC and make necessary arrangements for calling Fire Department personnel back to the scene to remove medical debris, blood, or body fluids.
 - 1) A police officer will remain on the scene until Fire Department personnel completely remove the medical debris, blood, or body fluids.

- C. Removal of Waste, Blood, and Body Fluids From Locations Other Than Public Places:
 - 1. Cincinnati Health Department regulations state the owner or landlord of a residence is responsible for removal of such waste and body fluids.
 - a. Owners or landlords can be advised to clean the body fluids with a solution of 10 percent bleach and water, and also use universal precautions of wearing a mask and apron.

- b. Health Department Hot Line 564-1780 is manned 24 hours a day to answer questions.

12.315 INVESTIGATION OF RAPE AND OTHER SEXUAL ASSAULT OFFENSES

References:

Procedure 12.720 - Evidence: Submitting For Physical Analysis

Purpose:

Establish responsibility for preliminary and follow-up investigations of rape and other sexual assaults.

Reduce victim trauma by limiting the times the victim has to repeat details of the offense.

Improve victim cooperation during the reporting, investigation, and prosecution of these offenses.

Enhance the collection, identification, preservation, and continuity of evidence.

Policy:

Whenever any officer files a complaint for a crime in Chapter 2907, Ohio Revised Code, the victim's name will not appear on the complaint. When the victim is a minor, officers will use the term "A minor" in the space for complainant. If the victim is an adult, officers will use the initials of the adult. This will aid in protecting the identity of sex crime victims. The victim's name will still appear on the Ohio Uniform Incident Reports.

District personnel are responsible for the preliminary investigation of rape and other sexual assault offenses.

District personnel are responsible for follow-up investigation of the following offenses (including attempts):

2907.05	Gross Sexual Imposition (Victim 18 years and older)
2907.06	Sexual Imposition (Victim 18 years and older)
2907.07	Importuning
2907.08	Voyeurism
2907.09	Public Indecency

Criminal Investigation Section (CIS) is responsible for follow-up investigation of the following offenses (including attempts):

2905.05	Child Enticement
2907.02	Rape (all ages)
2907.03	Sexual Battery
2907.04	Unlawful Sexual Conduct with a Minor
2907.05	Gross Sexual Imposition (Victim 17 years or younger)
2907.06	Sexual Imposition (Victim 17 years or younger)

Procedure:

- A. Investigation of Rape, Sexual Battery, Unlawful Sexual Conduct with a Minor, Gross Sexual Imposition, and Sexual Imposition:
1. When one of the above sexual assault offenses is reported to district personnel, the investigating officer will summon a supervisor to coordinate the preliminary investigation.
 - a. Whenever possible, the supervisor and officer who received the complaint should be the only persons interviewing the victim to determine the correct statutory offense.
 - 1) Hold this interview in a place free from interruptions, witnesses, other police officers, etc.
 - 2) Avoid having the victim repeatedly describe the intimate or embarrassing details of the offense.
 2. Transport victims 13 years and older to University Hospital for a physical/rape examination unless a victim insists on a private physician or another hospital. Transport victims under 13 years of age to Children's Hospital.
 - a. Prior to transporting the victim, the investigating officer or supervisor will contact a Personal Crimes Unit or CIS supervisor for direction. It may be preferable for an investigator to interview the victim prior to any exam.
 - b. Whenever possible, the officer who received the complaint should be the transporting officer.
 3. The district supervisor coordinating the investigation will request CIS respond if:
 - a. There is an immediate need to gather physical evidence (e.g., blood, semen stains, fingerprints, etc.).
 - b. The offense is fresh and to delay follow-up would jeopardize the successful completion of the investigation.
 4. If CIS investigators respond, they will assume the authority and responsibility for further investigation of the offense. This includes completion of an Ohio Uniform Incident Report and Incident Report Supplement (Form 311I).
 - a. CIS will immediately provide the district desk officer with copies of a completed Ohio Uniform Incident Report, Form 311I, and other facts necessary to keep district personnel informed.
 - b. District personnel will aid CIS in protecting the crime scene, making wanted broadcasts, locating suspects and witnesses, arresting perpetrators, searching for evidence, etc.

5. District personnel will complete and process an Ohio Uniform Incident Report and Form 3111 when CIS personnel do not respond to the scene.
 - a. Note the examining hospital facility or private physician on the Ohio Uniform Incident Report.
 - b. Include witness information, evidence held, and other results of the preliminary investigation on the Form 3111. Fax CIS a copy of the Ohio Uniform Incident Report and Form 3111 immediately.
 - c. District personnel may discover information about the offense after the preliminary investigation is over. Provide this information to CIS to aid them in the follow-up investigation.
- B. Rape Evidence Kits:
1. University Hospital and Children's Hospital have locked cabinets to secure physical evidence taken from the victim by the examining physician. The physician will identify and place this evidence in paper bags for deposit into the cabinet. The rape evidence kit includes the rape exam report, clothing, pubic combings, fingernail scrapings, blood samples, etc.
 - a. Only CIS Personal Crimes Unit investigators will pick up and process evidence from University Hospital and Children's Hospital.
 - b. CIS Personal Crimes Unit investigators will contact University and Children's Hospitals at a minimum of once a week to ensure evidence has been picked up.
 2. If the physical/rape examination occurs somewhere other than University Hospital or Children's Hospital, CIS Personal Crimes Unit investigators will respond upon completion of the examination to pick up the rape evidence kit.

12.320 INVESTIGATION OF CON GAME/PIGEON DROP - SIGNAL 100

Reference:

Standards Manual - 42.2.1, 42.2.2, 42.2.3

Information:

Bank and financial institution personnel are trained to identify potential victims of con games as they are withdrawing large sums of money from their accounts. Bank tellers or managers will attempt to stall the potential victim and notify Police Communications Section.

Purpose:

Reduce criminal victimization of the elderly and increase arrests in pigeon drop/con game offenses.

Procedure:

- A. Police Communications Section personnel will:
 - 1. Keep the phone line open with the bank employee, if possible, to obtain additional descriptions and any pertinent information.
 - 2. Dispatch a plainclothes unit from a district investigative unit via a Signal 100.
 - a. If no plainclothes cars are available, notify the district supervisor and call the Criminal Investigation Section desk to request a Property Crimes Unit car, or any other available plainclothes officer.
 - b. Do not send a uniformed officer except in the absence of any of the above plainclothes officers.
- B. Preliminary Investigation:
 - 1. The responding officer will:
 - a. Note the description of the subjects; on foot or in a vehicle outside the bank, who might be observing the victim or watching for the arrival of the police.
 - b. Discreetly contact the bank representative who made the call and obtain any pertinent information.
 - c. Conduct a thorough preliminary investigation and attempt to apprehend the suspect(s) if it is determined that a crime is occurring or has occurred.

- d. Contact the potential victim immediately or on a delayed basis, depending on the situation, location of suspects, etc.
 - 1) Very often the victim will be instructed by the suspect to deliver the money at a prearranged location. Allowing the victim to make delivery of a dummy money packet to the suspect is one method aiding apprehension. This should not be done without the consent of the victim. Safety of the victim will be the primary concern.
 - e. When it is determined an offense has occurred, complete an Ohio Uniform Incident Report.
2. The collator in the district of occurrence will forward a copy of the Ohio Uniform Incident Report to the Property Crimes Unit.
- C. Property Crimes Unit Responsibilities:
1. Maintain a suspect-photo book and an offense MO book to aid district investigators.
 2. Maintain liaison with con game/pigeon drop investigators from major cities around the country. Contact with these people can be very helpful to the investigator because of the highly transient nature of con game/pigeon drop offenders.
 3. Begin an all-terminal teletype, including the name and description of the offenders, and a brief outline of the MO used.
 4. Assist with case preparation and attempt to determine if similar crimes have occurred in other cities in surrounding areas.
 5. Keep district investigative units apprised of city-wide trends in this area.
- D. Follow-up Investigation:
1. Districts will retain responsibility for the follow-up investigation of these cases.
 2. When an arrest is made, the collator in the district of arrest will send a copy of the Arrest and Investigation Report (Form 527) to the Property Crimes Unit.
 3. If no arrest has been made, the investigating officer will notify the Public Information Office, who will contact the news media with the description and MO of the perpetrators. Con men are very sensitive to publicity and generally leave when they realize the public is aware of their presence.

12.330 GANG INVESTIGATIONS

Reference:

Procedure 12.554 – Field Interview and Interrogation Reports
Ohio Revised Code Section 2923.41-43 – Criminal Gangs

Definitions:

Criminal Gang - means an ongoing formal or informal organization, association, or group of three or more persons to which all of the following apply:

- It has as one of its primary activities the commission of one or more of the following offenses:
 - Any Felony
 - Any Offense of Violence
 - Unlawful Sexual Conduct with a Minor
 - Criminal Damaging
 - Aggravated Trespassing
 - Failure to Disperse
 - Interference with Custody
 - Contributing to Unruliness/Delinquency of a Child
 - Intimidation of Attorney, Victim or Witness in a Criminal Case
 - Improper Handling of a Firearm in a Motor Vehicle
 - Trafficking in Marijuana
 - Ethnic Intimidation
- It has a common name or one or more common, identifying signs, symbols, or colors.
- The persons in the organization, association, or group, individually or collectively, engage in, or have engaged in, a pattern of criminal gang activity as defined in 2923.41 ORC.

Set - this term describes a particular gang. The members of a set are usually close knit and are often tied to a certain school or neighborhood. This term is used to describe sub-types of criminal organizations.

Clique or Klika - these terms are similar to sets in that they are close-knit groups within the gang but are usually smaller than a set.

Associate (Gang Member) – any person who fits any of the criteria listed in Section A. of this procedure.

Security Threat Group Classification – an inmate profile entered into the statewide gang database of self-proclaimed gang members.

Purpose:

To identify subjects involved in criminal gang activity as defined in Section 2923.42 of the Ohio Revised Code (ORC). Intelligence Unit anti-gang officers will review all street gang information for analysis and submission into the Ohio State Attorney General's Office Gang Unit Access Research Database (GUARD).

Policy:

Department personnel will actively engage in the collection, and follow-up investigation, of gang intelligence.

Information:

Intelligence gathered by anti-gang officers and other law enforcement agencies will be collected, reviewed and maintained by Intelligence Unit.

In most cases the filing of criminal charges in connection with gang activity will only occur after extensive investigation and verification. Prior to the filing of these charges, an Intelligence Unit anti-gang officer will be contacted for assistance with prosecutorial review.

Procedure:

- A. Department personnel will document all suspected or confirmed street gang activity and forward it to the district/section/unit anti-gang officers.
 1. Identification of a criminal gang member is based on the person having two or more of the following criteria entered into the GUARD database. Identification of an associate member is based on the person having one of the following criteria entered into the GUARD database:
 - a. A previous conviction under ORC Section 2923.42, "Participation in a Criminal Gang", and/or gang specification within the past five years.
 - b. The subject has admitted to being a gang member in verbal or written form.
 - c. The subject has been arrested with known gang members for offenses consistent with criminal gang activity.
 - d. The subject has been identified by law enforcement or by a reliable informant/source as a gang member.
 - e. The subject has been seen by law enforcement or by a reliable informant/source displaying or possessing a criminal gang name, sign, symbol, color or material, or defacing public or private property with the same.

- f. The subject is known by law enforcement or by a reliable informant/source to associate with a criminal gang that has been designated as such by a court of law.
 - g. The subject is known by law enforcement or by a reliable informant/source to have expressed knowledge of criminal gang activity.
 - h. The subject is known by law enforcement or by a reliable informant/source to have identifiable gang tattoos.
 - i. In custody Security Threat Group Classification profile (entered by Ohio Department of Rehabilitation and Correction or Ohio Department of Youth Services only).
2. Contact by department personnel with any subject(s) meeting one or more of the criteria listed above should be documented and submitted to the district/section/unit anti-gang officer for review and verification.
 - a. Documentation should be made on a Form 534, Contact Card, or Form 311, Incident Closure.
 - b. The district/section/unit anti-gang officer will be responsible for reviewing submitted documents for completeness and accuracy.
 - c. All district/section/unit anti-gang officers will have access to the GUARD file to review or retrieve information.
 - d. Reviewing officers will place their name and badge number on all paperwork submitted after review, approval and verification.
 - e. Upon completion of review and verification of the information, the officer will forward the document copies to the Intelligence Unit for entry into GUARD.
- B. Documentation should include the following information for each subject encountered:
1. Full name, nickname or alias
 2. Sex
 3. Race/nationality/descent
 4. Date of birth/place of birth
 5. Control number/social security number
 6. School/grade
 7. Employer/job title
 8. Gang/clique/set and status

9. Criteria met (include all that apply in detail)
 10. Date/time/location of contact
 11. Source of information, if not a result of a contact
 12. Charges, if arrested/reason for stop on Contact Card/details of contact
 13. Submitting officer/badge number/assignment/relief/phone number
 14. Associates (separate documentation should be completed for each)
 15. Photograph the criminal gang activity when appropriate, including graffiti, clothing, tattoos, etc.
 16. Homicide Unit personnel will share photos of victims with any tattoos with an Intelligence Unit anti-gang officer in any suspicious deaths or any incident where gang activity is suspected.
- C. When an arrest or report is made involving any gang-related incident, personnel will document the gang information on the following forms. Forward a legible copy to the district/section/unit anti-gang officer for review:
1. Form 527, Arrest and Investigation Report
 2. Form 527A, Case and Bond Information Report
 3. Form 527B, Trial Preparation Report
 4. Form 301SS, Suspect Supplemental Report
 5. Form 301AS, Arrest Supplement
 6. Form 310NS, Narrative Supplement
 7. Form 313, Firearm Report
 8. Or as a supplement to any official police report or incident, including the above reports.
- D. The Patrol Division Commander will designate a sergeant within the division to act as the Patrol Division Anti-Gang Supervisor. This supervisor will be responsible for:
1. Overseeing the functions of the anti-gang officers within the Patrol Division and act as a point of contact for the Intelligence Unit.
 2. Attending meetings with the Department Anti-Gang Coordinator as needed.

- E. The Investigations Division Commander will designate a sergeant within the division to act as the Investigations Division Anti-Gang Supervisor. This supervisor will be responsible for:
 - 1. Overseeing the functions of the anti-gang officers within the Investigations Division, except the Intelligence Unit anti-gang officers, and act as a point of contact for the Intelligence Unit.
 - 2. Attending meetings with the Department Anti-Gang Coordinator as needed.
- F. All School Resource Officers (SRO) and Drug Abuse Resistance Education (DARE) officers in the Youth Services Unit will be anti-gang officers.
- G. District/section/unit anti-gang officers are responsible for sharing information received from the Intelligence Unit with their district/section/unit personnel.
- H. Intelligence Unit anti-gang officers will be responsible for coordinating the transfer of information between the Intelligence Unit and all other district/section/unit anti-gang officers.
 - 1. These officers will act as the liaison between the district/section/unit and the Intelligence Unit.
 - 2. These officers will place their name and badge number on all paperwork submitted by the district/section/unit anti-gang officers when review and approval is completed.
 - 3. These officers will maintain the Department gang files.
- I. Intelligence Unit anti-gang officers will be responsible for establishing and maintaining a system to insure the timely review of documents and delivery of information to the district/section/unit anti-gang officers. These officers will also be responsible for analyzing all gang related intelligence information and storing all gang related documentation.
 - 1. Intelligence Unit anti-gang officers will disseminate gang-related intelligence to the district/section/unit anti-gang officers.
 - 2. Intelligence Unit will refer information to the district/section/unit anti-gang officers for follow-up investigations as needed.
 - 3. Unconfirmed gang information will be maintained by Intelligence Unit anti-gang officers until it is either confirmed or purged from the system.
 - 4. Verified gang information will be submitted into GUARD and stored as verified information by Intelligence Unit anti-gang officers.

5. Intelligence Unit anti-gang officers will be responsible to update or purge GUARD and gang files as information is received and within appropriate time limitations as required by GUARD and/or Intelligence Unit standard operating procedure.
- J. The Intelligence Unit Commander will act as the Anti-Gang Coordinator for the Department. The Anti-Gang Coordinator will:
1. Develop standard operating procedures.
 2. Schedule quarterly meetings with district/section/unit anti-gang officers to ensure a coordinated effort. More frequent meetings can be called as activities dictate.
 3. Directly oversee Intelligence Unit anti-gang officers.
 4. Directly oversee storage of the central gang intelligence files.
 5. Approve all GUARD entries/purges and oversee the actual input/deletion of data.
 6. Conduct quarterly audits of data transactions and forward a written report to the Criminal Investigation Section Commander.
 7. Serve as the point of contact with the Hamilton County Prosecutor's Office.

12.350 AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS)

Reference:

Standards Manual - 42.2.1

Definitions:

Value Quality - Latent fingerprints containing ridge characteristics that may be identifiable for developed suspect(s). "Value Quality" latent fingerprints are not suitable for an AFIS search. Examples of "Value Quality" latent fingerprints would include palms, tips, or where determination of core/axis is not possible.

AFIS Quality - Latent fingerprints that contain suitable ridge quality, ridge count, number of minutiae [points], and where determination of core/axis placement is probable.

No Value - Latent fingerprints lacking ridge characteristics necessary to form an identification.

Registered - Entered and retained latent fingerprints in AFIS.

Elimination Fingerprints - Inked fingerprints belonging to persons other than possible suspects.

Procedure:

A. AFIS Submission Requirements:

1. Officers developing and lifting latent fingerprints must provide the following information on the rear of the latent lift card:
 - a. Date fingerprint lift was done
 - b. Type of offense
 - c. Complainant/victim's name
 - d. Location of offense
 - e. Article and location of lift
 - f. Officer's last name and badge number
2. Criminalistics Unit will not accept latent lift cards without the required information.
 - a. Criminalistics Unit personnel will attach a note indicating what information is incomplete or omitted. The requesting officer will pick up the latent lift card for correction.

3. Attach an Evidence Examination Worksheet (Form 457) to all latent fingerprint lifts. The submitting officer portion of the form must be complete and either printed or typed.
 4. Criminalistics Unit personnel may also process articles submitted for investigation.
 - a. Attach a Form 457 to all articles.
 - b. Attach a Property Receipt (Form 330) to all articles.
 - c. The Criminalistics Unit latent examiner is responsible for marking the pertinent information on lift cards or photographs when latents of "Value Quality" or "AFIS Quality" are developed from submitted evidence.
 5. Submit latent lift cards or articles to the Criminalistics Unit between 0800-1600 hours, seven days a week.
- B. Dispositions of Latent Lift Cards/Evidence:
1. "No Value" or undeveloped print submissions.
 - a. Criminalistics Unit will forward the white copy of Form 457 to the submitting officer. The district/section/unit will pick up the latent lift/evidence when notified. The district/section/unit is responsible for determining the final disposition of the latent lift/evidence.
 2. "Value Quality" fingerprints.
 - a. If the investigation is a Homicide, Rape, Felonious Assault, Kidnapping, Abduction, Aggravated Robbery, Aggravated Burglary, or Auto Theft:
 - 1) Criminalistics Unit will compare the fingerprints to elimination prints.
 - 2) If there is no match with elimination fingerprints, Criminalistics Unit personnel will return the white copy of Form 457 to the submitting officer's district/ section/unit. Criminalistics Unit will advise if the print is of "Value Quality." The investigator will respond to the Criminalistics Unit to pick up the latent lift card.
 - 3) Criminalistics Unit will send submitted articles, from which they have obtained latent fingerprints, to the Court Property Unit.
 - b. Officers will contact Criminalistics Unit for instructions when latent fingerprint processing is needed in cases other than those listed in Section B.2.a.

3. "AFIS Quality" fingerprints.
 - a. If the investigation is a Homicide, Rape, Felonious Assault, Kidnapping, Abduction, Aggravated Robbery, Aggravated Burglary, or Auto Theft:
 - 1) Criminalistics Unit will search AFIS for latent fingerprints remaining after comparison with elimination prints.
 - a) If elimination prints are not submitted, they may be required by the Criminalistics Unit supervisor. This will cause the latent examiner to send a request (along with the findings) to the supervisor in charge of the investigation. This request will go to the bureau commander on a Request for Elimination Prints, Form 190.
 - 1] Criminalistics Unit must receive a response within 14 days. If there is no response within this period, the investigating unit's supervisor will send a Form 17 to the Criminalistics Unit Commander explaining the reason for the delay. It will also give the time needed to comply with the request.
 - 2) After verification of any AFIS hit from a search, the latent fingerprint examiner will send a copy of the Form 457 to the submitting officer indicating the results.
 - 3) The latent examiner will also send a copy of the Form 457 to the supervisor of the investigating district/section/unit.
 - 4) The investigative district/section/ unit supervisor will ensure the return of a completed Supplementary Offense Report (Form 311) to the latent fingerprint examiner within 14 days of notification. It will include the following information:
 - a) Identified subject charged in offense/criminal case number
 - b) No prosecution, as in otherwise case closure
 - c) Case pending further investigation
 - d) Identification alone will not support warrant/prosecution in this case
 - 5) "AFIS Quality" fingerprints that result in no hit may become registered in the Unsolved Latent File (USLF). The "Results" section of the Form 457 will include this information. Latent fingerprint examiners will notify the submitting officer when a search resulted in no hit.

6) All USLF registered latent prints will be filed at the Criminalistics Unit.

- b. Officers will contact Criminalistics Unit for instructions when latent fingerprint processing is needed in cases other than those listed in Section B.3.a.

C. Cases Involving Known Suspect(s)/Arrest(s):

1. The Criminalistics Unit latent fingerprint examiner will obtain a hard copy of the 10-print record from the Hamilton County Sheriff's Office Central Identification Division (CID). The examiner will make comparisons to the latent lifts.
2. The latent examiner will contact the submitting officer if an identification is not made. The examiner will obtain elimination prints, if possible, for further comparison, using the procedure outlined in Section B.3.a.1).
3. The submitting officer will determine if it is feasible to conduct a search of the latent fingerprint in AFIS based on the following criteria:
 - a. Would identification aid in prosecution of the case?
 - b. Would identification result in closure of the case?
 - c. Has the offense been closed by arrest?

12.370 PROBLEM SOLVING AND THE NEIGHBORHOOD LIAISON PROCESS

Reference: Problem Solving Guide
Critical Elements for Problem Solving
Problem Solving Tracking System (PSTS) Database Users Guide

Definitions:

Problem Oriented Policing (POP) – A crime reduction and safety approach that involves examining repeat or recurring incidents for the conditions that permit them to occur. It involves seeking out and implementing effective responses, examining the impact these responses have on the problem and subsequently reporting the results in ways that will benefit other police agencies.

Community Problem Oriented Policing (CPOP) – Facilitating the POP process through the police, community, other City departments and Community Police Partnering Center (CPPC) working together in a partnership.

Problem Solving – Identifying and analyzing recurring crime or safety problems, developing and implementing tailored responses based on the analysis, and evaluating the impact of the responses on the problem.

Problem – A recurring set of related harmful crime or safety incidents in a community that members of the public expect the police to address.

Incident – A single service request, for an individual or community concern.

SARA – The acronym for the problem solving process.

Scanning – The first stage in the SARA process, involving problem identification, verification, and classification.

Analysis – The second stage in the SARA process, involving systematic examination of the problem to identify possible causes or conditions that might be susceptible to alternative responses.

Response - The third stage in the SARA process, involving the development and implementation of tailored interventions designed to reduce the problem.

Assessment – The fourth stage in the SARA process, involving evaluating the effectiveness of the implemented responses.

Repeat Spreadsheet – A spreadsheet that tracks the repeat incidents involving the three components of crime: repeat victims, repeat suspects, and repeat locations. The repeat spreadsheet is located on the H: drive and updated monthly by Information Technology Management Unit (ITMU).

Situational Crime Prevention – Techniques used with problem oriented policing to reduce or block crime opportunities.

Neighborhood Liaison Sergeant – one sergeant in each district designated to be the link between the Department and the Community. Reports directly to the district commander and supervises the district's neighborhood liaison officers.

Neighborhood Projects Unit (NPU) – the Police Relations Section comprised of project coordination officers who help conduct research, collect data, assist in developing Response plans and monitor problem-solving projects.

Purpose:

To define a Departmental process of identifying and addressing problems and community service requests in an effort to improve the quality of life, safety and security of citizens.

The measurable outcomes to the Department achieving the goals of problem solving include:

1. Monthly reductions in repeat locations, offenders and victims as measured by a weighted process.
2. Five new projects initiated per district, per month. Specialized units will initiate at least two problem-solving projects per year. The Patrol Bureau Commander will periodically review the volume of projects and make necessary adjustments as needed to ensure the quality of projects and service.
3. POP Guides and other resources are utilized.
4. Problems are favorably resolved with minimal displacement.

Policy:

The SARA problem solving methodology is the Department's principal strategy for addressing crime and disorder problems.

Information:

Inter-agency collaboration and stakeholder participation is extremely important to effective problem solving. City employees will work with community members to identify and resolve neighborhood problems. The Community Police Partnering Center (CPPC) is also available as a resource for problems identified by a district/section/unit commander as a possible POP initiative. The CPPC can provide a link to community services and other resources. City and CPPC staff work together to provide training and facilitate problem solving.

City staff, community members, and the CPPC will activate the problem solving process when a pattern of incidents is identified. District/section/unit commanders may refuse to accept a situation as a problem or incident.

Participation and success in problem-solving is a part of the Performance Evaluation Process for every sworn employee in the Department.

Procedure:**A. Problems Generated by Citizens**

1. Citizens identifying a problem may directly contact the police or go through a variety of City and Police Department access points, including the Internet (City's web page and/or Police Department's web page).
 - a. Police Department personnel will obtain the necessary information to complete a Form 560, CPOP Project Submission Request, and follow the process outlined in Section C.1. – C.4.

B. Problems Generated by the Community Police Partnering Center (CPPC)

1. Police personnel who become aware of a problem generated by the CPPC will complete a Form 560 describing the problem and forward the report to the affected district/section/unit commander.

C. Problems Received and/or Generated by Police Personnel

1. Police personnel will complete a Form 560 for recurring crime or safety problems and submit the completed report to their supervisor.
2. The supervisor will review the report for accuracy and completeness and forward the report to the neighborhood liaison sergeant.
3. The neighborhood liaison sergeant will review the Form 560 and route the report to the district/section/unit commander with a recommendation.
4. The district/section/unit commander will review the Form 560 to determine if it is a problem or an incident.
 - a. If the district/section/unit commander determines the issue is a "problem", he will approve the Form 560 and forward it to the neighborhood liaison sergeant, who will:
 - 1) Enter the problem into the PSTS database and record the tracking number on the Form 560.
 - 2) Make a blotter entry indicating a problem-solving project has been approved for the specific address.
 - 3) Forward a copy of the Form 560 to the appropriate relief lieutenant and the Neighborhood Projects Unit.
 - a) The relief lieutenant is responsible for ensuring the coordination and completion of all neighborhood projects assigned to their relief.
 - b) The relief lieutenant will advise the project coordination officer of the start date of the Response phase of the project.

- c) Relief lieutenants will meet with the district commander as needed to report the progress and status of their relief's problem-solving projects.
 - b. If the district/section/unit commander determines the issue is an "incident", the neighborhood liaison sergeant will handle with the appropriate action or referral to an outside resource.
- 5. District crime analysts will utilize the repeat spreadsheet to recommend monthly projects to their district commander. Each project will be documented on a Form 560.
 - a. The district commander will present the project ideas to the appropriate Community Council to ensure input from community members.
 - b. The projects will primarily be shift specific. Projects that span more than one shift will be coordinated between the relief lieutenants.
 - c. When the district commander determines which projects will be initiated, the process outlined in C.4.a will be followed.

D. Neighborhood Projects Unit

- 1. The Neighborhood Projects Unit lieutenant will review the Form 560 and assign it to a project coordination officer , who will:
 - a. Contact the relief lieutenant to obtain any additional information or ideas related to the project.
 - b. Conduct in-depth research of best practices as related to the type of problem(s) to be addressed.
 - c. Review situational crime prevention techniques to determine approaches that may fit the problem.
 - d. Identify and collect pertinent data from crime analysts and other sources.
 - e. Develop a minimum of two Response plans for recommendation to the relief lieutenant.
- 2. The Response plans will be reviewed by the Neighborhood Projects Unit lieutenant and forwarded to the neighborhood liaison sergeant and relief lieutenant. The relief lieutenant may use any of the Response plans or develop a different strategy to use.
- 3. The project coordination officer will monitor the problem-solving project through all stages of the SARA process.

- a. Quality control reviews will be conducted by the project coordination officer to ensure complete documentation and timely updates.
 - b. If data entry corrections are needed, the Neighborhood Project Unit lieutenant will advise the relief lieutenant via email.
4. The Neighborhood Projects Unit will conduct a bi-monthly audit of open CPOP projects and provide the information to the Patrol Bureau Commander.

F. CPOP/SARA Problem Entry

1. All approved projects will be initially entered into the PSTS database by the neighborhood liaison sergeant.
 - a. Projects that include the involvement of citizens, the CPPC or other City departments will be designated as a "CPop" project.
 - b. Projects that involve police personnel only will be designated as a "CPD" project.
 - c. Updates to projects will be entered into the PSTS database by the Department employee(s) or CPPC member(s) who are involved in the activity being reported.
2. The PSTS database will generate the SARA problem solving method by utilizing the questions contained in the Critical Elements field to identify resources and develop a plan to respond to the specific problem.
 - a. The PSTS database will automatically assign a unique number to each case which will contain the district, year and next sequential case number.
 - b. The PSTS database contains dropdown menus and open fields for inputting narratives.
 - c. When adding actions to a case, each question in the "Critical Elements" field must be answered with accurate, detailed information.
 - 1) The repeat spreadsheet is accessible to all officers and should be used to assist in determining the scope of a problem.
 - 2) Crime analysts should be utilized to obtain pertinent data related to the problem, especially during the Analysis and Assessment phases.

3. Specialized units such as Vice, Homicide, Personal Crimes, Financial Crimes, Traffic, Youth Services, Park and Vortex will initiate at least two problem-solving projects per year. They will also serve as a resource for district projects.

G. Editing of a CPOP Problem

1. Any member of the Department or the CPPC may input information to existing cases and projects.
2. Changes made to the dropdown menus or “Actions” boxes can only be made by the individual who originally entered the information.

H. Closure of a CPOP Problem

1. Following the Assessment phase, the relief lieutenant will confer with the project coordination officer and the Department member(s) involved with the project to determine if the goals of the problem solving process were attained.
 - a. If the assessment shows little or no effect on the project objectives, a new Response plan will be discussed and implemented to address the problem.
 - b. If the assessment shows the problem-solving response was effective, the project will be closed in the PSTS database with the appropriate closure(s):
 - 1) Closed – Harm Reduced
 - 2) Closed – Incidents Reduced
 - 3) Closed – Problem Eliminated
 - 4) Closed – Problem Handling Improved
2. The closing officer will notify the complainant who initiated the Form 560 of the results of the problem solving process.

I. Neighborhood Liaison Process

1. One sergeant in each district will be designated as the neighborhood liaison sergeant. They should have a working knowledge of CPOP and the SARA problem-solving process. Their responsibilities include:
 - a. Maintain an open line of communication between the Department and community members.
 - b. Facilitate Customer Service Requests (CSR) that meet the definition of a “problem”.
 - c. Coordinate information to be shared or dispensed at community meetings.
 - d. Attend CERT functions.

- e. Conduct Safety Presentations (excluding schools).
 - f. Coordinate police attendance at community functions.
 - g. Attend district functions and meetings, as designated by the district commander.
 - h. Supervise the district neighborhood liaison officers.
2. The neighborhood liaison officers' responsibilities include:
- a. Assist with district problem-solving projects when requested.
 - b. Attend and assist in the coordination of community meetings, as designated by the district commander.
 - c. Assist the neighborhood liaison sergeant with duties as needed.
- J. Community Meetings
- 1. Each relief lieutenant will be assigned to specific neighborhoods (for CPOP purposes only) and is responsible for ensuring attendance at community meetings and coordinating problem-solving projects in those neighborhoods.
 - a. All officers attending community meetings will arrive prepared and on time.
 - b. Attendance at community meetings must be documented on a Form 628, Public Appearance Report, and forwarded to the Public Information Office (PIO).
 - 2. District commanders should prioritize the list of community meetings that require police representation, based upon citizen attendance and agendas.
 - 3. District commanders shall meet with their Citizens on Patrol representatives one time per month. The time and place for this meeting is at the discretion of the district commander.
- K. Form 562, Community Problem Oriented Policing Resource Request
- 1. Personnel in need of assistance from another district/section/unit will forward a request on a Form 562, Community Problem Oriented Policing Resource Request, through the chain of command.
 - 2. Personnel who have identified a need for additional funding to assist in solving a CPOP problem will complete a Form 562 and forward it through the chain of command.

12.372 CHRONIC NUISANCE PREMISES

References:

CMC Chapter 701-4, Dangerous dog to be properly confined or leashed
 CMC Chapter 701-5, Vicious dog to be properly confined or leashed
 CMC Chapter 701-6, Possession of a dangerous or vicious dog prohibited
 CMC Chapter 701-7, Possession of a dangerous or vicious dog limited
 CMC Chapter 701-27, Loud dog
 CMC Chapter 708-27, Discharging firearms
 CMC Chapter 761, Chronic nuisance premises
 CMC Chapter 906-9, Public gaming
 CMC Chapter 908-3, Menacing
 CMC Chapter 908-7, Aggravated menacing
 CMC Chapter 908-9, Menacing by stalking
 CMC Chapter 910-1, Attendance at school
 CMC Chapter 910-7, Loud noises
 CMC Chapter 910-21, Loitering with the intention of committing unlawful drug transaction
 CMC Chapter 910-23, Possession of marijuana
 CMC Chapter 911-27, Curfew for minors
 CMC Chapter 1213-7, Unauthorized possession, sale or discharge of fireworks
 CMC Title XVI, Neighborhood Quality of Life Uniform Code
 ORC 2903.11 – 13, Assault offenses
 ORC 2903.21 – 22, Menacing offenses
 ORC 2905.01, Kidnapping
 ORC 2907.21 – 25, Prostitution and related offenses
 ORC 2909.04 , Disrupting public services
 ORC 2915.04, Public gaming
 ORC 2917.11, Disorderly conduct
 ORC 2917.32, Making false alarms
 ORC Chapter 2925, Drug Offenses
 ORC 3743.65, Unauthorized possession, sale or discharge of fireworks
 ORC 5323.02, Property owner registration
 Cincinnati Police Department Training Bulletin on Nuisance Premises

Purpose:

To assist victims of crime and penalize those who commit crimes or those who permit conditions to exist that give rise to crime or excessive calls for service to police. To establish rules, procedures and penalties to address the owners of multi-family premises that have chronic nuisance issues and fail to take corrective measures. These nuisances include activities related to drugs, disorder, and violence.

Policy:

To work in partnership with the owners and operators of multi-family premises to address the negative impact caused by chronic nuisance activities. To improve the vitality of neighborhoods by addressing excessive calls for service to the police.

For the purpose of this procedure, calls for service made by the owners or operators of multi-family premises demonstrate their commitment to abate nuisance activities on their premises and will **not** be included as nuisance activity runs. In addition, domestic violence calls for service are **not** considered nuisance activities.

If a multi-family premises is deemed to be a chronic nuisance under Cincinnati Municipal Code (CMC) Chapter 761, the premises owner may be billed for the cost of enforcement services and cited civilly or criminally.

Definitions:

Multi-family premises - Any property capable of housing more than a single family by design or as classified by the Hamilton County Auditor.

Chronic nuisance - a premises or property that is in violation of Cincinnati Municipal Code (CMC) 761-5.

Nuisance or nuisance activity - any of the following activities, conduct, or behavior whenever engaged in by premises owners, operators, occupants, or persons associated with a premises:

- Assault, aggravated assault, or felonious assault as defined in CMC 908-5 or as defined in Ohio Revised Code Sections 2903.11, 2903.12, or 2903.13;
- Menacing, aggravated menacing, or menacing by stalking as defined in CMC 908-3, 908-7, or 908-9 or as defined in Ohio Revised Code Sections 2903.21, 2903.22, or 2903.211;
- Inducing panic, making a false alarm, or perpetrating a hoax weapon of mass destruction as defined in Ohio Revised Code Sections 2917.31, 2917.32, and 2917.33;
- Disrupting public services as defined in Ohio Revised Code Section 2909.04;
- Curfew violation as defined in CMC 911-27;

- Attendance at school violation as defined in CMC 910-1;
- Disorderly conduct as defined in Ohio Revised Code Section 2917.11;
- Discharging firearms in violation of CMC 708-27;
- Drug sale or use as defined in CMC 910-21 and 910-23 and Ohio Revised Code Chapter 2925;
- Compelling or promoting prostitution, procuring, soliciting, or loitering to engage in solicitation, or prostitution as defined Ohio Revised Code Sections 2907.21 through 2907.25, inclusive;
- Public gaming as defined in CMC 906-9 or in Ohio Revised Code Section 2915.04;
- Unauthorized possession, sale, or discharge of fireworks as defined in CMC 1213-7 or in Ohio Revised Code Section 3743.65;
- Loud noises as defined in CMC 910-7;
- Loud, dangerous, or vicious dog as defined in CMC 701-4, 701-5, 701-6, 701-7, or 701-27;
- Kidnapping as defined in Ohio Revised Code Section 2905.01.

Occupant - the person residing in or having use of a premises. The same person or persons can be owner and occupant.

Operator - any person, firm, company, corporation or association, including their employees, agents, or contractors, that controls, operates, or manages a premises.

Owner - any person, partnership, firm, or corporation, who alone or jointly with others, shall be in possession of or have control of any premises or is listed as the owner of a premises on the records of the Hamilton County Auditor.

Person associated with - any person who, whenever engaged in a nuisance or nuisance activity, enters, patronizes, visits; attempts to enter, patronize or visit; or waits to enter, patronize, or visit, a premises or person present on a premises, including any officer, director, customer, agent, employee, or independent contractor of a premises owner.

Property or premises - a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land either occupied or unoccupied by any building or structure, equipment, or property of any kind.

INFORMATION:

Calls for service (CFS) for drugs, disorder, and violence will be analyzed monthly to determine if any multi-family residential premises are excessive users of police services on a monthly or annual basis. Domestic violence offenses and CFS made by an owner or operator are not included in this analysis.

Procedure:

- A. Information Technology Management Section (ITMS) will:
1. Run an analysis by the tenth of each month of all CFS within the selected categories (drugs, disorder, and violence) for premises designated as multi-family premises. Multi-family premises designations are established by the Hamilton County Auditor.
 - a. Premises will appear on the **monthly** report when three or more nuisance activities have occurred at the premises on separate dates during a 30-day period.
 - b. Premises will appear on the **annual** report when, within a one-year period, the following number of nuisance activities has occurred at the premises:
 - 1) Premises with 2 or 3 residential units: 6 nuisance activities;
 - 2) Premises with 4 to 19 residential units: 14 nuisance activities;
 - 3) Premises with 20 to 39 residential units: 18 nuisance activities;
 - 4) Premises with 40 or more residential units: 11 nuisance activities.
 - c. The annual average of CFS for each nuisance activity to multi-family premises will be determined through statistical analysis, using one “standard deviation” and the “normal positive range” to establish a threshold of CFS.
 2. Generate a “Chronic Nuisance Premises” report listing all multi-family premises exceeding the **monthly** threshold of CFS.
 3. Generate a “Chronic Nuisance Premises” report listing all multi-family premises exceeding the **annual** threshold of CFS.

4. Forward these reports to the districts for review and appropriate action.
- B. Upon receiving these reports, the investigating officer will:
1. Review these reports. Conduct a thorough investigation of all Computer Aided Dispatch (CAD) incident histories for all CFS listed on these reports within the district boundaries.
 - a. Determine if the owner or operator of the premises initiated the call. Calls to the Police Department made by the owner or operator do not count against the premises.
 - b. The Department does **not** need to make an arrest, issue a citation, or obtain a conviction for a CFS to be counted as a nuisance activity.
 - c. The Department only needs **probable cause** to believe that the nuisance activity occurred at the premises.
 - d. If a premises is listed by the Hamilton County Auditor as Commercial – Office, Apartments Over; Commercial – Other Commercial Housing; Commercial – Retail, Apartments Over; or Publicly Owned - Metropolitan Housing Authority, the investigating officer must determine the total number of residential units within the premises. The threshold of CFS for these premises will be based on the schedule established in Section A.1.b. For example, if the premises being investigated contains eight residential units above a grocery store, compare it to the established threshold of CFS for all 4 - 19 unit dwellings in the City.
 - e. Ensure the CFS are related to the residential portion of the premises.
 2. Determine if the remaining CFS exceeds the threshold for the premises on either a monthly or annual basis.
 3. Recommend to the district commander that the premises be designated a “potential chronic nuisance” if it exceeds the threshold of CFS on either a monthly or annual basis.
 4. Enter the chronic nuisance premise information into the Chronic Nuisance Database. Maintain a district file of all chronic nuisance premises investigated and all-related paperwork.

- C. The district commander will:
1. Review the “Chronic Nuisance Premises” reports and the recommendations of the investigating officer.
 2. Notify the premises owner in writing that the premises is in danger of being declared a chronic nuisance.
 - a. The Initial Notice letter will contain:
 - 1) The street address or legal description sufficient for identification of the premises;
 - 2) A description of the nuisance activities that have occurred at the premises, including the dates of the nuisance activities;
 - 3) A statement that the premises owner must respond to the Police Chief or his designee within 10 days of the owner’s receipt of the notice with a written plan to abate the nuisance activities that is acceptable to the Police Chief or his designee;
 - 4) A statement that the cost of future enforcement at the premises as a result of nuisance activities may be billed to the premises owner and could become a lien against the premises if not paid.
 - b. The Initial Notice letter will be deemed properly delivered if sent by first class mail to the address of the owner listed on the records of the Hamilton County Auditor.
 - 1) If the Initial Notice letter is returned as undeliverable, forward the returned letter to the district of origin. This notice will be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice or if it is delivered in person to the owner.
 3. Schedule a meeting with the premises owner or operator to discuss the written plan to abate the chronic nuisance.
 - a. If the premises owner or operator presents an acceptable plan and initiates action to abate nuisance activities occurring on the premises, the Department will delay further enforcement of the Chronic Nuisance Premises ordinance at that address.

- 1) If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the Department will reinstitute enforcement of the Chronic Nuisance Premises ordinance.
 - a) The premises owner will be sent a Change in Status letter. This letter will document the Department's efforts to contact and/or obtain the cooperation of the owner.
- b. If the premises owner or operator presents a plan that is deemed unacceptable by the district commander or his designee, the district commander will send the premises owner a Revised Plan letter within 3 days of the determination that the plan is unacceptable.
 - 1) If the premises owner or operator meets with the district commander or his designee and presents an acceptable revised plan and initiates action to abate the nuisance activities occurring on the premises, the Department will delay further enforcement of the Chronic Nuisance Premises ordinance.
 - a) If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the Department will reinstitute enforcement of the Chronic Nuisance Premises ordinance.
 - 1] The premises owner will be sent a Change in Status letter. This letter will document the Department's efforts to contact and/or obtain the cooperation of the owner.
4. If the premises owner does not respond to the Initial Notice letter, and an additional nuisance activity has occurred at the premises for which an Initial Notice letter has been issued, and this nuisance activity occurred more than 13 days after the notice has been issued, the district commander may determine that the premises is a chronic nuisance and order that the owner abate the nuisance within 30 days of the owner's receipt of the Billing Notice letter.
5. The cost of enforcement for this and any subsequent nuisance activities will be calculated and the owner will be notified that he is being billed for the cost of enforcement services for the nuisance activity.

- a. The Billing Notice letter will contain:
 - 1) The street address or legal description sufficient for identification of the premises;
 - 2) A description of the nuisance activity or activities for which the premises owner is being billed, including the dates of the nuisance activity or activities;
 - 3) An order that the nuisance activity be abated; and
 - 4) A statement that the premises owner may appeal the amount of the bill or the determination that the owner's premises is a chronic nuisance.
- b. The Billing Notice letter will be deemed properly delivered if sent by first class mail to the address of the owner listed on the records of the Hamilton County Auditor.
 - 1) If the Billing Notice letter is returned as undeliverable, Finance Management Section (FMS) will forward the returned letter to the district of origin. This notice will be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice or if it is delivered in person to the owner.
- c. If after the receipt of the Billing Notice letter(s), the premises owner develops an acceptable plan and initiates action to abate nuisance activities occurring on the premises, the Department will delay further enforcement of the Chronic Nuisance Premises ordinance.
 - 1) The premises owner is still responsible for any enforcement costs incurred prior to the owner's submitting an abatement plan and must either pay or appeal the bill(s).
 - 2) If the premises owner ceases to cooperate with the efforts to abate the nuisance activities, the Department will reinstitute enforcement of the Chronic Nuisance Premises ordinance.
 - a) The premises owner will be sent a Change in Status letter. This letter will document the Department's efforts to contact and/or obtain the cooperation of the owner.

- D. When requesting the billing of a premises owner for nuisance activities, the investigating officer will forward to Finance Management Section:
1. A **copy** of the Initial Notice letter.
 2. The **original** Billing Notice letter signed by the district commander. Do not date this letter.
 - a. Include **copies** of all previous Billing Notice letters.
 3. CAD printouts for all incidents for which the premises owner will be billed.
 4. When issuing a civil citation to a premises owner, include the Respondent copy of the Notice of Civil Offense citation.
- E. Upon receipt of the Billing Notice letter, Finance Management Section will:
1. Calculate the cost for enforcement services.
 - a. The invoice for enforcement services is entered into the Cincinnati Financial System for tracking and collection purposes.
 - 1) Bills for the cost of enforcement services and civil citations that are not paid will become liens on the premises to the extent permitted under applicable law.
 2. Mail the **original** Billing Notice letter, a **copy** of the Initial Notice letter, **copies** of any previous Billing Notice letters, and the invoice for enforcement services to the address of the premises owner listed on the records of the Hamilton County Auditor.
 - a. If a civil citation is issued, include the Respondent copy of the Notice of Civil Offense citation with the letter(s) sent to the premises owner.
 3. Send a **copy** of the invoice for enforcement services to the district of origin for their records.
 4. Maintain a database of premises owners billed for enforcement services.
- F. Civil and Criminal Citations
1. As an alternative to criminal prosecution, an officer may cite civilly a person who violates any provision of CMC Chapter 761 or fails to obey any order to abate a chronic nuisance.

- a. Citations for nuisance activities will be imposed based on the number of bills for enforcement sent to a premises owner for a specific premises within a two-year period. This period will begin with the date of the nuisance activity that is the subject of the first bill for enforcement.
 - b. After a premises owner has been billed on three or more separate dates within a two-year period for a specific premises, an officer will issue a civil citation to the premises owner as follows:
 - 1) For the fourth bill within a two-year period, a civil citation of \$250 shall be imposed;
 - 2) For the fifth bill within a two-year period, a civil citation of \$500 shall be imposed;
 - 3) For the sixth bill within a two-year period, a civil citation of \$750 shall be imposed;
 - 4) For each bill after the sixth bill within a two-year period, a civil citation of \$1000 shall be imposed.
2. Premises owners who are cited civilly for violations of CMC Chapter 761 must be given a written "Notice of Civil Offense".
- a. The Respondent copy will be deemed properly delivered if sent by first class mail to the address of the owner listed on the records of the Hamilton County Auditor.
 - 1) If the Notice of Civil Offense is returned as undeliverable, FMS will forward the returned civil citation to the district of origin. This Notice of Civil Offense will be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice or if it is delivered in person to the owner.
 - b. The pink copy goes to the Office of Administrative Hearings (OAH), via interdepartmental mail.
 - c. The yellow copy goes to the Treasurer's Office at City Hall, via interdepartmental mail.
 - d. The remaining white copy (Mail copy) will be placed in the district file.
3. Prior to charging a premises owner criminally, contact the Prosecutor's Office for review.

- a. Criminal charges will only be filed after review and approval by the Prosecutor's Office.

G. Appeal Process

1. A premises owner may appeal to the Patrol Bureau Commander the determination that a premises is a chronic nuisance or the amount of the bill for enforcement related to nuisance activities at the premises.
2. The appeal must be made in writing within 30 days of the date of the notification that the premises is a chronic nuisance or within 30 days from the date the bill is issued.
3. The Patrol Bureau Commander must respond in writing to the appellant within 30 days of receipt of the appeal.
 - a. No change in the chronic nuisance status of the premises may be made without going through the written appeal process.
 - b. A premises owner may appeal the Patrol Bureau Commander's determination that the premises is a chronic nuisance or the determination regarding the amount of the bill for enforcement. The appeal must be made in writing within 30 days from the date of the Patrol Bureau Commander's decision by requesting an administrative hearing be conducted by a Hearing Examiner with the Office of Administrative Hearings (OAH).
 - 1) The Hearing Examiner will issue a written response to any appeal that is presented in a timely manner.
 - c. A premises owner may appeal the issuance of a civil citation within 30 days from the date the citation is issued by requesting an administrative hearing be conducted by a Hearing Examiner with the OAH. The OAH Hearing Examiner will issue a written determination on any appeal.
 - 1) The Hearing Examiner will issue a written response to any appeal that is presented in a timely manner.

12.400 INCIDENT REPORTING, MISCELLANEOUS REPORTING

References:

Procedure 12.115 - Handling Wild/Exotic Animals, Pit Bulls, Dangerous/Vicious Dogs, and Animal Reports
 Procedure 12.135 - Reporting False Alarms on a Form 315
 Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
 Procedure 12.315 - Investigation of Rape and Other Sexual Assault Offenses
 Procedure 12.403 - Crime Victim/Witness Notification and Assistance
 Procedure 12.405 - Closure of Offense Reports
 Procedure 12.412 - Domestic Violence
 Procedure 12.415 - Reporting and Classifying Assault Offenses
 Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
 Procedure 12.425 - Reporting and Classifying Breaking and Entering Offenses
 Procedure 12.430 - Endangering Children Offenses
 Procedure 12.615 - Deceased Persons/Prisoners
 Procedure 12.910 - Missing Persons
 Ohio Revised Code - 2901.01 Definitions
 Ohio Revised Code - 5126.058 Memorandum of Understanding
 Ohio Uniform Incident Report Training Manual
 State Ex Rel Beacon Journal Publishing Company v Maurer, Sheriff, 91 OHIO ST.3rd 54 (2001 Ohio)

Definitions:

High Profile Criminal Investigations:

- Critical firearm discharges by police officer(s).
- A police officer uses force against a person who is admitted to a hospital.
- A person fires a shot at a police officer.
- A police officer is killed or seriously injured.
- Any other investigation as identified by the Police Chief.

Incident Reports - Form 301, Incident Report; Form 301VVS, Victim/Vehicle Supplement; Form 301PS, Property Supplement; Form 301AS, Arrest Supplement; Form 303, Motor Vehicle Incident Report; and Form 304, Missing Report.

Confidential Investigative Notes - Form 311G, Confidential Investigative Notes – General; Form 311S, Confidential Investigative Notes – Suspects; Form 311N, Confidential Investigative Notes – Narrative; and Form 311DV, Confidential Investigative Notes – Domestic Violence.

Mentally Retarded Person – A person having significantly subaverage general intellectual function; existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

Developmental Disability - A severe and chronic disability characterized by all of the following:

1. It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Ohio Revised Code (ORC).
2. It is manifested before age twenty-two.
3. It is likely to continue indefinitely.
4. It results in one of the following:
 - a. In the case of a person under three years of age, at least one developmental delay or established risk;
 - b. In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;
 - c. In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.
5. It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

Purpose:

Establish Department guidelines governing the collection and preservation of facts and actions taken in the investigation of crimes and incidents.

Promote uniformity and standardization in reporting.

Policy:

Officers will conduct a preliminary investigation when called to the scene of an offense. They will fairly and impartially record all facts and actions. They will provide the required police service and complete an accurate and thorough report, submitting reports for serious offenses immediately. All other offense reports will be submitted before the completion of the reporting officer's shift.

Supervisors will respond on felony offenses of violence, as defined in section 2901.01 of the ORC, and all sexual assault offenses to ensure a proper preliminary investigation is conducted.

Criminal Investigation Section (CIS) will respond and maintain authority over all High Profile Criminal Investigations. CIS also has authority over any other investigation as directed by the Police Chief. Upon identification of a High Profile Criminal Investigation, a supervisor will contact the CIS desk to initiate their High Profile Criminal Investigation Standard Operating Procedure (SOP). This policy does not preclude the use of other investigative unit personnel.

Officers assigned to investigate cases where the victim is mentally retarded or developmentally disabled must notify the Hamilton County Board of Mental Retardation and Developmental Disabilities (MR/DD) Investigations Unit prior to beginning their investigation. Initial responding officers conducting the preliminary investigation of a criminal offense involving a mentally retarded or developmentally disabled victim must notify the MR/DD Investigations Unit if they are able to make an immediate arrest and successfully close the case, negating the need for it to be assigned to an investigator.

If it is not originally known that a victim is mentally retarded or developmentally disabled and an investigation has already begun, the investigating officer must make the appropriate notification after it is established that the victim suffers from mental retardation or developmental disability. Officers will contact the MR/DD Investigations Unit at (513) 794-3308, 24 hours a day.

Information:

The Police Department is required to conduct joint and cooperative investigations with the Hamilton County Board of MR/DD when the victim of a crime is either mentally retarded or developmentally disabled. The Police Department and the Hamilton County Board of MR/DD are required to share and disclose information during these investigations. The Cincinnati Police Department will assume the lead investigative responsibilities for all such investigations.

Procedure:

- A. Reporting Incidents (Completion of Reports)
 1. Print all information contained in the report with a blue or black ink, ballpoint pen. Make sure all three copies are legible.
 - a. Spell all names in full: last, first, and middle.
 - b. Business names consist of two names, e.g., Kroger Company.
 - c. Record sex as: M-Male, F-Female, or U-Unknown.
 - d. Race descriptions must be consistent with the following federal requirements and used on all Police Department reports:

- 1) W – White.
 - 2) B – Black.
 - 3) I - American Indian or Alaskan Native.
 - 4) A – Asian.
 - 5) U - Unknown, not described above.
2. Place of occurrence and/or street address must consist of the following:
- a. Street number - if intersection, use number closest to corner, e.g., Vine St. at Third, N.E. corner, use 300 Vine St.
 - b. Street prefix, when applicable: North - N, South - S, East - E, and West – W.
 - c. Street name - printed in full and correctly spelled.
 - d. Street suffix - will consist of one of the following:

STREET DESIGNATOR CODE LIST

DESIGNATOR CODE

Alley	AL	Highway	HW
Avenue	AV	Lane	LN
Boulevard	BV	Park	PK
Bridge	BR	Parkway	PY
Circle	CR	Pike	PI
Court	CT	Place	PL
Drive	DR	Road	RD
Expressway	EX	Square	SQ
Street	ST	Viaduct	VI
Terrace	TE	View	VW
Trail	TL	Way	WY

- e. City
 - f. State
 - g. Zip Code
3. Reporting Area
- a. Do not enter a Reporting Area on any Police Department report. The Reporting Area is assigned when the location of the offense or incident is entered into the computer.
4. Ohio Revised Code (ORC) Section Number
- a. Unless designated otherwise, all Department offense reports will reflect the appropriate ORC section number following the type of offense. These section numbers serve as codes to separate ORC statistics.
 - b. The following offenses are exceptions that require further coding. For reporting purposes only, use the additional indicated letters as a suffix to the ORC section number.
 - 1) Patient Abuse - 2903.34PA
 - 2) Gross Patient Neglect - 2903.34GPN
 - 3) Patient Neglect - 2903.34PN
 - 4) Grand Theft - 2913.02G
 - 5) Petty Theft - 2913.02P
 - 6) License Plate Theft - 2913.02L
 - 7) Recovered Stolen License Plate(s) - 2913.02LR
 - 8) Vehicle Theft - 2913.02V
 - 9) Recovered Stolen Vehicle - 2913.02VR
 - 10) Unauthorized Use of a Vehicle - 2913.03V
 - 11) Unauthorized Use of a Vehicle Recovery - 2913.03VR
 - 12) Vehicle Defrauding a Livery or Hostelry - 2913.41V
 - 13) Vehicle Defrauding a Livery or Hostelry Recovery - 2913.41VR

5. Distribution of Crime Victims Pamphlet
 - a. When an offense report is made, Department personnel will provide the victim, his family, or dependents one copy of the "Information for Crime Victims" pamphlet and other information as described in ORC Chapter 2930.
 - 1) Refer to Procedure 12.403, Crime Victim/Witness Notification and Assistance, for crime victim notification.
 6. Confidential Investigative Notes
 - a. Complete a Form 311G for every offense, except station reports and arrests. Record witnesses' names, addresses, and telephone numbers on the form. Also complete Forms 311S, 311N, and 311DV when appropriate.
 - b. On offenses involving an individual and/or business requesting the dollar amount taken not be publicized, include the amount on the Form 311G instead of on the Form 301. Use this option sparingly in unusual cases where the complainant is reluctant to reveal the amount taken.
 - c. Enter "undetermined amount of US currency" on the Form 301PS, Property Supplement, in the "Property" section.
 7. Incomplete reports
 - a. Mark reports taken in the field that require information not available at the time of the report "incomplete". The assigned investigator is responsible for completing the original report and executing any additional reports.
- B. General Rules for Offense Reporting
1. Number of offense reports
 - a. Make a report for each incident.
 - 1) An incident is one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place, against one or more victims.

The concept of acting in concert provides that the offenders actually commit or assist in the commission of the crime(s). The offenders must be aware of, and consent to, the commission of the crime(s); or even if non-consenting, their actions assist in the commission of the offense(s).

The concept of same time and place provides that if more than one offense was committed by the same person or group of persons and the time and place intervals surrounding them were insignificant, all of the crimes comprise a single incident.

- a) Example: Five persons are robbed at gunpoint. One of the five is fatally shot.
 - 1] Prepare a Form 301 with 5 victims.
 - 2] In the "Offense" section, list all offenses committed.
 - 3] Link the offense with victim in "Victim/Offense" link box.
 - 4] Explain in the "Narrative" section the facts of each offense and how it relates to each victim.
 - b. If a vehicle is stolen during a robbery, burglary, or breaking and entering, refer to Procedure 12.420, Reporting Vehicle Thefts and Related Offenses. This report gets an offense number.
 - 1) Prepare a Form 303.
 - 2) List all offenses.
 - 3) Explain in "Narrative" section.
 - c. When burglary or breaking and entering offenses occur involving multiple units carrying the same address and at the same time, prepare one Form 301 with the appropriate number of victims.
 - d. Report a number of thefts from a single victim, committed at the same place by the same person over an indefinite period, as one offense. List the approximate dates of the first and last known theft.
 - e. Report multiple parking meters or newspaper racks broken into in the same vicinity, same street, and about the same time on one offense report, provided the owner and district are all the same. The collator will issue one offense number for each incident.
2. Reporting responsibility
- a. The district of occurrence is responsible for the report. However, if the complainant responds to another district, section, or unit that district, section, or unit will make the report.

EXCEPTION: Homicide supervisors will complete homicide and high profile criminal offense reports.

- 1) Immediately forward all copies of the report to the district of occurrence. Do not assign an offense number.
 - 2) Notify a supervisor for serious offenses requiring immediate follow-up.
 - a) If the offense occurred in another district, a supervisor from the district where the offense was reported will notify a supervisor from the district of occurrence for immediate follow-up.
 - b) Record the notification in the "Remarks" section of the report.
 - 3) Immediately notify the CIS desk to initiate the High Profile Criminal Investigation SOP when necessary.
- b. Two or more districts involved in a crime or series of crimes.
 - 1) In single or multiple crime situations, the district in which the most serious criminal offense occurs will complete and carry the report.
 - c. Criminal acts involving Cincinnati and other jurisdictions.
 - 1) The district of occurrence will prepare offense reports for Cincinnati offenses, including details of crimes committed in other jurisdictions.
 - d. When the district of occurrence is unknown, but is believed to be within the Cincinnati city limits, use the address of the reporting district and note in the "Remarks" section of the report the location where the offense occurred is unknown.
 - 1) Carry the offense report in the resident district of the complainant.
 - 2) If the complainant is not a Cincinnati resident, carry the report in the district where the offense was reported.
3. Use of language on Department reports
 - a. Whenever profanity or obscene remarks are used in the commission of an offense, record the actual language on the report.
4. Offenses involving City property
 - a. List the complainant as the City department assigned the property.
 - b. If the property belongs to another City entity, such as the Board of Education, list the name of the school as the "Complainant".

5. Firearms
 - a. Report Lost or stolen firearms on a Form 301, Incident Report.
 - b. Recovered Firearms reported lost or stolen from outside the City of Cincinnati must be confirmed through the originating agency by contacting CIN1. Officers will not contact the originating agency for confirmation.
 - b. All Lost, stolen, or recovered firearms must be reported to Teletype and receive a teletype number.
 - c. Identifiable firearms with serial numbers or owner applied numbers will be entered as confirmed stolen or lost. Firearms with no owner applied number or with the serial number unknown, will be reported as unconfirmed.
 - c. When reporting lost or stolen firearms, or recovering lost or stolen firearms, fax a copy of the Form 301, Incident Report or Form 313, Firearm Report to Teletype. Reporting officers must call to confirm receipt of the fax and record the teletype number on the Form 301 or Form 313.
 - 1) Teletype phone number 263-8124
 - 2) CIN1 phone number 263-8121
 - 3) CIN1 / Teletype fax number 263-8120
6. Lost property
 - a. If the property can be readily identified by a serial number, complete a Form 301.
 - 1) The use of serial numbers for reporting lost and/or stolen property includes the owner's social security number. The social security number is entered in the computer as an Owner Applied Number (OAN).
 - 2) If not identifiable, complete a Form 317, General Conditions Report.
 - b. If the value of lost property exceeds \$500.00, complete a Form 301.
 - c. Refer to Procedure 12.420 to determine what articles are reported on a Form 301.
7. Found property
 - a. If the property can be readily identified by official, serial, or owner applied number, i.e., driver's licenses, credit cards, cell phones, etc., complete a Form 301.

- 1) Query found property through RCIC to determine if it was previously reported lost or stolen.
 - b. If not identifiable, complete a Form 317.
8. Property values
- a. A monetary value is not necessary for blank checks, blank driver's licenses, blank auto titles, etc. These are automatically grand thefts.
 - b. Shoplifted items - list the value given by the complainant.
 - c. Use the fair market value of articles, subject to depreciation.
 - d. Use the victim's evaluation of items such as jewelry, watches, and other articles which decrease slightly in value or not at all.
 - e. Use the replacement or actual cost to the victim for new or almost new items, e.g., money orders with cash value but no name, etc.
 - f. List the replacement value given by the complainant of heirlooms, collector's items, antiques, museum pieces, etc.
 - g. The investigating officer will use good judgment and discuss with the complainant any values that appear to be inflated.
8. Unusual occurrences and attempt
- a. Incident reports
 - 1) Prepare a Form 301 to record unusual occurrences, which in the judgment of a supervisor, have no applicable ORC statute. Follow-up investigation may be appropriate.
 - a) In the "Administrative" section of the report, check the "Incident" (non-criminal) block.
 - b. Attempt: 2923.02
 - 1) Prepare a Form 301 to report attempts to commit a violation of any ORC statute listed in this procedure. In the "Offense" section, place an "A" (attempt) in the A/C block.
 - 2) For reporting purposes, the ORC section number will be for the offense that was attempted. Do not list the attempt section (2923.02) on any offense report.
9. Robbery/burglary of controlled substance from registrant
- a. The Controlled Substance Registrant Protection Act of 1984 amends Title 18 of the U.S. Code by creating Section 2118:

- 1) A federal felony has been committed if a pharmacist, physician, drug wholesaler, researcher, or manufacturer is the victim of a robbery or burglary and any of the following elements are present:
 - a) The value of the drugs exceeds \$500.00.
 - b) The crime involves interstate activity.
 - c) A person is killed or seriously injured as a result of the crime.
 - 2) Section 2118 requires local law enforcement to conduct the preliminary investigation and notify the Federal Bureau of Investigation (FBI) if there is a violation of this section.
 - a) The collator of the reporting district will ensure the FBI is notified in these instances.
 - b) In cases of dual federal and state jurisdiction, the FBI will investigate or otherwise assist local law enforcement agencies in the investigation.
10. Reports requiring further investigation by Criminal Investigation Section (CIS)
- a. All district supervisors will notify CIS as soon as possible regarding offense reports requiring further investigation by CIS.
 - b. Mark in the appropriate block who was notified.
- EXCEPTION: If the offense is reported outside the working hours of Personal Crimes Unit (PCU) personnel, the district making the report will notify PCU after 0800 hours the next day. If the shift supervisor determines PCU should immediately respond to the scene, request recall through CIS.
11. Completing Forms 316 and 317
- a. The first officer on the scene will complete a Form 316, Minor Accident/Aided Case/Mental Health Response Report, Form 316A, Deceased Person Report, or Form 317, General Conditions Report, when necessary.
 - 1) Immediately notify the Homicide Unit if the deceased is either a:
 - a) Suicide or suspected suicide victim.
 - b) Child seven years of age or under.

C. Submission of Completed Reports

1. Do not attach the Form 311, Confidential Investigative Notes, to incident reports. They are to be submitted independently.
- D. Supervisor's Responsibility
1. Check each offense report for correctness, legibility, and completeness of information.
 2. Sign the report indicating approval.
 - a. The supervisor will forward the report to the district collator for assignment of an offense number.
 - b. Return unapproved reports to the officer for correction or revision.
- E. Offense Report Numbers - Processing by the Collator
1. Each district uses a separate block of offense report numbers that are assigned by the collator.
 - a. Each offense number has a total of eight numeric and alpha characters. The first character is the district number. The next two numbers are the last two numbers of the current year. The next five numbers are the offense number.
 2. The collator will maintain reports in separate files.
 - a. Forms 301, Incident Report, are public record.
 - b. Forms 311, Confidential Investigative Notes, are not public record.
 - c. District/section/unit commanders may, at their discretion, grant police personnel the authority to access investigative files maintained therein.
 3. District collators will prepare and send a report to CIS on the first of each month, listing all cases assigned to CIS.
 - a. CIS will return the reports to the district collators with the dispositions or the name of the officer assigned to each case.
- F. Additions and Corrections
1. Handle additions or corrections to original offense reports and offense reports returned to units for changes as follows:
 - a. Use the original report number.
 - b. Check the supplement or correction block at top of report.
 - c. Complete the first three lines in the "Victim" section.

- d. Make the necessary corrections or additions.
 - 1) Do not unfound or close the original report and make a new one.
- e. In the "Report Date/Time" block, print the date the addition or correction is made.
 - 1) If after a given calendar month, the title of the offense on the report is changed, e.g., assault to robbery, make the standard correction and forward it to Records Section.
 - a) Do not unfound or close the original report and make a new report.
- f. In the "Reporting Officer" block, print the name of the officer making the correction or addition.
- g. Under "Narrative", clearly state the additions or corrections.

Examples: Correction is to change the name of the complainant from Ed Brown to Charles Smith. Addition is stolen bicycle valued at \$100. Correction is total value changed from \$140 to \$240.

- 2. The collator will make the necessary computer corrections.

G. Routing Offense and Other Reports

- 1. District collators will route copies of reports via computer and mail as needed. The following is a list of reports distributed to various sections/units of the Police Department and other City departments:
 - a. Form 301 - general use
 - 1) Original to Records Section (after coding and computer entry).
 - 2) Copy for district files.
 - 3) Copies of all aggravated robbery, robbery of financial institutions, robbery, aggravated burglary, burglary, breaking and entering, patient abuse, kidnapping, attempt kidnapping, abduction, and attempt abduction sent to CIS via Interdepartmental mail.
 - 4) Copy of any theft report, including attempts, in which a form of deception was used, e.g., Pigeon Drop, Bank Examiner Scheme, Three Card Monte, etc., sent to CIS via computer terminal and Interdepartmental mail.

- 5) Copy of rapes and all sex related crimes including public indecency, interference with custody, endangering children, unlawful sexual contact with a minor, and child enticement sent to PCU. Report any crime occurring on school grounds, or any offense with a juvenile as the complainant, attempts included, to PCU via computer terminal and Interdepartmental mail. Route offense reports of any crimes occurring on school grounds to the Youth Services Unit via Interdepartmental mail.
 - 6) Copy of any offense occurring on a liquor permit premises sent to the Central Vice Control Section via computer terminal and Interdepartmental mail.
 - 7) When the words "drug" or "narcotic" appear on an offense report, a copy by computer is sent to terminals "CVCS" and "OPS2".
 - 8) Copy of any offense involving known or suspected gang members, or when the word "gang" appears on an offense report sent to the Intelligence Section.
 - 9) Copy of any report of an incident occurring on City park property sent to the Park Unit.
 - 10) A copy of any offense report involving a current University of Cincinnati student faxed to (513) 556-4940 or Xavier University student faxed to (513) 745-3861.
- b. Reports pertaining to homicides, deaths, etc.
- 1) Original to Records Section after coding and computer entry.
 - 2) Copy for district files.
 - 3) Copy to CIS by Interdepartmental mail.
 - 4) Copy to the affected district from the Traffic Unit via Interdepartmental mail if the offense is an aggravated vehicular homicide or vehicular homicide.
 - 5) Copy to Central Vice Control Section of any offense occurring on a liquor permit premise via computer terminal and Interdepartmental mail.
- c. Offense reports pertaining to vehicle thefts, recoveries, etc.
- 1) Original to Records Section after coding and computer entry.
 - 2) Copy for district files.

- 3) Copy to CIS via computer terminal and Interdepartmental mail.
 - 4) Copy of auto recovery or recovered license plates to the district where the theft occurred.
- d. Form 304, Missing Report
- 1) Original to Records Section after coding and computer entry.
 - 2) Copy for district files.
 - 3) Copy to PCU via computer terminal and Interdepartmental mail.
 - a) After 30 days, PCU will forward a copy of missing persons who have not been located to the Hamilton County Coroner's Office.
- e. Form 313, Firearm Report
- 1) File the white and canary copy at the reporting unit.
 - 2) Attach remaining copies to the firearm.
 - 3) CIS will retrieve the pink copy from Court Property Unit.
- f. Form 316, Minor Accident/Aided Case/Mental Health Response Report
- 1) Original and one copy for district files.
 - 2) Copy of all animal bites to the City Health Department.
- g. Form 316A, Deceased Person Report
- 1) Original and one copy for district files.
 - 2) Copy to Records Section.
 - 3) Copy of found dead and suicides to CIS.
 - 4) Copy of unidentified found dead/suicides to PCU.
- h. Form 301 when used for incidents
- 1) Original and one copy for district files.
- i. Form 317, General Conditions Report
- 1) Original and one copy for district files.
 - 2) Copy to Records Section.

- 3) Prepare a Form 317 for property damage incidents in which no criminal intent is evident.
 - a) Prepare a Form 317 indicating all pertinent facts of the incident if the property is damaged due to police action.
- j. Form 369, Tow Report
 - 1) Pink copy for district files.
 - a) Forward a copy of the Form 369 to Records Section.
 - 3) White copy to Impound Unit.
 - 4) Yellow copy to wrecker driver.
- k. Form 558, Financial Crimes Complaint
 - 1) Retain the Form 558 in the district files. The district collator will assign an eight digit tracking number that will contain the district of offense, incident number for that district, and the year of the offense, e.g.; 03-0001-05.
 - 2) The district collator will send a control copy to the Financial Crimes Squad.

H. Reporting and Follow-up Investigation: Assignment and Responsibility

INVESTIGATION ASSIGNMENT LEGEND

Patrol Bureau Traffic Unit (PBT)

Patrol Bureau Shifts (PBS)

Patrol Bureau Civilian Clothes (PBC)

Criminal Investigation Section (CIS)

1. Assign offense reports having the necessary case assignment criteria for follow-up investigation and closure by designated units.
 - a. An offense report listing two or more offenses will be assigned for investigation based on the highest degree offense against a person. If there is a significant change in time, location, or events during the incident, the offenses may be assigned separately.
 - b. Assign incident reports involving High Profile Criminal Investigations to CIS, regardless of the offense or potential offense.
2. Prepare a Form 301 for the following offenses and attempted offenses:

2903.01 Aggravated Murder/Attempt Aggravated Murder (CIS)

2903.02 Murder/Attempt Murder (CIS)

2903.03 Voluntary Manslaughter (CIS)

2903.04 Involuntary Manslaughter (CIS)

2903.041 Reckless Homicide (CIS)

2903.05 Negligent Homicide (CIS)

2919.13 Abortion Manslaughter (CIS)

NOTE: Refer to Procedure 12.615, Deceased Persons/Prisoners, when preparing a Form 301 for the above offenses.

2903.06 Aggravated Vehicular Homicide/Vehicular Homicide (PBT)

2903.06A Vehicular Death (PBT)

NOTE: When a person kills only himself by means of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, list the term "Vehicular Death" on the Incident Report. For reporting purposes, use ORC Section 2903.06A.

Prepare a Form 301 for all deaths occurring as a result of traffic crashes.

2903.08 Aggravated Vehicular Assault/Vehicular Assault (PBT)

NOTE: Refer to Procedure 12.230, Fatal Crash Investigation and Placement of Related Charges, when using 2903.06, 2903.06A, and 2903.08.

2903.11 Felonious Assault (PBC)

If victim is hospitalized and death appears imminent (CIS)

2903.12 Aggravated Assault (PBC)

If victim is hospitalized and death appears imminent (CIS)

2903.13 Assault (PBS)

If suspect is out of town or unusual circumstances exist (PBC)

NOTE: Refer to Procedure 12.415, Reporting and Classifying Assault Offenses, for completing an assault report on a law enforcement officer.

2903.14 Negligent Assault (PBS)

2903.16	Failing to Provide for Functionally Impaired	(PBC)
2903.211	Menacing By Stalking	(PBC)
2903.22	Menacing	(PBS)
2903.31	Hazing	(PBC)
2903.34PA	Patient Abuse (felony)	(CIS)
2903.34PN	Patient Neglect (misdemeanor)	(PBC)
2903.34GPN	Gross Patient Neglect (misdemeanor)	(PBC)
2903.341	Patient Endangerment (misdemeanor)	(PBC)
2903.341	Patient Endangerment (felony)	(CIS)
2905.01	Kidnapping	(CIS)
2905.02	Abduction (all cases)	(PBC)
2905.03	Unlawful Restraint	(PBC)
2905.05	Criminal Child Enticement	(CIS)
2905.11	Extortion	(CIS)
2905.12	Coercion	(CIS)
2907.02	Rape	(CIS)
2907.03	Sexual Battery	(CIS)
2907.04	Unlawful Sexual Conduct w/Minor	(CIS)
2907.05	Gross Sexual Imposition	
	Age 18 years and older	(PBC)
	Age 17 years and younger	(CIS)
2907.06	Sexual Imposition	
	Age 18 years and older	(PBC)
	Age 17 years and younger	(CIS)
2907.07	Importuning	(PBC)
2907.08	Voyeurism	(PBC)
2907.09	Public Indecency	(PBC)
2909.04	Disrupting Public Service	(PBC)

2909.05	Vandalism	(PBC)
2909.06	Criminal Damaging or Endangering	(PBS)
2909.07	Criminal Mischief	(PBS)
2909.08	Endangering Aircraft or Airport Operations	(PBC)
2911.01	Aggravated Robbery	
	All cases except financial institutions	(PBC)
	Aggravated Robbery of financial institutions	(CIS)
2911.02	Robbery	
	All cases except financial institutions	(PBC)
	Robbery of financial institutions	(CIS)
2911.11	Aggravated Burglary	(PBC)
2911.12	Burglary	(PBC)
2911.13	Breaking and Entering	(PBC)
NOTE:	When a robbery or burglary offense involves a controlled substance, refer to Section B.9.	
2911.211	Aggravated Trespass	(PBC)
2911.31	Safecracking	(PBC)
2911.32	Tampering with Coin Machines	(PBC)
2913.02G	Theft, Grand	(PBS)
	If unusual circumstances	(PBC)
2913.02P	Theft, Petty	(PBS)
	If unusual circumstances	(PBC)
	License Plate Validation Stickers	(PBC)
a.	The word "Grand" or "Petty" will precede the word "Theft" on theft offenses. Record the type of theft in "Larceny Type" block.	
2913.04	Unauthorized Use of Property	(PBC)
2913.05	Telecommunications Fraud	(PBC)
2913.11	Passing Bad Checks	
2913.21	Misuse of Credit Card	
2913.31	Forgery	
2913.32	Criminal Simulation	

2913.49 Identity Fraud

- a. Officers are required to complete a Form 558 for the above listed offenses (2913.11, 2913.21, 2913.31, 2913.32, and 2913.49).
 - 1) Amount of loss is \$2500.00 or less (PBC)
 - 2) Amount of loss is greater than \$2500.00 (CIS)
- b. When completing a report for Identity Theft:
 - 1) Supply the victim with the phone number to the Financial Crimes Squad, (513) 352-3545.
 - 2) Fax a copy of the Form 301 to the Major Offenders Unit at (513) 352-6473.
 - 3) Mail the original Form 301 to the Financial Crimes Squad if the amount of the theft is over \$2500.
 - 4) Mail a copy of the Form 301 to the Financial Crimes Squad if the amount of the theft is \$2500 or less.

2913.33 Making or Using Slugs (PBC)
 2913.41 Defrauding a Livery or Hostelry (Non-Vehicular) (PBC)

- a. A breach of a rental agreement is a civil matter unless you can show criminal intent. Criminal intent can be inferred if the suspect provides a false name and address at the time of the rental or moves during the rental period without leaving a forwarding address.
- b. If criminal intent is established, an offense report should be made and a warrant referral issued. If no criminal intent can be established, the complainant should be advised to seek civil redress.

2913.41V Defrauding a Livery or Hostelry (Vehicular) (PBC)

- a. Prepare a Form 301 in those cases where the vehicle has been returned to the owner. Otherwise, refer to Procedure 12.420, Reporting Vehicle Thefts and Related Offenses.

*****Report violations of the following statutes on a Form 301: 2913.02 (Theft); 2913.04 (Unauthorized Use of Property), and 2913.41 (Defrauding a Livery or Hostelry). If applicable, include all serial numbers, vehicle identification numbers, etc., on the items listed below for entry into NCIC stolen property files:

Sailboat
 Rowboat
 Pickup camper (out of truck)
 Jack lift

Farm machinery not designed to carry the operator
Riding lawn mowers with no serial number (riding lawn mowers
with a serial number are reported on a Form 303)

NOTE: Refer to Procedure 12.420 for those articles to be
reported on a Form 303.

- | | | |
|----------|--|-------|
| 2913.44 | Personating an Officer | (PBC) |
| 2917.21 | Telecommunications Harassment | (PBC) |
| 2917.31 | Inducing Panic | (PBC) |
| a. | Bomb Threats - Insert "Bomb Threat" in parentheses when an evacuation occurs. | |
| 2917.32 | Making False Alarms | (PBC) |
| a. | Bomb Threats - Insert "Bomb Threat" in parentheses when no evacuation occurs. | |
| b. | Prepare a Form 301 for any false fire alarms when an arrest is made or a suspect known. | |
| | 1) Complainant is the Cincinnati Fire Department. | |
| | 2) Complainant's address is 430 Central Avenue. | |
| | 3) Reporting person is the Fire Department officer in charge (OIC) at the scene. The OIC's address is the fire company where assigned. | |
| | 4) List how the alarm was given in the "Remarks" section: telephone, etc. | |
| 2919.13 | Abortion Manslaughter | (CIS) |
| 2919.22B | Endangering Children | (CIS) |
| 2919.23 | Interference with Custody | (CIS) |
| 2919.25 | Domestic Violence | (PBC) |
| 2919.27 | Violating Protection Order or Consent Agreement | (PBC) |
| 2921.02 | Bribery | (CIS) |
| 2921.03 | Intimidation | (*) |
| | *Will be investigated by the investigator assigned the original offense or incident. | |
| 2921.04 | Intimidation of Crime Victim or Witness | (*) |
| | *Will be investigated by the investigator assigned the original offense or incident. | |

- 2921.05 Retaliation (*)
 *Will be investigated by the investigator assigned the original offense or incident.
- 2921.51 Impersonating a Peace Officer or Private Policeman (CIS)
- 2923.161 Discharging a Firearm at Habitation or School (PBC)
- 2927.12AM Ethnic Intimidation/Aggravated Menacing (PBC)
- 2927.12M Ethnic Intimidation/Menacing (PBC)
- 2927.12CM Ethnic Intimidation/Criminal Mischief (PBC)
- 2927.12CD Ethnic Intimidation/Criminal Damaging (PBC)
- 2927.12TH Ethnic Intimidation/Telephone Harassment (PBC)
3. Prepare a Form 303 for the following offenses/instances:
- 2913.02V Theft - Stolen Vehicles (PBC)
- a. Investigated by civilian clothes personnel in the district where the theft occurred.
- 2913.02VR Recovered Stolen Vehicle (PBC)
- a. Investigated by personnel in the district where the theft occurred.
- 2913.02L Theft - Stolen License Plate(s)
 (including expired plates) (PBC)
- 2913.02LR Recovered Stolen License Plate(s) (PBC)
- 2913.03V Unauthorized Use of a Vehicle (PBC)
- 2913.03VR Unauthorized Use of a Vehicle Recovery (PBC)
- 2913.41V Vehicular Defrauding of a Livery or Hostelry (PBC)
- 2913.41VR Vehicular Defrauding of a Livery or Hostelry
 Recovery (PBC)

NOTE: The district collator will enter a monetary value for stolen and recovered vehicles on the report. The value of a vehicle is determined by using the following Internet sites: <http://www.kbb.com/>, the Kelly Blue Book home page, or <http://www.nadaguides.com/>, the NADA guidebook home page. To ensure the recovery value is consistent with the reported value, the recovery district collator must contact the district collator where the larceny occurred.

4. Offenses investigated at the district level will be processed as outlined on the attached Incident Report Flow Chart.

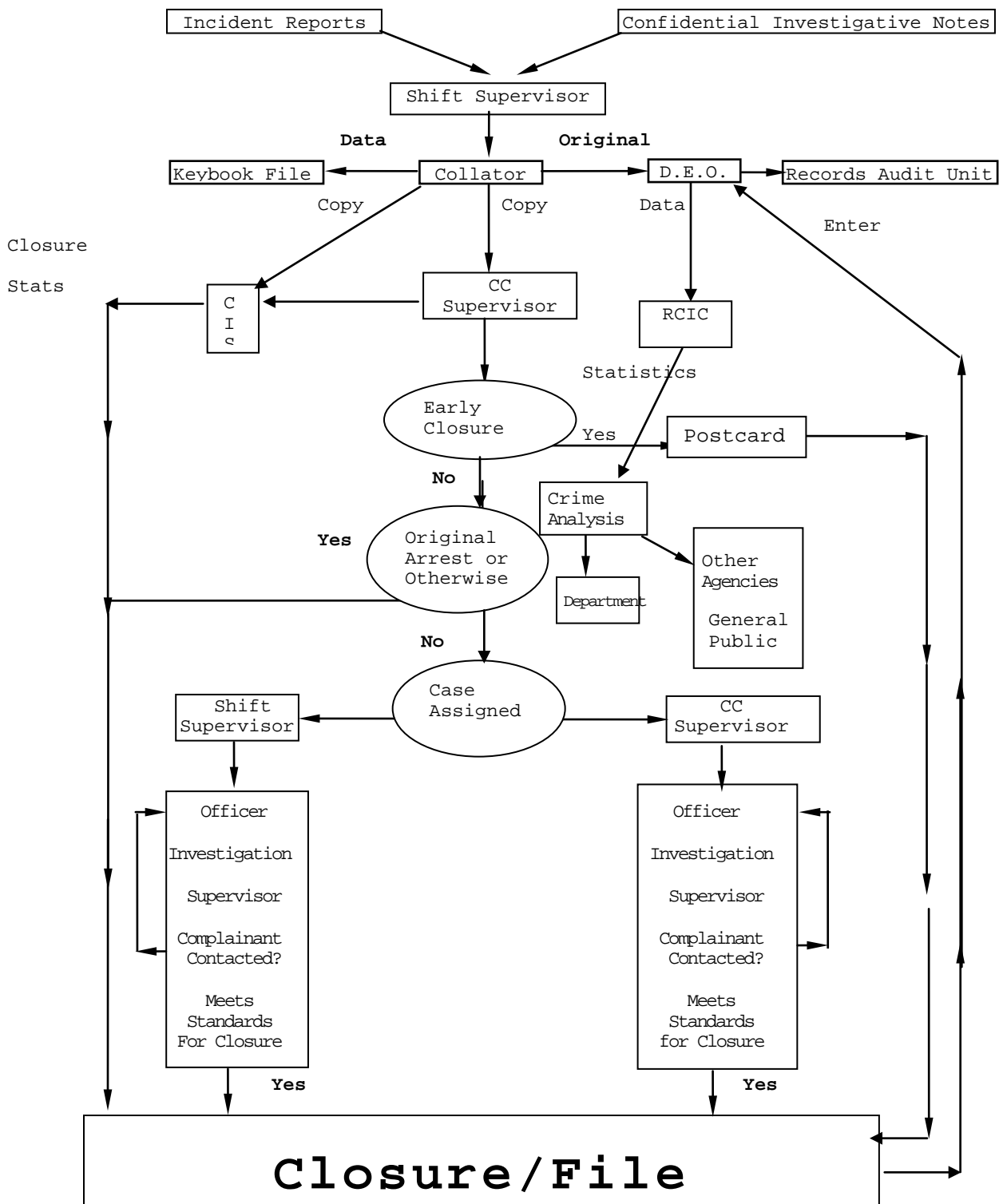
I. Case Closure Audit

1. On a monthly basis, the district commander will ensure a random audit of cases closed by both investigative and uniformed personnel is conducted. Early closures will not be included in this audit.
 - a. This audit will include:
 - 1) A ten percent sample of inactive closures.
 - 2) A ten percent sample of otherwise closures.
 - 3) A ten percent sample of unfounded closures.
 - b. A district supervisor not assigned to the Investigative Unit will conduct this audit.
 - 1) The auditing supervisor will personally contact the complainant to ensure the report was properly closed and that the investigating officer properly notified them of the closure.
 - c. The district commander will ensure a monthly summary of the case closure audit is forwarded to him for review.
 - d. District commanders will ensure quarterly reports are biannually compiled and forwarded to the Patrol Bureau Commander (first and second quarter submitted during July, third and fourth quarter submitted during January).

J. Investigation Requests from Other Law Enforcement Agencies

1. CIS will monitor and control investigative requests from law enforcement agencies outside the Cincinnati Police Department.
 - a. Document and forward all extensive investigative requests received from outside law enforcement agencies to CIS.
 - 1) CIS will assign the request within the Police Department.
 - 2) The district, section, or unit receiving the request will conduct the follow-up investigation, provide the requested assistance, if possible, and contact the outside agency advising them of the investigative results.
 - 3) Forward a Form 311, Incident Closure Report, to the CIS Commander. The Form 311 will contain the case disposition and state the outside agency has been contacted and advised.
 - a) Affected districts will handle routine requests for assistance from adjoining police agencies.

INCIDENT REPORT FLOW CHART



12.401 TELEPHONE CRIME REPORTING UNIT (TCRU)

Reference:

Procedure 12.400 – Offense Reporting, Miscellaneous Reporting
 Procedure 12.420 – Reporting Vehicle Thefts and Related Offenses
 Procedure 12.425 – Reporting and Classifying Breaking and Entering Offenses
 Procedure 12.435 – Reporting Conditions Affecting Other Departments – Form
 318
 ORC 2919.25 - Domestic Violence
 ORC 2903.341 - Patient Endangerment
 ORC 5123.01 - Definitions

Purpose:

Provide citizens information in police matters and take minor police reports by telephone, leaving field units available for other police tasks.

Policy:

Officers, regardless of their assignment, will record all facts and actions fairly and impartially when taking an incident report. Officers will provide the requested police service and will complete an accurate and thorough report.

Officers dispatched or on the scene of an incident requiring a police report or having personal contact with a citizen requiring a police report, regardless of the complaint, will make the report. Officers will not refer the citizen to TCRU.

Unit desk personnel and Police Communications Section (PCS) operators will refer qualifying report requests received by telephone to TCRU. Unit desk personnel will take reports from citizens who have responded to the unit.

The primary complaint operator (PCO) will refer citizens calling the emergency line for advice to TCRU.

Procedure:

- A. Telephone Crime Reporting Unit (TCRU) Reporting:
1. Contact TCRU at 352-2960, Monday through Friday, 0800 – 1700 hours.
 2. Before referring a call to TCRU, the following questions should be answered with "No":
 - a. Did the offense just occur?
 - b. Could anything be gained by sending a police officer?
 3. TCRU will ordinarily take the following types of reports:
 - a. Thefts

- 1) Grand and Petty, where there is no possibility of immediate apprehension or property recovery and the value stolen is less than \$5000.00.
 - a) Theft of firearms is not a TRCU reportable offense and requires dispatch.
 - 2) "Drive off" type thefts including incidents which have just occurred.
- b. Breaking & Entering
 - 1) Detached garages, etc., no suspects or possibility of a property recovery.
 - c. Criminal Damage
 - d. Simple Assault
 - 1) No medical attention necessary
 - e. Menacing
 - 1) Send an officer if suspect is expected or threatens to return.
 - f. Attempt Auto Thefts
 - g. Lost or Stolen License Plates
 - h. Telephone Offenses (Except Bomb Threats)
 - 1) Send an officer if suspect is expected or threatens to return.
 - i. Any offense reported by a mentally retarded person or developmentally disabled person (MR/DD) or the caretaker or caseworker of the MR/DD victim.
 - 1) These offenses must meet the criteria as described in Section A.2.
 - a) Domestic Violence and Patient Endangerment offenses are not TCRU reportable offense and require dispatch.
 - j. Property Lost
 - k. Property Damage
 - l. Dog Bites
 - 1) No medical attention needed, owner is known, and no transportation is needed.

- m. Adult noncritical missings with no extenuating circumstances.
- n. Conditions Affecting Other Departments (Form 318).
 - 1) Incidents where the City of Cincinnati could not be held liable.
 - 2) Immediate investigation is not required by a police officer, such as parking meters out of order, defaced street signs, etc.
- 4. The TCRU officer may dispatch a police unit if the officer believes the presence of an officer is needed.
- 5. The listed report categories will be the normal guidelines but the TCRU officers could expand on these if circumstances warrant.
- 6. TCRU will make a Form 311G, Cincinnati Police Department Confidential Investigative Notes-General, when appropriate information is available. Upon receipt of the report by the affected district or unit, the report can be assigned for follow-up investigation at their discretion.

12.402 OFFENSE TRACKING SYSTEM, KEYBOOK

References:

Automated Keybook User's Manual
Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
Procedure 12.405 - Closure of Offense Reports
Procedure 12.415 - Reporting and Classifying Assault Offenses
Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
Procedure 12.430 - Endangering Children Offenses
Standards Manual - 15.1.1, 42.1.3, 82.1.5

Purpose:

Establish a uniform Department policy governing the tracking and preservation of offense information.

Promote uniformity and standardization in offense tracking.

Procedure:

A. Maintaining Keybook:

1. Each district collator will maintain the automated offense tracking system (keybook) in accordance with the instructions in the current user's manual and Procedure 12.400. This manual is available from the Computer Systems Unit.
 - a. Data entry and updating will be completed in a timely manner, usually daily.
 - b. After the keybook page(s) entry is completed, the page(s) will be printed and stored in a binder.
2. Backup of Data
 - a. Each unit commander will be responsible for maintaining backup copies of the keybook. This will be accomplished using the Keybook Main Menu item for backup procedures. This procedure will be completed on a daily basis. This will ensure minimum reentry of data in the event of a computer crash.
 - b. Three sets of diskettes will be necessary for the standard backup process. These should be designated set "A, B, and C."
 - 1) One set will be stored in the collator's office and will be used for the daily backup.
 - 2) One set will be stored in the unit commander's office and will be updated weekly.

- 3) One set will be stored at the Computer Systems Unit and should be updated every other week. These diskettes should be brought to the Computer Systems Unit each payday. Do not mail.
- 4) The three sets of diskettes can be rotated among the three locations as needed.
- 5) New diskettes should be used every other month.

3. Security

- a. Unit commanders are responsible for the integrity and security of the keybook program.
- b. The keybook program is designed to load itself from a predetermined format. The password is imbedded in this sign-on. A password has been assigned to the system.
- c. The password will be disseminated by the unit commander to the system administrator, collator and other appropriate personnel.
- d. The unit commander will assign a new password as deemed necessary, or whenever a change in unit commanders occurs.

12.403 CRIME VICTIM/WITNESS NOTIFICATION AND ASSISTANCE

References:

- Ohio Revised Code Chapter 2930 – Victims' Rights
 Ohio Revised Code 2933.41 - Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens' reward programs
 Ohio Revised Code 2933.42 - Offenses involving contraband; forfeiture of property used in committing violation
 Ohio Revised Code 2933.43 - Procedure for seizure and forfeiture of contraband; law enforcement agency authorized to use, destroy, or sell forfeited contraband; distribution of proceeds of sale
 Ohio Revised Code 109.42 - Victim's bill of rights pamphlet
 United States Code - Violent Crime Control and Law Enforcement Act of 1994

Definitions:

Crime means any felony or violation of Ohio Revised Code (ORC) Sections 2903.05 Negligent Homicide, 2903.06 Aggravated Vehicular Homicide, 2903.13 Assault, 2903.21 Aggravated Menacing, 2903.21.1 Menacing by Stalking, 2903.22 Menacing, 2907.06 Sexual Imposition, 2919.25 Domestic Violence, and 2921.04 Intimidation of Crime Victim or Witness (as outlined in ORC 2930.01 Definitions).

Victim means a person who is identified as the victim of a crime in a police report or in a complaint, indictment, or information charging the commission of a crime.

Notice under ORC Chapter 2930 will be given to a victim by any means reasonably calculated to provide prompt actual notice. Notice may be oral or written.

Policy:

Department personnel are responsible for providing proper notification and assistance to victims and witnesses of crime as outlined in the ORC 2930 Victims' Rights section.

It is incumbent upon investigators assigned cases whose offenses are outlined in ORC section 2930.01 to provide assistance to and follow-up with victims and witnesses as required under the victim's rights statute.

Procedure:

- A. When investigating an offense, the victim of the offense, his family, or his dependents must be given a copy of the following:
 1. "Your Rights and Responsibilities as a Crime Victim" booklet distributed by the Attorney General of the State of Ohio.

- a. This booklet can be given to the dependents or the family of the victim if the condition or age of the victim dictates.
2. Telephone number of district/section/unit investigating the offense.
3. Printed list of medical, counseling, housing, and emergency services available to the victim.
4. Business phone number of the Prosecutor of Hamilton County and the City of Cincinnati.
5. Written notification of the victim's right to contact the Police Department to learn the status of the case, if the victim is not notified of the arrest of the offender in the case.

NOTE: Information contained in subsections 2., 3., 4., and 5. above will be attached to the inside back cover of the Attorney General's booklet.

- B. Distribution of the above listed material will be made in the following manner:
 1. A copy will be given to the victim, his family, or dependents on the first contact by the reporting officer.
 2. If the victim, his family, or dependents are unable to understand the significance of the information, it will be given on the second contact by the investigating officer.
 3. A copy will be given to the victim, his family, or dependents by mail if it was not given on the first contact and there is no second contact in person (includes those specified offenses reported through Telephone Crime Reporting Unit).
 - a. Mailing of information will be the responsibility of the affected district.
 - 1) Responsibility for mailing will be determined by the district commander.
- C. The follow-up investigator will give the victim, his family, or dependents the following information:
 1. Business phone number of the investigator.
 2. Notification when the defendant is arrested and if the defendant is eligible for pretrial release.
 3. A contact phone number of the Police Department to ascertain whether the defendant has been released.
 - a. When an arrest is made at the time of an offense and no investigator is assigned to the case, the arresting officer will give the victim the above listed information.

- D. The follow-up investigator is responsible for providing the following assistance to crime victims/witnesses:
1. Explain the procedures involved in the prosecution of their cases.
 2. If the impact upon the victim or witness was unusually severe, make periodic contacts to determine if their needs are being met.
 3. Attempt to schedule interviews, etc. at the convenience of the victim or witness.
 4. Advise the victim of a felony offense that the Victim/Witness Division of the Hamilton County Prosecutors' office will assign an advocate to provide assistance as needed at the Grand Jury hearing. The Rape Crisis and Abuse Center contacts all victims of domestic violence and offers advocate services to those victims.
- E. The Police Department will return the property of the victim as soon as possible unless one of the following applies:
1. There is a dispute of ownership.
 2. It is evidence, contraband, or property used in committing an offense as defined in ORC sections listed below:
 - a. ORC Section 2933.41, Disposition of property held by law enforcement agency; written internal control policy; records and reports; funding citizens' reward programs.
 - b. ORC Section 2933.42, Offenses involving contraband, forfeiture of property used in committing violations.
 - c. ORC Section 2933.43, Procedure for seizure and forfeiture of contraband; law enforcement agency authorized to use, destroy, or sell forfeited contraband; distribution of proceeds of sale.
 3. If the defendant in a case files a motion to retain the property of the victim because the property is needed for the defense in the case, the Police Department will retain the property until the court rules on the motion.
- F. The Ohio Department of Rehabilitation and Correction will notify the Criminal Investigation Section (CIS) of a prisoner being placed on electronically monitored early release.
1. CIS will make a blotter entry and advise the affected district of the electronically monitored prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 2. The Rapid Indictment Program supervisor will distribute this information at the next Investigative Supervisors' meeting.

- G. The U.S. Courts Probation and Parole will notify CIS of prisoners who have been released from the federal system on supervised release and have been convicted of a crime of violence or a drug trafficking.
 - 1. CIS will make a blotter entry and advise the affected district of the prisoner's early release.
 - a. The district receiving the information from CIS will make a blotter entry.
 - 2. The Rapid Indictment Program supervisor will distribute this information at the next Investigative Supervisors' meeting.

12.404 **COMMUNITY NOTIFICATION OF PERSON PAROLED FOR A VIOLENT PERSONAL CRIME**

Reference:

Cincinnati Municipal Code Chapter 717
Procedure 12.406 – Sexual Predator Address Verification

Definitions:

Neighbor – one living or located near another.

Neighborhood – being immediately adjacent or relatively near another.

Notification – personal notice to an adult family member.

Purpose:

Comply with state law and city ordinances, and to establish Police Department procedure for community notification of persons on parole for certain listed offenses and monitor the felon's presence.

Procedure:

- A. Criminalistics Squad Responsibilities
 1. Register persons on parole or judicial supervision for the following offenses of the Ohio Revised Code (ORC) or the equivalent offenses under the laws of the United States or of the state in which the offense was committed.
 - a. Aggravated Murder - ORC 2903.01
 - b. Murder - ORC 2903.02
 - c. Voluntary Manslaughter - ORC 2903.03
 - d. Rape - ORC 2907.02
 - e. Sexual Battery - ORC 2907.03
 - f. Gross Sexual Imposition - ORC 2907.05
 - g. Kidnapping - ORC 2905.01
 - h. Abduction - ORC 2905.02
 2. Maintain a registration list and forward a copy weekly to the Community Oriented Policing (COP) Coordinator.

B. COP Coordinator Responsibilities

1. Maintain a file of the felony registration list.
2. Forward a Form 17, Felony Notification, to the affected district for community notification.
3. Ensure the notification process is completed for each registered felon pursuant to Cincinnati Municipal Code Chapter 717.
 - a. The COP Coordination Unit will maintain a file of the completed Form 17, Felony Notification, upon receipt from the affected districts.

C. District responsibilities

1. Notification by district personnel using the Form 605, Notification of Release, will occur within 10 days of receipt of the Form 17, Felony Notification, utilizing the following guidelines:
 - a. If the residential area is a single family dwelling, the district officer will notify an adult member of each household immediately adjacent to the subject.
 - b. If the building has four or less separate residences, the district officer will notify an adult member of each residence.
 - c. If the building has more than four separate residences, the district officer will notify an adult member of each residence on the same floor as the subject.
 - d. Personal delivery of the Form 605, Notification of Release, is the preferred method of notification. However, officers may leave the Form 605 at the residence after making every reasonable attempt to make personal contact.
 - 1) Maintain a file of the Form 605.
2. Complete the Form 17 and forward to the COP Coordinator verifying the affected neighbors were notified.
 - a. Maintain a copy of the Form 17 in the district's files.
3. District personnel will notify communities of the registered felons at the affected community council/CPOP meetings.
 - a. This discussion does not take the place of an official notification in the neighborhood.

12.405 CLOSURE OF OFFENSE REPORTS

References:

Ohio Uniform Incident Training Manual
Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
Procedure 12.401 - Telephone Crime Reporting Unit (TCRU)
Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
Standards Manual - 42.1.2, 42.2.3, 82.1.5

Policy:

When taking an offense report, the reporting officer will complete a thorough initial investigation. The officer will record all pertinent information accurately on the original Ohio Uniform Incident Report and the Incident Report Supplement (Form 311I). Under the Early Closure System, the maintenance of a high standard of clearance is dependent on the quality of the preliminary investigation.

The closure process will include: reviewing and analyzing all previous reports prepared in the preliminary phase; department records; results from laboratory examinations; conducting additional interviews and interrogations; seeking additional information (from uniformed officers, informants); planning, organizing, conducting searches, and collecting physical evidence; identifying and apprehending suspects; determining involvement of suspects in other crimes; checking suspects' criminal histories; preparing cases for court presentation; and making a "second contact" with principals involved in a case requiring follow-up investigations or which has been closed.

Information:

Close offense reports assigned to Patrol Bureau Shifts (PBS), Patrol Bureau Civilian Clothes (PBC), and Criminal Investigation Section (CIS), with the exception of homicide cases and missings, within 28 days from the date reported to police. Submit the original closing Supplementary Offense Report (Form 311) to the Records Unit within seven days of the closure.

Neither a Form 311 nor an Ohio Uniform Incident Report are required to close a case with an original arrest or an original otherwise. If a case is an original arrest closure, the arrested must be charged with the reported offense. An original otherwise closure requires a statement justifying why the case is not closed by arrest. Record this information on the original Ohio Uniform Incident Report, preferably in the "Narrative" section. However, fill out a Form 311I if there are additional suspects not arrested, or if the offense is similar to other unsolved offenses.

The recovery of stolen property is supplemental to the closure of an offense. It has no bearing on the type of closure. Record on the closing Form 311 the description, value, disposition, etc., of recovered property prior to forwarding it to the Records Unit.

Prior to forwarding closing reports to the Records Unit, the unit commander, or designate, must sign the report. This indicates approval and ensures complete closing copies of the Ohio Uniform Incident Report. Records Unit will return incomplete or incorrect closing reports to the investigating officer's supervisor.

Procedure:

A. Case Assignment Criteria for Follow-Up Investigation:

1. Follow-up investigation of an offense report will occur when any of the following apply:
 - a. Suspect identification can be developed from:
 - 1) Usable fingerprints.
 - 2) Significant physical evidence.
 - 3) Victim, witness, or informant information.
 - 4) A license number or significant description of a vehicle used in the offense.
 - b. There is serious physical harm, or the threat of serious physical harm to the victim. Generally bomb threats and obscene phone call offenses are not assigned for investigation. However, aggravated circumstances may cause assignment of any of these offenses.
 - c. The suspect used a deadly weapon or dangerous ordinance.
 - d. There is a significant modus operandi (MO) which will aid in the solution of the offense.
 - e. The offense is a sex crime in which the victim and suspect had physical contact.
 - f. There is another reason to assign the offense for investigation.
 Example: Hazardous or dangerous material stolen
 Example: A reported offense which would raise community concern
2. All offenses involving Motor Vehicle Thefts, Unauthorized Use of a Motor Vehicle, and License Plates Thefts will have a three day follow-up investigation period to verify registration and to ensure accurate information. When assigned, these cases will have a 28 day follow up.

B. Methods Used to Close Offense Reports:

1. An offense is cleared by "Arrest" when at least one person is arrested and charged with the commission of the reported offense.
 - a. List the arrest's name, address, sex, race, age, charge, control number, etc., on the closing Form 311.
 - b. In cases involving juveniles, place the charge of Juvenile Delinquency along with the specific offense on the Form 311.
2. An offense is cleared as "Death of Offender," "Prosecution Declined," "Extraditions Denied," "Victim Refused to Cooperate," or "Juvenile/No Custody" (exceptional clearance) if all the following apply and all necessary information is on the closing Form 311:
 - a. The investigation has definitely identified the offender.
 - b. There is enough evidence to charge and arrest the suspect.
 - c. The offender's exact location is known and the suspect could be taken into custody.
 - d. There is some reason outside police control preventing the charging and arrest of the suspect.
 - e. Complete suspect information (name, address, sex, race, DOB, etc.) must be on the closing Form 311.
3. Substantiate related multiple exceptional clearance closures (four or more) by one of the following:
 - a. A copy of a recorded statement or a copy of a signed statement by the suspect. The contents will include the suspect admitting to the offenses and some details of the commission of the offenses.
 - b. A Form 17 signed by a unit supervisor listing the offenses submitted for closure (offense number and the complainant's name) and details for the otherwise closures.
4. Inactive Closures ("Warrant Issued" or "Investigation Pending")
 - a. An offense can have an "Inactive" closure even though there is property recovered and/or there is knowledge of the identity of the perpetrator who has not been apprehended.
 - b. Reopen and close these inactive reports according to new developments.

5. Unfounded Reports
 - a. Unfounding an offense report does not count as a case closed. The offense is removed from the reported crime statistics.
 - b. A report is unfounded because the reported facts do not constitute a reportable offense, or the investigation reveals the reported facts did not occur.
- C. Early Closure of Ohio Uniform Incident Reports ("Closed"):
1. Early close an Ohio Uniform Incident Report that does not meet the criteria for follow-up investigation. Complete a Form 311. Mark "EC" next to "Closed" box.
 - a. The case assignment supervisor will review all offenses and determine the case assignment status.
 - b. When an offense does not have the necessary criteria for follow-up investigation, the case assignment supervisor will early close the offense. Immediately forward to the complainant a postcard with the early closure information. The postcard will be:
 - 1) Reviewed and personally signed by the investigative officer in charge.
 - 2) Sent each day to TCRU.
- D. Final Disposition of Ohio Uniform Incident Reports (Except Early Closure):
1. Upon conclusion of the follow-up investigation, the investigator will:
 - a. Conduct a final interview with the complainant by telephone or in person.
 - b. Advise the complainant the investigation is being terminated. If there are additional investigative leads, such as an arrest or property recovery, the investigation may be reopened and the complainant will be contacted and provided with the pertinent developments.
 - 1) Note notification of the complainant of the case closure on the closing Form 311.
 2. When there is an arrest when taking the original Ohio Uniform Incident Report, note in the "Narrative" section of the Ohio Uniform Incident Report notification of the complainant that the case was closed.

E. Supplementary Offense Report (Form 311):

1. Use the Form 311 to close the Ohio Uniform Incident Report. Use it to open and close differently all previously closed reports.
 - a. Complete information pertinent to any closure must appear on the Form 311.
 - b. The unit preparing the Form 311 will prepare the following copies:
 - 1) Original sent to the Records Unit.
 - 2) Duplicate attached to the Ohio Uniform Incident Report being closed at the district of occurrence.
 - a) When applicable, send a copy to the unit having co-responsibility for investigation of the offense (see Procedure 12.400, C., Offense Reporting - Follow-up Investigative Responsibility).
2. Use a Form 311 to report the recovery of stolen property believed to have been stolen locally, but not identified with any local offense reports.
 - a. The originating unit will prepare the Form 311 in duplicate giving complete information available relative to the recovery.
 - 1) Original forwarded to the Records Unit.
 - 2) Duplicate retained by the originating unit.

F. Scoring Arrests:

1. As the scoring of arrests is determined from the officers' names and district appearing on the Arrest and Investigation Report (Form 527) under "Arresting Officer," only those officers who qualify within the definition should be listed.
 - a. The arresting officers are only those officers at the scene of the arrest who actively participate in the arrest.
 - b. Officers who may supply information leading to an arrest or develop evidence pertaining to the arrest will be termed "Cooperating Officers," and their names will be entered on the Form 527 under "Facts of Arrest."
2. In general, when making an arrest, the credit goes to the arresting officer(s)' district or unit of assignment. Examples are:
 - a. If a District One officer makes an arrest in District Two, credit the arrest to District One.

- b. If the Criminal Investigation Section makes an arrest in District One, credit the arrest to the Criminal Investigation Section.
 - c. If a District One officer is off duty and makes an arrest in District Two, credit District One with the arrest.
3. When officers from more than one district or unit make an arrest, credit the arrest to the district wherein the arrest is made, provided one of the arresting officers is assigned to the district of arrest.
 - a. The above policy for crediting arrests will also apply to multiple arrests.
4. Officers employed by private agencies who work in a police capacity will be considered in the same class as a private policeman. When they make arrests while so engaged, credit for their arrest goes to the district where the arrest was made.
 - a. It will be the responsibility of the arresting officers to furnish the Hamilton County Justice Center Intake sufficient information of their outside employment status (under the above paragraph), so that correct information can be placed on the arrest forms.

12.410 CRIMINAL WARRANTS/REFERRALS

Reference:

Procedure 12.412, Domestic Violence

Procedure 12.400, Offense Reporting, Miscellaneous Reporting

Policy:

Officers will establish probable cause for successful prosecution of an offense before filing criminal complaints. If after a preliminary investigation, probable cause is not met, officers will advise citizens that there is insufficient cause to sign a criminal complaint. Reportable offenses may then be reassigned to an investigator in an attempt to gather probable cause to make an arrest.

Procedure:

- A. Private Citizen Reporting a Felony:
 - 1. Conduct a preliminary investigation.
 - 2. Complete an offense report, if required.
 - 3. Notify the responsible investigating unit.
 - a. That unit may respond immediately to pick up the complainant, or arrange for a meeting with the complainant at his home or at the unit.
 - 4. If the investigation reveals probable cause for successful prosecution, the investigating officer will:
 - a. File all appropriate criminal complaint(s).
 - b. Prepare the case for presentation through the court system.
 - 5. If the incident involves Domestic Violence, refer to Procedure 12.412.
- B. Private Citizen Reporting a Misdemeanor:
 - 1. Conduct a preliminary investigation.
 - 2. Complete an offense report, if required.
 - 3. If the investigation reveals probable cause for successful prosecution, the investigating officer will:
 - a. File all appropriate criminal complaint(s).
 - b. Prepare the case for presentation through the court system.

4. An officer making, or intending to make, an immediate arrest of the suspect, will respond to the Clerk of Courts Office with the complainant to file the appropriate complaint(s) (e.g., business owner, store security).
 5. If the investigating officer believes probable cause does not exist to file a criminal complaint, advise the citizen. In cases where further information may lead to establishing probable cause, advise the citizen that the case will be assigned to an investigator.
 6. If the incident involves domestic violence, refer to Procedure 12.412.
 7. Complete Form 655, indicating a Business Complaint Warrant Referral when a business reports an offense (e.g., employee theft, shoplifting), the suspect is known, and immediate arrest will not occur.
- C. If an offense report is made, note the action taken in the "Remarks and Explanations" section of the report:
1. "Business Complaint Referral"
 2. "Warrant Signed by Police/Complainant"
 3. "Refused Service," etc.

12.412 DOMESTIC VIOLENCE

References:

Procedure 12.400, Offense Reporting, Miscellaneous Reporting
 Procedure 12.403, Victim of Crime Notification
 Procedure 12.410, Criminal Warrants/Referrals
 Procedure 12.413, Enforcement of Court Orders
 Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.705, Property Confiscation
 Procedure 12.900, Processing Juvenile Offenders
 ORC 2903.11 - Felonious Assault
 ORC 2903.12 - Aggravated Assault
 ORC 2919.25 - Domestic Violence
 ORC 2919.26 - Motion for Temporary Protection Order; Form
 ORC 2919.27 - Violating Protection Order or Consent Agreement
 ORC 2935.03 - Officer's Authority to arrest without warrant; pursuit outside jurisdiction
 ORC 2935.032 - Policies and procedures for responding to alleged Domestic Violence offense or violation of protection order
 ORC 3113.31 - Definitions; jurisdiction; petition; hearing; protection orders; consent agreements
 USC Title XVIII, Part 1, Chapter 110A, Section 2261 - Interstate Domestic Violence
 USC Title XVIII, Part 1, Chapter 110A, Section 2262 - Interstate Violation of Protection Order
 USC Title XVIII, Section 922 - Prohibition Against Disposal of Firearms to, or Receipt of Firearms by, Persons Who Have Committed Domestic Abuse

Definitions:

Mandatory Arrest: Mandatory arrest is an immediate arrest based on probable cause that the offense of domestic violence has occurred and is supported by some evidence indicating the suspect committed the offense.

Probable Cause: Probable cause exists when facts and circumstances within the officer's knowledge, and of which he has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed, and the accused is or has committed the offense. Completion of the Victim's Statement section of the Form 655R, Victim Assistance/Citizen Referral, by the victim is probable cause pursuant to Ohio Revised Code (ORC) 2935.03(B).

Purpose:

Provide officers with the knowledge to effectively respond to and investigate incidents of domestic violence.

Policy:

Officers will respond to the scene of reported incidents of domestic violence without delay.

Exercise extreme caution in disregarding backup officers, even if the offender is no longer present, in the interest of officer and victim safety. Give consideration to the potential of the offender returning to the scene while the officer is present or immediately thereafter.

Domestic violence is a violent crime. The involvement of family members does not lessen the use of arrest and prosecution as an effective deterrent.

Department policy regarding domestic violence is immediate arrest of the offender when probable cause exists. The formal arrest/court process is the most appropriate method of resolution.

Charge all appropriate cases with domestic violence, felonious assault, or aggravated assault in incidents arising out of a domestic violence offense, and make a mandatory arrest. If a felonious assault or aggravated assault is committed in a domestic violence offense, charge the suspect with the appropriate felony charge. Do not, in addition, charge the suspect with a misdemeanor domestic violence.

Officers will complete the Protection Order Supplemental Form for any of the following offenses in which the victim and suspect are family or household members:

2903.01 Aggravated Murder	2903.02 Murder
2903.03 Voluntary Manslaughter	2903.04 Involuntary Manslaughter
2903.11 Felonious Assault	2903.12 Aggravated Assault
2903.13 Assault	2903.15 Permitting Child Abuse
2903.21 Aggravated Menacing	2903.211 Menacing by Stalking
2903.22 Menacing	2905.01 Kidnapping
2905.02 Abduction	2905.11 Extortion
2907.02 Rape	2907.03 Sexual Battery
2907.05 Gross Sexual Imposition	2909.02 Aggravated Arson
2909.03 Arson	2909.04 Disrupting Public Services
2911.01 Aggravated Robbery	2911.02 Robbery
2911.11 Aggravated Burglary	2911.12 Burglary
2917.01 Inciting to Violence	2917.02 Aggravated Riot
2919.22 Child Endangering	2919.25 Domestic Violence
2921.03 Intimidation	2921.04 Intimidation of Attorney, Victim
2921.34 Escape	2923.161 Improperly Discharging Firearm Into a Habitation/School Zone

The Protection Order Supplemental Form must accompany the Form 527, Arrest and Investigation Report, at the time an arrested individual is admitted into the Hamilton County Justice Center. This requirement applies to the arrest of adult suspects only; juvenile suspects are exempt from this requirement.

Information:

Under the domestic violence law a fetus is **not** considered a child. If, while investigating a domestic violence incident, the victim advises she is pregnant and the offender is the father of her unborn child, and no other facts constitute domestic violence, charge with the appropriate assault charge.

If, while investigating a domestic violence incident, the victim has an infant and advises the offender is the father of the baby and they do not or have not resided together, charge with assault and domestic violence. The domestic violence is a valid charge under the Putative (supposed) Rule. The assault charge is filed in the event that test results indicate the putative father is not the biological father. If blood test results indicate the offender is not the father of the child, the domestic violence charge will be dropped because the blood test eliminates the relationship.

The mother of a child has **sole custody** if:

1. The couple is not married;
2. There is not a court order to the contrary; and
3. The child was born on or after 1/1/98.

If the child was born before 1/1/98 both parents are deemed to have equal rights to the child. Officers shall use discretion and good faith when considering the best interest of the child when confronted with this situation.

Procedure:

A. Initial Response

1. When Police Communications Section (PCS) receives a report of a domestic violence situation they will dispatch one two-person unit or two single person units and necessary emergency medical aid.

B. On Scene Investigation

1. Upon arrival, responding officers will separate the involved parties. Separation is the most efficient method of gathering the necessary details of the incident as well as protecting all parties from injury when the offender(s) and victim(s) are identified.
 - a. Determine the nature of injuries to any parties, and request the assistance of emergency medical services, if necessary.
 - b. Give primary consideration to the safety of all parties involved and the immediate cessation of any further violence.
2. Make every attempt to obtain positive identification, a description, destination, and means and direction of travel if the offender is not present upon arrival.
 - a. In an attempt to apprehend the offender, this information must be relayed to officers in the area as soon as possible.

3. If probable cause exists and an arrest cannot be made because of the offender's absence, the officers will promptly seek a warrant for the arrest of the person.
 - a. A Form 655R, Victim Assistance/Citizen Referral, will be issued to the complainant for the immediate filing of an affidavit and warrant against the offender.
 - 1) The officer will ensure the complainant completes the Domestic Violence Victim's Statement on the Form 655R and will attach it to the Form 301, Cincinnati Police Department Incident Report.
 - a) Document on the Form 301 if the complainant refuses to complete the Form 655R.
 - b) Transport complainant to sign charges.
 - c) Recommend the victim sign a Temporary Protection Order (TPO) when signing the domestic violence charge.
 - b. If the complainant is physically unable or is unwilling to file charges, the officer will sign an affidavit and warrant for the arrest of the offender.
 - c. Have the complainant fill out the top two sections of the Protection Order Supplemental Form. If the complainant is unable or unwilling to fill out the form, the officer will assist in completing the form with the information available.
 - 1) The officer will complete the "Law Enforcement Response Section" on the bottom of the page.
 - 2) The completed Protection Order Supplement must accompany the Form 527 when submitted during the intake procedure.
 - 3) If there is not an immediate arrest, fill out the Protection Order Supplemental Form when signing any applicable warrants(s) and leave the form with the Hamilton County Clerk's Office.
 4. Make every attempt to identify the primary physical aggressor in the incident. Consider the following elements in this identification:
 - a. The history of domestic violence or any other violent acts committed by all parties in the incident.
 - b. Whether the violence was committed in the act of self-defense.
 - c. Each participant's reasonable fear of the other person based on the person's history of any threatened or committed acts of violence.

- d. The comparative severity of any injuries sustained by the individuals involved in the incident.
5. Base probable cause for arrest of the primary physical aggressor on the following elements:
 - a. The victim, or the parent of a child victim, completes a written allegation against the offender.
 - b. In the absence of a written statement, any personal knowledge and observation of the incident by the officer.
 - c. Any other information, including but not limited to, reasonable trustworthy information given by the alleged victim or any witness to the incident.
6. Make a mandatory arrest if the offender is identified, present, or immediately available for arrest.
7. The preferred course of action is to arrest and detain the primary physical aggressor until a warrant can be obtained once probable cause has been established.
 - a. The preferred course of action (arrest) does not apply to incidents in which the primary physical aggressor cannot be identified.
 - 1) Possible course of action would be to arrest both parties for domestic violence if the investigation warrants dual arrest.
8. Conduct the investigation and arrest the accused for the offense of felonious assault if the investigation determines serious physical harm has occurred to a victim, or physical harm has been attempted (or caused) by means of a deadly weapon or dangerous ordinance in a domestic violence offense.
 - a. When the individual committing the felonious assault is not the primary physical aggressor, arrest and charge with the appropriate state section.
 - 1) Arrest and charge the primary physical aggressor with Domestic Violence - ORC Section 2919.25.
9. Conduct the investigation and arrest the accused for the offense of aggravated assault if the investigation determines that a felonious assault was committed by the offender during a "fit of passion or rage brought about by serious provocation of the victim".
 - a. When the individual committing the aggravated assault is not the primary physical aggressor, arrest and charge with the appropriate state section.

- 1) Arrest and charge the individual in the domestic violence offense who is the primary physical aggressor with ORC Section 2919.25 - Domestic Violence.
10. If investigation determines both parties committed either aggravated assault or felonious assault, the primary physical aggressor, if identified, is subject to the "preferred course of action" provision and will be physically arrested until a warrant can be obtained. The other party will also be arrested and charged with the appropriate violation.
 - a. Arrest both individuals when both individuals committed either aggravated assault or felonious assault and the primary physical aggressor cannot be identified.
 11. Notify the Criminal Investigation Section (CIS) if death appears imminent to the victim of a domestic violence offense.
 12. Seize any deadly weapons materially involved by threat, display, use, or attempted usage in domestic violence violations as contraband and/or evidence.
 13. Do not demand or otherwise require the victim's specific consent or a signed allegation (written statement) as a prerequisite to arresting and/or charging an alleged offender with the offense of domestic violence when probable cause exists.
 14. The arresting officer will sign the appropriate affidavits and complaints for all charges when the complainant is medically unable or refuses to cooperate with the investigation and there is probable cause a domestic violence offense occurred. The arresting officer will sign all felony charges arising from a domestic violence offense.
 - a. Charge as a felony if there is a prior conviction for domestic violence and the current offense does not constitute a threat.
 - 1) Confirm the conviction with the Clerk's Office before signing the felony charge.
 - b. Charge as a misdemeanor if a prior domestic violence conviction exists and the current domestic violence offense is a threat against the victim.
 - c. The arresting officer will sign a TPO request when filing domestic violence, felonious assault, or aggravated assault charges.
 - 1) Officers signing a TPO request will not appear at arraignment.
 - d. Complete a detailed Form 527A, Case and Bond Information Sheet, to assist the judge in setting bond and TPO terms.
 15. Report on a Form 301 every incident of Domestic Violence - ORC Section 2919.25.

- a. List the offense and section number followed by (F) for felony or (M) for misdemeanor based on what degree of offense the suspect is charged with.

Example: Domestic Violence 2919.25 (F) when offense constitutes a felony as a result of prior convictions for DV or other applicable ORC violations, or Domestic Violence 2919.25 (M) when offense constitutes a misdemeanor for this violation.

- b. Make one Form 301 for domestic violence if an offender commits an offense of DV and a TPO/Civil Protection Order (CPO) violation offense at the same time.
 - 1) List the facts of the TPO/CPO violation in the "Narrative" section of the Form 301.
- c. Report incidents of felonious assault and aggravated assault that occur during a domestic violence offense on a Form 301. Do not make an additional Form 301 for domestic violence.
 - 1) List the offense section number followed by (DV) for domestic violence in the "Offense" section of the Form 301.

EXAMPLE: Felonious Assault 2903.11 (DV) or Aggravated Assault 2903.12 (DV)

- d. Check "Yes" in the "Hate/Bias" block, and write "88" in the "Explain: Anti:" block on the Form 301.

- 16. Complete a Form 311DV, Cincinnati Police Department Confidential Investigative Notes - Domestic Violence, for all DV offenses, violations of TPO/CPO, and felonious assault or aggravated assault offenses arising from domestic violence, in addition to the required portions of the Form 301. Obtain the following information from the separated parties involved and available witnesses:

- a. Detailed statement of the reporting officer's observation of the victim, offender, and the scene.
- b. Listing of visible injuries to the victim and offender.
- c. Identification of any weapons found at the scene.
 - 1) Detailed description of any deadly weapons seized or materially involved in the reported incident.
- d. Actions of the victim and offender in the officer's presence.
- e. Verbal and/or written statements of the victim/complainant.
- f. Verbal and/or written statements of the offender.
- g. Explanation why no arrest was affected.

- 1) This explanation may not refer to the availability of cell space at the Hamilton County Justice Center or Hamilton County Juvenile Court Youth Center. Such availability is not to be considered in determining the arrest of the alleged offender and is prohibited pursuant to ORC Section 2935.03 (3) (f).
 - h. Detailed listing of similar prior incidents, calls for assistance, and respective dispositions.
 - i. Final disposition of warrant filing, i.e., "complaint/warrant filed by reporting officer".
17. Use a camera to photograph visible injuries as soon as possible for inclusion with the Form 311DV and submit as evidence.
 18. Provide the victim the following information:
 - a. Ohio Attorney General's "Your Rights and Responsibilities as a Crime Victim" booklet.
 - b. Crisis Service Agency phone numbers.
 - c. Telephone numbers of the Prosecutors' Offices and Police Department.
 - d. Information regarding the availability of a TPO or CPO.
 - e. Reporting officer's name, badge number, and phone number.

NOTE: Items b., c., and d. listed above are placed on the inside cover page of the Ohio Attorney General's booklet.
 19. Advise victims they must appear at the criminal arraignment on the next court day regardless of who requested the TPO.
 - a. Felony and misdemeanor charges are arraigned at 0900 hours in Room A of the Hamilton County Justice Center (HCJC).
 - b. Advise the complainant to check with the Clerk of Courts Office, Room 113, HCJC, if there is doubt about the location of the arraignment.
 20. Provide assistance to the victim and/or children in obtaining transportation to a safe location when necessary.
 - a. Use private or public transportation if possible.
 - b. Officers may provide transportation if other means are not available to the victim.
 - c. Obtain Fire Department transportation to the hospital for injuries.
 - d. Call the Alice Paul Shelter before transporting to their location.

21. If the elements of domestic violence are not present, refer the complainant to:
 - a. Hamilton County Domestic Relations Court, Room 346, 800 Broadway.
 - b. Rape Crisis and Abuse Center of Hamilton County.
 - c. Talbert House Victim Service Center.
 - d. Alice Paul House.
 - e. Police Clergy Team (available through Hamilton County Communications).

C. Case Preparation

1. Complete a Domestic Violence Jacket for each domestic violence incident. For all Felony Domestic Violence cases, complete a Form 527E, Case Investigation Jacket, and log it into the Form 527E logbook. The jacket will include:
 - a. A copy of the Form 301 and all applicable supplements.
 - b. A copy of the Form 311DV.
 - c. A copy of the Form 527, if applicable.
 - d. A copy of the TPO/CPO, if applicable.
 - e. A copy of the Protection Order Supplemental Form.
 - f. Photographs related to the incident.
 - 1) Take a minimum of one full frontal photograph of the victim and one of each reported injury and/or area affected.
 - g. Audio tape copies of any 911 calls to PCS, if applicable.
 - h. The original Form 527B for felony offenses.
 - 1) Immediately fax the Form 527B to the Hamilton County Grand Jury. Include the fax transmittal report in the Domestic Violence Jacket.
 - i. Copies of any related reports.
2. A supervisor will review each Domestic Violence Jacket for completeness and accuracy.

D. Follow-Up Investigation

1. Assign all reported cases of domestic violence, felonious assault and aggravated assault arising from a domestic violence offense, and violation of protection order or consent agreement for follow-up investigation.
 - a. Assign these offenses for a follow-up investigation even when an arrest is made at the scene by the reporting officer.
 - b. District commanders will determine the assignment of reported misdemeanor and felony domestic violence and TPO/CPO offenses.
 - c. Assign reported cases of felonious assault, aggravated assault, and abduction arising from a domestic violence offense per Procedure 12.400, Offense Reporting, Miscellaneous Reporting, for follow-up investigation by a district investigator.
 - 1) Felonious assault and aggravated assault cases arising from a domestic violence offense in which the victim is hospitalized and death appears imminent will be investigated by CIS, per Procedure 12.400.
2. The follow-up investigator will ensure the following tasks are accomplished:
 - a. Recontact the victim within 48 to 72 hours to obtain the following information:
 - 1) Any information the victim might be able to add.
 - 2) Additional photographs of injuries sustained in the incident, when applicable.
 - b. Provide the victim with the investigator's name, badge number, and business phone number.
 - c. Obtain audio tape copies of 911 calls from PCS, if applicable.
 - d. Obtain medical records of suspect, if applicable.

E. Providing Information of Reported Domestic Violence Offenses

1. Each day, district collators will forward the following information on reported domestic violence and violation of protection order offenses:
 - a. To the City Prosecutor's Office, hand carry a copy of all Forms 301 and 311DV reported misdemeanor domestic violence and misdemeanor violation of protection order offenses made with an adult suspect even if no arrest was made at time of report. All reports must be delivered before 0800 hours each court day.

- b. Fax to the Hamilton County Prosecutor's Office, Juvenile Division, a copy of all Forms 301 and 311DV reported misdemeanor domestic violence and misdemeanor violation of protection order offenses made with a juvenile suspect even if no arrest was made at time of report.
 - c. Fax to the Rape Crisis and Abuse Center of Hamilton County, a copy of all domestic violence Forms 301.
2. Each day, district collators will forward the following information on reported aggravated assault, felonious assault, felony domestic violence, and felony TPO/CPO violation offenses resulting from a domestic violence offense:
- a. To the Hamilton County Prosecutor's Office, Municipal Division, hand carry a copy of all Forms 301 and 311DV reported offenses with an adult suspect even if no arrest was made at time of report. All reports must be delivered before 0800 hours each court day.
 - b. Fax to the Hamilton County Prosecutor's Office, Juvenile Division, a copy of all Forms 301 and 311DV reported offenses with a juvenile suspect even if no arrest was made at time of report.
 - c. Fax to the Rape Crisis and Abuse Center of Hamilton County, a copy of all Forms 301 listed above.

F. Temporary/Civil Protection Orders

- 1. Reference Procedure 12.413, Enforcement of Court Orders, for information regarding investigations of violations of a Temporary/Civil Protection Order, ORC 2919.27. **Out-of-state TPO and CPO court orders are enforceable.** Follow Procedure 12.413, Section A.
- 2. TPOs may be issued in addition to any charges filed alleging domestic violence, felonious, aggravated or simple assault, menacing by stalking, or trespassing which involves a family or household member as defined in the ORC.
 - a. TPOs are only in effect until the disposition of the criminal charge, the issuance of a CPO based on the same activities, or otherwise revoked by the issuing court.
 - b. Any TPO or CPO issued by a court of record of the State of Ohio is subject to enforcement in any political jurisdiction within the State of Ohio.
 - 1) TPOs and CPOs issued by a court of record within the State of Ohio, other than Hamilton County, may be officially registered by the complainant in Hamilton County in accordance with ORC Section 3113.31.

- a) TPOs and CPOs issued by a court of record within the State of Ohio will be enforced regardless of whether or not the order was registered by the complainant in Hamilton County.
- G. Release of Medical Records of Suspect(s) Involving an Official Criminal Investigation, Criminal Action, or Proceeding
1. A police officer can submit a written statement to a health care provider that states an official criminal investigation, criminal action, or proceeding has begun regarding a specified person to obtain information regarding the presence of alcohol, drug of abuse, or both in the person's blood, breath, or urine. This requires the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, or both in the person's blood, breath, or urine at any time relevant to the criminal offense in question.
 - a. A Form 604, Cincinnati Police Department Request for Release of Records, will be filled out by the officer and presented to the health care provider to obtain this type of records.
 - 1) The officer will keep the white copy for court.
 - 2) Give the canary copy to the health care provider.
 - 3) Turn the pink and gold copy into the collator to be filed.
 2. Contact the City Prosecutor when a medical provider refuses to comply with this request.

12.413 ENFORCEMENT OF COURT ORDERS

Reference:

Procedure 12.120 - Labor Disputes and Strikes
 Procedure 12.403 - Victim of Crime Notification
 Procedure 12.412 - Domestic Violence
 Ohio Revised Code 1901.32 - Bailiffs
 Ohio Revised Code 1923.13 - Execution; form
 Ohio Revised Code 2705.031 - Contempt action for failure to pay support or
 comply with visitation order
 Ohio Revised Code 2903.213 - Motion for issuance of anti-stalking protection
 order
 Ohio Revised Code 2903.214 - Violating anti-stalking protection order
 Ohio Revised Code 2919.25 - Domestic Violence
 Ohio Revised Code 2919.26 - Motion for temporary protection order; form
 Ohio Revised Code 2919.27 - Violating protection order or consent agreement
 Ohio Revised Code 3113.31 - [Domestic Violence] Definitions; jurisdiction;
 petition; hearing; orders
 Ohio Revised Code 5122.11 - Judicial hospitalization; temporary detention order
 United States Code Title XVIII, Section 2262 - Interstate Violation of a Protection
 Order
 United States Code Title XVIII, Section 922 - Prohibition Against Disposal of
 Firearms to, or Receipt of Firearms
 by, Persons Who Have Committed
 Domestic Violence
 Standards Manual - 42.2.1, 42.2.3, 82.2.1

Purpose:

Clarify the responsibility regarding enforcement of orders issued by the Hamilton County Court of Common Pleas, the Hamilton County Municipal Court, or any other court of record.

Effectively enforce Ohio Revised Code (ORC) 2903.214 and 2919.27, and provide the complainant with the protection ordered by the court according to ORC 2903.213, 2919.26, or 3113.31.

Policy:

Domestic Violence radio runs are considered high frequency, high risk events. Officers will enforce Domestic Violence Temporary Protection Orders (TPO's), Anti-stalking TPO's and Civil Protection Orders issued by a court of record in a fair and impartial manner. If Hamilton County Municipal Court, Hamilton County Court of Common Pleas or Hamilton County Domestic Relations Court issues the protection order, confirm these orders with the Central Warrant Processing Unit. If an out of county or out of state court issues the protection order, confirm with the Clerk of Courts of the issuing jurisdiction.

If unable to confirm a protection order by above means, do not arrest for a violation of TPO or CPO.

Information:

Generally officers do not enforce orders issued by the Court of Common Pleas, Juvenile Court, or the Municipal Court. The enforcement of most court orders is the responsibility of the Hamilton County Sheriff's Office.

Exceptions to this rule include Domestic Violence Temporary Protection Orders (TPO), Anti-stalking TPOs, or Civil Protection Orders (CPO) issued by a court of record within the state of Ohio. Out-of-state TPO and CPO court orders are also enforceable. Take appropriate action for observed criminal violations not related to the court order.

Procedure:

- A. Investigation of Domestic Violence, Anti-stalking, TPO, CPO Complaints and Out-of-State TPO and CPO Court Orders:
 1. Officers shall enforce the terms of a TPO and CPO issued by any State of Ohio or out-of-state court.
 - a. Make a thorough effort to confirm the existence and terms of a TPO and CPO.
 - b. Report violations of a TPO and CPO on an Ohio Uniform Incident Report. Complete a Cincinnati Police Preliminary Domestic Violence Investigation Report (Form 311DV), if applicable.
 - 1) The appropriate title for violating a TPO or CPO is Violating Protection Order or consent agreement (ORC 2919.27).
 - c. If unable to confirm an order, do not arrest for a violation of the TPO or CPO.
 2. Query all suspects on the scene through the Regional Computer Center (RCC).
 - a. Use the QCH query to find in-progress information.
 - 1) Note the case number and confirm the existence of the TPO or CPO, if a suspect is in process or has a conviction for domestic violence or anti-stalking, or the complainant states a TPO and CPO has been signed.
 - 2) Confirm existence and terms of a criminal TPO issued by the Hamilton County Municipal Court or any other Ohio court according to ORC 2903.214 or 2919.27 by one of the following:
 - a) Call the Hamilton County Central Warrant Processing Unit to confirm the terms and existence of the order.

- b) Call the clerk of courts office of the issuing jurisdiction to confirm the existence and terms of the criminal TPO issued by an out-of-county Ohio court.
 - 1] Police Communications Section (PCS) has a copy of the State of Ohio, Clerk of Courts phone directory.
 - a] PCS will not make phone calls.
 - b] Phone numbers of out-of-county clerk offices are also available by calling the Hamilton County Clerk's Office.
 - c) Include the clerk's phone number, name of person confirming, court case number, date of issue of the order, and name of the issuing court on the Cincinnati Police Department Arrest and Investigation Report (Form 527).
- 3. Confirm a civil CPO issued by the Hamilton County Domestic Relations Court or any other Ohio Domestic Relations Court, according to ORC 3113.31 (Domestic Violence), by one of the following:
 - a. Call the Hamilton County Central Warrant Processing Unit to confirm the terms and existence of the order.
 - b. Call the clerk of courts office in the issuing jurisdiction for an Ohio out-of-county court order. Confirm the existence and terms of the CPO.
- 4. When probable cause exists, immediately arrest defendants in violation of a TPO or CPO.
 - a. The officer will sign the criminal complaint.
 - 1) The charge for violating the terms of a TPO or CPO is "Violating Protection Order or consent agreement," ORC 2919.27.
 - a) The defendant must have acted recklessly in disregarding the order to constitute a violation.
 - 2) A first offense for this charge is a first-degree misdemeanor. Refer to ORC 2919.27 (subsection B) for offenders with previous convictions and other stipulations which upgrade the penalty.
 - a) Confirm prior convictions with the Clerk's Office before charging as a first degree misdemeanor or fifth degree felony.

5. Sign a warrant for ORC 2919.27 if the suspect leaves the scene before the police arrive, probable cause exists the suspect violated a TPO, CPO, or TRO, and the suspect cannot be immediately located.
 6. Out-of-state TPO and CPO court orders are enforceable.
 - a. Follow above procedure for in state TPO and CPO violations.
- B. Injunctions/Restraining Orders:
1. Generally, officers have no legal duty to enforce civil injunctions except for those listed in Section A of this procedure.
 - a. Parties to these disputes should address violations to the court issuing the injunction or restraining order.
 - b. If the injunction/restraining order is due to a labor dispute/strike, refer to Procedure 12.120.
 2. Officers should read injunctions/restraining orders carefully and take appropriate action for matters clearly criminal in nature.
 - a. Contact the City Solicitor's Office if you are unsure if a criminal offense is involved.
 - 1) If other than normal business hours, PCS will recall a solicitor.
- C. Temporary Detention Orders - Probate Court, Issued According to ORC 5122.11:
1. A court can issue an order directing a police officer to take a mentally ill person to a hospital. The order may designate a specific hospital.
 - a. Use University Hospital when the order does not designate another hospital.
 2. Officers have the legal obligation and authority to enforce the terms of these orders.
- D. Eviction Orders Issued According to ORC 1923.13:
1. Officers have no authority to enforce eviction orders.
 - a. The sheriff, bailiff, or constable of the court serves eviction orders.
 - b. The terms of a TPO or CPO may include an order for the defendant to vacate the household. This is the exception to the above rule. Officers will enforce these terms of a TPO or CPO order. Officers will not remove property from any household.

- c. If the defendant refuses to leave, immediately arrest for violation of a TPO or CPO, ORC Section 2919.27. Sign a complaint for the charge.
 2. If a bailiff calls officers to the scene of an eviction, provide necessary assistance.
 - a. Officers are ex officio bailiffs of the Hamilton County Municipal Court according to ORC 1901.32.
 - b. A supervisor will respond to the scene when a bailiff's request is to provide more than personal security, or is unreasonable.
 - c. Document the incident on a Form 17 if there are questions regarding the frequency or reasonableness of a bailiff's request.
- E. Emergency Juvenile Court Orders
 1. These orders are enforced by the Hamilton County Sheriff's Office. If requested, officers will respond and provide a uniform police presence during the enforcement of the order.
 - a. When an officer is present he must obtain the name of the Deputy requesting a Cincinnati officer and enter it into the MDT disposition field.
- F. A Body Attachment - Issued by the Hamilton County Domestic Relations Court According to ORC 2705.031:
 1. A body attachment is the equivalent of a capias.
 - a. Officers have the authority to serve only criminal contempt orders which are in the form of a body attachment.
 - 1) Body attachments are in the computer system and available by running a QHW.
 - 2) Call the Hamilton County Central Warrant Processing Unit to confirm the existence of the body attachment.
 - 3) Physically arrest and transport to the Hamilton County Criminal Justice Center an individual with a confirmed body attachment. Do not cite on body attachments.

12.415 REPORTING AND CLASSIFYING ASSAULT OFFENSES

Reference:

Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
 Procedure 12.430 - Endangering Children Offenses
 Ohio Revised Code 2903.08 Aggravated Vehicular Assault; Vehicular Assault
 Ohio Revised Code 2903.11 Felonious Assault
 Ohio Revised Code 2903.12 Aggravated Assault
 Ohio Revised Code 2903.13 Assault
 Ohio Revised Code 2903.14 Negligent Assault
 Ohio Revised Code 2935.01 Definitions
 Ohio Uniform Incident Report Training Manual

Definition:

Incident reports are: Form 301, Incident Report; Form 301VVS, Victim/Vehicle Supplement; Form 301PS, Property Supplement; Form 301AS, Arrest Supplement; Form 303, Motor Vehicle Incident Report; and Form 304, Missing Report.

Purpose:

Guide and instruct police personnel in the investigation and reporting of assault offenses.

Provide data necessary for conversion of Ohio Revised Code (ORC) Statutory Reporting to the 301, Incident Report.

Policy:

Officers will conduct a preliminary investigation when called to the scene of an incident. They will record all facts and actions fairly and impartially. They will provide the requested police service and complete an accurate and thorough report. Reports for serious offenses will be submitted immediately. All other offense reports will be submitted before the completion of their shift.

Procedure:

A. Reporting Assault Offenses:

1. Complete a Form 301, Incident Report, and any related supplement for each assault incident.
 - a. Title all reports with the proper State Statute: Felonious Assault, Aggravated Assault, Negligent Assault, or Assault, followed by the ORC section number.
 - 1) Traffic Section personnel are responsible for the investigation and the related 301, Incident Report, of all serious motor vehicle incidents where an offender could be charged with Aggravated Vehicular Assault, or Vehicular Assault. (See Procedure 12.230)

- 2) If the victim of the assault is under 18 years of age or a physically or mentally handicapped person under 21 years of age, caution must be used as it may be an Endangering Children Offense, and should not be titled as an Assault. (See Procedure 12.430)
 - 3) Details of the offense, including seriousness of the injury and intent of the assailant, will be described in the narrative section and victim section on the 301, Incident Report.
 - a) List injuries as accurately as possible e.g., 6" cut on neck, broken left leg; black eye; broken nose.
 - b) Identify and describe the weapon used in the assault e.g., kitchen knife with 9" blade, 2' long piece of 2" x 4" board, pocketknife with 2" blade, .32 caliber revolver, foot.
2. When a police officer is assaulted, the 301, Incident Report, will be titled using the proper state statute with the notation "Police Officer" in parenthesis.
 - a. For reporting purposes, a police officer has the same meaning as "Peace Officer" as defined in section 2935.01 of the Ohio Revised Code. A police officer will include a sworn law enforcement officer of the Federal Government, a state, or one of its political subdivisions, who is acting in his official capacity whether on or off duty.
 - b. All 301, Incident Reports for assaults on police officers will include, in the narrative section the following information:
 - 1) The type of assignment the assaulted police officer was engaged in e.g., uniform, detective, special assignment.
 - 2) The actual activity the officer was engaged in when the assault occurred e.g., traffic pursuit and stop, responding to disturbance, burglary in progress, ambush - no warning, investigating persons under suspicious circumstances.
 - 3) The number of officers present when the assault occurred e.g., assigned to two-officer car, one-officer car assisting another car, alone at the time of the assault.
 3. The arresting officer will include the offense number (if available) and complainant's name on all arrest records.
 4. The 301, Incident Report, voids the need for a Minor Accident/Aided Case/Mental Health Response Report (Form 316) when the aid is given at the time of reporting. However, the following information must be included in the victim section of the 301, Incident Report, by fully completing the appropriate blocks.
 - a. If there is a possibility of death resulting from an assault, the Homicide Unit will be notified as soon as possible.

12.417 HATE CRIMES: RESPONSE TO RACIAL, RELIGIOUS, ETHNIC/NATIONAL ORIGIN, OR SEXUAL ORIENTATION BIAS INCIDENTS

References:

Procedure 12.160 - Rumors/Potential Civil Disturbances
 Procedure 12.170 - Civil Disturbance Operation Procedure
 Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
 Procedure 18.120 - Release of Information and Public Records
 Cincinnati Municipal Code (CMC) 908-3 Criminal Intimidation
 Public Law 101-275: Hate Crime Statistics Act
 Ohio Revised Code (ORC) 2927.12 (Ethnic Intimidation)
 Ohio Revised Code (ORC) 2929.12 (B)(8)(Seriousness and recidivism factors)

Purpose:

To accomplish our Mission and demonstrate the commitment we have in valuing human life and dignity by taking a proactive role in promoting peace and harmony within the community and ensuring that the rights of all individuals are protected.

To comply with Public Law 101-275: Hate Crime Statistics Act requirements, the Ohio Revised Code, and State Sentencing guidelines.

To comply with the FBI's National Incident Based Reporting System's (NIBRS) requirements for submitting incident-based crime reporting data.

Definition:

A **Hate Crime** is a committed, threatened, or attempted criminal act by any person(s) against a person or property of another individual or group that may in any way constitute an expression of racial, religious, ethnic/national origin, sexual orientation, or other forms of bias.

Motivated by prejudices, hate crimes may include but are not limited to: threatening communications, physical assaults, vandalism, cross burnings, destruction of religious symbols, and firebombing.

The Ohio Revised Code identifies and defines the following **protected classes** under the Ethnic Intimidation statute: a person or group of persons based upon their race, color, religion, or national origin.

The Cincinnati Municipal Code identifies and defines the following **protected classes** under the Criminal Intimidation section: a person or group of persons based upon the actual or perceived race, color, religion, national origin, gender, physical or mental disability, sexual orientation or age (60 and above).

Sexual orientation – means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or transgendered status, by orientation or practice.

Transgendered – means the condition or state wherein a person manifests gender characteristics, behavior and/or self-identification typical of or commonly associated with persons of another gender, and which may be characterized by assumption of the clothes, hairstyles, cosmetic usage or other appearance qualities commonly associated with another gender and/or by the surgical or medical modification of primary sexual organs in order to assume the gender role of another sex.

Information:

Single criminal acts such as aggravated menacing, menacing, criminal damaging, criminal mischief, or telecommunications harassment may initially appear as less serious when viewed in the larger context of all crime. However, what might begin as a minor offense may escalate into a more serious crime, particularly if the crime was motivated by bias. Such criminal acts may generate fear and concern among victims and the broader public, and have the potential to escalate, possibly causing counter-violence. Therefore, if an incident appears to be one of racial, religious, ethnic/national origin, sexual orientation, or other forms of bias, it should be investigated as such.

Verification can be made during the investigation. Reports should be reviewed for *patterns* of incidents occurring at either the same location or directed at a particular individual or group. The motivation behind the act determines whether an incident is bias related. Listed below are several reminders to consider in determining if probable cause exists to believe that an incident was motivated entirely or in part by animosity toward the victim because of his/her race, religion, ethnic/national origin or sexual orientation:

- Were words, symbols, or acts which are or may be offensive to an identifiable group used by the perpetrator or are they present as evidence?
- Are the victim and the suspected perpetrator members of different racial, religious or ethnic groups?
- Does a meaningful portion of the community perceive and respond to the situation as a bias-related incident?
- Is there an ongoing neighborhood problem that may have initiated or contributed to the act (e.g., could the act be retribution or some conflict between neighbors or with area juveniles)?
- Does the perpetrator have a true understanding of the impact of the crime/incident on the victim or other group members? Are the perpetrators juveniles?
- Does the crime/incident indicate possible involvement by an organized hate group?

Policy:

All Hate Crimes will be treated seriously and the investigations of these crimes will be given priority. The proper investigation of racial, religious, ethnic/national origin, sexual orientation, or other bias crime incidents, is the responsibility of all Cincinnati Police officers. The Department will use every necessary resource to rapidly and decisively identify the perpetrators, arrest them and bring them before the court.

The actions taken by the Police Department in dealing with incidents of racial, religious, ethnic/national origin, sexual orientation, or other acts of bias, are visible signs of its concern and commitment to the community. Special emphasis will be placed on victim assistance and community cooperation in order to reduce victim/community trauma or fear.

Officers must demonstrate sensitivity toward the feelings, needs and concerns that may be present in the community as a result of incidents of this nature.

Procedure:

- A. When an on-scene officer makes a determination that an incident is a criminal act of racial, religious, ethnic/national origin, sexual orientation, or other form of bias, the officer will:
 1. Render necessary assistance to the victim(s) and if necessary request the fire department in the case of fire or injury.
 2. Conduct a preliminary investigation.
 3. Identify and arrest the perpetrator(s) if possible.
 - a. Officer shall use the appropriate ORC charge, unless a class is encountered that is only protected under CMC.
 4. Protect and preserve the crime scene and evidence.
 5. Notify a supervisor.
 6. Prepare a detailed offense report.
 7. Fax a copy of the offense report(s) to the Patrol Bureau, Intelligence Unit, Public Information Office (PIO), and the Cincinnati Human Relations Commission (CHRC).
- B. Supervisor will:
 1. If necessary, respond immediately.
 2. Determine the seriousness of the incident and make appropriate notifications. For serious incidents (serious physical harm or a significant event) the supervisor shall:
 - a. Notify the Officer in Charge (OIC).

- b. Notify Police Communications Section (PCS). PCS will notify the appropriate personnel listed on the Situational Occurrences Notification List (see list below in Section C).
 3. Arrange for immediate increase of patrols throughout the affected area. If necessary, have "standby" units from other districts respond to the scene.
 4. Contact the victim(s) as soon as possible and assure them that the investigation will be actively pursued.
 5. Complete an After Action Report detailing events and actions by Department.
 6. Ensure a copy of the offense report(s) is faxed to the Patrol Bureau, the Intelligence Unit, PIO, and CHRC.
 - a. CHRC will be the liaison with all victim/advocacy/service groups.
- C. Police Communications Section (PCS)
 1. After being notified by an on scene supervisor of a serious Hate Crime incident (serious physical harm or a significant event), PCS shall, using the Situational Occurrences Notification List, notify the following:
 - a. District OIC
 - b. Night Chief (if applicable)
 - c. Duty Officer
 - d. District Commander
 - e. Intelligence Unit
 - f. Public Information Office (PIO)
 - g. CHRC Office
 - h. Federal Bureau of Investigations (FBI)
 - i. COP Coordinator
- D. Cincinnati Human Relations Commission (CHRC)
 1. Due to the seriousness, complexity and potential emotional stress involved for the victim(s) and community targeted with a Hate Crime, assistance from agencies and persons other than the Police and Fire Departments may be required. Therefore, CHRC will act as an expert liaison between the community leaders and outside agencies willing to respond to provide needed service. Upon request CHRC shall:
 - a. Respond to the scene.

- b. Meet with the OIC who will advise of the crimes that have occurred, the steps taken by the police and the current tension level within the targeted neighborhood or other areas of the city.
- c. As outlined in the CHRC internal procedure, the Executive Director of the CHRC will coordinate with the CHRC field representatives, who will respond as requested and contact the incident OIC.
- d. The ranking command officer will determine what actions the CHRC representative may take and obtain an estimated cost for their services.
- e. The OIC will evaluate and determine the effectiveness of the actions of the CHRC field representatives in calming the situation.
 - 1) If the ranking command officer believes CHRC field representatives are no longer effective, he will notify them to cease their activity and withdraw.
 - 2) The ranking command officer should base this determination on such criteria as some overt action on the part of the crowd, an increase in the size of the crowd, etc.
- f. The incident OIC will request CHRC to submit a report of their observations and assessment of the incident to the Intelligence Unit Commander.

E. Media

- 1. Officers will refer the media to the ranking on-scene supervisor.
 - a. The OIC will ensure PIO is notified and informed of the information released and progress of the investigation.
- 2. After a thorough field investigation, PIO will provide factual information to the media.
- 3. PIO will respond to the scene of all serious Hate Crime incident(s) and coordinate the release of information to the media.

F. Collection of Data and Reporting

- 1. All Hate Crime Offenses are identified through the National Incident Based Reporting System.
- 2. All Hate Crime statistics will be reported in the Monthly Executive Information Summary.
 - a. Patrol Bureau shall provide updated Hate Crime information and statistics to community councils and groups.

- b. Police Intelligence Unit shall analyze Hate Crime trends and provide quarterly reports to the Police Chief.

12.420 REPORTING VEHICLE THEFTS AND RELATED OFFENSES

Reference:

Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.400 - Offense Reporting, Miscellaneous Reporting
 National Motor Vehicle Titling Information System (NMVTIS)

Definition:

For report processing and computer entry purposes only, a vehicle is any motor driven conveyance designed to carry its operator. In addition to ordinary motor vehicles, this definition includes most motorized construction and farm equipment (backhoes, harvesters, etc.) and the following:

- Aircraft
- All-terrain vehicles
- Automobiles
- Bulldozers
- Buses
- Campers with wheels
- Cranes (motorized and self-propelled)
- Golf carts (motorized)
- House vehicles with wheels
- Minibikes/Mopeds (bearing serial numbers)
- Motor scooters (w/o pedals for human power)
- Motorcycles
- Motorized boats (bearing serial numbers)
- Riding lawn mowers (bearing serial numbers)
- Snowmobiles
- Trailers
- Trucks

Report any motor driven conveyance not listed, or that does not have a serial number, on a Form 301, Incident Report.

Purpose:

To ensure proper reporting and processing of all vehicle theft/attempt theft, license plate(s) theft/attempt theft, misplaced vehicle, and lost license plate(s) reports.

Policy:

Officers will provide the community with courteous police service and prompt investigation. Officers will thoroughly complete all reports, documenting all facts and actions that occur during an incident. Officers will submit all reports prior to the completion of their shift and submit serious offense reports immediately.

Information:

The National Motor Vehicle Titling Information System (NMVTIS) is a disclosure and information system that links states together to prevent the titling of stolen motor vehicles and to disclose any brands associated with a particular motor vehicle. When a customer enters a county title office with documents to apply for an Ohio title, the vehicle identification number (VIN) is automatically checked against the active National Crime Information Center (NCIC) theft file. If the VIN sends back an active theft hit the title office will not be able to issue a title to the customer. The county title office will contact the Ohio Bureau of Motor Vehicles (BMV) Title Section and the VIN will be queried through LEADS and the results will be given to the title clerk. The county title clerk will inform the customer that there is a "NMVTIS ADMINISTRATIVE HOLD" on the records and they should contact their local law enforcement agency as a follow up. The customer will also be told that they will have to take the paper work to the law enforcement agency.

Procedure:**A. Initial Investigation**

1. Department personnel receiving a report of a vehicle or license plate(s) theft will first attempt to determine the time and place of occurrence.
2. Police Communications Section (PCS) will broadcast an "unconfirmed" vehicle or license plate(s) theft if:
 - a. The officer believes the theft just occurred, or the suspect or vehicle might still be in the vicinity and:
 - b. The officer has the necessary preliminary information (license plate number, type of vehicle, etc.).
3. The reporting officer will switch to Talk Group 16 and give the PCS Teletype Desk the license plate information, type of vehicle, and VIN.
 - a. PCS will check the repossessed car file and tow sheet and inform the reporting officer of pertinent information. Cancel the broadcast immediately if it is not a stolen vehicle.
4. The officer will confirm vehicle/license plate(s) theft by determining ownership:
 - a. Request to see the vehicle title, vehicle registration, or both.
 - b. If the complainant cannot prove ownership by producing the above document(s), the reporting officer will:
 - 1) Initiate a search of the LEADS Vehicle/License Plate Registration File by Query Registration (QR).

- 2) Contact the appropriate local deputy registrar for recent vehicle registrations. New registrations may not be in the LEADS Vehicle Registration File. Phone numbers for registrars are in the telephone directory yellow pages under "License Service".
 - 3) Ask the Teletype Desk to have the CIN1 operator send a message to the BMV in Columbus, Ohio, for a manual search. Do this if the reporting person gives a license plate number, but cannot verify ownership.
 - 4) Have the owner contact their insurance company for VIN and license plate information. Verify information by checking the LEADS files.
5. If successful in confirming ownership, notify PCS, which will broadcast and make the computer entry.
 6. If the reporting officer cannot confirm ownership of the reported vehicle/license plate(s) after following the steps listed above, make an "Unconfirmed Vehicle/License Plate(s) Theft" on a Form 303, Motor Vehicle Incident Report, and inform the reporting person.
 - a. PCS will teletype and broadcast the report and carry it in an active status for 72 hours. Do not enter the theft information into computer files.
 - b. The reporting officer will advise the complainant to exhaust all efforts to locate a document (title, registration, VIN, or license plate information) to prove ownership. Instruct the complainant to contact the police immediately when they locate proof of ownership.
 - c. The reporting officer will forward all copies of the Form 303 to the collator of the district carrying the report. The collator will handle proper assignment and make reports available for roll call dissemination.
 - 1) District collators will not assign offense numbers to "Unconfirmed Vehicle/License Plate(s) Theft" reports.
 - d. It is the responsibility of the investigative supervisor of the district carrying the report to have an investigator contact the complainant. The investigator's follow-up investigation will determine the status of the report.
 - e. At the end of the 72-hour period, PCS will cancel the report and teletype unless instructions are received from the investigating district to upgrade the report and teletype message to a "Stolen Vehicle/License Plate(s)" report.

7. Report attempts to commit a violation of any ORC statute that requires a Form 303 as follows:
 - a. Enter the word "Attempt" before the offense title, except in cases of Aggravated Robbery and Robbery.
 - b. Use the same ORC section number as if it were an actual, completed offense.
 - c. For reporting purposes only, never use the ORC Attempt Section 2923.02 on a Form 303.

B. Vehicles

1. Reporting vehicle theft/attempt theft
 - a. Prepare a Form 303. After review by a supervisor, forward it to the district where the offense occurred.
 - 1) Title the offense "Vehicle Theft", ORC Section 2913.02V.
 - 2) Make corrections or additions to any Form 303 on a subsequent Form 303.
 - b. Form 301PS, Property Supplement
 - 1) All property that is readily identifiable with a serial or owner applied number will be reported on a Form 301PS.
 - 2) Use a Form 301PS when the combined value is more than \$500.00.
 - 3) Use a Form 301PS when corrections or additions are needed concerning property listed on a previously completed Form 301PS.
 - 4) Handle property contained in, but not part of, a stolen vehicle as follows:
 - a) The spare tire, jack, lug wrench, etc., are considered parts of the vehicle and do not require a Form 301PS.
 - 1] List these items and other unidentifiable property in the "Narrative" section of the Form 303.
 - c. List in detail any damage to the vehicle or missing vehicle parts in the "Narrative" section of the Form 303.
 - d. Vehicle Value
 - 1) The district collator will determine the vehicle value and list it on the Form 303.

- a) Use the Internet at the following sites: the Kelly Blue Book home page at www.kbb.com or the National Auto Dealers Association guidebook home page at www.nadaguides.com to determine vehicle value.
- e. Vehicles stolen as part of robbery, burglary or breaking and entering type offenses:
 - 1) Complete a Form 303.
 - 2) The offense title on the Form 303 is the robbery, burglary or breaking and entering type offense preceded by the word "vehicle". Examples are "Vehicle Aggravated Robbery", "Vehicle Aggravated Burglary", "Vehicle Breaking and Entering", etc.
 - a) The ORC section number for the Form 303 will be the ORC defined offense (i.e., "Vehicle Aggravated Robbery" 2911.02V, "Vehicle Aggravated Burglary" 2911.11V, "Vehicle Breaking and Entering" 2911.13V).
 - 3) The Form 303, completed in these instances, will list all offenses occurring in the incident.
2. Recovery
 - a. Query vehicles through RCIC to obtain stolen vehicle information.
 - b. Identify the agency that originally reported the vehicle as stolen.
 - 1) For out-of-town recoveries, request CIN1 issue a "Hit Request Confirmation" with the originating agency prior to requesting a Signal 38.
 - 2) All initial contact with the originating agencies (ORI) must go through the CIN1 operator. Bypassing the CIN1 operator and contacting the ORI directly causes confusion in entered vehicle status.
 - c. Stolen vehicle recoveries not released to the owner at the scene of the recovery will be impounded. Impounded vehicle recoveries require a Form 369, Towing Report.
 - 1) The yellow copy of Form 369 will be given to the dispatched private wrecker operator.
 - 2) Fax the Form 369 to the Impound Unit as soon as possible. The original white copy of the Form 369 will be mailed to the Impound Unit using interdepartmental mail.

- 3) The pink copy of the Form 369 will be retained at the district.
 - a) Forward a copy of the Form 369 to Records Section.
 - 4) Note on the Form 369 if the owner was notified of the recovery.
- d. Prepare a Form 303 and telephone the information to PCS Teletype Desk at 263-8125.
- 1) The report title will be "Vehicle Recovery". If the theft occurred in another jurisdiction, title the report "OT Vehicle Recovery".
 - a) If vehicle parts or contents are missing, title the report "Partial Vehicle Recovery" or "Partial OT Vehicle Recovery".
 - b) Use 2913.02VR on the Form 303.
 - 2) Enter the following information in the "Narrative" section of the Form 303:
 - a) List and identify the property recovered in the vehicle and indicate the disposition of such property.
 - b) List any damage to the vehicle.
 - c) List any stripped or missing vehicle parts at the time of recovery. The district collator will determine the value of the articles.
 - 3) When calling the PCS Teletype Desk to report vehicle recovery information, include the following:
 - a) Name of person/officer who notified the owner.
 - b) Time and date of the notification.
 - 4) When not able to make notification, indicate this in the "Narrative" section of the Form 303. List the date and the time you requested notification, the police agency or district, and the name of the officer contacted.
- e. Notifying the owner of recovered stolen vehicle or license plate(s)
- 1) When recovering a vehicle or license plate(s) stolen in Cincinnati, it is the responsibility of the recovering officer to notify the owner or initiate the notification process. Make the notification in one of the following ways:

- a) By telephone. The officer may contact the police agency where the owner lives for assistance if necessary.
 - b) By personal visit, if the owner lives or works in the recovering district.
 - c) If the owner lives or works in another district, the recovering district will notify the residence or employing district to make the notification.
 - 1] If there is no immediate contact with the owner, the district involved will make a blotter entry to ensure follow-up.
- 2) Upon receipt of a teletype regarding an out-of-town recovery, district desk personnel will promptly notify the auto theft investigator or Investigative Unit supervisor. If the recovery is made after normal working hours the desk officer will put the recovery information in the blotter.
- a) The auto theft investigator or Investigative Unit supervisor will ensure the owner is notified in a timely manner (no longer than 48 hours).
 - b) Investigative Unit supervisors will ensure the teletype board and blotter are reviewed on a daily basis to verify that all notifications are complete. This review will generally be conducted by the auto theft investigator. If the auto theft investigator is unable, another investigator will conduct this review.
- 3) If the owner does not live in Cincinnati or within the local telephone rate area, the officer will request the CIN1 operator send a teletype message to the proper police agency requesting them to notify the owner. The CIN1 operator will request notification confirmation (via return teletype message) from the agency.
- a) The CIN1 operator will immediately make a computer entry "Located Vehicle" (LV) into the LEADS and NCIC Wanted Vehicle File.
 - b) Officers will not bypass PCS and make initial contact with the ORI themselves. This causes confusion in entered vehicle status. PCS will make any required initial notification of other agencies.
 - c) The investigative supervisor from the district of the theft will ensure the owner of the vehicle is notified, whether the vehicle is recovered out-of-town or within Cincinnati.

- 4) If the vehicle is not drivable at the time of recovery:
 - a) Inform the owner the vehicle is not drivable. This allows the owner to obtain the services of a private wrecker.
 - 1] Provide the above information to the PCS Teletype Desk for inclusion in out-of-town police agency notifies, if applicable.
- f. It is the duty of an officer from the recovering district to safeguard the vehicle and all property inside until the vehicle is either released to the owner or impounded.
- g. Try to release the vehicle to the owner at the scene if not needed for other reasons and if it can be done within a reasonable time.
 - 1) If the owner or agent is unable to be contacted, or refuses to claim the vehicle at the scene, the vehicle will be towed, through a Signal 38 request, to a designated private storage facility for storage and recovery by the owner or agent.
 - a) Investigations concerning recoveries will be done at the private storage facilities within 24 hours of the recovery.
 - b) Auto recoveries will no longer be accepted at the Impound Unit or taken to police districts for investigation.
 - 2) Indicate in the "Narrative" section of the Form 303 whether the recovered vehicle was released to the owner or agent at the scene, or towed.
- h. Routing of the Form 303 on Vehicle Theft/Attempt Theft, Vehicle Defrauding a Livery or Hostelry, Vehicle Recovery, License Plate(s) Theft, and License Plate(s) Recovery.
 - 1) Original to Records Unit (following coding and computer entry).
 - 2) Copy for district files.
 - 3) Copy for district investigative unit.
 - 4) Copy to Criminal Investigation Section Auto Theft Coordinator.
 - 5) Copy to the district where the theft occurred if a recovery.

3. National Motor Vehicle Titling Information System hits
 - a. When a vehicle owner responds to a district at the direction of the BMV, the desk officer will request an officer respond to the district to conduct the investigation.
 - b. The investigating officer will query the vehicle to determine the status.
 - c. If the query indicates the vehicle is stolen, the officer will not allow the owner to leave with the vehicle.
 - 1) The officer will do a hit confirmation.
 - 2) The officer will make an attempt to contact an auto theft investigator to verify the status of the vehicle. If the vehicle is an out-of-town theft, the officer will treat it as any other out-of-town vehicle theft recovery.
 - a) If no auto theft investigator is available, the officer will conduct a preliminary investigation and tow the vehicle to the Impound Unit for follow up.
 - 3) If the query indicates there is no active theft entry, the officer will obtain the owner's name and contact information and allow the owner to leave with the vehicle.
 - a) The officer will make a blotter entry for the auto theft investigator to contact the vehicle owner. The auto theft investigator will follow up with the BMV to determine the status of the vehicle or to assist in clearing the record from the BMV files.

C. Unauthorized Use of a Motor Vehicle

1. Title the offense "Unauthorized Use of a Motor Vehicle (UUMV)" ORC Section 2913.03V.
 - a. PCS will not broadcast or enter unauthorized use of motor vehicle reports into the computer system unless there is a warrant number or authorization from a supervisor.
2. When sufficient information exists on a suspect but the complainant will not prosecute, the following guidelines will apply:
 - a. Complete a Form 303 and close it "Prosecution Declined".
 - 1) Do not issue a warrant referral.
 - 2) Do not telephone the report to PCS.

3. When sufficient information exists on a suspect and the complainant will prosecute, the following guidelines will apply:
 - a. Complete a Form 303.
 - 1) Officers will issue the complainant a Form 655R, Cincinnati Police Department Citizen Referral, for UUMV and advise the complainant to contact the district desk officer with the warrant number.
 - 2) Provide the desk officer with a copy of the Form 303. If the complainant reports the warrant information, the desk officer will call the report in to the PCS Teletype Desk for immediate entry.
 - 3) If the offense occurred in a district other than the reporting district, the officer will make the offense report and:
 - a) Mail original report and fax a copy to the district of occurrence.
 - b) Make a copy of the report for the reporting district's desk officer.
 - c) Instruct the complainant to contact the district responsible for the investigation with the warrant information.
 - b. As soon as practical after 72 hours following the report, a district investigator will determine if the complainant has:
 - 1) Signed a warrant, if issued a UUMV warrant referral.
 - a) If no warrant was signed, close the case "Victim Refused to Cooperate".
 - b) Upon receiving information that an UUMV warrant has been signed, the officer will confirm the warrant and telephone the report and warrant number to PCS. Mark the Form 303 indicating this was completed.
4. When sufficient information does not exist on a suspect but the complainant will prosecute, the following guidelines will apply:
 - a. Complete a Form 303.
 - 1) In the "Narrative" section, clearly state the complainant will prosecute.
 - 2) Do not telephone the report in to the PCS Teletype Desk if there is no warrant or supervisor's approval.

- a) The reporting officer may obtain a supervisor's approval to call the report into the PCS Teletype Desk. PCS will not issue a teletype number without a supervisor's approval.
 - 3) Forward the report to the district collator who assigns an offense number and forwards it to the district investigative unit.
 - b. The investigator will attempt to obtain sufficient information for a warrant.
 - 1) If sufficient information develops for the complainant to sign a warrant, the investigator will issue a Citizen Referral.
 - 2) If the complainant will not sign a warrant, the investigator will close the case "Victim Refused to Cooperate".
 - a) If no warrant is signed within 72 hours, the investigator will close the case "Victim Refused to Cooperate".
 - 1] Do not telephone the report in to PCS.
 - b) If the complainant or officer signs the warrant, telephone the report and warrant number in to the PCS Teletype Desk.
 - 3) If insufficient information exists to sign a warrant, the district investigative supervisor will determine whether or not to make a computer entry.
5. When sufficient information does not exist on a suspect and the complainant will not prosecute, the following guidelines will apply:
 - a) Complete a Form 303 and a Form 311, Incident Closure Report, and close it "Victim Refused to Cooperate".
 - b) Do not telephone the report into PCS.
- D. Defrauding a Livery or Hostelry
- 1. If a hired or rented vehicle is not returned to the owner, the reporting officer will issue a Citizen Referral to the owner of the vehicle.
 - a. A Form 303 will be completed only after the complainant signs a warrant.
 - 1) Title the offense "Vehicle Defrauding a Livery or Hostelry", ORC Section 2913.41V.
 - 2) Call the PCS Teletype Desk with the information for entry.

2. Vehicle Defrauding a Livery or Hostelry Recovery.
 - a. Title the recovery "Vehicle Defrauding a Livery or Hostelry Recovery". If the defrauding occurred in another jurisdiction, add "OT" as a prefix to the title.
 3. When the property involved is not a vehicle, or when violations of ORC Section 2913.41 occur with the vehicle returned to the owner, refer to Procedure 12.400, Section B.
- E. Misplaced Vehicles
1. Complete a Form 303 titled "Misplaced Vehicle" and forward all copies to the affected district. Do not use an ORC section number.
 - a. Notify PCS who will broadcast and carry the report in an active status for 72 hours.
 - b. The district investigative supervisor is responsible for assigning the follow-up investigation to determine the status of the misplaced vehicle.
 - c. Make one copy for dissemination at roll call.
 2. When locating a misplaced vehicle within 72 hours, the recovering officer will notify PCS to cancel the teletype.
- F. License Plates
1. Reporting License Plate(s) Theft/Attempt Theft
 - a. The reporting officer will prepare a Form 303.
 - 1) If only one license plate is missing and evidence of theft is present, prepare a Form 303. Note whether the theft was of the front or rear plate.
 - 2) Report stolen or attempt stolen expired license plate(s) on a Form 303.
 - b. The district carrying the report assigns the offense number.
 - c. The offense titles are "License Plate(s) Theft" or "Attempt License Plate(s) Theft", ORC Section 2913.02L.
 - d. Telephone all stolen valid or expired license plate(s) to the PCS Teletype Desk for entry into the computer files.
 - e. Report theft/attempt theft of license plate validation stickers on a Form 301 using ORC Section 2913.02.
 - 1) The value is the original cost of the sticker.

- 2) Include the sticker color and serial number in the description for computer entry into the Property File.
- 3) Query all suspected stolen stickers as "Property".
- 4) The offense title will be "License Plate Validation Sticker Theft" or "Attempt License Plate Validation Sticker Theft", ORC Section 2913.02.
- 5) Upon recovery of a stolen sticker, the officer will prepare a Form 311. Note the recovery of the property and direct the data entry operator to delete the sticker from the computer Property File. Do not make a "Recovery" offense report.

2. Reporting Stolen License Plate(s) Recovery

- a. Upon recovery of stolen license plate(s), prepare a Form 303 and telephone the information to the PCS Teletype Desk.
 - 1) If one license plate is still missing, the recovery is partial. Explain in the "Narrative" section of the Form 303 which plate (front or rear) is still missing.
 - 2) The report title is "License Plate(s) Recovery." Title reports of license plates stolen in another jurisdiction "OT License Plate(s) Recovery." Both instances use ORC Section 2913.02LR.
 - 3) When reporting license plate(s) recovery information to PCS, include the name of the person/officer who notified the owner and the time and date of the notification.
 - 4) When unable to make owner notification, indicate this in the "Narrative" section of the Form 303. List the date and time notification was requested, the police agency or district, and the name of the officer contacted.
 - 5) All initial contacts with the ORI go through the CIN1 operator. Bypassing PCS and contacting the ORI directly causes confusion in entered license plate status.
- b. On a vehicle with recovered stolen plate(s), and a vehicle not reported stolen which is to be impounded, complete a Form 369, Towing Report.
 - 1) Follow Procedure 12.270 for this type of impoundment.
- c. The recovering officer will remove stolen license plate(s) from the vehicle at the time of recovery unless the vehicle is to be impounded for investigation. In this instance, the plate(s) will remain with the vehicle, and will be removed and processed by the investigating officer.

NOTE: Wrecker drivers are required to have tools to remove the license plates from a vehicle.

- 1) Complete a Form 330, Property Receipt, and send the form and plates to the Court Property Unit.
 - a) Note in the "Narrative" section of the Form 303 that the license plate(s) were sent to Court Property Unit.
 - b) Advise the owner the license plate(s) can be retrieved at the Court Property Unit.
3. Reporting Lost License Plate(s)
- a. The reporting officer will conduct a preliminary investigation to determine if the plate(s) is lost or stolen.
 - 1) Absence of both plates would be a strong indication of theft, unless other circumstances are present.
 - 2) If the license plate(s) is lost within the City of Cincinnati, initiate a QR to verify ownership.
 - 3) Contact the Court Property Unit to determine if someone turned in the license plate(s). Contact the district of occurrence if known.
 - b. Prepare a Form 303 titled "Property Lost" and include the following:
 - 1) Name, address, and telephone number of the owner.
 - 2) Name of complainant, if other than the owner.
 - 3) License number, state of issue, and the validation sticker number, if any (if a lost rear license plate).
 - 4) Date and place of occurrence, if known.
 - 5) Indicate if loss was one, or both license plates (indicate front or back).
 - 6) Telephone the information to PCS and add the teletype number to the Form 303.
 - c. Advise the complainant of the following information in lost license plate(s) cases:
 - 1) If the owner finds the license plate(s), they should immediately notify the police so the plate can be removed from the current files.
 - 2) The owner should contact the BMV as soon as possible.

- 3) A deputy registrar handles reissuing of Ohio license plates. The following information may be helpful to the vehicle owner:
 - a) Passenger vehicle - Take any remaining license plate, the registration, or the vehicle title if registration is lost, for a new set of plates. If both license plates are missing, take the registration and the vehicle title in for new plates.
 - b) Commercial vehicle - Take any remaining license plate with the registration and make application for duplicate plates. Use the issued "W.S." sticker (lost license plate windshield sticker) on the vehicle until the duplicate plate arrives from Columbus. If both plates are missing, bring in the registration and title and make application for a new set of plates.
 - c) The registrar charges an issuance fee for the above services.

4. Reporting Found License Plate(s)

- a. Complete a Form 303 for each instance of found license plate(s). The reporting officer will attempt to determine the owner's name and address and will include this information on the form.
- b. After identifying the owner, the reporting officer will attempt to notify the owner by telephone. Instruct owners to pick up the plate(s) at the district before 0700 hours the next workday.
 - 1) If the owner cannot pick up the plate(s) within that period, instruct the owner to retrieve the plate(s) from the Court Property Unit.
- c. Enter the name of the person notified and the time of notification on the Form 303.
- d. If the officer cannot determine the name of the owner after exhausting all investigative means, forward the plate(s) to the Court Property Unit. Attach a copy of the Form 303 explaining the methods used to determine owner identification.

G. Closure of Vehicle/License Plate(s) Theft Offenses

1. Cancel the computer entry when cases of vehicle and license plate thefts are cleared "Victim Refused to Cooperate" because the complainant will not prosecute the suspect, and the vehicle is not recovered.
 - a. The investigator assigned to the case will, with the approval of a supervisor, contact PCS Teletype Desk to request immediate cancellation of the computer entry.

2. Close cases as a “partial recovery” unless recovery includes the vehicle, both license plates (if two are issued), all parts of the vehicle, and all property listed on the Form 303.

12.425 REPORTING AND CLASSIFYING BREAKING AND ENTERING OFFENSES

Reference:

Standards Manual - 42.2.1, 82.2.1

Purpose:

Establish uniform policy for classifying Breaking and Entering type offenses.

Procedure:

A. Reporting Statutory Offenses:

1. The following Ohio Revised Code (ORC) statutory offenses will be reported on an Ohio Uniform Incident Report:

Aggravated Burglary ORC 2911.11

Burglary ORC 2911.12

Breaking and Entering ORC 2911.13

Attempts of any of the above

2. If the elements of a specific ORC statutory crime are present, the offense report will be titled under that specific section.
3. A trespass is one of the elements necessary to establish Aggravated Burglary, Burglary, or Breaking and Entering.
 - a. A trespass in a structure can occur even in public places, such as a government building or a department store.

Example: A customer enters an area where he is not permitted access, such as a room marked "Employees Only," or knowingly goes from a public office into the private office area.

- b. The following incidents will be reported as theft offenses rather than Breaking and Entering offenses:
 - 1) Suspect reaches over the bar or counter (restricted area) and steals some object of value.
 - 2) Suspect walks behind the counter or display case in a store (restricted area) and steals an object of value.
 - a) If a subject's purpose is to commit a theft offense or any felony while trespassing in a structure, he has committed one of the Breaking and Entering offenses.

- b) Purpose to commit a theft offense is obviously present when an item is taken. Evidence of this purpose must be presumed when certain facts are present: cash register pried open, petty cash box broken into (even though nothing of value was contained therein), property is moved to exit door, etc.
- 4. If a subject trespasses on the land or premises (not a structure) of another with the purpose to commit a felony, he has committed a Breaking and Entering (ORC 2911.13 (B)). Should his purpose be to commit a crime other than a felony, it should be reported as the crime committed and not a Breaking and Entering offense.
 - a. Trespass on the lands or premises of another occurs when the subject knowingly enters an area that he does not have the privilege to enter.
 - 1) For the purpose of reporting Breaking and Entering offenses, a trespass on the lands or premises of another will be presumed if:
 - a) The land or premises is posted sufficiently to give adequate notice that entry is restricted.
 - b) Subject is advised by a person with authority to depart, and he refuses to do so.
 - c) The area is enclosed with the primary purposes of keeping trespassers out and that purpose is apparent to an ordinary person; and entry is made to the area without privilege to do so (chain link or other type fence topped with barbed wire, chain link or other type fence 8' high as opposed to 4' high).
 - b. If the area involved is a common area used by joint tenants: basement/laundry room of multi-dwelling, or a private garage serving several business places, a trespass will not be considered present unless it can be substantiated by a witness who observed an unauthorized person trespassing, or evidence of forcible entry into the common area is present.
 - 1) If a storage room or storage bin is connected to the common area but is separately secured and assigned for the specific use of a particular occupant, an unprivileged entry will not be considered a trespass; therefore considered a theft.
 - c. When an offense occurs in a structure, evidence of forcible entry is not present, and a suspect or suspects exist who have legitimate access to the area, it will be treated as if a trespass has not occurred. These facts must be included on the offense report.

- d. An unprivileged entry into a vacant structure, a vacant structure being renovated, a detached garage, even though not locked or secured, or with closed doors or closed windows, will be treated as if a trespass has occurred.
5. When a definite hour of commission of the offense is unknown, be specific when reporting time interval of occurrence.
6. If further investigation establishes a definite hour of occurrence, a correction to the Ohio Uniform Incident Report will be prepared, using the original offense number.

12.430 ENDANGERING CHILDREN OFFENSES

Reference:

Ohio Revised Code Section 2919.22 - Endangering Children
 Ohio Revised Code Section 2151.421 - Official Report of Abuse or Neglect;
 Investigations; Disposition
 Standards Manual - 13.1.5, 42.2.1, 82.2.1

Information:

In all cases of Endangering Children, the Hamilton County Department of Human Services Emergency Protective Service (241-KIDS) has the immediate and future responsibility for the care and protection of the children involved.

Personal Crimes Unit is responsible for all criminal investigations of Endangering Children.

Purpose:

Guide and instruct police personnel in the investigation and reporting of Endangering Children offenses.

Provide data necessary for conversion of statutory reporting to Uniform Crime Reporting.

Comply with the requirements of Ohio Revised Code (ORC) Section 2151.421, to report all cases to the Hamilton County Department of Human Services.

Procedure:

A. Care of Children Involved:

1. Cases where children require immediate care, protection, or supervision, the police officer discovering the condition will immediately telephone:
 - a. 241-KIDS.
 - 1) Request the immediate response of an emergency service worker. Give exact location of the incident. An emergency service worker will respond to calls from police 24 hours a day.
 - b. The Personal Crimes Unit.
 - 1) If the Personal Crimes Unit is off duty, complete a Personal Crimes Complaint Memorandum (Form 506).
2. Police officers will remain at the scene until an emergency service worker or a Personal Crimes Unit officer arrives.

- a. Emergency service workers will identify themselves by showing a white Department of Human Services identification card bearing the worker's photograph.
 - b. Police officers will release endangered children into the custody of 241-KIDS. The emergency service worker will assume full responsibility for the protection and placement of children.
 - c. If an emergency service worker is unable to respond immediately, transport the children and meet the service worker at the district.
 - d. Make a blotter entry noting any moving of the children by either 241-KIDS or the police.
3. In all cases not requiring immediate response to provide care, protection, or supervision for the children, the police officer will notify 241-KIDS and send a completed Form 506 to the Personal Crimes Unit.
 - a. The police officer will request a follow-up investigation in the report. Explain an immediate response is not required.
 4. In cases requiring immediate emergency medical treatment for children, the officer will notify 241-KIDS and the Personal Crimes Unit. If the children are transported to a hospital, include the hospital's name with the other facts in the report.
- B. Reporting and Classifying Endangering Children:
1. Endangering Children - ORC Section 2919.22(A)
 - a. Occurs when a parent, guardian, custodian, person having custody or control, or the person in loco parentis of a child under 18 years of age, or a mentally or physically handicapped child under 21 years of age creates a substantial risk to the health or safety of such child by violating a duty of care, protection, or support.

Examples:

 - 1) A parent leaves the apartment and goes out drinking, leaving a two year old child alone.
 - 2) A parent refuses to prepare food for his children, who suffer malnutrition as a result.
 - b. Do not complete an Ohio Uniform Incident Report for violations of ORC Section 2919.22(A).
 - c. Complete a Form 506 in all cases involving actual or suspected violations of ORC Section 2919.22(A).

- 1) Give the report to the Personal Crimes Unit officer responding to the scene, or send the report to the Personal Crimes Unit office.
 - 2) The Form 506 must contain the following information:
 - a) The reporting person is the person who makes the complaint. It is not necessarily a parent. Make a Form 506 for each incident.
 - b) Nature of complaint will include:
 - 1] Notification time of 241-KIDS.
 - 2] The name and arrival time of the 241-KIDS worker, if there was an immediate response requested.
 - 3] The name of the Personal Crimes Unit officer who responded to the scene.
 - 4] Disposition of the children when the police officer left the scene (i.e., left with worker, left with relative, parent, etc.).
2. Endangering Children - ORC Section 2919.22(B)
- a. Occurs when any person does any of the following to a child under 18 years of age or a mentally or physically handicapped person under 21 years of age:
 - 1) Tortures or cruelly abuses a child.

Examples:

 - a) A person takes a cigar and burns a victim several times with it.
 - b) A person places the victim's hand in scalding water.
 - 2) Disciplines the victim in such a manner as to create a substantial risk of serious physical harm.

Examples:

 - a) Whipping the victim with a heavy electrical cord or heavy stick.
 - b) Punching the victim with fists, kicking, or pushing him down a flight of stairs.
 - 3) Repeatedly administers unwarranted discipline, and there is a substantial risk such conduct will seriously impair or retard the victim's mental health or development.

Examples:

- a) Repeatedly locking a victim in a closet.
 - b) Repeatedly tying a victim to a bed because of low school grades.
 - c) Repeatedly spanking a victim for bed wetting.
- b. Normally, a person administering discipline must have legal authority to do so, such as a parent, guardian, custodian, etc. If legal authority is not present, an offense may not have occurred under ORC Section 2919.22(B). However, some other type of assault offense may exist: i.e., Felonious Assault, Domestic Violence.
- 1) If the facts warrant an offense report other than Endangering Children, make the proper report. However, if protection for the child is necessary, follow Sections A.2. through A.5. of this procedure.
- c. In all cases involving actual or suspected violations of ORC Section 2919.22(B), the police officer discovering the condition will notify both 241-KIDS and the Personal Crimes Unit, as detailed in Sections A.2. through A.5.
- d. Complete an Ohio Uniform Incident Report on each child for all violations of ORC Section 2919.22(B).
- 1) Make an additional copy of the Ohio Uniform Incident Report and send it to the Personal Crimes Unit.
 - 2) Complete an Incident Report Supplement (Form 311I) and include the following information:
 - a) Information identifying the parents.
 - b) Notification time of 241-KIDS.
 - c) The name of the 241-KIDS worker and arrival time at the scene, if immediate response was requested.
 - d) Name of Personal Crimes Unit officer who responded to the scene.
 - e) The disposition of the children when the officer left the scene (i.e., left with worker, parent, taken to hospital, etc.).
- e. If the responding officer is unsure or only suspects a violation of ORC Section 2919.22(B), the officer will complete Forms 506 and 311I. Send the forms to the Personal Crimes Unit for follow-up investigation.

12.435 REPORTING CONDITIONS AFFECTING OTHER DEPARTMENTS - FORM 318

Reference:

Cincinnati Municipal Code - 911.17 - Posting Bills on Streets
Cincinnati Municipal Code - Title XI - Building Control
Procedure 12.225 - Vehicular Crash Reporting
Standards Manual - 41.2.4, 61.2.2, 61.3.1, 61.4.2, 82.2.2, 82.2.3

Procedure:

- A. Damaged Roadway Property (guardrails, signs, lights, poles, etc.)
1. Immediate action will be taken to nullify any public safety hazard, which is created by conditions requiring cognizance or action on the part of another City agency.
 2. Responding officer will advise district desk personnel of the damaged property. Desk personnel will report damage to Public Works Customer Service by phone at 591-6010.
 3. A Form 318 (Conditions Affecting Other Departments) will be made in triplicate by the reporting officer. The form must be clear, correct, and complete, with no abbreviations being used.
 - a. The Form 318 will be block printed or typewritten and forwarded by the initiating unit as follows:
 - 1) Fax a copy of the Form 318 to Public Works Customer Service at 591-6027.
 - 2) Send original Form 318 to the Public Works Customer Service.
 - 3) Send the first copy to the City Solicitor's Office.
 - 4) File the second copy in the district/unit files.
 4. Departments and Divisions responsible for conditions requiring attention are listed in the "City of Cincinnati Information Guide."
- B. Building and Zoning Code Violations:
1. Members of the Police Department shall report violations of the building and zoning code to the Director of Buildings and Inspections.
 - a. Any court action relative to such violation shall originate in the Department of Buildings and Inspections, after conference with the Prosecutor's Office.

2. Police Department personnel shall cooperate to the extent of reporting violations on a Form 318, and assisting with the service of warrants after they are secured by the Department of Buildings and Inspections.
 - a. The Department of Buildings and Inspections is charged with the responsibility of enforcing all the provisions of the building and zoning code. The inspector of Buildings and Inspections shall obtain warrants for violations, whenever necessary.
- C. Processing Illegally Posted Signs, or Other Material:
1. When police personnel find signs posted in violation of Section 911.17 of the Cincinnati Municipal Code, they shall remove such signs, if possible, and take them to their district station.
 - a. The signs shall be retained for 24 hours at the district, and then destroyed.
 2. When police personnel find large numbers of illegally posted signs or signs posted in such a manner that they cannot be easily removed, they shall:
 - a. Notify, by telephone, the Highway Maintenance Field Inspection Unit.
 - b. Complete a Form 318, supplying the necessary information.
 - 1) More than one location may be listed on the Form 318.
 3. The Highway Maintenance Field Inspection Unit will follow-up and make the necessary notifications relative to ceasing the unlawful posting of such signs.
 4. The Department of Buildings and Inspections supervises and controls the placement of signs on private property.
 - a. They issue permits in appropriate cases for the placement of such signs.
 - b. When police personnel receive complaints regarding signs on private property, they shall:
 - 1) Notify the permit supervisor of the Department of Buildings and Inspections by telephone. The permit supervisor will follow up and take any necessary action.
 - 2) Complete a Form 318, supplying the necessary information.

D. Vehicular Crash Investigations:

1. Reporting officers will record the related OH-1 Crash Report number on the Form 318.
2. Reporting officers will report any damage to guardrails, lights, poles, signs, etc. per Procedure 12.225.
3. District/unit collators upon receiving the OH-1 and Form 318 in triplicate will:
 - a. Fax a copy of the Form 318 to Public Works Customer Service at 591-6027.
 - b. Send original Form 318 to the Public Works Customer Service.
 - c. Send the first copy to the City Solicitor's Office.
 - d. File the second copy in the district/unit files.

12.440 CHIEF'S OFFICE MEMORANDUM

Purpose:

Establish a method for documenting correspondence, telephone and personal complaints, and similar requests.

Procedure:

- A. A Chief's Office memorandum (pink) is logged in a computerized ledger book using the following numbers:
 - 1. 1 - 1999 - Chief's correspondence
 - 2. 2000 - 4000 - Council, Mayor, City Manager, and Safety Director's correspondence
- B. A numbered Chief's memo is stapled to the correspondence sent to the district/section/unit.
 - 1. Do not write or type on the correspondence itself.
 - 2. Return the Chief's memo, original correspondence, and the district/section/unit's report to the Chief's Office.
- C. Due Dates for Chief's Memos:
 - 1. Chief's Office correspondence - 10 days
 - 2. Safety Director's correspondence - 10 days
 - 3. Chief's Office and Safety Director correspondence marked "Expedite" - within 3 days
- D. Bureau commanders are responsible for the timely return of a Chief's memo. They will notify a district/section/unit failing to respond by the due date.
 - 1. District/section/unit commanders will request an extension on a Chief's memo through their bureau commander.
 - a. Chief's memos not answered by the extension date deadline are placed on a delinquent list for further action.

12.505 MILITARY A.W.O.L. ARRESTS

Reference:

Standards Manual - 61.1.3

Policy:

No reward claims will be made by individual Cincinnati police officers for the apprehension of military absentees.

Reward money will be sent to police Fiscal and Budget Section and deposited into the general fund.

Procedure:

A. Arrests

1. An arrest will be initiated only after NCIC verification of the AWOL/Deserter status on the suspect.
 - a. RCIC Query will be made for any local wants.
2. The arresting officer will complete the Arrest and Investigation Report, Form 527.
 - a. Indicate in the "Employer/Address" block the branch, unit and station from which the suspect is missing.
3. The arrested will be processed through the Hamilton County Justice Center, Central Intake.
 - a. If other local charges or wants exist, indicate on the Arrest Form 527, "Hold for Hamilton County: AWOL", in the Facts of Arrest area.
 - b. If no additional warrants exist and the individual is not being charged with another offense, the arrested will be transported directly to the Hamilton County Justice Center, Central Intake, along with the AWOL printout and Arrest Form 527.
4. Central Records Management Section will forward a copy of Arrest Form 527 to Fiscal and Budget Section through interdepartmental mail.
 - a. Fiscal and Budget Section will complete Form 3179 (Federal) and then forward the copy of the Arrest Form 527 to the arresting officer's unit to be filed.

12.512 DIGNITARY PROTECTION AND ESCORT DETAILS

Reference:

Standards Manual 46.1.10

Purpose:

Provide criteria for the authorization of dignitary protection and escort details.

Establish responsibility for the review of requests for dignitary protection and escort details and ensure uniformity in authorizing details.

Information:

Dignitary protection is the responsibility of the Investigations Bureau Commander and is coordinated by the Criminal Investigation Section (CIS) Commander.

The Police Chief designates the CIS Commander as the Police Department's VIP Security Officer.

Procedure:

A. Dignitary Protection:

1. Direct requests for dignitary protection to the Investigations Bureau Commander.
2. The CIS Commander will determine the type and scope of police service to provide.
3. Dignitary protection details will be provided for foreign and domestic governmental officials whose position entitles them to temporary or full time protection by a law enforcement agency of the United States Government.
4. The request for the dignitary protection detail must be originated by the federal law enforcement agency responsible for the security of the dignitary.
5. Officers assigned to the detail shall wear the appropriate identification, lapel pin, etc., to ensure immediate identification.

B. Escort Details:

1. Direct requests for escort details to the Investigations Bureau Commander.
2. Escort details may be provided to non-dignitary individuals at the discretion of the Investigations Bureau Commander.
3. A need for the escort detail must be demonstrated by the person or agency requesting the escort service.

4. A police escort detail is not a dignitary protection detail, and only provides police presence. The number and composition of an escort detail will be determined by the CIS Commander.
5. Direct requests for escort details whose primary function is the expeditious movement of traffic and involves uniformed officers and marked police vehicles to the Patrol Bureau Commander.

12.515 NONVIOLENT DEMONSTRATION ARREST: MASS ARREST PROCEDURE

Reference:

Ohio Revised Code 2911.21(A4) - Criminal Trespass (Refusing to Depart)
 Procedure 12.545 - Use of Force
 Procedure 12.555 - Processing of Felony and Misdemeanor Adult Prisoners
 Procedure 12.600 – Prisoners: Securing, Handling, and Transporting
 Procedure 12.625 - Transportation of Weapons and Prisoners
 Procedure 12.715 – Property and Evidence: Accountability, Processing, Storage, and Release

Purpose:

To outline procedure for police personnel when dealing with nonviolent demonstrations: sit-ins, stand-ins, lay-ins, etc. and mass arrest incidents.

To protect the constitutional rights of all persons.

Procedure:

- A. Responsibilities When a Nonviolent Demonstration Occurs
 1. In all cases of nonviolent demonstrations in which the participants interfere with the normal activities of others, the first police officer on the scene shall:
 - a. Notify the district shift O.I.C. of all pertinent details.
 - b. Contact the owner, agent, property manager, superintendent, etc., and request him to respond to the scene of the demonstration.
 2. The shift O.I.C. will respond to the scene and:
 - a. Confer with the owner, agent, property manager, superintendent, etc. and the spokesman for the demonstrators in order to evaluate the situation and alleviate any further police action.
 - b. If further police action is deemed necessary, the shift O.I.C. will inform the district commander of the situation.
 3. The district commander shall respond if it is apparent that further police action will be necessary.
 - a. If upon responding firsthand observation indicates additional police action is necessary, he shall:
 - 1) Inform the Patrol Bureau Commander.
 - a) Identify the organization or parties involved.

- b) State if incidents have occurred; report general conditions.
 - c) Determine personnel needed to remedy the situation.
 - 2) Inform Police Communications Section to dispatch necessary personnel.
- 4. If a demonstration occurs in an educational institution and participants are students, then the dean, principal, or superintendent shall:
 - a. Notify the students to disband and return to normal activities. If the students refuse to comply with this request they will be immediately notified they are interfering with the normal activities of the educational institution and are subject to arrest under the trespassing statute.
- 5. In the presence of a police officer, persons demonstrating will be told they are trespassing by the owner, agent, property manager, superintendent, etc., and will be notified to depart from the premises.

NOTE: If the trespassers do not depart, this constitutes a misdemeanor in the presence of a police officer and they are subject to arrest.

- a. If the trespassers depart the premises peaceably, no further action is to be taken.
 - b. If the trespassers refuse to depart, the police officer shall:
 - 1) Inform the trespassers they are under arrest and charged with Criminal Trespass (Refusing to Depart).
 - 2) State to those arrested they can either walk or be carried to the police conveyance, but should they have to be carried, an additional charge of Resisting Arrest will be placed against them.
 - 3) Following photographing, the arrested will be taken to Central Intake for processing.
- 6. Trespassing affidavits will be filed by the owner, agent, etc. Affidavits for other offenses occurring in the police officer's presence such as Disorderly Conduct, Assault, Resisting Arrest, etc. may be filed by the police officer.

B. Mass Arrests

- 1. If arrests are anticipated:
 - a. The presiding judge of the Hamilton County Municipal Court will be notified of the anticipated arrests.

- b. Alert CIS (Criminalistics Squad) to supply necessary personnel for photographing and identifying the persons to be charged.
 - 1) Photographs will be made of the general area and demonstrators.
 - 2) Identification photos of participants arrested, if any, will be taken with the arresting officer in Central Intake.
 - c. Request the Hamilton County Sheriff's Patrol Wagon in advance when expecting numerous physical arrests at planned events.
 - d. Notify the Hamilton County Justice Center, Juvenile Court, and Juvenile Detention Center when expecting physical arrests numbering twenty or more. Provide them with the anticipated number of arrests.
2. Officers will utilize the following guidelines during mass arrest incidents.
- a. The guidelines to arrest will be determined by the Incident Commander and may be limited to the use of arrest teams.
 - b. Remove the prisoners from the area of the arrest as soon as possible.
 - c. Juvenile prisoners will be segregated from adult prisoners throughout the process. All juvenile prisoners will be transported to the Juvenile Detention Center for processing. Adult prisoners will be transported to the Hamilton County Justice Center for processing.
 - d. The personal property of prisoners and evidence will be processed according to procedure 12.715.
 - e. Officers will be assigned to remain with prisoners throughout the process until delivered to the detention facility.
 - f. All inquiries from the media will be referred to the Public Information Office.
 - g. Injured prisoners will be handled according to Procedure 12.600.

12.518 ENFORCEMENT AUTHORITY ON FEDERAL PROPERTY

Reference:

41 C.F.R. 101, Federal Property Management Regulations, Sections 101-20.315 - Penalties and Other Laws and 101-20.503-2 - Investigations.

Information:

This procedure is based on a legal opinion written by the City Solicitor's office and dated January 28, 1987.

In general, Cincinnati Police Department personnel have concurrent jurisdiction with the Federal Protective Service over property maintained by the Federal Government but located within the City of Cincinnati. This includes the Federal Building, Federal Courthouse, V.A. Hospital, Social Security offices, all Post Office branches, etc. The only exceptions to this general rule are military installations such as the Army and Navy Reserve Centers.

Procedure:

- A. Request for service.
 - 1. When Department personnel receive a radio run or a request for service which requires them to enter onto federally maintained property, they will respond and provide the required service.
 - a. This includes taking reports, resolving disputes, making arrests, serving warrants, etc.
 - b. Prior to serving arrest warrants, Department personnel should contact an appropriate official at the Federal Protective Service (684-2302) and request that they be present when the warrant is served.
 - 1) This notice is not required in emergency situations where an immediate arrest becomes necessary.
 - 2. Nothing in this procedure will prevent Department personnel from allowing Federal Protective Service personnel to handle complaints on federal property if the Federal Protective Service desires.
 - 3. In situations which involve military installations, Department personnel will take no action unless specifically requested to do so by the officer in charge of the military installation.

12.520 CITY/PUBLIC EMPLOYEE CONTACTS-INTERVIEWS/ARRESTS

Reference:

Cincinnati Municipal Code 408-39 - Notice Regarding Court Cases
Administrative Regulation #59 - Substance Abuse
Procedure 12.235 - Driving Under the Influence (DUI): Processing & Arrest

Standards Manual - 1.2.5

Procedure:

A. Arrest of City Employees:

1. When arresting a city employee, except for minor traffic violations, contact a police unit supervisor.
 - a. The police supervisor will notify the district/section/unit commander or the night chief.
 - 1) If the employee is on duty, the district/section/unit commander or the night chief will inform the arrested individual's immediate supervisor as soon as possible.
 - 2) If the employee is off duty but his division of employment is open, the district/section/unit commander or the night chief will inform the on duty supervisor of the arrested individual's department or division immediately.
 - 3) If the employee is off duty and his division of employment is closed, the district/section/unit commander or the night chief will insure the completion of the Form 17 indicating no notification was made. Patrol Administration will notify the arrested employee's supervisor on the next business day.
 - b. The police supervisor will complete a Form 17 and fax a copy to Patrol Administration and the Chief's Office. Include the command officer notified and the name of the arrested's supervisor notified.

B. Substance Abuse Testing of On-Duty City of Cincinnati Employees (Non-police):

1. An officer arresting and charging an on-duty City employee suspected of Driving Under the Influence (DUI) will test and process the employee according to Procedure 12.235, Driving Under the Influence (DUI): Processing & Arrest.
2. Police Department personnel will not perform intoxilyzer testing or any other kind of substance abuse testing of on-duty (non-police) City employees for the sole purpose of placing administrative charges against the employee.

3. A police supervisor requested to test an on-duty (non-police) City employee for this purpose will refer the requesting supervisor to the Jewish Hospital Main Laboratory, Level B at 3200 Burnet Avenue. Respond to the emergency room if the Main Laboratory is closed.
 - a. The immediate supervisor of the suspected employee will transport the employee to the Jewish Hospital Main Laboratory for testing. The laboratory will obtain and analyze the specimen and send the results to the City Physician.
- C. Postal Employee Contacts:
1. Interviewing a postal employee at his place of employment:
 - a. Contact the Postal Inspector in Charge for clearance.
 - 1) Postal laws and regulations allow only postal employees access to post office workrooms. In certain emergency cases, non-postal persons are admitted if accompanied by a postal supervisor.
 2. Requesting disclosure of privileged information (change of address, etc.):
 - a. Make requests for changes in address on an Address Information Request (Form 675P).
 - 1) The police officer's unit supervisor must countersign the Form 675P.
 - 2) The Post Office supervisor will provide the new address and notify the requesting officer to pickup the completed Form 675P.
- D. Arrest of Postal Employees:
1. Felony arrests:
 - a. Make the arrest immediately. Contact the Postal Inspector in Charge if making the arrest at the employee's place of employment. Notify a police supervisor.
 2. Traffic and misdemeanor arrests:
 - a. Whenever possible, try to serve warrants at the residence of the employee.
 - 1) If unable, contact the Postal Inspector in Charge and arrange to make the arrest after the employee completes his tour of duty.
 - b. Do not arrest an employee transporting mail unless the driver is unable to operate the vehicle safely.

3. When making an immediate arrest, the police will provide security for the postal vehicle until the arrival of a relief driver. Have a police supervisor respond to the scene.

E. Public Vehicles:

1. When arresting the driver of a public vehicle, notify the driver's office from the scene.
 - a. Remain with the vehicle until a relief driver and/or equipment arrives.
 - 1) Do not take custody of the vehicle unless holding it as evidence.
 - b. Do not write chauffeur as the driver's occupation on arrest forms of public vehicle drivers. Write the specific occupation (bus driver, taxicab driver, etc.) on arrest forms.
2. When issuing a Cincinnati Parking Infraction (CPI) to a public vehicle, the citing officer will write in the "Officer's Notes" section of the CPI the type of vehicle (taxi, bus, etc.). Include the name of the company owning the vehicle (Yellow Cab Co., Queen City Metro, etc.).

12.525 USE OF QUADRANTS/RESPONSE TO RECENTLY COMMITTED OFFENSES

References:

Procedure 12.136 – Uniform Financial Institution Robbery Alarm Response
 Procedure 12.145 – Critical Incident Response Plan
 Police Communications Section Manual of Standard Operating Procedures – 6.F.2
 Manual of Rules and Regulations – 4.02
 Standards Manual – 81.2.5

Definition:

Quadrant – a method of dividing a crime search area into four geographical zones surrounding a crime scene or suspect's last known location. Police patrol units are then assigned to each zone to conduct a thorough search for a suspect.

Purpose:

To provide for the safe and rapid apprehension of offenders following a serious criminal offense.

Policy:

Following the commission of a serious crime, officers will immediately respond to the scene to conduct a preliminary investigation. If the offender is at large officers will relay pertinent information concerning the crime and the offender to Police Communications Section. A police supervisor will take command of the investigation and determine if a quadrant is warranted.

Procedure:

- A. Police Communications Section (PCS) will:
 1. Upon receiving notice of a serious crime, either in progress or recently committed; or if a felony suspect is in a certain area,
 - a. Hold the caller on the telephone in order to secure descriptions, type of offense, and manner and direction of escape.
 - b. Immediately broadcast a description citywide.
 - 1) An All County broadcast (ACB) will also be placed if a vehicle is involved, or if the offense is near a jurisdictional boundary.
 - c. Immediately dispatch two one-officer cars or one two-officer car.
 - d. Notify a district supervisor of the situation and car(s) dispatched.
 - e. Ascertain from the district supervisor if a quadrant will be utilized.

- 1) If dispatching additional cars, specify the quadrant position of each car.

B. Dispatched Unit Responsibilities:

1. Immediately respond to the scene.
2. The first car on the scene will obtain complete information as to type of crime, description of suspects, manner and direction of escape, and other pertinent data.
 - a. Relay the information to PCS as soon as possible.
 - b. If the suspect(s) have escaped, the second car will assist the first officer in securing the crime scene and keeping all witnesses available for questioning.
3. Witnesses may be taken on a tour of the area in a police vehicle.
 - a. The car containing the witnesses shall relay this information to PCS via radio.
4. In the absence of a supervisor the first officer on the scene will assume command of the investigation.

C. District Supervisor will:

1. Respond to the scene, take command of the investigation, and establish, maintain or cancel the quadrant based on information obtained.
 - a. A supervisor need not respond if it has been determined by responding officer that the incident is unfounded.
 - b. Factors to be considered when deciding to establish or maintain a quadrant include:
 - 1) The type of offense.
 - 2) The time of the offense (i.e. crime in progress, just occurred, or if a significant amount of time has elapsed).
 - 3) Suspect on or near the scene.
 - 4) Descriptions of suspect or suspect's vehicle if one was known to be used.
2. If two quadrants occur simultaneously in one district, the district supervisor will determine if one quadrant will take priority, if both will be maintained, or if one can be switched to Channel Eight.

D. Cancellation of Quadrant:

1. The quadrant will be terminated when:
 - a. All suspects have been apprehended.
 - b. The O.I.C. of the quadrant feels that the quadrant is no longer necessary.
 - 1) Normally, the quadrant should be canceled within 20 minutes, except when circumstances merit a longer time period. These circumstances include a search with a high probability of a capture and a search for an offender who presents a high risk of danger to the public.
2. Quadrants will be terminated through the use of:
 - a. "Signal 88" - if no apprehension has been made.
 - b. "Signal 89" - if cancellation is due to an apprehension.

12.535 EMERGENCY OPERATION OF POLICE VEHICLES AND PURSUIT DRIVING

Reference:

Procedure Manual 12.537, Mobile Video/Digital Video Recording Equipment
 Ohio Revised Code 2935.031 - Policy for Pursuit in Motor Vehicle
 Ohio Revised Code 2921.331 - Failure to Comply with Order or Signal of Police Officer
 Ohio Revised Code 4511.01(d) - Definitions
 Ohio Revised Code 4511.03 - Emergency Vehicles to Proceed Cautiously Past Red or Stop Signal
 Ohio Revised Code 4511.24 - Emergency Vehicles Excepted From Speed Limitations
 Ohio Revised Code 4511.45 - Right-of-Way of Public Safety Vehicles
 Ohio Revised Code 4513.21 - Horns, Sirens, and Warning Devices
Colbert v. City of Cleveland, 99 Ohio St.3d 215 (2003)

Definitions:

Emergency Driving (General Non-Pursuit) - the operation of an authorized emergency vehicle (emergency lights and siren in operation) by a police officer in response to a life threatening situation or a violent crime in progress, using due regard for the safety of others.

Pursuit Driving - an attempt by a law enforcement officer operating an emergency vehicle and simultaneously utilizing lights and siren to apprehend an occupant(s) of another moving vehicle, when the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing speed, disobeying traffic laws, ignoring or attempting to elude the officer.

Emergency Call - a call to duty, including, but not limited to: communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations demanding an immediate response on the part of a peace officer. Emergency calls are not limited to inherently dangerous situations.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Purpose:

Ensure the safety of citizens and police officers during the emergency operation of police vehicles.

Policy:

All sworn personnel will complete any established training program regarding vehicle pursuits.

Officers must terminate their involvement in motor vehicle pursuits whenever the risks to their safety and the safety of others outweigh the consequences of the suspect's escape.

During the emergency operation of police vehicles, and prior to and during a pursuit, officers must weigh the following factors:

- Degree of risk created by pursuit to others, officer and suspect.
- Location where pursuit will take place.
- Traffic conditions and amount of pedestrian traffic.
- Road conditions.
- Time of day.
- Weather.
- Volume, type, speed and direction of vehicular traffic and direction of pursuit.
- Nature/seriousness of suspected crime.
- Condition of police vehicle and suspect's vehicle.
- Any circumstance that could lead to a situation in which the pursuing officer(s) will not be able to maintain control of the police vehicle.
- Type of vehicle being pursued.
- Likelihood of successful apprehension.
- Whether the identity of the suspect is known to the point that later apprehension is possible.

Officers will not attempt to stop or slow a pursued vehicle by boxing in, heading off, ramming, or driving alongside during a pursuit.

Officers will not pursue vehicles the wrong way on the interstate or other controlled access highway, divided roadways, or one-way streets unless specifically authorized by the pursuit officer in charge (OIC).

Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits.

Police motorcycle units may become involved in a pursuit as primary units when they initiate the pursuit. The motorcycle unit will turn the pursuit over to a marked police car as soon as possible and discontinue emergency operation.

Officers wearing plainclothes or using unmarked vehicles will avoid making stops of suspected vehicles and will not engage in vehicle pursuits. The danger presented to officers and citizens is much greater than when uniformed officers with marked vehicles make the initial contact.

Officers will not attempt to stop vehicles while off duty unless it is a life-threatening situation which, if permitted to continue, could cause serious physical harm to innocent victims.

Pursuits leaving the initiating district will switch to the channel of the district that the pursuit enters after it is established the pursuit will not immediately re-enter the boundaries of the initiating district.

Example One: A vehicle pursuit initiated in District One which enters I-75 north and passes the Harrison Avenue exit will switch to Channel Five for dispatch.

Example Two: A vehicle pursuit initiated in District One which travels north on Vine Street, enters District Four and proceeds east on Thill Street, then south on Rice Street back into District One, may remain on Channel One.

Procedure:

A. Emergency Operation of Police Vehicles

1. Emergency operation (lights and siren) of a police vehicle is authorized in the following emergency cases and under the following conditions:
 - a. Officer needs assistance.
 - b. Person calling for help.
 - c. Report of an explosion.
 - d. Trouble with a prisoner.
 - e. Crimes in progress requiring the immediate presence of a police officer.
 - f. Auto accident with reported injury.
 - g. Emergency medical runs when Fire Department personnel are not immediately available.
 - h. Pursuit driving.
2. When operating a police vehicle in the emergency mode, officers:
 - a. Will not operate with reckless disregard for the safety of other citizens.
 - b. Will use the emergency lights (red/blue) and siren.
 - 1) Do not use four-way flashers because they interfere with brake lights and turn signals.
 - c. Will ensure video and audio recording equipment is activated if the police vehicle is equipped with it.

- d. Will not have complainants, witnesses, suspects, prisoners, or other non-police personnel as passengers. This restriction does not apply to:
 - 1) Civilian observers who have signed a Form 612, Release of All Claims.
 - 2) Units transporting sick or injured persons to the hospital.
 - 3. When driving in emergency mode, the operator will conform with all applicable traffic laws and regulations.
 - a. When driving in emergency mode and approaching a red traffic signal or stop sign, the operator must:
 - 1) Stop the vehicle.
 - 2) Yield the right-of-way to all moving vehicles and pedestrians.
 - 3) Enter the intersection only when it is safe.
- B. Silent Response
- 1. Police officers may respond to certain calls, such as robberies or burglaries in progress, using emergency lights only (no audible siren). The officers responding on these silent runs must clearly understand:
 - a. The mere use of flashing emergency lights, without an audible siren, does not designate the vehicle as an emergency vehicle by law and may negate any immunity available to the operator.
 - b. They must proceed with extreme caution and at a reasonable speed to avoid endangering the life and property of others.
- C. Portable Flashing Blue Lights on Unmarked Vehicles
- 1. A vehicle with a portable flashing blue light is not considered an emergency vehicle.
 - 2. The portable flashing blue light should be used to identify emergency conditions at an auto accident, road hazard, crime scene, etc.
 - 3. Do not use the portable flashing blue light to:
 - a. Identify any unmarked vehicle as an emergency response vehicle.
 - b. Substitute for the emergency equipment on the patrol cars.

D. Pursuit Driving

1. A motor vehicle pursuit is permitted in the following instances:
 - a. On-sight pursuit of a known or suspected felon.
 - b. On-sight pursuit of traffic or misdemeanor violations, only if witnessed by the officer or if a warrant is on file.
 - c. When directed by Police Communications Section (PCS) or a supervisor to assist in a police pursuit.
2. Notification
 - a. A pursuing officer(s) will immediately relay the following information to PCS:
 - 1) Car number.
 - 2) Location.
 - 3) Direction.
 - 4) A description of vehicle, license number, and occupants.
 - 5) Reason for pursuit.
 - 6) Speeds involved.
3. PCS Responsibilities
 - a. The dispatcher will immediately notify the initiating pursuit unit's supervisor. That supervisor becomes the pursuit OIC and is responsible for directing the pursuit until its end.
 - 1) If the unit supervisor is unavailable, a district supervisor where the pursuit began becomes the pursuit OIC.
 - b. The dispatcher will note the time, car number, district involved, and immediately notify the PCS shift OIC.
 - c. The pursuit dispatcher will notify other district personnel via an all channel broadcast as the pursuit enters into adjoining district boundaries.
 - d. Keep non-emergency radio traffic to a minimum during the pursuit.
 - e. PCS will broadcast the pursuit on all available channels. Upon anticipation of a pursuit across city limits, PCS will make an all county broadcast (ACB).
 - f. The PCS supervisor will provide the necessary support during the pursuit.

4. Supervisory Responsibilities
 - a. The pursuit OIC will retain control and continually monitor and assess the situation. The pursuit OIC will direct specific units in or out of the pursuit, reassign primary or secondary units, set posts, authorize roadblocks, and terminate the pursuit.
 - 1) Final decisions will rest with the pursuit OIC.
 - b. The pursuit OIC will complete Form 34, Vehicle Pursuit Report, and work-flow the form through channels to the district/section/unit commander. When work-flowing the Form 34 and attachments, "Add Notification" to the following units:
 - 1) Patrol Bureau.
 - 2) Inspections Section.
 - c. After reviewing the MVR/DVR of any unit involved in the pursuit in accordance with Procedure 12.537, route a copy of the MVR/DVR, along with any other original documents, through the chain of command.
5. Number of Units
 - a. Unless authorized by the pursuit OIC, no more than two police vehicles will become actively involved in the pursuit.
 - b. The primary unit will:
 - 1) Be responsible for keeping the suspect's vehicle in sight.
 - 2) Advise the supervisor if more than two police units are needed for the pursuit.
 - 3) Have the authority to terminate the pursuit should conditions warrant.
 - c. The secondary unit will:
 - 1) Immediately notify PCS there are two police units involved in the pursuit.
 - 2) Assume responsibility for the transmission of all relevant pursuit information to PCS.
 - 3) Provide backup for the primary unit during the arrest process.

E. Termination of the Pursuit

1. Officers will terminate pursuits under any of the following conditions:
 - a. The pursuit OIC or the primary unit determines the level of danger created by the pursuit outweighs the necessity for immediate apprehension.
 - b. Establishment of the suspect's identity allowing for apprehension at a later time and there is no longer a need for immediate apprehension.
 - c. Location of the pursued vehicle is no longer known.
 - d. The pursued traffic/misdemeanor violator crosses the Hamilton County line (Refer to Section F.3.).

F. Pursuits Leaving Cincinnati

1. By statute, police officers have the authority to pursue outside their jurisdiction and arrest without a warrant provided:
 - a. The officers would have authority to make the arrest inside their jurisdiction.
 - b. The pursuit takes place without unreasonable delay after the offense.
 - c. The pursuit starts within the police officers' jurisdiction.
 - d. The offense is one of the following:
 - 1) Felony
 - 2) First or second-degree misdemeanor
 - 3) Traffic violation that a point may be charged against the driver pursuant to Division (6) of Ohio Revised Code (ORC) Section 4507.40
2. If the above criteria are not met, the officers cannot pursue and cannot arrest outside their jurisdiction.
3. Although it can be a felony to flee and/or elude a police officer (ORC 2921.331), if this is the only felony charge, fresh pursuit of a traffic or criminal misdemeanor violator will terminate at the Hamilton County line.
 - a. Officers must receive supervisory approval before signing ORC 2921.331 felony charges.

4. Officers may pursue felony suspects beyond state boundaries. However, the new jurisdiction will continue the pursuit as the primary unit (if available). The Cincinnati primary unit and secondary unit will then assist.
 - a. Officers will terminate pursuits if radio contact with PCS is lost due to officers going beyond radio range.

G. Outside Agency Pursuits into Cincinnati

1. In the event of a pursuit from an outside agency into Cincinnati, the same guidelines for pursuits outlined in this procedure will apply to Department personnel.
 - a. PCS will notify the appropriate district supervisor, who becomes the pursuit OIC for Department personnel.
 - 1) The outside agency will remain responsible for the pursuit and serve as the primary unit until responsibility is relinquished to Department personnel.
 - 2) PCS will broadcast the pursuit and its progress.
 - b. If an outside agency has one vehicle in the pursuit, we will assist with one unit.
 - c. If an outside agency has two or more vehicles in pursuit, we will not assist in the pursuit of the fleeing vehicle.

H. Roadblocks

1. Under normal circumstances, officers will not set up roadblocks to stop fleeing vehicles. The pursuit OIC may grant permission for a roadblock if he has knowledge the suspect has committed:
 - a. Murder or Aggravated Murder.
 - b. Aggravated Arson.
 - c. Aggravated Robbery.
 - d. Aggravated Burglary.
 - e. Rape.
 - f. Complicity to any of the above.

2. Officers will set up roadblocks only with the direct permission of the pursuit OIC and in accordance with the following guidelines:
 - a. Officers will not set up roadblocks at locations that will endanger innocent citizens or create a hazard to vehicular traffic. Officers will not set up roadblocks which could limit visibility and not allow operators sufficient time to safely stop, e.g., at a curve in the road, or beyond the crest of a grade.
 - b. Use Police Department vehicles only.
 - 1) Do not use Department motorcycles or privately owned vehicles.
 - c. Position the Department vehicles in the roadblock so the open route left through the restricted area will require approaching vehicles to proceed slowly through it.
 - 1) Turn on all of the vehicle's emergency lighting, turn the ignition switch off, and leave the vehicle. No one is to remain inside the vehicle.
 - 2) If using Stop Sticks, use according to guidelines set forth in Section I.
 - d. Do not detain innocent citizens. Direct them to proceed with their vehicles through the roadblock and out of the path of the fleeing vehicle(s).
- I. Use of Stop Sticks
 1. The Department currently has four models of Stop Sticks:
 - a. Standard Stop Stick - three feet in length.
 - b. Barracuda – three feet in length but with longer quills designed to stop larger vehicles like buses or trucks.
 - c. Terminator - designed to be placed in front of a tire on a static vehicle, e.g., traffic stop.
 - d. Piranha - resembles the standard Stop Stick but is only 5 1/8" long. It is designed to be placed covertly in front of a tire to ensure the vehicle is not moved.

Note:

District Civil Disturbance Operating Procedure (CDOP) Vans are equipped with the Barracuda, Terminator and Piranha Stop Sticks. Supply Unit maintains a replacement supply of stop sticks.

2. Deployment of Stop Sticks:
 - a. Stop Sticks are designed for a controlled release of air from a target vehicle's tires, usually within 20-30 seconds. However, under some circumstances tire deflation can increase the possibility that a driver may lose control of the vehicle and crash, resulting in serious or fatal injuries. Therefore, the following guidelines shall be followed when deploying Stop Sticks:
 - 1) Officers will use Stop Sticks only on vehicles with four or more wheels.
 - a) Do not use Stop Sticks on motorcycles.
 - 2) Avoid deploying Stop Sticks on motor vehicles in transit if there are pedestrians in the immediate vicinity and the use of the Stop Sticks would place them at risk of physical harm or injury, i.e., use of Stop Sticks on a motor vehicle traveling at a high rate of speed in a residential area.
 - 3) Limit or isolate traffic from the pursuit or location where the Stop Sticks are being deployed.
 - b. Normally the pursuit OIC will make the decision to use Stop Sticks. Situations may occur making this impossible. Under these circumstances, officers may use Stop Sticks if they can do so safely.
 - 1) Operators of vehicles equipped with Stop Sticks must receive proper training in the use of Stop Sticks.
 - c. Officers must alert PCS of their intention to use Stop Sticks, and of their exact location.
 - 1) PCS will relay the location to the pursuing officers.
 - d. Do not discard used Stop Sticks. The manufacturer replaces used Stop Sticks for a period of five years from purchase when the old ones are returned.
 - 1) If Stop Sticks are used in a pursuit situation, the pursuit OIC will:
 - a) Address their use and effectiveness in the Form 34, Vehicle Pursuit Report.
 - b) Complete a Form 630, Equipment/Supply/Service Order Form, and submit through the chain of command, to the Supply Unit for the replacement of Stop Sticks.
 - c) Ensure used Stop Sticks accompany the Form 630 to Supply Unit.

- e. If Stop Sticks were used and the incident did not involve a pursuit, the unit supervisor will:
 - 1) Investigate and report via Form 17 to the Police Chief.
- 3. Preventing a pursuit of a stolen vehicle
 - a. Officers may deploy stop sticks to prevent pursuits. As an example, an officer following an entered vehicle may request deployment of stop sticks prior to the initiation of a traffic stop.

12.536 FOOT PURSUITS

References:

Procedure 12.140 – Canine Operations
Procedure 12.175 – Use of Special Weapons and Tactics Unit
Ohio Revised Code 2921.31 - Obstructing Official Business
Ohio Revised Code 2921.331 - Failure to Comply with Order or Signal of Police Officer
Illinois v. Wardlow (2000), 528 US 119
Terry v. Ohio (1968), 392 US 1

Definitions:

Foot Pursuit: A situation in which an officer, on foot, chases a suspect in an effort to detain or arrest that individual who he has reasonable suspicion to believe is about to commit, is committing or has committed a crime and who is resisting apprehension by fleeing from the officer.

Suspect: Includes any individual who a police officer reasonably believes is about to commit, is committing or has committed an offense or poses an immediate threat to the safety of the public, other officers, or themselves.

Contact/Cover: Describes the practice of having two or more officers working together during a foot pursuit. The officers work in unison via direct or indirect communication to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.

Purpose:

To facilitate the safe apprehension of a suspect who flees on foot and to prevent officer injury.

Policy:

Whenever an officer decides to engage, or continue to engage, in a foot pursuit a quick risk assessment must take place. They must evaluate the risk involved to themselves, to other officers, the suspect and the community versus what would be gained from pursuing the suspect. Supervisors are responsible for reviewing the tactical soundness of foot pursuits.

Procedure

- A. Factors to Consider when Initiating a Foot Pursuit
 - 1. Whether the suspect is armed
 - 2. The offense committed by the suspect

3. Location:
 - a. Nature of area: residential, commercial, school zone, expressway, etc.
 - b. Conditions of the structures: abandoned or condemned
 - c. Environmental factors: weather or darkness
 4. Ability to apprehend the suspect at a later date
 5. Communications
 - a. Familiarity with area, ability to transmit location of fleeing suspect
 - b. Radio frequency and coverage (dead spots)
 6. Availability of backup units to assist
- B. Pursuing Officer(s) Responsibility
1. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed as a result of the pursuit.
 2. Once the foot pursuit has been initiated, the officer must notify Police Communications Section (PCS) of the following information:
 - a. Car number
 - b. Location
 - c. Direction
 - d. Description of suspect
 - e. If armed with a weapon
 - f. Reason for foot pursuit
 3. PCS will notify a supervisor of the pursuit circumstances and any other relevant information.
 4. The pursuing officer will coordinate with other officers to establish a perimeter in the area to contain the suspect.
 - a. In the event that a suspect is confined in an area, consideration should be given to the use of specialized units such as Canine Squad or SWAT.

- C. If possible, officers should consider the feasibility of the following strategies or tactics prior to initiating foot pursuits:
1. Area containment
 2. Surveillance
 3. Obtaining additional officers
- D. Police Officer should Terminate a Foot Pursuit:
1. If ordered by a supervisor.
 2. If the officer believes that the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
 3. If the suspect's identity is known and he is not an immediate threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date.
 4. After termination of the foot pursuit, officers will notify Police Communications Section (PCS) with the last know location of suspect or point of apprehension.
- E. Supervisor's Role
1. The supervisor's role is to monitor a foot pursuit and appropriately direct resources to safely apprehend the suspect.
 2. The supervisor will terminate a foot pursuit at any time if it is determined the danger to the pursuing officers or the public outweighs the necessity for immediate apprehension of the suspect.
 3. If the foot pursuit results in a reportable incident such as a use of force, injury to prisoner, injury to officer, auto accident etc., the supervisor will include an analysis of the tactical soundness of the foot pursuit in the appropriate report.

12.537 MOBILE VIDEO/DIGITAL VIDEO RECORDING EQUIPMENT

References:

Procedure 12.205, Traffic Enforcement

Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing & Arrest

Procedure 12.535, Emergency Operation of Police Vehicles and Pursuit Driving

Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release

Purpose:

Establish a policy regarding the use of Digital Video Recording equipment in Department vehicles.

Establish a policy regarding the storage, release, and retention of mobile videotapes, digital discs, and video files.

Policy:

Hard drives, original Mobile Video Recorder (MVR) tapes, and original Digital Video Recorder (DVR) disks will not leave the custody of the Police Department. The Department will retain and preserve tapes, discs, and video files for at least 90 days, or as long as necessary for an incident subject to investigation. Tapes, discs, and video files held as evidence will be held for the required retention period. Requests for duplicates of the held tape, disc, or video file will be forwarded to the district/section/unit holding the tape, disc, or video file.

The Eyewitness ION DVR system features Clear Comm transmitters which are equipped with a mute function located on the top of the transmitter. Transmitters vibrate indicating the mute function has been activated. Officers are not to use this function. All audio will be recorded in its entirety.

Officers who fail to use DVR equipment as required or fail to report damage to the equipment are in violation of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.

Information:

Utilizing DVR equipment facilitates the Department's objectives to collect evidence for criminal prosecution, provide an administrative inspection function, and assist in training officers to improve safety and tactics.

MVR tapes, DVR discs, and video files are the property of the Cincinnati Police Department and are not to be duplicated and/or used without authorization from the Police Chief or his designee.

The DVR relies completely on the police vehicle's battery as its power supply. When the battery goes dead or is disconnected, the date, time and the tape, disc, and hard drive counter may no longer be accurate.

The date and time will also be incorrect for criminal or administrative investigations. The DVR time, date, and counter must be checked for accuracy but should reset on its own.

When the DVR is activated, the thirty seconds prior to activation will be captured on the recording.

A supervisor will set the video resolution on all DVR units to BEST. The BEST setting allows for digital enhancement of captured data when necessary. Steps to complete this setting can be found on the Department Intranet under Manuals; Digital Eyewitness Reference Manual, page 4-9 (4 dash 9).

Incidents exceeding one hour in length will need to be copied to more than one CD.

Officers may use DVR equipment to record the reason for current or planned enforcement action, to record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

DVR microphones will not record conversations while stored in the docking station.

The Eyewitness ION DVR system features a hard drive which stores audio/video recordings transmitted from the In-car camera. Hard drives are inserted in the "vault" which is mounted in patrol vehicles between the driver and passenger seat. Hard drives must be removed from the vault and downloaded to the district/section/unit server. The server organizes recordings into video files which can then be duplicated for investigatory and or evidentiary purposes.

Duplicate video files required for external presentations will be created using the "create a CD or DVD Data Disk" feature of the Digital Eyewitness Media Manager. Video files can only be duplicated utilizing the workstation connected to the server. The duplicate video file can be played on any computer using Media Player.

Video files which must be retained for longer than 90 days (i.e., "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit) must be "flagged" for retention purposes. Steps to complete this process can be found in the Digital Eyewitness Media Manager Operations Manual, section 4.10.

Information Technology Management Section will set the video resolution on all Eyewitness ION DVR systems to MPEG2 at Best Quality. This setting allows for video enhancement and watermarking of the video file to ensure video integrity.

Eyewitness ION DVR systems are equipped with "Clear Comm" wireless transmitters which vibrate once when removed from the docking station indicating the transmitter is recording audio sound. Transmitters vibrate twice indicating the transmitter is out of recording range (during a foot pursuit an officer may not become aware of the vibration). Transmitters vibrate when back in range.

A flashing red LED on the front of the video camera indicates video images are being recorded without audio sound. A solid red LED light indicates recording of both audio and video.

Procedure:

A. Operating and Utilizing DVR Equipment

1. DVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
 - a. All officers operating DVR equipped vehicles will wear the microphone or wireless transmitter supplied with each system.
2. Prior to leaving the district/section/unit, the officer must ensure his/her DVR equipment is working satisfactorily, including date and time.
 - a. The officer will check the DVR by recording himself/herself standing in front of the vehicle and giving a test count.
 - 1) DVR systems have two Sure Talk microphones; both must be checked with a test count to ensure they are functioning properly.
 - 2) Eyewitness ION DVR systems have two "Clear Comm" transmitters; both must be checked with a test count to ensure they are functioning properly.
 - b. After recording, the officer will review the video to verify the audio and video test recorded properly.
 - c. Immediately notify a supervisor of any problems.
 - d. The officer will complete the "In-car Camera" portion of the Form 436A, Daily Activity Record.
 - e. The officer will check the amount of space left on the DVR disc, or hard drive to ensure there is an adequate amount of recording time available for the duration of the shift.
 - 1) The disc/hard drive counter in DVR equipped vehicles appears on the overhead console after initial start up and will continue to be displayed while the unit is running. The counter indicates the amount of recording time remaining on the disc/hard drive.

- a) The maximum amount of space on a DVR disc set to Best is 5 hours and 20 minutes (shown as 5.20).
 - 1) When the disc counter shows 30 minutes or less, the officer will notify a supervisor who will change the disc.

NOTE: DVR counters start at the maximum number of hours and minutes available for each disc, i.e., 5.20.
 - b) The maximum amount of space on an Eyewitness ION DVR hard drive is 16 hours when set to MPEG2 at Best Quality.
 - 1) When the hard drive counter shows approximately 1 hour, the officer will notify a supervisor who will change the hard drive (hard drive counter starts at the maximum number of hours).
 - f. If the DVR reaches the maximum count during the shift, the officer will inform a supervisor of any recorded sequences that may be of value for training purposes.
 - g. If during the officer's tour of duty the DVR or audio equipment malfunctions, the officer must notify a supervisor.
3. When turned on, DVR equipment will automatically activate when the vehicle's emergency lights are activated.
- a. The camera must be positioned and adjusted to record events appropriately. On a DVR equipped vehicle, the correct camera position will allow viewing of the push bumpers in the bottom and middle of the screen.
 - b. The wireless microphone/transmitter turns on automatically with a DVR when removed from the docking station.
 - 1) When a second Sure Talk microphone from a DVR system is used to record audio inside a vehicle, the second microphone must be removed from the docking station and manually activated by pressing the ACT button until it remains lit. Place the microphone in a section of the driver's compartment capable of recording audio from the rear passenger compartment.

- c. Vehicles equipped with an Eyewitness ION DVR system have a third microphone permanently installed in the rear passenger compartment around the rear window. To record audio inside a vehicle, the In-car Microphone (ICM) must be manually activated by pressing the ICM button located on the left panel of the overhead console.
 - d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
 - e. The officer must notify a supervisor if they become aware a traffic stop or pursuit was not recorded.
4. The officer will use DVR equipment to record all portions of the following incidents:
- a. Responding to calls for service in emergency mode.
 - b. Traffic pursuits.
 - c. Traffic stops, including the investigation of a vehicle and occupants already stopped or parked.
 - 1) The officer on a traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
 - 2) Officers assisting on traffic stops will continue to record until the stopped vehicle departs or until they leave the scene.
 - d. The transporting of all persons physically arrested and being transported to an appropriate location: district, detention facility, medical facility, etc., until relieved of custody of the prisoner. The camera will be turned to face the rear seat for recording purposes.
 - 1) This includes physical arrests from traffic stops; prisoners requiring transportation which are picked up from districts, outside agencies, private security, etc.; and all original arrests which were not part of an above incident requiring initial recording of the incident.
 - e. **All** requests for consent to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded. Both audio and video recordings will be made of the request and consent when practical. Requests involving incidents beyond the camera will still be recorded by audio if within range of the recording device. Recording is intended to enhance a documented consent; it does not replace a signed Form 601, Consent to Search Without a Warrant, when requesting a search.

- f. Requests for searches and deployments of drug-detection canines involving vehicles, when practical.
 5. Officers will only use DVR discs, or hard drives issued by the Department.
 - a. Officers will not erase, alter, or tamper with MVR tapes, DVR discs, or hard drives.
 6. Each DVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises rear seat passenger(s) their actions and conversations will be recorded.
- B. MVR Tape/DVR Disc Control and Management
 1. Except as indicated below, MVR tapes/DVR discs will be stored at the district/section/unit.
 2. Access to MVR tapes/DVR discs is restricted to supervisors only.
 - a. District/section/unit commanders can designate a non-supervisory person to have access to tapes/discs only when necessary.
 3. All original MVR tapes/DVR discs will be stored for 90 days following the last day of use.
 4. Duplicates of MVR tapes/DVR discs will be made by the district commander's designee.
 5. DVR discs will be stored and separated in the following categories:
 - a. Assigned DVR Discs:
 - 1) Each DVR equipped vehicle will have 30 discs assigned to it, labeled with the equipment number and disc number (e.g.: 04300-1.....04300-30). Do not write directly on the disc.
 - 2) Each vehicle will have a Form MVR1, In-car Camera Tape/Disc Log, to track disc changes and 90-day retention dates. The log must be kept secured with the tapes/discs.
 - 3) Discs will be changed when:
 - a) The DVR disc counter reads 30 minutes or less.
 - c) The disc needs to be removed for viewing or copying purposes.
 - d) There is a malfunction of the disc.

- e) Battery power is lost or the date and time are incorrect. The DVR time and the Mobile Data Computer (MDC) time will be the same.
 - f) Directed by a supervisor.
 - b. Spare DVR Discs
 - 1) Each district/section/unit will have 20 spare DVR discs available, labeled with the disc number (e.g.: Spare-1 – Spare-20).
 - 2) Spare discs are to be used in place of an “Assigned Disc” when the 90-day retention period has not been met.
 - 3) A Form MVR2, In-car Camera Spare Tape/Disc Log, will be completed to track the use of spare discs and their retention dates. The log must be kept secured with the discs.
- C. Hard Drive Control and Management
 - 1. Hard drives will be retained at the district/section/unit of assignment.
 - 2. Access to hard drives is restricted to supervisors.
 - a. District/section/unit commanders can designate a non-supervisory person to have access to tapes/discs only when necessary.
 - 3. All video files will be stored for 90 days upon being downloaded to the server.
 - a. Duplicates of the video files will be made by the district commander’s designee.
 - b. Spare hard drives.
 - 1) Each vehicle equipped with an Eyewitness ION DVR system has two hard drives assigned.
 - 2) Hard drives will be labeled beginning with the district/section/unit designation, then the corresponding number in sequence.

Example: Hard Drive One assigned to District Two is: 2-1. Hard Drive Two assigned to District Two is: 2-2.

- 3) Form DVR-HD, DVR Hard Drive Log, will be completed each time a hard drive is changed to track the use of hard drives. The log must be secured with the hard drives.

D. Court/Evidentiary Tapes, Discs, or Video Files

1. When MVR tapes, DVR discs, or video files are held for court/evidentiary purposes, the officer or supervisor will submit a Form 606, Mobile Video/Audio Recording Records Request, before the end of the tour of duty.
 - a. One duplicate of the MVR tape, DVR disc, or video file will be made and processed as normal evidentiary material in accordance with Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage and Release.
 - b. Duplicates of MVR tapes must include a portion of video from directly before and after the incident in order to be considered a "certified" duplicate for court. Duplicates of DVR discs/video files will consist of the file containing the specific incident.
 - c. Retain the Form 606 at the district/section/unit to track duplicate tapes, discs, or video files.
 - d. The officer will mark all related documents with Automated Control of Evidence ("ACE") to alert the prosecutor or investigator a duplicate of a MVR tape, DVR disc, or video file is available. "ACE" will be indicated only when the officer holds a duplicate tape, disc, or video file as evidence.
2. Anytime a DVR equipped police vehicle is involved in an auto accident where the DVR is recording, or a DVR captures a police vehicle involved in an auto accident, the supervisor who completes the 90S, Supervisor's Review of Vehicle Crash, will also complete a Form 606. Forward a duplicate of the disc, or video file along with the auto accident paperwork, i.e., 90S, BMV3303, etc. through the chain of command to the Fleet Management Unit. The Solicitor's Office will have access to these DVR discs, or video files as needed for lawsuits.
 - a. The Fleet Management Unit will maintain a computer database and act as a liaison with the City Solicitor's Office.
 - b. Fleet Management Unit is responsible for final disposition of MVR tapes, DVR discs, or video files submitted as part of an auto accident not needed after 2 years.
3. Anytime a DVR equipped police vehicle is involved in a stop where an individual is arrested for Operating a Vehicle Under the Influence (OVI):

- a. A duplicate of the OVI incident captured on discs, or hard drives of all units at the scene will be held as evidence. Clearly mark the Form 527, Arrest Report, and Ohio Multi-count Traffic Tag (MUTT), with "ACE". Also, mark "yes" in the specific block on the Form 495.
- b. Complete a Form 606 and process the duplicate of the DVR disc, or video file as evidence held for court (See Procedure 12.715). Mark duplicate discs with the date and OVI number. Discs must be marked with a label. Do not write directly on the disc.
- c. If the incident is captured on a DVR disc or hard drive, a second duplicate will be made and routed, with the OVI paperwork, to the Prosecutor's Office. This disc will be labeled with the arrestee's name, OVI number, and the incident date/time. The Prosecutor's Office will continue to obtain MVR tapes from the Court Property Unit.

E. Request for Tapes, Discs, or Video Files

1. Any request for a tape, disc, or video file must be made prior to the end of the 90-day retention period.
2. Requests for duplicates of discs, or video files originating from within the Department must be submitted on a Form 606 to the district/section/unit where the disc, or video file is assigned or stored.
 - a. Original DVR discs must be retained at the district/section/unit of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations Section, Inspections Section, or Traffic Unit. These units will notify the Officer in Charge (OIC) if a disc is taken for evidence.
 - 1) The shift OIC will document discs taken as best evidence on Form MVR3, MVR Tape/DVR Disc Custody Log, at the district/section/unit of assignment.
 - 2) A best evidence MVR tape/DVR disc will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
 - 3) Label a blank disc with the same equipment and tape/disc number and put back into rotation.
 - b. Eyewitness ION DVR hard drives will be retained at the district/section/unit of assignment. Video files needed as "best evidence" will be downloaded from the hard drive to the server. Duplicates of video files from the server will be made by or at the direction of the requesting district/section/unit.

- 1) The district/section/unit receiving the Form 606 will ensure Form DVR-HD, DVR Hard Drive Log, is completed.
 - 2) A best evidence video file will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
- c. Officers requesting duplicates of discs, or video files for personal use must submit their request through Records Section.
3. Outside requests must also be submitted on a Form 606 through Records Section to the district/section/unit maintaining the original disc, or video file. OVI recorded events will only be released with the approval of the prosecutor.
 - a. When a request for a disc or video file is made from outside of the Department, a second copy of the disc or video file will be made and maintained in a file at the district for one year.
4. Duplicate discs or video files will be made with the approval of the district/section/unit commander.
5. Additional blank discs can be obtained at the Supply Unit.
6. Requests from the Prosecutor's Office for "ACE" Tapes, Discs, or Video Files.
 - a. The Prosecutor's Office will contact the Court Property Unit and request a copy of an "ACE" tape, disc, or video file.
 - b. Court Property Unit will complete and file the Form 606, make a copy of the tape, disc, or video file and arrange for delivery to the Prosecutor's Office.
7. Requests from the Prosecutor's Office for duplicates of all other tapes, discs, or video files.
 - a. The Prosecutor's Office will contact a district/section/unit administrative assistant or supervisor to determine if a tape, disc, or video file of the incident in question exists.
 - b. If a tape, disc, or video file exists, follow section D.1.a. Make an extra copy for the Prosecutor's Office and arrange for the delivery of the tape or disc.
 - 1) Indicate on the Form 606 that an extra copy was made and delivered to the Prosecutor's Office.
 - c. If no tape, disc, or video file exists, the administrative assistant or supervisor will notify the Prosecutor's Office and advise them no tape, disc, or video file exists.

8. Media requests for tapes, discs, or video files will be referred to and handled by the Public Information Office (PIO). Districts will release a duplicate of tapes, discs, or video files to PIO upon request.

F. Supervisory Responsibilities

1. All district supervisors will:
 - a. Ensure officers follow established procedures for the use and maintenance of DVR equipment, discs, and hard drives, and the completion of DVR documentation.
 - b. Ensure the 90-day retention period has been met before installing the next sequential disc.
 - 1) If the DVR disc is available for use, it must be completely erased before re-installing into the recorder.
 - a) Fill out Form MVR1, In-car Camera Tape/Disc Log, or Form MVR2, In-car Camera Spare Tape/Disc Log, completely and accurately each time a disc or spare disc is changed.
 - 2) If the 90-day retention period has not been met, the next sequential spare disc must be used instead.
 - 3) Hard drives with video files downloaded to the server are automatically available for immediate re-use.
 - a) Video files held in the server are retained for 90 days.
 - c. Insure hard drive video files are successfully down loaded to the server.
 - 1) Removed hard drives unable to be downloaded before the end of the shift due to exigent circumstances must be placed in a property locker. Make a blotter entry documenting the reason the download could not be performed.
 - 2) Fill out a Form DVR-DH, DVR Hard Drive Log, completely and accurately each time a hard drive is changed.
 - d. Assign police vehicles with faulty or no DVR equipment as a last resort.
 - 1) Supervisors will note in their rounds why equipment without functioning DVR equipment was used.

- e. Each relief OIC will ensure a supervisor randomly selects a DVR disc, or video file to review per shift. During that review, a specific incident will be identified and reviewed in its entirety and the results will be documented on Form MVR4, Supervisor's Daily Review of DVR, and Video File. These reviews will be conducted for training and integrity purposes.
 - 1) Supervisors will not review incidents known to have been previously reviewed. Supervisors will not include the review of any incident occurring during their current shift which was reviewed in accordance with procedure, e.g., vehicle pursuits, use of force, etc.
 - 2) Supervisors conducting these reviews will file the Form MVR4 in a separate logbook maintained by the affected district/section/unit.
 - 3) Supervisors will conduct periodic and random inspections of DVR equipment to confirm it is in proper working order.
- 2. Each district/section/unit will designate one supervisor to be in charge of DVR equipment, disc, and hard drive log maintenance. The DVR supervisor will ensure:
 - a. Every 30 days, an audit of the DVR log, spare DVR log, and Hard Drive log is conducted. Ensure all DVR discs, and hard drives assigned to a district/section/unit are accounted for. Bring discrepancies to the attention of the district/section/unit commander.
 - 1) Any DVR disc found during this audit that has been retained for more than 90 days will be manually erased and returned to the disc rotation.
 - a) Video files not flagged for review will be automatically erased from the server after 90 days.
 - b. Damaged or nonfunctional DVR equipment is tracked and sent for repair or replacement.
 - c. Assigned DVR discs and hard drives are replaced as necessary to maintain video/audio clarity.
 - 1) If the DVR disc is not clear or causes any malfunction, do not use it. Replace with a new disc. DVR discs used for more than ten rotation cycles will be checked to ensure video and audio clarity.
- 3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect DVR equipment to ensure the correct date and time are displayed on the monitor.

- a. Each January 1 and July 1, email a current list of DVR serial numbers to Fleet Management Unit for tracking purposes. Serial numbers are located on vaults which house the DVR disc, or hard drive. (DVR vaults are located in the trunk of the vehicle. ION DVR hard drive vaults are mounted between the driver and passenger seats).
 4. Each relief OIC will review two randomly selected DVR discs, or video files per week for training issues. A minimum of 3 incidents per DVR disc, or video files will be reviewed. Results will be noted in their rounds.
 5. Supervisors will review the DVR discs or hard drives in all cars of all officers listed in any Department report regarding any incident involving:
 - a. Injury to Prisoners.
 - b. Use of Force.
 - c. Injury to Officers.
 - d. Vehicle Pursuits.
 - e. Police Officer Needs Assistance Runs.
 - f. Citizen Complaints.
 6. All reports submitted, related to the above incidents, should include copies of the DVR or hard drives of all cars in which the incident is captured on video.
- G. Maintenance, Repair, and Replacement
1. Take malfunctioning DVR equipment to the Radio Shop at 1106 Bates Avenue for repair. This service is available Monday through Friday, from 0830 to 1630 hours.
 2. The Radio Shop is the liaison with the DVR vendors. The Radio Shop will conduct all repair and replacement of DVR equipment.
 3. The storage, distribution, tracking and repairs of DVR equipment will be designated in the district/section/unit Standard Operating Procedures.

12.538 SURVEILLANCE CAMERAS AND COMMUNITY CAMERAS

Reference:

Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release

Definitions:

Surveillance cameras are used to monitor criminal activity in a particular area. The system will not be used to infringe on an individual's right to privacy.

Community cameras are a network of security cameras in business districts, crime "hot spots" and targeted residential areas that are recorded over the Internet. Neighborhoods and law enforcement can leverage the system for e-surveillance, deterrence of criminal activities, and footage for prosecution of captured criminal activities.

Purpose:

To establish a procedure regarding the use of community and surveillance cameras.

To establish guidelines regarding the operation, tracking, security, and maintenance of the community and surveillance systems, and data.

Policy:

All images, videotapes, and compact discs are the property of the Cincinnati Police Department and are not to be duplicated and/or used without authorization.

All images, videotapes, and compact discs deemed to have evidentiary value necessary for prosecution of captured criminal activities will be treated as evidence.

Any maintenance or service of the community cameras or the surveillance cameras will be performed by authorized service technicians only.

Procedure:

- A. Surveillance Cameras
 - 1. Operating Surveillance Camera Equipment

- a. Surveillance camera equipment, installed at the front desk, is the responsibility of the officer assigned to the front desk and will be operated according to manufacturer's recommendations.
 - 1) Volunteers may assist desk officers.
 - 2) A supervisor must approve any demonstration of the system.
 - b. Keep one copy of the owner's manual at the front desk at all times. Store additional copies in the Administrative Office.
 - c. Front desk personnel will immediately contact a supervisor to report any problems.
 - d. Only a supervisor can direct personnel to reset the surveillance camera equipment.
 - e. Prior to the end of their tour of duty, desk personnel must determine if the surveillance system equipment is working properly and bring any problems to the attention of their immediate supervisor.
 - 1) Make a blotter entry if the surveillance camera equipment cannot be reset indicating the date and time the equipment is placed out of service. The entry will also note if a service representative was notified.
 - 2) If a service representative cannot be notified, a first shift supervisor or the Administrative Assistant will ensure the service representative is notified as soon as possible.
2. Criminal Activity
- a. Desk personnel will broadcast serious or violent incidents/crimes.
 - b. Suspicious activity
 - 1) Contact Police Communications Section (PCS) by phone to report suspicious activity.
 - 2) Send a follow-up Mobile Data Terminal (MDT) message to all district cars, from the desk officer, using the MDIST1, MDIST2, MDIST3, MDIST4, OR MDIST5 format giving an accurate description of the individual(s) and activity.

- c. Make blotter entries for any arrest or serious activity captured by a surveillance camera.
3. Security
- a. Video tapes
 - 1) Storage and security of the tapes are the responsibilities of the Administrative Assistant.
 - a) Store tapes in a secure area.
 - 2) Change tapes every 24 hours at the beginning of first relief.
 - 3) Rotate tapes every 14 days.
 - a) Label tapes Sunday through Saturday and rotate in daily order.
 - b) Keep three spare tapes on hand.
4. Request For Tapes
- a. Due to the rotation of tapes, any request for a tape must be made prior to the end of the 14-day retention period.
 - b. Submit Department requests for copies of tapes on a Form 606, Video/Audio Recording Form to the district where the tape is assigned or stored. Any outside requests must also be submitted on a Form 606, through Records Section to the district maintaining the original recording.
 - c. Make duplicate tapes only after the approval of the district commander.
 - d. Maintain a tape control log book at each district to track the location of copied tapes. Restrict access to tapes to supervisory personnel only.
 - 1) Maintain the Form 606 at the district for cross reference purposes.
 - 2) Retain the original tape at the district of assignment.

- e. When a request for a tape is made from outside of the Department, make and maintain a second copy of the tape in the file at the district for one year.
- f. Court tapes
 - 1) When tapes are held for court, the officer/supervisor will complete the Form 606 and the copied video will be processed in accordance with Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release

5. Supervisor Responsibilities

- a. Supervisors will ensure:
 - 1) All personnel follow established procedure for use of the surveillance system equipment.
 - 2) Damaged equipment is repaired or replaced as needed.
 - 3) An adequate supply of blank tapes is maintained.

B. Community Cameras

1. Operating Community Cameras

- a. Community camera software will be installed on a computer at the following Department locations:
 - 1) Police Communications Section (PCS)
 - 2) Districts 1, 2, 4, and 5
 - a) Neighborhood Squad
 - b) Investigative Unit
 - c) Violent Crimes Squad
 - 3) Central Vice Control Section
 - a) General Vice Enforcement Unit (GVEU)
 - b) Street Corner Unit (SCU)

- b. The officer using the community camera is responsible for operating the equipment according to the vendor and manufacturer's recommendations.
 - 1) Officers may be assisted by trained community volunteers. A list of approved volunteers is available through the COP Coordinator's office.
 - 2) A supervisor must approve any demonstration of the system.
 - c. Keep a copy of the community camera instruction manual at each computer terminal. Request additional copies through the COP Coordinator's Office.
 - d. Officers using the community camera will immediately contact the COP Coordinator's Office to report any problems.
 - 1) Make a blotter entry if the community camera is not operational indicating the date and time the equipment is taken out of service and whether the vendor's technical support was notified.
 - 2) CitiWatcher technical support can be contacted at 877-724-8928.
2. Criminal Activity
- a. The officer observing the activity will immediately broadcast serious or violent incidents/crimes over the radio.
 - b. Contact PCS by phone to report any suspicious activity.
 - c. Make blotter entries for any arrest or serious activity captured by a community camera.
3. Security
- a. Store images from community cameras for a period of ninety (90) days.
 - 1) All images are the property of the Department and are stored by CitiWatcher.

4. Request for Images
 - a. Images for the immediate seven (7) day period can be accessed through the Internet by those officers trained to use the community camera system by completing the Footage Request Form.
 - b. Submit requests for images on a Footage Request Form available on the website. Any outside agency requests must be submitted on a Form 606, through Records Section.
 - c. Maintain an image control log book at each district/section to track the location of copied incidents.
 - 1) Maintain the Form 606 at the district for cross reference purposes.
 - d. When a request for an incident is made from outside of the Department, make and maintain a second copy of the incident in the file at the district where the incident was captured.
 - e. Court disc(s)
 - 1) When discs are held for court, the officer/supervisor will complete the Form 606 and the disc(s) will be processed in accordance with Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage, and Release
5. Supervisor Responsibilities
 - a. Supervisors will ensure:
 - 1) All personnel follow established procedure for use of the community camera equipment.
 - 2) Damaged equipment is repaired or replaced as needed.

12.539 USE OF DEPARTMENT ISSUED BODY WIRES

References:

Procedure 12.131 – Confidential Informant Management and Control
Manual of Rules and Regulations: 1.02, 1.16, 1.21, 1.31, 7.01, 7.04
Standards Manual - 15.5.2, 17.5.3, 43.1.4, 51.1.2
Ohio Revised Code 2933.51-66 – Wiretapping, Electronic Surveillance
Title 47 Code of Federal Regulations, Part 90.20
Title XVIII U.S. Code, Section 2511 – Interception of Wire, Oral, and Electronic Communications

Definition:

Body Wires - include any device or system, normally designed for concealed wear on the body, that is capable of transmitting, receiving, or recording oral communication.

Purpose:

To provide for the safe, legal, and effective use of Department issued body wires.

To ensure that access, use, and storage of this equipment is properly managed.

To ensure that officers are properly trained in the operation of these devices and have knowledge of the state and federal laws governing their use.

Policy:

Officers operating body wires must strictly adhere to all laws regulating their use. Officers must be aware that at least one party to a conversation must consent to its recording and/or transmission in the absence of an interception search warrant pursuant to O.R.C. 2933.53.

Officers certified under O.R.C. 2933.64 may apply for a court order authorizing the use of a concealed transmitter or recorder without a consenting party present.

Officers will only use these systems during official investigations and with prior supervisory approval.

Each District/Section/Unit that utilizes body wires will establish a Standard Operating Procedure (SOP). The SOP will provide unit specific information and instruction regarding the control, operation, and storage of the system.

Procedure:

A. Training:

1. Permit only personnel that are trained in the use of body wires to operate the equipment.
 - a. This training will be specific to the type and model of body wire used by that District/Section/Unit.
2. Each District/Section/Unit will maintain a list of trained personnel.

B. Operational and Officer Safety Considerations:

1. Conduct an operational test of the body wire before each use.
2. During field operations, a minimum of two officers is needed to monitor and, if a recorder is used, record audio transmissions at the receiver site.
 - a. One officer will operate the recorder, if used, and monitor the transmissions.
 - b. One officer will relay information to other officers on the surveillance.
3. Two officers are not needed at the receiver site if other officers on the surveillance have scanners capable of monitoring the transmissions.
4. The body wire transmitter should be worn on an undercover officer whenever possible.
 - a. The transmitter may be worn by a confidential informant (CI) subsequent to completion of a Form 281, Concealed Transmitter and Recording Consent.
5. If the transmitter cannot be worn on the body, the consenting party must be close enough to the transmitter to overhear any conversation it may pick up.
6. A transmitter or recording device cannot be left unattended in the **ON** position.
 - a. Conversations recorded without the consent of at least one party to that conversation are not admissible in court and may subject the offender to criminal prosecution.

C. Storage:

1. Store body wire equipment in a locked office or locker accessible only by a supervisor or his designee.
 - a. Remove all batteries from the equipment before storage.
2. Complete a blotter entry detailing each use of the body wire equipment. This entry will include:
 - a. Time In/Out
 - b. Name of officer(s) using the equipment
 - c. Signature of supervisor approving the use
 - d. Reason for use
3. Monthly, a District/Section/Unit supervisor, or his designee, will inspect the body wire equipment ensuring it is maintained in a state of operational readiness.
4. Store any recorded intelligence information separately from all other records. Distribute only to criminal justice agencies on a need to know basis.

12.545 USE OF FORCE

Reference:

Graham vs. Conner, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

Manual of Rules and Regulations - 1.01, 1.21, 1.22, 1.23, 1.24, 1.25, 2.12, 2.26A&B, 4.05

Procedure 12.140, Canine Operations

Procedure 12.150, Plan for Control for Disorders at Hamilton County Adult Correctional Facilities

Procedure 12.155, Juvenile Youth Center Disorders

Procedure 12.170, Civil Disturbance Operation Procedure

Procedure 12.550, Discharging of Firearms by Police Personnel

Procedure 12.554, Investigatory Stops

Procedure 12.600, Prisoners: Securing, Handling, and Transporting

Procedure 12.625, Flying Armed on Official Business

Procedure 12.905, Fingerprinting and Photographing of Juveniles

Procedure 15.100, Citizen Complaints

Procedure 19.106, Post Critical Incident Trauma

Procedure 19.110, Peer Support Crises Intervention Team

Definitions:

Actively Resisting - when the subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

Choke Holds - the courts could consider a choke hold or other similar type holds as deadly force. Choke holds are prohibited unless a situation arises where the use of deadly force is permissible under existing law and Department policy. The use of any type choke hold to prevent the swallowing of evidence is prohibited.

Carotid Artery – A collection of nerves continues along the carotid artery located on the side of the neck and extends from the lower jaw bone to the collar bone.

Brachial Nerve – Part of the central nervous system which is located along the inner arms, extending from the armpit to the elbow.

Common Peroneal Nerve - Part of the central nervous system which is located along the outer legs, extending from the knee to the ankle.

Crowd Management - the observing, monitoring, and facilitating the activities of persons assembled.

Crowd Control - the use of police action to stop the activities of persons assembled.

Deadly Force - force likely to cause, or capable of causing, death.

Escorting - the use of light pressure to guide a person or keep a person in place.

Force - any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person.

The term includes, but is not limited to the use of: firearms, Tasers, chemical irritant, choke holds or hard hands, the taking of a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance.

Hard Hands - the use of physical pressure to force a person against an object or the ground, use of physical strength or skill that causes pain or leaves a mark, leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

Original documents - photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Serious Use of Force - any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured or requires hospital admission, with the exception of individuals admitted for psychiatric evaluation not suffering a serious injury.

Self-Defense - the act of protecting oneself or another from physical harm or serious physical harm.

Serious Injury/Serious Physical Harm to Persons - any of the following:

- Any physical harm that carries a substantial risk of death.
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity.
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.

Use of Force in Crowd Management and/or Control - Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from a risk of death or physical harm; or is necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject.

Officers encountering crowds will evaluate the situation and determine if there is a current or future need requiring crowd control or crowd management. Prior to police action, the officers will immediately summon a supervisor to the scene. If crowd control is or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools, or tactics needed to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

Use of force (including the beanbag shotgun, the 40mm foam round and the PepperBall launcher) as well as the use of chemical irritant during periods of civil unrest or for crowd management is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd unless it would present a danger to the officer or others to give such a warning.

Any deployment of the beanbag shotgun, 40mm foam round, or PepperBall launcher during crowd management/control requires:

- Specific targeting of a subject by the officer.
- Under no circumstances should any of these devices be deployed into a crowd without first identifying a specific target that represents an imminent risk of death or physical injury to the officer or others.
- The officer must be reasonably sure that the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse.

~~Resistive Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and makes body rigid by tensing the muscles. Can be full body resistance or a particular body part. Goal of the action is to prevent control by means of superior strength. Conspicuously Ignoring: Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.~~

~~Exaggerated Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control. Combative/Assaultive: Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet kicks, punches, elbow strikes spitting, biting etc.) Armed: Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.~~

~~Excessive Emotional Tension: Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control. Ceased All Movement: Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.~~

Information:

Information:

Beanbag shotgun and 40mm foam rounds: The beanbag shotgun and 40mm foam rounds are impact projectile devices that offer a less lethal alternative for subduing or incapacitating a subject to prevent imminent physical harm, while maintaining officer safety.

These types of police tools have been designed for law enforcement to assist in resolving situations which could otherwise result in the use of deadly force.

They are designed to enable officers to subdue or incapacitate a subject while preventing imminent physical harm to the officer or another person due to the ability to maintain greater distance between officers and the subject. Most of the time, these tools are used when a subject is armed with, or simulating the possession of, a potentially deadly instrument. These subjects are often emotionally disturbed, intoxicated, or suicidal. These tools are designed to de-escalate the deadly force potential and allow the subject to be controlled with a lower level of force.

Use of these types of tools is reasonable in situations when allowing the subject to leave would pose an imminent continuing threat to others, including the subject.

These types of impact projectiles may not be used to prevent theft or minor vandalism.

Beanbag shotgun and 40mm foam rounds may only be used to subdue or incapacitate a subject to prevent imminent physical harm. In certain circumstances, it may be inappropriate to use these impact projectile tools, even if the only alternative is to allow the subject to escape. Officers must consider the severity of the crime, whether the subject poses an immediate threat of imminent physical harm to officers or other persons, and whether the subject is actively resisting arrest.

Chemical irritant: Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s). Chemical irritant leaves an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm; or is necessary to effect the arrest of an actively resisting subject; or prevent the escape of that subject.

Chemical irritant or the X26 Taser (in the drive stun mode) is the primary response to prevent persons from swallowing evidence or contraband. The use of chemical irritant or the X26 Taser (in the drive stun mode) on an individual attempting to swallow evidence or contraband is only permitted when all of the following apply:

- There is a clear indication that the object or substance in the subject's mouth is contraband and;
- There are exigent circumstances such as the imminent destruction of evidence or medical emergency and;
- The officer has issued verbal commands to spit out any contraband and the subject refuses to comply.

Personnel may only use chemical irritant to control a resisting subject when verbal commands and other techniques that do not require the use of force would be ineffective or where issuing verbal commands would present a danger to the officer or others.

When possible, a verbal warning must be issued to the subject that chemical irritant will be used prior to the use of chemical irritant unless exigent circumstances exist that would make it imprudent to do so. When possible, the officer will defer using chemical irritant for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

Employee Tracking Solution: If the Employee Tracking Solution (ETS) is down due to maintenance or mechanical problems, supervisors should document a use of force incident on the appropriate form on the H: drive. Supervisors should complete a draft copy of the use of force report and fax it to the required units. Supervisors should then retain the draft document until ETS is operational, at which point the information from the draft document should be entered into ETS and processed according to this procedure.

Monadnock AutoLock Batons: Monadnock AutoLock batons are impact tools that offer a less lethal method for subduing and apprehending violent and/or actively resisting subjects. Compared to empty hand counter strikes, the baton is less likely to cause injury to the officer and provides added distance from the subject. Officers should target center mass of a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, and groin, unless threatened with serious physical harm.

PepperBall: The PepperBall launcher is a non-lethal tool that provides another alternative to assist in apprehending violent and/or actively resisting individuals while maintaining officer safety. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

X26 Taser: The X26 Taser is an electronic control device that is a non-lethal force alternative used to assist officers in the performance of their duties. The X26 Taser is designed to temporarily immobilize a non-compliant, violent or potentially violent subject. It generates electricity in a small, hand-held, battery operated unit about the size of a handgun.

When properly used, the X26 Taser generates an electrical current that dominates the existing neuromuscular and sensory nervous system. Subjects become physically incapacitated and unable to control muscle movement, allowing officers to gain control.

The X26 Taser may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation. When deploying a cartridge from the X26 Taser, it should never be aimed at the subject's head, neck, eyes, or groin. When deployed in the drive stun mode, the neck and groin areas are acceptable targets.

Each X26 Taser has an internal tracking chip. This chip stores the time and date of the last 2000 times the trigger was engaged on the X26 Taser. Supervisors can retrieve information stored in the data chip by connecting to the data port on the rear of the weapon and downloading the information into the Department's computer system.

Each January 1, April 1, July 1, and October 1, supervisors will download the previous three months' data stored on the X26 Taser data chip of their personnel. The downloaded information will be stored in the "Taser_Downloads" folder located on the H: drive. Instructions for electronically saving downloaded data can be accessed by opening the PDF file titled, "Taser_Download instructions" located in the "Taser_Downloads" folder on the H: drive. The downloaded Taser information is also to be printed out and stored separately in a file at the officer's unit of assignment.

District/section/unit commanders will ensure a supervisor reviews each quarterly download for activations not consistent with daily spark tests or previously documented use of force incidents. The following activations require the investigating supervisor to provide a brief hand-written response on the quarterly Taser download sheet justifying the activation, including the corresponding ETS number, if applicable

- Activations lasting ten seconds or longer in duration.
- Three or more consecutive activations with minimal time in between the activations.

Unresolved activations which require further investigation must be documented on a Form 17 to the Police Chief.

Use of Force Review Board: The Use of Force Review Board will conduct comprehensive reviews of the following use of force incidents:

- a use of force resulting in hospitalization or serious injury to a subject or police officer involved in a use of force incident;
- a use of force that includes a citizen's complaint of unnecessary or excessive force by an officer;
- any use of force incident recommended for review by a district/section/unit commander and approved by the Police Chief.

Use of force incidents involving the discharge of firearms by police are not included in this process and are addressed by the Firearms Discharge Board (Procedure 12.550). Uses of force involving beanbag and 40mm foam round discharges are reviewable by the Use of Force Review Board.

The Use of Force Review Board consists of:

- affected district/section commander;
- one captain from Investigations or Patrol Bureau (rotating assignment);
- Training Section Commander;
- Inspections Section Commander;
- one bureau commander (rotating assignment).

Internal Investigations Section will coordinate Use of Force Review Board action and will schedule Review Board meetings and provide all documentation to board members on cases assigned by the Police Chief.

The bureau commander will chair the Review Board meetings. The Review Board will prepare a final report to the Police Chief containing a description of the incident including all uses of force, a summary and analysis of all relevant evidence, proposed findings, and analysis to support those findings.

The Review Board will determine whether all uses of force during the encounter were consistent with Department policy and training, whether the involved officers employed proper tactics, and whether lesser force alternatives were reasonably available.

Policy:

Cincinnati police officers must recognize and respect the value and dignity of every person.

In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effecting an arrest is where a suspect complies with simple directions given by an officer.

When officers are confronted with a situation where control is required to affect an arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used unless this causes unnecessary danger to the officer or others.

When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately de-escalate the use of force as the subject de-escalates or comes under police control.

Officers must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.

Force situations often do not allow for an ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.

Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

All members have a duty to ensure that the use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, the X26 Taser; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will immediately notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a lieutenant uses force and there is no captain or above working, but an acting Night Chief (lieutenant) is available. In this case, the acting Night Chief can conduct the investigation.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

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

Use of Force Continuum

SUBJECT RESISTANCE:	FORCE OPTIONS:	OFFICER/SUBJECT FACTORS:
<p>Compliant/Cooperative Subject complies with verbal commands and other directions.</p> <p>Uncooperative Subject fails to respond to verbal commands or other directions.</p> <p>Active Resistance Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, or pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.</p> <p>Assault or Threat of Assault Subject assumes fighting stance, charges, strikes or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault.</p> <p>Life Threatening Assault or Assault Likely to Cause Serious Physical Harm Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.</p>	<p>Officer presence</p> <p>Verbal skills</p> <p>X26 Taser/Chemical irritant</p> <p>Escort techniques</p> <p>Balance displacement</p> <p>Hard hands (pressure points/strikes)</p> <p>Monadnock AutoLock batons</p> <p>PepperBall launcher (Non-lethal) Beanbag shotgun (Less than lethal) 40mm foam round (Less than lethal)</p> <p>Deadly force</p>	<p>Physical size</p> <p>Influence of alcohol or drugs on subject</p> <p>Subject's mental capacity or impairment</p> <p>Multiple suspects</p> <hr/> <p>SPECIAL CIRCUMSTANCES:</p> <p>Environmental factors</p> <p>Distance from subject</p> <p>Officer injury exhaustion</p> <p>Proximity of weapon</p> <p>Officer on ground</p> <p>Special knowledge</p> <p>Crime involved</p> <p>History/knowledge of subject</p>

Each force situation is unique and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to affect a lawful arrest (Graham v. Connor, 490 U.S. 386 (1989)). Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances. Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation.

Procedure:A. Use of the X26 Taser

1. Use the X26 Taser to control actively resisting subjects, aggressive non-compliant subjects, or violent or potentially violent subjects. When possible, give the subject a verbal warning that the Taser will be deployed unless exigent circumstances exist that would make it imprudent to do so.
 - a. Officers should avoid using the X26 Taser on obviously pregnant females and those individuals under the age of 7 or over the age of 70 due to the potential for these individuals to fall when incapacitated by the Taser, unless the encounter rises to the level of a deadly force situation.
 - b. Officers should avoid using the X26 Taser on individuals who are on an elevated surface unless the encounter rises to the level of a deadly force situation.
2. Officers should, if possible, obtain backup before using the X26 Taser to control the subject.
 - a. Deploy personnel in such a manner that will enable them to use other means to subdue the subject if the X26 Taser is ineffective.
 - b. Officers will use caution and avoid standing near the subject.
3. Depressing the trigger on the X26 Taser will propel two darts from the attached cartridge. Once the X26 Taser is fired, it will automatically cycle for five seconds. The officer can turn it off before the five-second cycle stops. However, it is recommended that officers let the X26 Taser cycle for the full five seconds to maximize its effectiveness. Officers should give commands to the suspect and attempt to gain compliance.
 - a. It is necessary for both darts in a cartridge to hit some part of the suspect's clothing or body for total incapacitation. However, if only one dart penetrates the subject, the X26 Taser is only partially effective. Should this occur and the subject continues to act aggressively, place the X26 Taser against the subject's body to complete the circuit, causing complete incapacitation.
 - b. The X26 Taser has a red dot laser and a built in flashlight that activates as soon as the X26 Taser is turned on. Both of these features can be deactivated, if desired.
4. If a first shot does not make contact or is ineffective, the officer may reload and attempt a second shot. If the X26 Taser deployments do not make contact or are ineffective, it may be used in the drive stun mode. The X26 Taser can operate in the drive stun mode with or without the fired cartridge attached. You cannot use the X26 Taser in the drive stun mode on the neck or groin area with a non-fired cartridge attached to the Taser.

- a. While operating the X26 Taser in the drive stun mode, the carotid/brachial, groin, and common peroneal nerve are the preferred target areas of the body. A drive stun is described as pushing the X26 Taser aggressively against the subject's body while pulling the trigger. This will deliver a shock to that area of the body. A drive stun is intended to gain compliance from actively resisting subjects, aggressive non-compliant subjects, violent or potentially violent subjects, and persons attempting to swallow evidence or contraband.
 - b. Due to the high voltage electronic spark of the X26 Taser, never fire the X26 Taser near flammable materials (such as chemical irritant with an alcohol-based propellant, gasoline, kerosene, or in a natural gas environment).
 - c. After an officer has fired an X26 Taser cartridge, a new cartridge will be issued to the officer by their immediate supervisor.
5. When possible, avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges.
- a. Use of the Taser should be combined with physical restraint techniques to minimize the total duration of the struggle and Taser use.
 - 1) Additional officers on the scene of a Taser deployment can attempt to restrain and handcuff a subject during an active Taser cycle.
 - 2) Officers should transition to a different force option if multiple Taser deployments fail to gain compliance or continued Taser applications are not making sufficient progress toward gaining compliance.
6. Discharging the X26 Taser at Animals
- a. The X26 Taser is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The X26 Taser is especially effective for vicious and/or dangerous dogs.
 - b. Officers using a Taser on an animal may need to adjust their aim to ensure contact is made with both probes.
7. Medical Treatment
- a. Officers will obtain appropriate medical treatment for suspects when necessary. After successful X26 Taser deployment, request Cincinnati Fire Department (CFD) respond to evaluate the subject.

b. Officers may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e., genitals, breast tissue, or any area above the collar bone.

- 1) If the darts are embedded in the soft body tissue described above:
 - a) Transport to University Hospital for treatment and dart removal any person 13 years of age and older.
 - b) Transport to Children's Hospital for treatment and dart removal any person 12 years of age and under.
- 2) Used X26 Taser cartridges and darts are considered a biohazard. Place the used cartridge and darts in a biohazard receptacle at a fire station or hospital.

B. Use of Chemical Irritant

1. When possible, a verbal warning must be issued to the subject that chemical irritant will be used prior to the use of chemical irritant unless exigent circumstances exist that would make it imprudent to do so.
2. When feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.
3. Officers may only use chemical irritant on a restrained individual when the restrained individual is likely to escape or suffer injury; or another person is likely to suffer injury, absent the use of the chemical irritant.
4. If it is necessary to use chemical irritant on a violent prisoner who is handcuffed and in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead, officers will spray the prisoner through the protective screen.
 - a. If the vehicle is equipped with a Plexiglas partition, officers can either slide the partition to an open position and spray the prisoner through the opening or spray the prisoner through the rear door window nearest the prisoner's face.
 - b. This should be rare and used only after officers issue a verbal warning and when other uses of force would be ineffective.
5. When spraying chemical irritant, target an individual's face and upper torso. If possible, stay five to ten feet away from an individual and administer the chemical irritant in 3 second bursts.
6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.

7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.
- a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water; or the use of a decontamination wipe.
 - b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.
8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:
- a. When the individual complains of continued effects after having been decontaminated.
 - b. The individual indicates that they have a pre-existing medical condition that may be aggravated by the chemical irritant, e.g., asthma, emphysema, bronchitis, heart ailment, etc.
 - c. Immediately request a supervisor and Cincinnati Fire Department (CFD) respond to the scene if a person is suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death.
 - 1) If necessary, CFD will transport the suspect for immediate medical treatment. If CFD requests the Police Department transport the suspect, officers will:
 - a) Immediately transport to University Hospital any person 13 years of age and older.
 - b) Immediately transport to Children's Hospital any person 12 years of age and under.

~~Police officers have a number of options available when confronted with a situation that requires use of force. Force decision making will reflect not only the amount of resistance encountered but also factors related to the officer and subject involved as well as circumstances in the particular environment where the incident occurs. There may be circumstances where the best option is to disengage and wait for other officers, contain the individual without engaging him, or simply wait him out.~~

~~Force situations often do not allow for a neat progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves. Force options may be used simultaneously, for instance, combining verbal skills with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience.~~

~~Force Options~~

~~Officer Presence
 Verbal Skills
 Chemical Irritant
 Assistance from other
 Officers
 Soft Hands (Escort,
 Restrain)
 Hard Hands (Pressure
 Points, Strikes
 PR-24 (Baton)
 Less than lethal (taser,
 beanbag shotgun, 40 mm
 sponge round, pepperball)
 Deadly Force (Firearm,
 other)
 Disengage~~

~~Officer/Subject Factors~~

~~Physical Size
 Alcohol/Drug Use
 Mental Illness
 Multiple Subjects~~

~~Special Circumstances~~

~~Environmental Factors
 Distance from Subject
 Injury or Exhaustion
 Proximity of Weapon
 Officer on the Ground
 Special Knowledge~~

C. Use of PepperBall

1. PepperBall launchers will be assigned to the districts at the discretion of the Police Chief.
2. The PepperBall round consists of a small, hard, plastic sphere containing Oleoresin Capsicum (OC) pepper powder.
3. The PepperBall launcher is a semi-automatic, shoulder-mounted, high capacity weapon, powered by compressed air.
 - a. Each district will be assigned one Self Contained Breathing Apparatus (SCBA) compressed air tank and a PepperBall fill adapter.

- b. SCBA tanks can be refilled by the Cincinnati Fire Department at their facility located on 5th Street at Central Avenue.
- 4. Only supervisors and officers trained in the use of PepperBall launchers are permitted to use the weapons.
 - a. The presence of a second officer is highly recommended in the event the officer using the PepperBall launcher encounters lethal resistance.
 - b. If serious injury requiring hospitalization occurs from the use of the PepperBall, follow the notification process for shots fired as outlined in Procedure 12.550, Discharging of Firearms by Police Personnel.
- 5. When using the PepperBall launcher, aim at center mass. Avoid the head, neck, and groin areas, if possible. The effective range of the PepperBall is 0 to 30 feet for targeting individuals; and up to 100 feet for area saturation.
 - a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.
 - b. Heavy clothing can hinder the effectiveness of the PepperBall rounds. If a subject is wearing heavy clothing, consider targeting the legs.
 - c. Subjects struck with PepperBall rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing PepperBall rounds.
 - d. Decontamination for individuals exposed to PepperBall OC powder is fresh air and clear, cool water.
- 6. PepperBall rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls, or the ground.
- 7. After using the PepperBall launcher, and after the individual is under control, inform onlookers that the PepperBall launcher is a non-lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

D. Use of Beanbag Shotgun

- 1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.
 - a. Supervisors are responsible for loading beanbag shotguns.

- b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.
2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull.
 - a. Stocks on beanbag shotguns are orange and clearly labeled as "less-lethal".
3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be stored de-cocked with the safety on, in secured boxes in the trunks of assigned vehicles.
 - a. A breakaway seal will be on each box.
 - b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.
 - 1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.
 - 2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.
4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.
5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.
6. Neither permission from, nor the presence of, a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.
 - a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.
7. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.
8. When using a beanbag shotgun, the recommended distance is no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet.

- a. Using a beanbag shotgun within 20 feet of an individual increases the chance of serious injury. In cases involving self-defense, defense of another, or a situation where the round is used as an alternative to deadly force when deadly force would be appropriate, the use of the beanbag round at a distance less than 20 feet is acceptable.
 - b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550.
9. When using a beanbag shotgun, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible.
 - a. Transport any person 13 years of age and older struck with a beanbag round to University Hospital for medical evaluation.
 - b. Transport any person 12 years of age and younger struck with a beanbag round to Children's Hospital for medical evaluation.
 10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.
 11. If four rounds prove to be ineffective, officers need to consider another option.
 12. After using a beanbag shotgun, and after an individual is under control, notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

E. Use of 40mm Foam Round

1. 40mm foam round launchers are assigned to SWAT.
2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.
3. The 40mm foam round launcher is a single shot, shoulder-mounted weapon.
4. Only SWAT officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.
 - a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.

- b. Where the distance between the officer and the target makes it practical, verbal warnings will be given prior to use, absent exigent circumstances. When feasible, officers will allow a reasonable time between the warning and use of the foam round.
 - c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.
5. When using the 40mm foam round, target a specific part of the body. Avoid the head, neck, heart, and groin areas, if possible. The 40mm foam round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
 - a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.
 6. If four rounds prove to be ineffective, officers need to consider another option.
 7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less lethal alternative designed to apprehend individuals without causing serious injury.
 - a. Officers are exempt from the notification requirements during incidents involving civil unrest.

Policy:

~~Cincinnati Police Officers must recognize and respect the value and dignity of every person. In vesting officers with the lawful authority to use force to protect the public's welfare, a careful balancing of all human interests is required.~~

~~Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effectuating an arrest is where a suspect complies with simple directions given by an officer.~~

~~When officers are confronted with a situation where control is required to effect arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion. The suspect should always be allowed to submit to arrest before force is used, unless this causes unnecessary danger to the officer.~~

~~When officers have a right to make an arrest, they may use whatever force is reasonably necessary to apprehend the offender or effect the arrest, and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to immediately deescalate the use of force as the subject deescalates or comes under police control. They must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves, but extends to that amount reasonably necessary to enable them to effect the arrest of a resistant subject.~~

~~Service of court orders or arrest warrants will be done with extreme caution and, when possible, only after adequate numbers of officers are on the scene.~~

~~The taser electronic control device may be used in situations where time and conditions permit the consideration of an alternate force. The taser can be an extremely effective control device for close range immobilization. Only officers successfully completing the Department taser training program will use the taser.~~

~~Beanbag shotguns, 40mm foam rounds and pepperball rounds may be used anytime officers encounter individuals actively resisting arrest or threatening harm to themselves or others. They may not be used to prevent theft or minor vandalism.~~

~~If the offender resists, the officer may use such force as required under the circumstances to overcome the resistance, even to the extent of taking life, if that is necessary. They may not use deadly force merely to prevent escape in misdemeanor cases.~~

~~The use of deadly force to prevent escape of felony suspects is constitutionally unreasonable except where the escape presents an immediate risk of death or serious physical harm to the officer or another.~~

~~Where the suspect poses no immediate threat of death or serious physical harm to others, the harm resulting from failing to apprehend the suspect does not justify the use of deadly force to do so. If officers use unnecessary and excessive force, or act wantonly and maliciously, they will be subjected to disciplinary action, possible criminal prosecution, and/or civil liability.~~

~~When possible, personnel will use chemical irritant as the primary response to aggressive citizen behavior when verbal commands and other techniques that do not require the use of force would be ineffective, or where issuing verbal commands would present a danger to the officer or others. Aggressive citizen behavior is defined as any citizen who displays or engages in any of the following behaviors resistive tension, conspicuously ignoring, exaggerated movement, combative/assaultive behavior, armed, excessive emotional tension, subject ceased all movement, and/or subject has a violent history, as those terms are further defined above.~~

~~Officers will sign the appropriate criminal charges following a use of chemical irritant or force incident associated with the signing of a state mental hold.~~

~~A charge of Resisting Arrest is not appropriate when the only other action is the signing of an Emergency Hospitalization Examination/state mental hold.~~ Reporting Use of Force

<u>Force used</u>	<u>Reporting requirement</u>
Deployment of police canine (no bite).	Form 18C, explaining circumstances that led to the deployment.
<u>Escorting or handcuffing a person, with no or minimal resistance.</u>	<u>No special reporting required other than the narrative of the arrest report.</u>
<u>“Hard hands” use of force by means of leverage displacement, joint manipulation, pain compliance, or pressure point control tactics without injury or complaint.</u>	<u>The arresting officer(s) are required to notify a supervisor and document a narrative account of the subject’s form(s) of resistance and the officer’s specific defensive tactic used to overcome that resistance in the narrative of the arrest report and complete Form 18NC, Noncompliant Suspect/Arrestee Report, to be reviewed and approved by a supervisor. The use of force report will require the officer to identify the events leading up to the use of force and the supervisor will be required to evaluate the tactics used by the officer.</u>

<p>“Hard hands” use of force with injury or complaint of injury.</p>	<p>The arresting officer(s) are required to notify a supervisor. The supervisor’s report will include the following information in the narrative portion of the report: description of the events leading to the use of force; description of the subject’s resistance; description of the use of force by police to overcome resistance, including a description of all empty hand controls used by the officer; supervisor’s evaluation of the propriety of the initial contact and the propriety of the use of force; supervisor’s evaluation of a foot pursuit if applicable.</p>
<p><u>Force using any physical strike or instrumental contact with a person; chemical irritant; choke holds; deployment of a canine resulting in a bite; beanbag shotgun and 40mm foam rounds; X26 Taser; or PepperBall.</u></p>	<p><u>Supervisors will be called to the scene and conduct a supervisory investigation including the supervisor’s narrative description of the events preceding the use of force, the officer(s)’ description of events, and audio taped statements of all witnesses including the officer(s), subject(s), medical treating personnel (if practicable), and third-parties.</u> For chemical irritant use and X26 Taser deployment, taped statements are only required if the use occurs after handcuffing.</p>
<p><u>All serious uses of force (as defined in the Definitions section) and canine bites that cause serious injury or hospital admission.</u></p>	<p><u>CIS and IIS will respond to the scene and investigate.</u></p>

Procedure:F. Reporting a Use of Force

1. The investigating supervisor will immediately notify the district/section/unit OIC (officer in charge), or the Night Chief, if on duty. The use of force will not be investigated by any officer who used force or chemical irritant, whose conduct led to an injury to a prisoner, or who authorized the conduct that led to the reportable incident.
 - a. If none of the above are on duty, ensure the next command officer who comes on duty is notified.
 - b. Contact the Internal Investigations Section (IIS) Commander, the Criminal Investigation Section (CIS) Commander, and the officer's district/section/unit commander for all serious uses of force and all canine bites which cause serious injury or hospital admission.
 - c. Contact the IIS Commander and the officer's district/section/unit commander if more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force.
2. The supervisor will conduct a preliminary fact finding interview of

witnesses and officers at the scene and search for evidentiary materials. The supervisor will then conduct a thorough investigation and evaluate the propriety of the action taken. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force. The only exception is when a lieutenant uses force and there is no captain or above working, but an acting Night Chief (lieutenant) is available. In this case, the acting Night Chief can conduct the investigation.

- a. Other than a use of chemical irritant or Taser, a supervisor will ensure neutral officers transport the prisoner to the appropriate facility, if applicable.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident.
- b. Detail supervisors will be responsible for the investigation of a use of force involving officers under their supervision.
- c. A supervisor in the district where the force occurred will investigate and report incidents when the officer is off duty.
 - 1) If a use of force occurs outside the city limits, a supervisor from the closest district will investigate the incident.
- d. If an officer is involved in a use of force outside a 50-mile radius of the city, the officer will immediately contact a Police Communications Section (PCS) supervisor and notify him of the use of force. The officer will leave a phone number where he can be contacted.

- 1) PCS will contact the involved officer's assigned district/section/unit commander and notify him of the incident.
 - 2) The district/section/unit commander will call the officer to determine the correct course of action.
3. After the preliminary fact finding interview, tape record all further interviews with the arrested, civilian witnesses, and police officer witnesses in incidents involving canine bites or the physical use of force. Attach the interview tapes to the original report.
- a. The tape recorded interview will contain the following information:
 - 1) Date, time, and location of interview.
 - 2) Interviewer's name and title.
 - 3) Reason for the interview, e.g., "I am investigating the arrest of John Doe which took place at 1012 Ludlow Avenue."
 - 4) Identity of the person interviewed.
 - 5) Explanation of what happened with specific reference to how the injury occurred. Do not ask leading or suggestive questions.
 - b. If more information is needed, ask the appropriate questions.
 - c. Upon completion, conclude the taped interview by identifying yourself, the person interviewed, and state the time, e.g., "This is Sergeant Neudigate concluding this interview with Mr. John Doe. The time is 2000 hours."
4. The investigating supervisor will interview and examine the subject of the use of force. Be sure the arrested is fully aware of the supervisor's rank and purpose of the interview. The supervisor is responsible for examining the subject for any injuries and is responsible to ensure that any necessary medical attention is secured.
- a. The investigating supervisor will take Polaroid photographs of the subject. Take specific photos of any injury, or claimed injury, to the subject.
 - 1) The investigating supervisor will record his name, badge number, date, time and name of the subject on the photographs. Attach the photographs to the original report.

- b. Anytime the subject of a use of force goes to a hospital, a supervisor will respond and:
 - 1) Ask permission of the medical staff to view the arrested to note the total extent of the injuries.
 - 2) Interview the arrested, tape recording the interview.
 - 3) Interview the treating physician and include the diagnosis in the report. Tape record the interview if the physician permits it.
 - a) If the treating physician cannot release a diagnosis of the subject's injuries due to doctor-patient confidentiality, the supervisor will note it in the report.
 - 4) If possible, obtain a hospital and Department release for medical records from the arrested. Attach the release to the original investigative report.
 - 5) Note on the Form 18F, Supervisor's Use of Force Investigation Report, if the subject refuses treatment at the hospital.
- 5. If the arrested is seriously injured or admitted to a hospital, immediately notify the district/section/unit commander of the involved officer, the IIS Commander, the CIS Commander, and the Night Chief/Duty Officer, if on duty.
 - a. The Homicide Unit and IIS will conduct an investigation with the assistance of the affected district/section/unit when the injury is a result of the use of force.
 - 1) The district/section/unit commander will coordinate the investigation in the absence of an IIS investigator.
 - a) The CIS and IIS Commanders will forward all findings and reports to the Police Chief's Office through command channels.
 - b) When IIS or the Homicide Unit is conducting the use of force investigation, the unit responsible for the primary investigation will complete a Form 18F.
 - b. If the arrested is admitted to a hospital for psychiatric evaluation only without serious injury (PES, etc.), the above notifications are not required.
 - c. If the arrested remains at a hospital for observation purposes as the result of the use of force, notify the affected bureau commander and the Night Chief/Duty Officer who will determine whether CIS and IIS will be notified.

6. The investigating supervisor will complete an appropriate Form 18F in the Employee Tracking Solution (ETS).
 - a. Ensure all blocks are completed. Multiple blocks may be checked, as applicable, in the following defined categories:
 - **Ceased All Movement:** Subject fails to comply with verbal commands from an officer to submit to arrest and abruptly stops all movement. This is often a behavioral cue that the subject is forming a plan to resist the officer.
 - **Conspicuously Ignoring:** Subject fails to comply with verbal commands from an officer to submit to arrest and fails to respond to questions or orders, refuses to acknowledge the officer's presence, engages in other activities, or attempts to leave the area.
 - **Resistive Tension:** Subject fails to comply with verbal commands from an officer to submit to arrest and makes their body rigid by tensing the muscles. This rigidity can be full body resistance or a particular body part. The goal of the action is to prevent control by means of superior strength.
 - **Exaggerated Movement:** Subject fails to comply with verbal commands from an officer to submit to arrest and exhibits rapid body movements, such as flailing of the arms, excited pacing, bouncing or similar actions. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - **Excessive Emotional Tension:** Subject fails to comply with verbal commands from an officer to submit to arrest and is belligerent, yelling or argumentative towards the officer or another person. Actions are often behavioral cues indicating preparation for physical exertion to avoid having the officer take control.
 - **Combative/Assaultive:** Subject fails to comply with verbal commands from an officer to submit to arrest and attempts, threatens or succeeds in physically assaulting an officer or another person by means of body weapons (hands, feet, kicks, punches, elbow strikes, spitting, biting, etc.).
 - **Armed:** Subject fails to comply with verbal commands from an officer to submit to arrest and displays or claims to possess a weapon, threatens to obtain or use a weapon, makes overt actions consistent with being armed, or is reported to be armed.
 - b. Include concise statements addressing corroboration or contradiction for each witness.

- c. Type a brief summary of the use of force incident on the Form 18 that includes the following information:
 - 1) Decision to arrest, including the basis for the stop and seizure.
 - 2) How the subject resisted arrest.
 - 3) Subject's resistive behavior.
 - 4) Officer's tactics and actions to counter resistance/assault.
 - 5) The supervisor's analysis of the propriety of the officer's use of force.
 - 6) A statement indicating that the subject of the use of force was interviewed as part of the investigation. Include the identity of the supervisor who conducted the interview.
7. If while investigating a use of force, an individual alleges excessive force, the investigating supervisor will complete Form 648, Citizen Complaint or Information, and include it in the use of force case folder. The supervisor will investigate the complaint thoroughly while all participants and witnesses are present. If the original use of force does not require the investigation to be tape recorded, but there is an excessive force allegation in conjunction with the use of force, the supervisor will tape record the interview of the subject of the use of force. This is only required when an excessive force complaint accompanies a use of force investigation. The main focus of the interview should be the complaint allegation, not the use of force. Refer to Procedure 15.100, Citizen Complaints, for routing of the form.
8. The investigating supervisor will ensure the completion of and sign the Form 527, Arrest and Investigation Report, and Form 527A, Case and Bond Information Sheet, listing the prisoner's physical condition. The Form 527 will accompany the prisoner to Central Intake at the Hamilton County Justice Center.
9. Form 18F will be work-flowed to the assigned district/section/unit commander through the chain of command.
 - a. Upon work-flowing Form 18F, the investigating supervisor will use the "Add Notification" function to include the following units:
 - 1) Internal Investigations Section.
 - 2) Inspections Section.
 - 3) Patrol Bureau.

- b. If the Form 18F is not complete and the investigating supervisor needs to retain the document to complete their investigation, they should work-flow the document to themselves while still notifying the above listed units by the "Add Notification" function. **Do not** use the "Add Recipient" function.
10. The district/section/unit commander will review the original report and complete a use of force supplement, which will be attached to the appropriate use of force case folder in ETS. Within seven days, the district/section/unit commander will forward the taped statements and photos to the Police Chief's Office through the affected bureau commander in a sealed envelope.
 - a. Inspections Section will file the photographs and tapes.
 11. If an additional investigation is required, note it on the supplement.
 12. The investigating supervisor will make a blotter entry describing the incident and action taken.
 13. Following each use of force investigation conducted by a supervising officer, an officer at the rank of lieutenant or higher will review the investigation, identify any discrepancies, and require the supervising officer who conducted the investigation to correct any such deficiencies. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervising officer fails to conduct a thorough investigation or fails to properly adjudicate an incident, or when a reviewing lieutenant neglects to recommend appropriate corrective action.

B.—Use of the Taser:

- ~~1.— Use the taser to control violent or potentially violent suspects under the following conditions:

 - ~~a.— Attempts to subdue the subject by conventional tactics are inappropriate or ineffective.~~
 - ~~b.— There is reasonable expectation it will be unsafe for officers to approach within contact range of the suspect.~~~~
- ~~2.— Officers should, if possible, obtain sufficient backup before using the taser to control the suspect.

 - ~~a.— Deploy personnel in such a manner that will enable them to use other appropriate means to subdue the subject if the taser is ineffective.~~
 - ~~b.— Officers will use extreme caution and avoid standing near the subject.~~~~
- ~~3.— Depressing the taser release bar will propel two darts. The darts pull two fine conducting wires from a cassette.~~

- ~~a. It is necessary for both darts in a cassette to hit some part of the suspect's clothing or body for the taser to be effective.~~
 - ~~1) If the suspect is wearing heavy clothing, the taser may not be effective.~~
 - ~~2) If a first shot does not make contact or is ineffective, attempt a second shot.~~
 - ~~3) If a second shot does not make contact or is ineffective, end taser deployment.~~
 - ~~b. Due to the high voltage electronic spark of the taser, never test or fire it near flammable materials.~~
 - ~~1) Do not use the department issued chemical irritant and the taser simultaneously.~~
- ~~4. Medical Treatment Guidelines:~~
- ~~a. Officers will obtain appropriate medical treatment for suspects when necessary.~~
 - ~~b. Only medical personnel may remove darts embedded in a subject's skin.~~
 - ~~1) Transport the individual to University Hospital for removal.~~
- ~~5. Charging and Care of the Taser:~~
- ~~a. Designated vehicles in Park Unit, Traffic Unit, and the districts are equipped with unloaded tasers.~~

- ~~1) Do not store taser cartridges at temperatures above 150 degrees Fahrenheit. Extreme temperatures can cause defects in the cartridges. Supervisors will remove the taser and cartridges from police vehicles not in use when temperatures could exceed the recommended storing temperatures.~~
 - ~~b. All districts, the Park Unit, and Traffic Unit have taser battery chargers.~~
 - ~~c. When the taser is used, replace with a fully charged battery. When used for a brief test activation, replace the battery with a fully charged battery at shift completion.~~
 - ~~d. Do not leave the same battery in a taser for more than two weeks without recharging, even if the taser was not used.~~
 - ~~e. Nickel cadium batteries are spent after 500 to 1000 charges. This equates to approximately six months field use.~~
- ~~C. Use of Beanbag Shotgun~~
 - ~~1. Two supervisors' cars and ten beat cars in each district are equipped with beanbag shotguns.~~
 - ~~a. Supervisors are responsible for loading beanbag shotguns.~~
 - ~~b. Never load regular shotgun ammunition into beanbag shotguns or vice versa.~~
 - ~~2. A beanbag shotgun shell is a standard 2 3/4 inch, 12 gauge shotgun shell with a transparent hull for easy identification.~~
 - ~~a. Stocks on beanbag shotguns are orange and clearly labeled as "less lethal."~~
 - ~~3. Beanbag shotguns will be carried with four rounds loaded in the magazine tube and no round in the chamber. They will be decocked with safety on, in secured boxes, in the trunks of vehicles.~~
 - ~~a. A breakaway seal will be on each box.~~
 - ~~b. Do not remove and inspect the beanbag shotgun at the beginning of each shift.~~
 - ~~1) Open the trunk and check the seal. If the seal is intact, the weapon is ready to be used.~~

- ~~2) If the seal is broken, call for a supervisor to inspect the weapon and reseal the box.~~
- ~~4. If the shotgun is removed during the shift, a supervisor must inspect the shotgun and reseal it in the box.~~
- ~~5. Supervisors will ensure beanbag shotguns are evenly disbursed geographically throughout each district.~~
- ~~6. Neither permission from nor the presence of a supervisor is required for officers to use beanbag shotguns, except in crowd control situations.
 - ~~a. The presence of a second officer is highly recommended in the event the officer using the beanbag shotgun encounters lethal resistance.~~~~
- ~~7. Unless it would present a danger to the officer or another, verbal warnings must be issued prior to use. Where feasible, officers will allow a reasonable time between the warning and use of the beanbag shotgun.~~
- ~~8. When using a beanbag shotgun, an officer should be no less than 20 feet and no more than 75 feet from a suspect. Beanbag rounds have an optimal effective range of 20 to 50 feet with a maximum effective range of 75 feet according to the manufacturer's specifications.
 - ~~a. Using a beanbag shotgun within 30 feet of an individual increases the chance of serious injury.~~~~

~~b. If serious injury requiring hospitalization occurs from using a beanbag shotgun, follow the notification process for shots fired as outlined in Procedure 12.550.~~

~~9. When using a beanbag shotgun, aim at center mass. Avoid the head, neck, and groin areas, if possible.~~

~~a. Take any individual struck with a beanbag round to University Hospital for medical evaluation.~~

~~10. While multiple beanbag rounds may be expended as necessary, no more than two beanbag shotguns should be simultaneously deployed on an individual.~~

~~11. If four rounds prove to be ineffective, officers need to consider another option.~~

~~12. After using a beanbag shotgun, and after an individual is under control, immediately notify onlookers that a beanbag shotgun, not a regular shotgun, was used. Inform the onlookers that the beanbag shotgun is a less-lethal alternative designed to apprehend individuals without causing serious injury.~~

~~a. Officers are exempt from the notification requirements during incidents involving civil unrest.~~

~~D. Use of 40mm Foam Round~~

~~1. A 40mm foam round launcher will be assigned to each district.~~

~~2. The 40mm foam round consists of a soft rubber sponged nose attached to a hard plastic carrier.~~

~~3. The 40mm foam round launcher is a single-shot shoulder mounted weapon.~~

~~a. A holographic sight is attached to the launcher to assist with aiming and shot placement.~~

~~4. Only supervisors and officers trained in the use of the 40mm foam round launcher are permitted to use the weapon.~~

~~a. The presence of a second officer is highly recommended in the event the officer using the 40mm foam round launcher encounters lethal resistance.~~

~~b. Unless it would present a danger to the officer or another, verbal warnings must be issued prior to use. Where feasible, officers will allow a reasonable time between the warning and use of the foam round.~~

~~c. If serious injury requiring hospitalization occurs from using a 40mm foam round, follow the notification process for shots fired as outlined in Procedure 12.550.~~

~~5. When using the 40mm foam round, aim at center mass. Avoid the head,~~

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~~neck, and groin areas, if possible. The 40mm exact impact sponge round will prove most successful for incapacitation when used within its optimal energy range of approximately 10 to 75 feet, although it may be used in situations from 5 to 120 feet.~~

- ~~a. Take an individual struck with a 40mm foam round to University Hospital for medical evaluation.~~
- ~~6. If four rounds prove to be ineffective, officers need to consider another option.~~
- ~~7. After using the 40mm foam round launcher, and after an individual is under control, inform onlookers that the 40mm foam round is a less-lethal alternative designed to apprehend individuals without causing serious injury.~~
 - ~~a. Officers are exempt from the notification requirements during incidents involving civil unrest.~~
- ~~E. Use of Pepperball~~
 - ~~1. Pepperball launchers will be assigned to the districts at the discretion of the Police Chief.~~
 - ~~2. The Pepperball round consists of a small hard plastic sphere containing OC pepper powder.~~
 - ~~3. The Pepperball launcher is a semi-automatic shoulder-mounted, high capacity weapon powered by compressed air.~~
 - ~~a. Each district will be assigned one SCUBA compressed air tank and a Pepperball fill adapter.~~
 - ~~b. Any member of Cincinnati Fire Squad 52 can refill SCUBA tanks at the firehouse at 5th and Central Avenues.~~
 - ~~4. Only supervisors and officers trained in the use of Pepperball launchers are permitted to use the weapons.~~
 - ~~a. The presence of a second officer is highly recommended in the event the officer using Pepperball encounters lethal resistance.~~
 - ~~b. If serious injury requiring hospitalization occurs from the use of Pepperball, follow the notification process for shots fired as outlined in Procedure 12.550.~~
 - ~~5. When using Pepperball, aim at center mass. Avoid the head, neck and groin areas if possible. The effective range of the Pepperball is 0 to 30 feet for targeting individuals and up to 100 feet for area saturation according to manufacturer's specifications.~~
 - ~~a. Generally, four to ten rounds should be deployed at a subject. More rounds may be utilized, if in the opinion of the officer, the additional rounds will assist in gaining compliance of the individual.~~

- ~~b. Heavy clothing can hinder the effectiveness of the Pepperball rounds. If a subject is wearing heavy clothing, consider targeting the legs.~~
 - ~~c. Subjects struck with Pepperball rounds often lower their head and turn away from the source of impact. It is important to anticipate this reaction when employing Pepperball rounds.~~
 - ~~d. Decontamination for individuals exposed to Pepperball OC powder is fresh air and clear cool water.~~
 - ~~6. Pepperball rounds can be used to saturate an area with OC powder by aiming the rounds at solid objects such as buildings, walls or the ground.~~
 - ~~7. After using Pepperball, and after the individual is under control, inform onlookers that Pepperball is a non-lethal alternative designed to apprehend individuals without causing serious injury.~~
 - ~~a. Officers are exempt from the notification requirements during incidents involving civil unrest.~~
- ~~F. Use of Chemical Irritant:~~
- ~~1. Unless it would present a danger to the officer or another, a verbal warning to the individual that chemical irritant will be used must be issued prior to use.~~
 - ~~2. Where feasible, officers will defer using the chemical irritant a reasonable time to allow the individual to comply with the verbal warning.~~
 - ~~3. Officers may use chemical irritant on handcuffed or otherwise restrained individuals to prevent injury to the individual or another person or to prevent escape.~~
 - ~~4. If it is necessary to use chemical irritant on a violent prisoner after handcuffing and placing him in the rear seat of the police vehicle, officers will not open the rear doors of the police vehicle to spray the prisoner. Instead officers will spray the prisoner through the protective screen.~~
 - ~~a. If the vehicle is equipped with a plexiglass partition, officers can either slide the partition to an open position and spray the prisoner through the opening, or through the rear door window nearest the prisoner's face.~~

- ~~5. When spraying chemical irritant, if possible spray five to ten feet from an individual using a 3 second burst(s). The target should be an individual's face and upper torso.~~
 - ~~6. Officers may not keep a sprayed individual in a face-down position any longer than necessary to handcuff or end the threat of harm or escape.~~
 - ~~7. Absent exigent circumstances, officers will offer to decontaminate every sprayed individual within 20 minutes of the use of chemical irritant.~~
 - ~~a. Expose individuals sprayed with chemical irritant to fresh air. Give them an opportunity to rinse their face with plenty of clear, cool water.~~
 - ~~b. Individuals should not rub or hold their faces, or use any oils, creams, or ointments.~~
 - ~~8. Officers are required to request medical assistance for sprayed individuals in the following circumstances:~~
 - ~~a. When the individual complains of continued effects after having been decontaminated.~~
 - ~~b. The individual indicates that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc.) that may be aggravated by the chemical irritant.~~
- G. Reporting Process for Use of Taser/Beanbag Shotgun/40mm Foam Round/PepperBall Launcher
1. Supervisors must complete a detailed Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall, in ETS after an officer uses one of the above tools. Form 18TBFP must be completed whether or not an individual is struck with a beanbag, 40mm, PepperBall round, or Taser barb.
 - a. After each X26 Taser deployment, the investigating supervisor will retrieve the data stored on the X26 Taser data chip, print out the X26 Taser data port download and record the necessary information on the Form 18TBFP. The supervisor will then scan the data port download sheet into the computer and attach it to the appropriate use of force case folder in ETS.
 - b. Complete Form 18T, Taser Silhouette Report, for X26 Taser use and attach it to the Form 18TBFP. Attach the electronic Form 18T to the appropriate use of force case folder in ETS.
 - 1) Report any accidental discharges on a Form 17 and route via the chain of command.

- 2) Report any discharges at an animal on a Form 18A, Weapons Discharge at an Animal, and route via the chain of command.
- c. Work-flow the report to the district/section/unit commander. After review, the district/section/unit commander will work-flow the original report to Inspections Section through the affected bureau commander.
 - 1) When work-flowing the Form 18TBFP, use the "Add Notification" function for the following units:
 - a) Inspections Section.
 - b) Patrol Bureau.
 - d. No supplementary report is necessary unless requested by the Police Chief or bureau commander.
 - e. The relief officer in charge is responsible for providing a media voice mail, as soon as possible after the incident, describing the incident and the use of the X26 Taser/beanbag shotgun/40mm foam round/PepperBall launcher.
2. The investigating supervisor will make a blotter entry describing the incident and action taken.

H. Reporting and Notification Process for an Injury to Prisoner

1. Supervisors will complete a Form 18I, Injury to Prisoner, in ETS for any injury to the arrested not the result of the use of force, while under or just prior to police control, and as a result of police activity, including the ingestion of contraband.
 - a. If the arrested has ingested contraband which results in either seizures, convulsions, loss of consciousness, or other serious medical conditions; or if the arrested remains at a hospital for observation purposes, or is admitted to a hospital, immediately notify the affected bureau commander and the Night Chief/Duty Officer who will determine whether CIS and IIS will be notified.
 - b. In the event of an incident wherein the underlying police use of force meets the threshold that requires an officer to complete a Form 18NC, Noncompliant Suspect/Arrestee Report, to document the incident, and the subject is injured or complains of injury as a result of the force, the incident will be investigated by a supervisor as an injury to prisoner and documented on a Form 18I.
 - 1) If a serious injury occurs, follow the notification process as outlined in Section F.5. of this procedure.

2. The narrative section of the Form 18I will be brief and concise, containing the information in the Reporting Use of Force chart. If the incident also involved the use of chemical irritant, the narrative must address the circumstances warranting chemical irritant usage as well as the circumstances of the injury.
 3. Work-flow the Form 18I to the district/section/unit commander through the chain of command. Forward any original documents, photographs, or tapes.
 - a. When work-flowing the Form 18I, "Add Notification" for the following units:
 - 1) Inspections Section.
 - 2) Patrol Bureau.
 - b. The district/section/unit commander will evaluate the propriety of the initial contact and the use of force and will note his findings on the Form 18I.
 4. The investigating supervisor will make a blotter entry describing the incident and action taken.
- I. Reporting Process for Use of Chemical Irritant
1. Supervisors will complete Form 18CI in ETS when reporting the use of chemical irritant.
 - a. Work-flow the Form 18CI to the district/section/unit commander through the chain of command.
 - 1) Upon work-flowing the Form 18CI, use the "Add Notification" function for the following units:
 - a) Inspections Section.
 - b) Patrol Bureau.
 - b. The investigating supervisor will make a blotter entry describing the incident and action taken.
 2. After review, the district/section/unit commander will work-flow the report to Inspections Section through the affected bureau commander.
- J. Priority of Forms
1. If more than one act by an individual occurs, only one report is needed, e.g., use of force and a use of beanbag shotgun.

2. Listed below is the order in which a report is made, with "a" being the highest priority:
 - a. Use of Force.
 - 1) Include X26 Taser/beanbag shotgun/40mm foam round/PepperBall information, if applicable.
 - 2) Include canine information, if applicable.
 - b. X26 Taser/Beanbag Shotgun/40mm Foam Round/PepperBall.
 - 1) Include canine information, if applicable.
 - c. Canine.
 - d. Injury to Prisoner.
 - e. Chemical Irritant.
 - f. Noncompliant Suspect/Arrestee Report.

K. Documentation Needed for Each Form

1. Form 18F, Supervisor's Use of Force Investigation Report:
 - a. Taped statement(s).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.
 - e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
 - g. Copy of MVR/DVR if incident is captured on video.
2. Form 18TBFP, Use of Taser/Beanbag/40mm Foam Round/PepperBall:
 - a. Taped statement(s) (X26 Taser deployment is exempt from this requirement unless the subject was handcuffed at the time of use or unless there is a complaint of excessive force in conjunction with the use of force investigation).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.

- e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
 - g. X26 Taser data port download, if applicable.
 - h. Form 18T with the use of the X26 Taser.
 - i. Copy of MVR/DVR if incident is captured on video.
3. Form 18C, Use of Canine:
- a. Taped statement(s).
 - b. Photos.
 - c. Form 527, Arrest and Investigation Report.
 - d. Computer Aided Dispatch (CAD) Incident History.
 - e. Medical release, if treated.
 - f. Summary of doctor's diagnosis, if treated.
 - g. Copy of MVR/DVR if incident is captured on video.
4. Form 18CI, Use of Chemical Irritant:
- a. Short narrative.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Taped statement(s) only if the subject was handcuffed at the time or there is an excessive force complaint in conjunction with the use of force investigation.
 - e. Copy of MVR/DVR if incident is captured on video.
5. Form 18I, Injury to Prisoner:
- a. Photos.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Taped statement(s) only if there is an excessive force allegation in conjunction with the use of force investigation.
 - e. Brief, concise narrative to include information from the Reporting Use of Force chart.

- f. Medical release, if treated.
 - g. Summary of doctor's diagnosis, if treated.
 - h. Copy of MVR/DVR if incident is captured on video.
6. Form 18NC, Noncompliant Suspect/Arrestee Report:
- a. Brief, concise narrative of resistance met and force used.
 - b. Form 527, Arrest and Investigation Report.
 - c. Computer Aided Dispatch (CAD) Incident History.
 - d. Supervisory review before end of tour.
 - e. Copy for district files, original to Inspections Section.
 - f. Taped statement(s) only if there is an excessive force allegation in conjunction with the use of force investigation.
 - g. Copy of MVR/DVR if incident is captured on video.
7. Place all original documents, photos, tapes and copies of MVR/DVRs in the Use of Force Case Jacket with the routing label attached and forward to the district/section/unit commander.
- L. Responsibilities of Inspections Section to Insure Policy and Procedure Compliance and Implementation:
- 1. Inspections Section will review, evaluate in writing, and submit for the Police Chief's approval all supervisor reported use of force, use of beanbag shotgun, 40mm foam round, AutoLock baton, and all canine bites (except those causing serious injury or hospital admission).
 - a. Inspections Section is exempt from reviewing use of force cases assigned to the Use of Force Review Board.
 - 2. Inspections Section will review, evaluate, and submit for the Police Chief's approval all investigations of Taser or chemical irritant use on handcuffed individuals.
 - 3. Inspections Section will review all Forms 18NC for trends and training issues.

12.550 DISCHARGING OF FIREARMS BY POLICE PERSONNEL

Reference:

Manual of Rules and Regulations - 1.23, 1.24, 1.25
 Ohio Revised Code Section 2901.01
 Procedure 12.545 - Use of Force
 Procedure 19.105 - Sick/Injured With Pay & Special Leaves
 Tennessee vs. Garner, 471 US 1 (1985)

Policy:

The most serious act in which a police officer can engage is the use of deadly force. The authority to carry and use firearms in the course of public service also carries with it the highest level of responsibility. Respect for human life requires that police officers exhaust all other reasonable means before resorting to the use of firearms and then only when an officer reasonably believes that such use of firearms is necessary to protect the officer or another from the risk of serious physical harm or loss of life.

In considering the use of firearms, understand that you are responsible for your acts and that you may be required to justify your acts in a court of law. The Hamilton County Prosecutor's Office will determine the legality of actions taken. You are not required to retreat in lieu of the justifiable use of deadly physical force.

The safety of innocent persons is of paramount importance. Where there is substantial risk to the safety or life of an innocent citizen, the safety of the citizen should take precedence over the apprehension of the suspect.

Police officers may not use deadly force merely to prevent escape in misdemeanor cases. The use of deadly force to prevent escape of felony suspects is constitutionally unreasonable except where the escape presents an immediate risk of death or serious physical harm to another.

Where the suspect poses no immediate threat of death or serious physical harm to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so. If an officer uses unnecessary and/or excessive force, or acts wantonly and maliciously, he could be found guilty of assault, even of culpable homicide if he kills the person he is attempting to arrest.

At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he has the authority to display a firearm, **with finger outside the trigger guard** and have it ready for self-defense. **The finger is only to be placed on the trigger when on target and ready to engage a threat.**

Self-Defense: A police officer is authorized to use that force reasonably necessary to protect himself or others from death or serious physical harm at the hands of another.

- There must be an apprehension of real or immediate danger based on an overt and/or constructive act by another.

Warning Shots: Officers should only use warning shots if convinced a warning shot will possibly save a life or alleviate the need of taking a life. As with any shot an officer fires, the officer must know it will not endanger innocent bystanders. Supervisors should report and investigate warning shots as outlined in Section A.

Felonies: When all other reasonable means at the officer's disposal have failed, the use of firearms is authorized, only under the following circumstances, as a last resort to apprehend a fleeing felon:

- The officer has probable cause to believe the suspect has committed or is committing a felony, and
- The suspect presents an immediate risk of death or serious physical harm, either to the officer or another person if not immediately apprehended.
- If possible, the officer will give verbal warning before using the firearm.
- By itself, notification by Police Communications Section (PCS) resulting from a general information broadcast or computer query that a subject is wanted will not provide authority for the police officer to use a firearm.

All Other Felonies and Misdemeanors: In all other felonies or misdemeanors, police personnel will not fire shots even if the perpetrator attempts or succeeds in his attempt to flee.

Juveniles: A police officer will not discharge a firearm at a person known to be or suspected of being a juvenile (person less than 18 years of age) except under circumstances which come within the provisions of the self-defense policy.

Moving Vehicles: Officers shall not discharge their firearms at a moving vehicle or its occupants unless the occupants are using deadly physical force against the officer or another person present, by means other than the vehicle.

Shots Fired at Animals: An officer will use firearms only as a last resort or for protection of himself or others. Often, firing a shot at an animal will create a more dangerous situation than the animal itself. If possible, use one of the following alternative solutions:

- Call the Society for the Prevention of Cruelty to Animals (SPCA). This organization has equipment to handle most animals safely.
- In some instances, Cincinnati Zoological Society personnel will respond upon request.
- The use of department issued chemical irritant is effective on many animals.

Information:

The Police Chief has authorized a comprehensive review of critical firearm discharges by Department employees. A Critical Firearm discharge is defined as:

All shots fired by Department employees with the exception of:

- a) Beanbag Rounds.
- b) 40mm foam rounds.

- c) At animals.
- d) While hunting.
- e) Training accidents when proper safety procedures were followed.

The review will begin at the Police Chief's direction. If a criminal investigation is warranted, the review will commence after the completion of any criminal investigation or court proceedings into the matter.

To facilitate this process, the Police Chief has established a Firearm Discharge Board (FDB) to conduct all such reviews. The Board's review will include CIS and IIS investigative files and interviews of the principal CIS and IIS investigators. The review will be concluded within 90 days of commencement. The FDB will act as a quality control mechanism for all critical firearm discharges, with responsibility to return to the Police Chief all incomplete or mishandled shooting or firearm discharge investigations. The FDB will have the authority and responsibility to recommend to the Police Chief investigative protocols and standards for all critical firearm discharge investigations.

The core members of the board will consist of a CPD command staff officer, the Director of Training, the affected bureau commander, the Police Department Advocate, and an attorney from the Solicitor's Office. All appointments will occur on or about the first day of January and be effective for one year.

The Inspections Section Commander will serve as the chairperson of the FDB. The chairperson is responsible for coordinating all meetings and ensuring all relevant material compiled during any criminal or administrative investigation is reviewed. The chairperson is also responsible for submitting a written report to the Police Chief within the established timelines.

The Police Chief may appoint additional FDB members as needed. The Police Chief will appoint a replacement member in the event a board member retires, or is no longer able to fulfill membership duties. The Police Chief may disqualify a FDB member at anytime.

All efforts will be made to conclude reviews within the established timelines. If the Police Chief determines extenuating circumstances exist, the Police Chief may extend the established timelines.

Proceedings by the FDB are to be conducted informally, directed towards the issues of the appropriateness of Department policies and procedures, member's judgment, and the training adequacies with respect to the member's knowledge, skill, and resources. The chairperson will determine what evidence is relevant and reliable without regard for technical or formal rules of evidence. The chairperson will determine the need to call witnesses and may order witnesses to be separated during the review.

The chairperson will prepare a final report to the Police Chief that will become part of the investigation file. The report will include a description of the incident (including all uses of force), a summary and analysis of all relevant evidence, proposed findings and analysis to support those findings. In particular, the board will determine: a) whether all uses of force during the encounter were consistent with Department policy and training, b) whether the officer(s) involved employed proper tactics, and c) whether lesser force alternatives reasonably were available.

On or before the first day of February, the FDB chairperson will prepare and present to the Police Chief a summary report reviewing each closed critical firearm discharge from the preceding year. This report will include analysis of patterns and problems discovered during the review.

Procedure:

A. Shots Fired

1. Report all shots fired by police personnel to an on-duty supervisor immediately regardless of the circumstances. Personnel having knowledge of a shot fired by another officer will report the incident to an on-duty supervisor immediately. This includes:
 - a. Shots fired at or taking effect against an individual.
 - b. Warning shots.
 - c. Shots fired at animals.
 - d. Accidental discharges.
 - e. Shots fired from any firearm by off-duty personnel except:
 - 1) Target or competition shooting.
 - 2) Hunting.
 - 3) Military service.
2. Personnel are not required to report shots fired while participating in department authorized firearms training.
3. The investigating supervisor will notify PCS.
4. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.

B. Shots Fired at Individuals:

1. The investigating supervisor will:
 - a. Ensure protection of the scene.
 - b. Notify PCS.
 - 1) PCS will notify the Criminal Investigation Section (CIS) desk officer who will make CIS notifies according to CIS SOP. PCS will then notify the appropriate personnel listed on the Situational Occurrences Notification List.

- c. No one will take the officer(s') pistol or gun belt at the scene. The officer(s') pistol will remain in his holster and the officer will wear his gun belt until possession is transferred to a Homicide Unit supervisor.
 - 1) Under no circumstances will the officer(s') pistol be examined or unloaded. If safety is an issue, a Homicide Unit supervisor will be immediately contacted for instructions.
 - 2) If an officer(s) is transported to the hospital for treatment, a district/section/unit supervisor will respond and take possession of the officer(s') pistol and gun belt. That supervisor will document date, time, location, and from whom the officer(s') equipment was obtained and contact a Homicide supervisor.
 - 3) A supervisor will be assigned to take control of the officer(s) involved in a shots fired that take effect. They will remain at the scene. At the direction of a Homicide supervisor, district supervisor(s) will transport the involved officer(s) to CIS and remain with the officer(s) until relieved by a CIS supervisor.
 - a) No one will be permitted access to the officer(s') pistol or gun belt without the approval/consent of a Homicide supervisor.
 - b) When multiple officers are involved, a separate supervisor will be assigned to each officer. If there is a need, request a supervisor(s) from another district(s).
 - d. Locate witnesses to the incident. If possible, separate the witnesses and have them held at or near the scene until they have conferred with a Homicide Unit supervisor or a Personal Crimes Unit supervisor. Ensure their transportation to CIS for interview by CIS and Internal Investigation Section (IIS).
 - e. Conduct a preliminary fact finding investigation at the scene.
 - 1) Do not publicly comment about the propriety of the action taken.
 - f. Brief Homicide Unit and IIS investigators.
2. The CIS Commander, Homicide Unit Commander, Personal Crimes Unit Commander, and IIS Commander will respond to the scene. The Homicide Unit Commander and IIS Commander will conduct independent, parallel investigations of the incident. The involved officer(s') unit of assignment will assist CIS and IIS with the investigation. The Major Offenders Unit Commander will respond to the hospital or Coroner's office if an injury or death has occurred.
 3. Homicide Unit/IIS investigators will:
 - a. Conduct an investigation and report per their standard operating procedure (SOP). All investigations will include, to the extent possible, appropriate crime scene analysis, gunshot residue tests, and ballistic tests including bullet trajectory tests.

- 1) Investigators will ensure, to the extent possible, that the investigation accounts for all shots and the locations of all officers who discharged their firearms.
 - b. Collaborate in preparing a Form 18F, Supervisor's Use of Force Investigation, without a conclusion, with Internal Investigations Section completing the Form 18F.
 - 1) The original Form 18F will remain with the involved officer's unit of assignment.
 - c. Immediately fax the Form 18F to the following locations:
 - 1) Police Chief's Office
 - 2) Internal Investigations Section
 - 3) Patrol Bureau
 4. The district/section/unit commander will respond to the scene and coordinate the activities of the field personnel at the scene.
 5. IIS will respond and coordinate the Department investigations.
- C. Shots Fired at Animals
1. Notify PCS.
 - a. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.
 2. The investigating supervisor will complete a Form 18A, Supervisor's Preliminary Investigation: Weapons Discharge at an Animal.
 - a. Fax the Form 18A to Inspections Section.
 3. If the shots take effect, notify the SPCA to pick up the dead animal pending a later examination by the Board of Health.
- D. Personnel Injured by Department Authorized Firearms during Training Exercises
1. The OIC will immediately notify PCS.
 - a. PCS will notify the appropriate personnel on the Situational Occurrences Notification List.
 - 1) The command officer notified will determine IIS involvement.
 2. A Firearms Training Unit supervisor will investigate all firearms related, non-serious harm injuries:
 - a. That occurs during firearms training.

- b. Where all safety rules and procedures have been followed.

Example: A person is struck and injured by a piece of lead that has blown back from a target.
 - c. For reporting, refer to Procedure 19.105, Section E., Personnel Injured on Duty.
 - d. A Firearms Training Unit supervisor will immediately notify PCS for Situational Occurrences Notification and the Training Section Director of injuries which require medical attention at a hospital.
3. Life threatening or serious injuries, injuries due to intentional acts, or injuries that occur as a result of violations of safety rules and/or procedures:
 - a. Follow Section B. of this procedure.
 - b. If the incident occurs outside of the city limits, the criminal investigation will be made by the law enforcement agency in whose jurisdiction the incident occurred.
 - c. CIS may assist the law enforcement agency in its investigation.

E. Unintentional Discharge

1. Unintentional discharges which are the proximate result of an officer's conduct during a tactical situation will be investigated as outlined in Section B. and presented to the Firearm Discharge Board for review.
2. Unintentional discharges associated with the care and maintenance of a firearm will be thoroughly investigated by the district/section/unit commander. A Form 17 will be prepared and forwarded to the Police Chief giving a full account of the incident, including a recommendation for disposition and closure.

F. Firearm Discharge Board

1. The Police Chief will review and forward to IIS the CIS investigation report, letter from the Hamilton County Prosecutor, and any other material deemed relevant to the Firearm Discharge Board (FDB). The FDB will issue its final report to the Police Chief within 90 days of receipt of the material.
2. Within 30 days of receipt of the material, the IIS Commander will notify and arrange a meeting between the FDB, CIS Commander, and investigators.
3. Recommendations made by the FDB should be unanimous or by consensus. If consensus can not be reached, a majority/minority opinion will be prepared at the direction of the chairperson. The report presented by the FDB will identify training issues, outline any recommended policy and/or procedure changes, and identify individual officer training needs and corrective measures. References to specific policies, procedures, or training will be included in all recommendations.

G. Loading and Unloading of Firearms for Inspection

1. Maintain a distance of 15 feet from the designated safe wall when unloading a firearm.
2. The OIC will give the command to form a line facing the safe wall and for officers to unload firearms at the same time. Firearms will be pointed towards the safe wall while unloading.
3. Once the firearm has been inspected, the OIC will give the command to reload.

12.554 INVESTIGATORY STOPS

Reference:

Procedure 12.205 - Traffic Enforcement
Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and
Felony Offenders
Procedure 17.100 - Police Records: Storage and Maintenance, and Initiating
New Records and Forms
Terry v. Ohio, 392 US 1, (1968)
Florida v. J.L., US Supreme Court (2000)
City Ordinance 88-2001

Information:

There are three levels of police/citizen contact.

The first level is a consensual encounter. A police officer may approach any person in a public place and request to talk to him. So long as the person is free to leave whenever he wants, no Fourth Amendment seizure has occurred and no reasonable suspicion or probable cause is required.

The next level is the "Terry" type encounter. Here the officer has reasonable suspicion to believe the citizen is committing or has committed a crime. Based on this reasonable suspicion, the officer may forcibly stop and detain the citizen for a brief investigatory period. Failure to answer the questions asked by the officer or to properly identify oneself cannot provide the justification for detaining a person past the period necessary to complete the brief "Terry" type investigation. Once the reasonable suspicion is determined to be unfounded, the citizen must be released.

The third level of police/citizen contact is the arrest. The arrest occurs when the citizen is no longer free to leave and the officer has the intent to arrest. The arrest must be supported by probable cause to believe the citizen is committing or has committed a criminal offense.

Information or descriptions resulting from anonymous tips is not sufficient probable cause to stop and search individuals. Officers must carefully develop reasonable suspicion in cases involving anonymous tips. Officer's observations while on the scene, securing more complete information from the anonymous caller and other circumstances which would tend to support the information received are all ways that officers can use to articulate reasonable suspicion allowing a "Terry" stop.

Every "Terry" type stop does not automatically authorize a frisk. If a frisk is conducted, the officer must be able to articulate specific facts which led them to believe the individual could be armed and dangerous.

Access to the FIR Card Database for query purposes is available at select computer terminals in investigative units throughout the Department.

Policy:

No law enforcement agency should condone or promote the use of any illegal profiling system in its enforcement program. Criminal elements exist in every segment of our society. An officer whose enforcement stops are based on race or ethnicity is engaged in a practice which undermines legitimate law enforcement and may face claims in Federal courts of civil rights violations. To focus on a single segment of society is to limit enforcement efforts.

Awareness is the key to success in criminal interdiction. Observations must be evaluated in the aggregate - not isolation. An officer must use all senses while avoiding the development of tunnel vision. An important factor to remember when conducting an enforcement stop is to take the time to do it right. Do not rush through the stop or an important indicator of illegal activity may be missed.

Except in exigent circumstances, when a citizen is stopped or detained and then released as part of an investigation, the officer will explain to the citizen in a professional, courteous manner why he or she was stopped or detained.

For purpose of the above sentence, the term "exigent circumstances" refers only to those conditions occurring after the stop had been made which, for safety reasons, would make it unreasonable for the officer to remain at the scene of the stop to explain the basis for the stop.

Procedure:

- A. Completing a Form 534, Contact Card
 1. A Contact Card **must** be completed any time an officer stops a motor vehicle or conducts an inquiry of individuals in a stopped motor vehicle.
 - a. When more than one vehicle is stopped as result of a single incident (same CAD number), officers will note the vehicle number (#2, #3, #4, etc.) in the designated block on the Contact Card. If only one vehicle is stopped it is not necessary to put #1 in the block.
 - b. A Contact Card is required **in addition to** any other documentation of the incident (i.e., Form 527, Arrest Report, NTA, MUTT, etc.).
 2. A Contact Card **must** be completed for any vehicle passenger or pedestrian detention which meets the definition of a "Terry" stop.
 - a. An officer **may** complete a Contact Card for any consensual citizen contact when the officer believes completing the card will provide intelligence information **and** the information is provided voluntarily by a citizen.

3. When completing a Contact Card, and while the subject is still in their presence, officers will:
 - a. Determine if the subject is wanted by checking the computer system: RCIC, NCIC, and LEADS.
 - b. Record all pertinent information on the Contact Card: social security number, driver's license number, vehicle license number, etc.
 4. The initiating officer will make a copy of Contact Cards pertaining to gang members or associates and forward them to the Intelligence Unit.
 5. The initiating officer will make a copy of those Contact Cards pertaining to violations of the "stay-away order" and forward them to the Probation Department (refer to Procedure 12.555).
- B. Processing a Contact Card
1. Officers will submit all Contact Cards with their daily paperwork at the end of the tour of duty.
 - a. All companion Contact Cards will be stapled together.
 - b. Contact Cards completed as a result of a vehicle stop (where a citation is issued) **will be** submitted with the Ohio Multi-Count Uniform Traffic Ticket (MUTT) for processing.
 - 1) A Contact Card is **not** required when the MUTT is issued as a result of an automobile accident.
 - c. All other Contact Cards will be submitted with the Form 436A, Daily Activity Record.
 2. Supervisors will review and approve all Contact Cards.
 - a. In all incidents where a Contact Card is required all fields on the front of the card must be completed.
 - b. All Contact Cards will be forwarded to Records Section once approved by a supervisor.
- C. Records Section Processing
1. All Contact Cards will be entered by Records Section personnel into the Contact Card Database.
 - a. Contact Cards will be filed by the date of contact after entry into the database.

12.555 ARREST/CITATION: PROCESSING OF ADULT MISDEMEANOR AND FELONY OFFENDERS

Reference:

Procedure 12.220 - Pedestrian Traffic - Law Enforcement
 Procedure 12.235 - Operating a Vehicle Under the Influence (OVI): Processing & Arrest
 Procedure 12.240 - Ohio Multi-Count Uniform Traffic Ticket
 Procedure 12.412 - Domestic Violence
 Procedure 12.505 - Military A.W.O.L. Arrests
 Procedure 12.605 - Identification of Persons in Police Custody and Wanted Persons
 Procedure 12.727 - Warrant Computer Entries, Prisoner Return and Extradition
 Procedure 12.715 - Property and Evidence: Confiscation, Accountability, Processing, Storage and Release
 Procedure 12.805 - Direct Presentation to the Grand Jury by the County Prosecutor
 Procedure 12.815 - Court Appearances, Jury Duty and Other Hearings
 Procedure 12.900 - Processing Juvenile Offenders
 Manual of Rules and Regulations - 1.16A, B, C, D
 Ohio Revised Code - Rules of Criminal Procedure, Rule 4

Definitions:

Warrant - An instrument giving power to arrest an offender. Original arrest warrant is one in which defendant has not been before a court of record.

Capias - A warrant issued for the arrest of a defendant who has either failed to appear in court, failed to follow an order of the court, pay fines or attend programs, etc.

Primary Officer - The officer who can establish probable cause that a crime was committed and the person(s) arrested is responsible for the commission of that crime. The officer who signs the complaint(s) and is designated as needed for court on the Form 527, Arrest and Investigation Report, and the Form 527A, Case and Bond Information Sheet, is the primary officer. In situations of a more complex nature, different officers may be necessary to present different evidence. A primary officer should still be identified for testimony at the preliminary hearing.

Alternate Officer(s) - Other officer(s) who has sufficient knowledge to proceed on the case, but not listed as needed for court on the arrest slip.

Case Presentation Officer (CPO) – Officer(s) who presents the daily docket of cases to the Hamilton County Grand Jury in cooperation with the Grand Jury Prosecutor. Testimony is derived from the review of all felony arrest reports, case/bond information sheets and associated documents.

Project DISARM – Program which identifies felony firearm arrests that may be eligible for federally enhanced prosecution. A system based on prior criminal convictions and current criminal/personal status is used to determine if the criteria is met for Project DISARM. This program would also include Youth Crime Gun Initiative cases from the Bureau of Alcohol, Tobacco and Firearms.

Purpose:

To protect the constitutional rights of all individuals through the fair and impartial enforcement of Federal, State and Local laws.

To establish Department arrest procedures in compliance with Ohio Revised Code and Ohio Rules of Criminal Procedure.

To ensure the presentation of all felony arrests to the Grand Jury are within the time specifications defined by the Ohio Revised Code.

Policy:

Department personnel will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their district/section/unit commander unless the circumstances require immediate police action.

Officers will not leave a prisoner unattended for any reason. This includes instances during prisoner processing at the Hamilton County Justice Center (HCJC). Officers are responsible for prisoners under their control until they are released by HCJC personnel. For purposes of this procedure, officers are released once the HCJC medical evaluation form and the search of the prisoner have been completed and the officers are told they can leave.

Information:

Police Communications Section (PCS) has a list of Department personnel skilled in various foreign languages and sign language. They can be called in routine situations to assist with investigations or routine communication. PCS also has access to a certified sign language interpreter on a 24-hour basis.

There is no requirement for the operator of a motor vehicle to have their driver's license on their person. In Ohio, in order for a person to drive a car, he/she must have been issued a valid driver's license (Ohio Revised Code §4507.02).

Columbus v. Henry specifically held that it is not a crime for an Ohio resident to drive within the state without having his/her operator's license on his/her person.

Ohio Revised Code §4507.35 requires the operator of a motor vehicle to furnish satisfactory proof that he/she has a valid license, upon demand of a peace officer. This proof may consist of the violator's name, address and social security number, which, when queried, returns information describing the person and verifying the license is valid. The mere lack of a driver's license on a violator's person is not probable cause for an arrest.

All paperwork related to an arrest (Form 527, Form 527B, criminal complaints, etc.) must be completed before entering the Hamilton County Justice Center. Deputies will no longer place prisoners in holding cells while officers complete paperwork. Officers must either complete the paperwork at their district/section/unit, or carry the proper forms in their vehicle. The only exception to this policy will be in instances where prisoners are so unruly that they are in danger of causing injury to themselves or another. In these cases, officers will continue to have PCS contact the Justice Center while en route to advise deputies they have a disorderly prisoner and will need assistance.

Procedure:

A. Felony Arrest

1. Officers will make a physical arrest on all original felony arrests, felony warrants, and felony capiases.
 - a. The arresting officer(s) in all felony arrests where a firearm is confiscated in connection with the arrest (whether or not a weapons offense has been charged) will conduct a preliminary investigation of the incident and criminal history of the arrested subject. Document findings of any Civil Protection Order or Temporary Protection Order in effect (out of state included) on a Form 527, Arrest and Investigation Report.
 - 1) Unless extenuating circumstances exist, all firearms where weapons charges apply must be test fired as soon as possible following recovery.
2. Officers will complete a Form 527E, Case Investigation Jacket, on all original felony arrests including felony Domestic Violence. The only exception is Operating a Vehicle under the Influence (OVI) arrests.
 - a. The Form 527E will include copies of all pertinent paperwork needed to prove the facts of the case, including probable cause, elements of the crime and evidence showing the suspect committed the crime.
 - b. A supervisor must review the contents for accuracy and completeness and sign the Form 527E.
 - c. The completed Form 527E will be entered into the district/section/unit Form 527E log book.
 - d. The approved Form 527E will be logged out of the log book and hand carried to Rapid Indictment Program (RIP) office by the officer assigned the property run on the next business day.
 - 1) The Form 527E will be entered into the RIP logbook and assigned a Case Presentation Officer.

- e. After presentation to the Grand Jury, the Form 527E will be returned to district/section/unit unit of assignment and reentered into the district/section/unit logbook by the officer assigned the property run.
 - f. All Forms 527E returned from RIP will be stored in a secure cabinet at the district/section/unit. Officers needing the case jacket for court will sign it out in the log book.
 - 1) A designated first shift supervisor will review the log book on a weekly basis to ensure jackets are being logged appropriately and returned in a timely manner.
 - g. Units making direct presentations to the Grand Jury are not required to complete a Form 527E.
3. Case Presentation Officer (CPO) Review
- a. The CPO will review all felony arrest reports, case/bond information and associated documents for accuracy, completeness and conformance to Department policy.
 - 1) Any Form 527 E determined to be incomplete or inaccurate will be returned with a Rapid Indictment Program Request Form to the primary officer's district/section/unit commander for correction.
 - 2) The CPO will provide a mandatory due date for return of requested information.
 - 3) The CPO will require copies of any report in which missing, incomplete, or inaccurate information has been corrected.
 - 4) All corrections or added information are to be completed on the correct report.
 - b. The CPO will review all felony firearm arrests to determine if the criteria are met for federally enhanced prosecution and forward paperwork through channels according to their SOP.
- B. Misdemeanor Arrest and Misdemeanor Warrant Service
- 1. All adults charged with misdemeanor offenses are eligible for release via a Form 314, Notice to Appear (NTA), unless:
 - a. Charged with a sex offense - excluding prostitution and public indecency.
 - b. Charged with a weapons offense.
 - c. Charged with OVI as a third offender.
 - d. Charged with domestic violence.

- e. Living and/or working in an area where extradition is necessary.
 - f. Specific language on the arrest document requires physical arrest, i.e., probation warrant.
 - g. Wanted on a warrant with a case number that begins with the letter "A, B, F, or P".
 - 1) These cases require disposal through Common Pleas Court.
2. Officers will cite eligible defendants with an outstanding warrant issued by the Hamilton County Municipal Court Clerk, regardless of which Hamilton County police agency originated the initial charge.
- a. Officer(s) will notify their supervisor when citing eligible defendants. The arresting officer will confirm the warrant via the MDC, radio, or through the district/section/unit. The arresting officer will fax a copy of the NTA or arrest slip to the Central Warrants Processing Unit (CWPU) before the end of shift to ensure warrant and capias cancellation occurs in a timely manner. The fax number for CWPU is 946-6229.
 - b. Retain a district/section/unit copy of the fax transmission for 30 days.
3. Transport individuals arrested for misdemeanor offenses listed in Procedure 12.605, requiring fingerprinting and photographing, to the Hamilton County Justice Center. Use a Form 527 instead of an NTA.
- a. If the officer recommends release after processing, check the block marked "O.R. Bond". The arresting officer should consider whether:
 - 1) The danger exists the offense will continue.
 - 2) Potential physical injury to the arrested individual, police officer, or another individual is likely to occur.
 - 3) The individual understands he has been arrested and must appear in court.
 - b. The arrested must sign the Form 527.
 - c. Central Intake personnel will release the individual only after processing and proof of identity is completed.
4. Contact the Hamilton County Juvenile Court Clerk's Office when an adult has an active juvenile warrant to obtain processing procedure.
5. Officers will complete a Form 527E on all subjects arrested on an original, reportable misdemeanor charge, except OVI. The case jacket will include copies of all related documentation supporting the charge(s), as well as statements, location of evidence recovered, etc.

- a. The completed Form 527E will be entered into the district/section/unit Form 527E log book and submitted for review to a supervisor prior to securing the tour of duty.
 - 1) The supervisor will insure all paperwork is complete and includes all elements necessary to support the arrest of the suspect.

C. Traffic Warrants

1. The arresting officer may cite an individual on any traffic warrant, except Mayor's Court. Mayor's Court requires verbal approval from the affected agency. The date and time of the court appearance is supplied by the affected agency.
2. If the officer does not have the warrant in his possession when he issues the citation, he will:
 - a. Confirm by MDC, radio, or district/section/unit computer that the warrant exists.
 - 1) If the subject shows a previous citation for the warrant in question, verification through CWPU (via computer terminal or telephone), is necessary.
 - b. Record the arrest information on the Form 682, Citation Arrest Summary, and attach the remaining copies of the NTA to the citation board.
3. CWPU will recall the warrant based on the information contained in the "Officer's Notes" section on the back of the NTA.
4. In cases where a violator of a traffic or criminal minor misdemeanor (either on a warrant or on-view arrest) is physically arrested and not cited, note the reasons under the "Facts of Arrest" section on the Form 527.

D. Minor Misdemeanor Citations

1. A police officer must issue a citation to appear in court rather than physically arrest an individual for any violation which is a minor misdemeanor, whether it be a state statute or city ordinance, regardless of the violator's place of residence, unless one of the following applies:
 - a. The offender requires medical care or is unable to provide for his safety.
 - b. The offender cannot or does not offer satisfactory proof of identity, except pedestrian violations (refer to Procedure 12.220).
 - c. The offender refuses to sign the citation.

2. An officer may not make a physical arrest on traffic or criminal minor misdemeanors except as outlined above. Officers must issue a citation in the field at the point of contact with the offender.
 - a. It is not legal to remove the offender from the scene for only a minor misdemeanor violation.
 - 1) Exception: The officer may only remove the offender from the scene a reasonable distance for the safety of the offender and/or the officer in order to complete the citation.
 - b. An officer has the right to investigate further when he has probable cause to believe a more serious offense has occurred. He may follow normal investigative procedures.
 - c. The officer may only pat down or frisk the subject to assure his safety. **The officer must have reasonable suspicion that the subject is armed and poses a threat of harm. No search is permitted as would be lawful in an actual arrest.**

E. Capias Arrests

1. When an officer arrests a wanted individual on a capias, he must have the capias in his possession or know where to obtain it within a reasonable time period.
 - a. All Hamilton County Municipal Court capiases require a physical arrest.
 - 1) Under certain circumstances such as voluntary surrender, a one-time exception may be granted to the defendant if the defendant responds to the Failure to Appear Unit (FTA) at the Hamilton County Justice Center (1000 Sycamore Street), room 116 or by calling 946-6153. If the defendant has not used the service before, the capias will be recalled.
 - 2) If an officer chooses to cite due to mitigating circumstances, a supervisor will respond to grant permission. The supervisor will indicate his permission under "Details" on the Form 314, Notice to Appear.
2. If a person arrested on a capias for a **"Stay to Pay"** has the money to pay the fine, transport the arrested to the Clerk's Office (1000 Sycamore Street) to pay his fine (original and all penalties) and then release him. The clerk will recall the capias.
 - a. Traffic capiases are processed in room 115, Monday through Friday, 0800 -1600 hours. Persons arrested for a traffic capias after 1600 hours and on weekends will be processed in room 112.
 - b. Criminal capiases are processed in room 112.

- c. Complete an arrest report showing the subject was released at the Clerk's Office after payment of the fine and forward it to the Records Section.
 - 3. When an adult has an active juvenile capias, contact the Hamilton County Juvenile Court Clerk's Office to obtain the processing procedure.
 - 4. A capias issued by a local Mayor's Court is not eligible for citation unless verbal permission is granted by the affected jurisdiction. The date and time of the court appearance is supplied by the affected agency.
 - a. Officers will notify their supervisor when citing eligible defendants. The arresting officer will confirm the capias via the MDC, radio, or through the district/section/unit. The district/section/unit will ensure a copy of the NTA or arrest slip is faxed to the Mayor's Court with jurisdiction. The original NTA is mailed to the Mayor's Court with jurisdiction.
 - b. Retain a district/section/unit copy of the fax transmission for 30 days.
- F. Completion of the Form 527 for Adult Felony and Misdemeanor Physical Arrests
 - 1. If the defendant is unable or refuses to supply the requested information, the officer will complete the form to the extent possible.
 - a. If the defendant refuses to supply the requested information, mark "Refused" on the arrest slip to bring to the prosecutor's attention.
 - 2. The arresting officer will query RCIC/NCIC to determine a prior record and any outstanding warrants/capiases for the defendant. Note on the arrest report if the computer is inoperable and contact CWPU to perform a hand check for wants. Provide CWPU with the subjects name and control number.
 - a. Confirm warrants/capiases from any police jurisdiction in Hamilton County through CWPU.
 - b. The arresting officer will confirm warrants/capiases, not issued through CWPU, by contacting the appropriate jurisdiction.
 - c. If a computer check reveals a warrant or capias, and the individual states it has already been processed or paid out, the police officer will verify if the warrant or capias is still in effect.
 - 1) The officer will contact CWPU, the Clerk of Courts Office, or the appropriate jurisdiction for verification.

- 2) If a warrant or capias cannot be confirmed, the officer will release the subject and notify the effected district/section/unit supervisor. The supervisor will document the incident on a Form 17 and forward it through the chain of command to the Police Chief.
3. If the defendant has been arrested for felony drug abuse/trafficking or prostitution, the arresting officer will:
 - a. Determine if the subject meets the following criteria for "Request for Condition of Probation". If the subject meets the following criteria and is convicted, this form provides the sentencing judge to include, as a condition of probation, an order to stay out of the area where he was arrested.
 - 1) A person cannot be a resident of the area.
 - 2) They cannot be legally employed in the area.
 - 3) They cannot have other legitimate business in the area or have legitimate reasons for being in the area (visiting friends is not a valid reason).
 - b. Once the officer has established that the person qualifies, he will complete the "Request for Condition of Probation" (RCP) form.
 - 1) The form will include the following:
 - a) The name and address of the arrested.
 - b) The charge(s) for which they were arrested.
 - c) The address where the subject was arrested.
 - d) The arresting officer's name, badge number and assignment.
 - c. After the RCP form has been completed, staple it to the Trial Preparation Form for felony drug abuse/trafficking or to the complaint form for prostitution.
 - 1) This will ensure the form will travel through the court system to the prosecutor. The prosecutor can then make the request without having the officer present in the courtroom.
 - d. Once the condition of probation has been granted, the information will be entered into the computer system by the Probation Department for access by officers via the MDC.
 - 1) If an officer encounters and queries a subject who has this condition of probation, an indicator will be generated giving the specifics of the restrictions (stay-away order conditions).

- e. If a subject is in violation of the condition of probation.
 - 1) Complete a Form 534, Contact Card.
 - a) In addition to completing a Form 527 for any original charges.
 - 2) Forward a copy of the Form 534 to the Probation Department through interdepartmental mail.
 - a) The Probation Department will ensure the appropriate Probation Officer receives the information
 - 3) Officers should not arrest the subject immediately upon determining a violation of the condition of probation has occurred. The Probation Department will be responsible for violating the subject's probation, maintaining computer entries and tracking statistical information.
- 4. Physical and mental condition of prisoner
 - a. The arresting officer will document the prisoner's visible physical and mental condition and any injuries or complaint of injuries on Line 5 of the Form 527.
 - 1) Ask all prisoners if they have health problems which police or jail personnel should be aware. Note this information on Line 5 of the Form 527. Have PCS notify the HCJC if the arrested may be an unusual security risk.
 - b. Briefly describe any injuries and how they occurred. Explain if the injuries occurred before, during, or after the arrest.
 - c. If the arrested received medical attention and/or was admitted to a hospital, note the details in the "Facts of Arrest" section of the Form 527. Have PCS notify the HCJC if the arrested may be an unusual security risk.
 - d. List on the Form 527, in the "Other Reports Made" box, any reports made, e.g., Use of Force, Form 316, Form 301, Form 18, etc.
 - e. Personnel accepting prisoners for transportation, incarceration, etc., should verify the condition listed on the arrest report.
- 5. List the appropriate name, section, and subsection number of the charge(s) in the "Charges" block.
- 6. Identify the primary officer for court. Arresting officers listed on the form must check the block after their name showing whether they are needed or not needed for court.

- a. If more than one officer is needed:
 - 1) A supervisor must sign the Forms 527 and 527A to ensure the same officers are listed on both reports.
 - 2) State in the "Facts of Arrest" section the charges/cases for which each officer is needed.
7. State the facts of arrest in the space provided on the Form 527. This statement should contain enough information to establish the elements of the offense.
8. If the offender is physically arrested and has citable outstanding traffic and/or criminal warrants or capiases on file at CWPU, add these charges in the "Charges" block of the Form 527 and process as part of the physical arrest.
9. If co-defendants are involved, complete the appropriate section.
 - a. If there are more than two co-defendants, complete a Form 527B.
10. Check the "Vice Activity Arrest" block to ensure district/section/unit collators record vice related activities.
 - a. Collators must review each arrest report for vice related arrests to accurately record this information.
 - 1) Forward a copy of the Form 527 to the Central Vice Control Section (CVCS) if vice activity is indicated.
 - b. Accurate information is imperative since this information will replace the Form 526, Vice Activity Report, when vice arrests occur.
11. Complete the "Evidence Information" section after processing the prisoner.
 - a. "Page" and "Line" blocks should coincide with district/section/unit property log books.
12. The arresting officer will complete the appropriate complaint form and have it notarized.
 - a. The original will accompany the defendant to the Hamilton County Justice Center.
 - b. Give a copy to the defendant.
13. To ensure appearance on the next court docket, transport arrested individuals to the Hamilton County Justice Center before 0300 hours to allow for arrest document processing.

14. Form 527A, Case and Bond Information Sheet
 - a. Complete the bond recommendation portion of the Form 527A when:
 - 1) Any felony arrest is made.
 - a) Bond information is for use by the bond project personnel in the Hamilton County Justice Center.
 - b. Complete any areas necessary when additional information is necessary.
 - c. Complete the witness portion for non-reportable misdemeanor arrests, as necessary.
15. Form 527B, Trial Preparation Form
 - a. Officers will complete a Form 527B:
 - 1) Whenever a police officer signs a felony warrant or reportable misdemeanor warrant.
 - a) The Clerk's Office will attach the Form 527B to the complaint.
 - 1] The Clerk's Office will not accept a complaint without a completed Form 527B. Witness information will not be entered on the affidavit. All witnesses must be listed on the Form 527B.
 - b) When an individual is arrested on a felony warrant, the arresting officer will add any pertinent information to the Form 527B including the facts of the arrest, new evidence, or any statements made by the arrested.
 - 2) On all original felony arrests and original, reportable misdemeanor arrests, except OVI.
 - b. The "Statement of Facts" section provides additional space for a more detailed description of the facts.
 - c. Complete the "Victim/Witness" section for use as a praecipe.
 - 1) Indicate appropriate courtrooms for each officer/victim/witness and give a brief statement of their role in the case.
 - a) On multiple charges, note on which charge each officer is needed.

- 2) It is important that the officer signing the warrant supply the names, addresses, and telephone numbers of all witnesses, with a summary of their testimony. If additional space is necessary, officers may use the "Statement of Facts" area, or attach an additional sheet.
 - a) Give specific addresses. Include apartment numbers, floor, business names, etc., so subpoenas can be served.
 - b) Note any statements obtained.
 - c) If a witness shows reluctance to appear in court and the arresting officer wishes to serve a subpoena on the individual, the officer should write "Reluctant Witness" behind the name of this witness and explain briefly.
 - d. A supervisor must approve the Form 527B.
 - e. The officer will fax both sides of the completed 527B to RIP at line 352-6924.
16. If the arrested is a current University of Cincinnati (UC) or Xavier University (XU) student, the arresting officer will fax a copy of the completed 527 to the appropriate University Public Safety Department. UC's Fax# 556-4940, XU's Fax# 745-3861.

G. Completing the NTA for Adults

1. Before issuing a citation of any type, the police officer will query RCIC/NCIC for outstanding warrants or capiases.
2. Complete a separate NTA for each charge, except in the service of warrants.
3. Write all of the elements of the violation in the "Complaint" section of the NTA using the correct title and section number of the charge. This section serves as the complaint for minor misdemeanors.
4. List the facts as completely as possible.
 - a. Use the rear of the prosecutor's copy. These facts are important for the prosecutor in presenting the case in court in the event the defendant decides upon a court appearance.
 - b. Include witnesses' names and specific addresses such as apartment numbers or business names so subpoenas can be served.
5. Have the offender sign the NTA. Give him the defendant's copy.
6. A supervisor will notarize the minor misdemeanor NTA complaint and check for correctness and completeness.

7. If the arrested is a current UC or XU student, the arresting officer will fax a copy of the completed NTA to the appropriate University Public Safety Department. UC's Fax# 556-4940, XU's Fax# 745-3861.

H. Court Citation Scheduling

1. Individuals cited to adult court for misdemeanors should be given a court date 10-14 calendar days from the date of the citation. The two exceptions are an original OVI arrest or a Driving Under Suspension (DUS) arrest with a vehicle held for pretrial seizure. These must be given a court date 5 days from the date of citation. If the fifth day is a Saturday, Sunday, or legal holiday, use the next court date.
2. Keep all cases together. Cite individuals with multiple cases to the court of the most serious offense according to the following order:
 - a. OVI charges
 - b. Criminal misdemeanors
 - c. City traffic misdemeanors
 - d. County traffic and minor misdemeanors
3. Court assignments for cited original arrests and all citations for warrants and/or capiases are listed below:
 - a. OVI original arrest
Room A – 1230 hours
1000 Sycamore St.
5 days
 - b. DUS, vehicle seized (types SR/NC/SS/SJ/SF)
Room B – 1300 hours
1000 Sycamore St.
5 days
 - c. DUS, no vehicle seizure (all types of suspensions)
Room B – 1300 hours
1000 Sycamore St.
10-14 days
 - d. All City criminal misdemeanors (original arrest citation, warrant/capias citations)
Room A – 1230 hours
1000 Sycamore St.
10-14 days (except vicious dogs, cite for 5 days. Refer to Procedure 12.115, Section C.6.)

- e. All City traffic (original citation, warrant/capias citations)
 - Room B - 1300 hours
 - 1000 Sycamore St.
 - 7-10 days for auto accidents when cited for a minor misdemeanor only
 - 10-14 days for all traffic citations/warrants/capias
- f. All County criminal and traffic warrant/capias citations
 - Room 121 – 1230 hours
 - 1000 Main St.
 - 10-14 days
- 4. Citable probation violations should have the courtroom noted on the warrant. If the room number is missing, cite all traffic except OVI to Room B at 1300 hours; cite all criminal to Room A at 1230 hours.
- 5. If a defendant has a County and a City traffic warrant or capias, cite to Room B at 1300 hours.
- 6. Warrants with no prefix or the "S" prefix are City warrants. Warrants with a "C" prefix were issued by Hamilton County. Warrants with an "A, B, F, or P" prefix are not eligible for citation.
- 7. Warrants with a preceding four letter mnemonic other than CWU or CPR are warrants issued by a Mayor's Court. Officers may not cite on a Mayor's Court warrant without verbal permission from the affected jurisdiction.
 - a. The Mayor's Court will advise the officer of the appropriate court date and time.
 - b. The officer must send the citation, Form 314, to the Mayor's Court by either U.S. mail or hand delivery.
- 8. Send the Form 314 to the agency which confirms the warrant or capias.
 - a. If a subject has multiple jurisdiction warrants and Mayor's Court warrants or capiases included, a separate Form 314 must be made. Verbal verification must be received from each affected Mayor's Court.
- I. Supervisory Review
 - 1. Officers must contact a supervisor for a review of arrests in which the prisoner:
 - a. Has obvious physical injuries or claims physical abuse by police at the time of arrest.
 - b. Is charged with Assault on a Police Officer or Resisting Arrest.
 - c. Is refused admission to the Hamilton County Justice Center due to injuries.

- d. Requires an interview or observation by a supervisor as needed by other procedures (use of force or chemical irritant, strip search, etc.).
 - e. Is being arrested for a felony.
2. Supervisors must review and approve the completed Forms 527, 527B and 527E on all original felony and original reportable misdemeanor arrests.
- J. Form 682, Citation Arrest Summary
- 1. Each district/section/unit maintains a daily Form 682 board at the front desk. Officers issuing misdemeanor citations and/or warrant/capias citations will list the citations on the Form 682 as indicated below:
 - a. Citations issued for a single misdemeanor or traffic warrant/capias are placed on the citation board.
 - b. Citations issued for multiple misdemeanor or traffic warrants/capiases are prepared according to Section H.3. List all cases on the citation board of the most serious offense as shown in Section H.2.
 - 2. At 0700 hours each day, the district/section/unit desk officer will prepare two copies of the Form 682. The desk officer will ensure all misdemeanor citation arrests and warrant citations from the previous 24-hour period are recorded on the citation board.
 - a. The desk officer will place the Form 682 from the board in an envelope with the appropriate arrest documents. The envelope must be hand delivered to CWPU no later than 0900 hours daily.
 - 3. The clerk at CWPU will initial and time-stamp the first copy of each Form 682. These copies will serve as a receipt to ensure the complaints, as well as the Forms 527 and NTAs, are not out of place. The delivering officer will return the copies for the district/section/unit files. The second copy will remain at CWPU.
 - 4. Records Section personnel will respond to CWPU each workday to pick up each Form 682.
 - a. Records Section personnel will enter the citations into the RCIC computer system and then forward the documents to the Clerk's Office.
 - 1) Records Section will retain a copy of the NTA for its files.
- K. Investigations or Other Official Actions Not Part of Regular Duties
- 1. Off-duty **within** the City of Cincinnati corporation limits:
 - a. Off-duty officers observing a criminal violation necessitating enforcement action will contact PCS.

- b. The officer will request an on-duty police officer and supervisor respond to the scene and assist in the investigation and arrest/citation.
 - 1) This does not apply to officers working outside employment details as an extension of police service.
 - c. In some cases, an officer must take immediate action. After taking action, the officer will contact PCS and request an on-duty supervisor. PCS will:
 - 1) Contact a supervisor from the district of occurrence.
 - 2) The responding supervisor will evaluate the situation and report to the Police Chief via a Form 17.
2. Off-duty **outside** the City of Cincinnati limits:
- a. Off-duty officers observing a criminal violation necessitating enforcement action will contact the proper police agency in that jurisdiction.
 - b. In some cases involving felony violations, an officer may be obligated to take immediate action and then contact the proper police agency in that jurisdiction.
 - 1) After taking action, the officer will also contact PCS and request an on-duty supervisor. PCS will:
 - a) If outside Cincinnati city limits but within Hamilton County, contact a supervisor from the closest district of occurrence.
 - 1) The responding supervisor will evaluate the situation and report to the Police Chief via a Form 17.
 - b) If beyond Hamilton County, contact the Night Chief or a command officer.
 - c. Officers outside City limits do not have the authority to detain/arrest individuals for misdemeanor violations.
3. Officers will not attempt to stop vehicles while off duty unless it is a life-threatening situation which, if permitted to continue, could cause serious physical harm to innocent victims.

12.600 PRISONERS: SECURING, HANDLING, AND TRANSPORTING

References:

Procedure 12.545 - Use of Force
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.610 - Prisoners: Guarding Hospitalized
 Procedure 12.900 - Processing Juvenile Offenders
 Procedure 18.120 – Release of Information and Public Records
 Cincinnati Police Academy Training Bulletin #2003-1 – Sudden Custody Deaths and Positional Asphyxia
 Ohio Revised Code 2933.32 - Body Cavity and Strip Searches; Conducting Unauthorized Search; Failure to Prepare Proper Report

Definitions:

Body Cavity Search - 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 manner while the person is detained or arrested for a criminal or traffic offense.

Strip Search - 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 directly covering 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 manner while the person is detained or arrested for a criminal or traffic offense.

Policy:

Arresting officers who suspect a prisoner of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death will immediately request a supervisor and the Cincinnati Fire Department respond to the scene.

Arresting officers must maintain control of prisoners until relieved by a supervisor, Hamilton County Sheriff's Office employee, or other law enforcement agency.

Immediately notify a supervisor when prisoners have visible or claimed injuries, or when any Hamilton County detention facility refuses admission.

Investigating supervisors will ensure all officers who witnessed a use of force or injury to prisoner provide a statement regarding the incident. Refer to Procedure 12.545, Use of Force, to determine if the statement is required to be tape recorded. The investigating supervisor will ensure all use of force and injury to prisoner reports identify all officers who were involved in the incident or on the scene when it occurred. The investigating supervisor will ensure all use of force and injury to prisoner reports indicate whether medical care was provided, and whether the subject refused medical treatment.

Arresting officers are responsible for minor and adult dependents of physically arrested persons. Physically or mentally impaired adults are examples of adult dependents. Arrested persons can advise with whom they want their dependents placed. Record the location of minor or adult dependents in the district/unit blotter.

Call the Hamilton County Department of Job and Family Services when unable to place dependents with responsible adults.

For minors, call 241-KIDS.

For dependents 60 and over, call 421-LIFE.

The transporting officer has a duty of care to protect the prisoner from injury. Officers transporting prisoners will not become involved in any other activity unless there is a clear and grave risk to a third party and the risk to the prisoner is minimal. Officers should always be aware of intentional diversions that may be used to free a prisoner.

When transporting prisoners to another agency, the transporting officer will notify that agency when the prisoner is considered an unusual security risk. The transporting officer may request the receiving agency provide additional restraints or officers.

Prisoners are only allowed to communicate with a physician, attorney, or immediate family member with approval of arresting officer.

Information:

The following factors place an individual at a higher risk for positional asphyxia:

- Cocaine induced delirium – a side effect suffered by some cocaine users characterized by disorientation, hallucinations, and an increased heart rate.
- Other drug/alcohol use – intoxication may reduce respiratory function.
- Physical build – obesity can increase an individual's risk.
- Environment – extreme temperatures increase risk.
- Underlying health problems – asthma, emphysema, and heart disease.
- Involvement in a struggle lasting longer than three minutes.
- Pressure applied to back during arrest.
- Suspect position – suspects on their stomach, particularly on a hard surface, are at increased risk.

Procedure:

A. Handcuffing

1. When possible, handcuff all prisoners with their hands behind their back. Apply handcuffs between the hand and protruding wrist bone with the prisoner's palms facing out and the keyholes facing up.
 - a. Apply handcuffs directly over the skin. Never apply them over clothing or jewelry. They should be reasonably snug and double locked.
2. Do not leave handcuffed individuals prone on the ground. Once individuals are under control immediately move them to a seated position as soon as possible.
3. When necessary, handcuff physically handicapped, injured, or pregnant prisoners in front.
 - a. Two officers will transport a prisoner handcuffed in front of the body.
4. When handcuffing two prisoners together, use the right wrist to right wrist or left wrist to left wrist method.
 - a. Do not handcuff male prisoners to female prisoners or adults to juveniles except in emergency arrest situations.
5. Remove handcuffed persons from public view as soon as possible.
6. For officer safety, it may be necessary to temporarily handcuff citable persons or persons under investigation.
7. On a case by case basis, officers are permitted to temporarily remove handcuffs from arrested persons for various reasons:
 - a. Seriously injured and requiring medical treatment.
 - b. Interviewing and processing (fingerprints/OVI arrests).
 - 1) Prisoners will be thoroughly searched prior to removing handcuffs.
 - 2) Two officers will remain with unhandcuffed prisoner(s).
8. When transferring a prisoner from one set of handcuffs to another, keep the original handcuffs on the prisoner. Place the second set of handcuffs on the prisoner underneath the first pair, ensuring handcuff keyholes are accessible.

9. Flexcuffs are permitted only in the following situations:
 - a. SWAT operations.
 - b. Mass arrests at demonstrations or civil disturbances.
 - c. Under exigent circumstances with supervisory approval.
- B. Prisoner Searches
 1. Thoroughly search all handcuffed prisoners from the rear.
 2. Transporting officer(s) will conduct a separate and additional search of prisoners coming into their custody.
 3. Whenever possible, use female officers to search female prisoners and male officers to search male prisoners.
 - a. If necessary, handcuff opposite sex prisoners and watch them until an officer of the same sex arrives to complete a detailed search.
 - b. When opposite sex searches must occur, limit the search to finding weapons.
 - 1) Use the blade edge of the hand.
 - 2) Retrieve weapons immediately from any body area when there is immediate danger.
 4. Strip searches and body cavity searches:
 - a. Perform a strip or body cavity search only when there is probable cause to believe the prisoner is concealing evidence, contraband, or weapons.
 - b. A supervisor must approve and sign a Form 602, Search Authorization, before:
 - 1) A police officer conducts a strip search.
 - 2) A search warrant for a body cavity search is sought.
 - c. Only officers of the same sex will conduct strip searches.
 - d. Only one officer will conduct a strip search.
 - 1) Have an officer just outside the view of the search in case the searching officer needs help.
 - 2) The officer conducting the search will not, under any circumstances, insert their finger or any other instrument into a prisoner's orifice during the strip search.

- 3) If, while conducting a strip search, the officer visually observes what is believed to be contraband partially protruding from the prisoner's orifice (vagina or anal cavity), the officer will request the prisoner to remove the object.
 - 4) If the prisoner refuses to remove the object, the officer will not attempt to remove it. A body cavity search warrant will be required to recover the contraband.
 - 5) The officer who observed the contraband in a prisoner's orifice should immediately end the strip search and follow the guidelines for obtaining a body cavity search warrant.
- e. After getting a search warrant for a body cavity search, respond to University Hospital to conduct the actual search.
- 1) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.
 - 2) A doctor, registered nurse, or practical nurse licensed by the State of Ohio must perform the body cavity search. No one is permitted to witness the search.
 - 3) If the prisoner refuses to allow a medical professional to conduct the body cavity search in accordance with the search warrant, the officer will:
 - a) Notify a supervisor.
 - b) List the medical professional on the Form 527, Arrest and Investigation, as a witness to the presence of the contraband if they saw it.
 - 4) A person suspected of having contraband in an orifice will not be accepted at a detention facility. A supervisor will contact the Duty Officer or Night Chief for further instructions.
 - 5) If the prisoner consents and the medical professional refuses to conduct the body cavity search, a supervisor will notify the Duty Officer or Night Chief for further instructions.
- f. After transporting prisoners to the Hamilton County Justice Center (HCJC), officers will advise the Hamilton County Sheriff's deputies when they believe a prisoner is concealing contraband.
- 1) Hamilton County Sheriff's deputies maintain a list of offenses for which they routinely conduct strip searches.
 - 2) Department personnel must have an approved Form 602 prior to requesting sheriff's deputies to conduct a strip search.

- g. Officers transporting prisoners to the Hamilton County Juvenile Court Youth Center (HCJCYC) will not attempt to conduct a strip search within that facility.
 - 1) After transporting prisoners to HCJCYC, officers will advise the detention facility employee when they suspect a prisoner is concealing contraband in an orifice or other areas of the genitalia.
 - 2) The detention facility employee will notify the Supervisor on Duty (SOD), who will respond and make the final decision whether to conduct a strip search of the prisoner.
 - a) The officer must be able to adequately articulate probable cause to justify a strip search.
 - 3) If the SOD refuses to authorize a requested strip search, the requesting officer will advise a supervisor, who will evaluate the circumstances and complete a Form 17 Incident Report if the refusal is believed to be unwarranted.
 - a) The SOD is required to complete an Incident Report to the HCJCYC facility superintendent whenever they refuse to conduct a requested strip search.
- h. After strip or body cavity searches, the officer who conducted the strip search or authorized the body cavity search must give the person searched a completed copy of the Form 602.
- i. Immediately forward the original Form 602 to the Police Chief.
 - 1) Inspections Section files the original.
 - 2) The originating unit files a copy.
- 5. Persons in custody suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death, i.e., drugs, poison, etc.
 - a. Immediately request a supervisor and Cincinnati Fire Department (CFD) respond to the scene. If necessary CFD will transport the suspect for immediate medical treatment. If CFD requests the Police Department transport, the following guidelines apply:
 - 1) Immediately transport any subject 13 years of age and older, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to University Hospital.
 - a) University Hospital's policy is to perform a body cavity search or stomach pumping only for medical reasons with the patient's consent. The hospital will give the recovered evidence to the police.

- b) If unable to gain consent, a supervisor will determine the proper course of action.
 - 2) Immediately transport any subject 12 years of age and under, suspected of putting in their mouth, swallowing, or attempting to swallow any substance or item suspected as capable of causing physical harm, injury, or death to Children's Hospital.
 - a) Children's Hospital's policy is to perform stomach pumping only for medical reasons with or without parental consent. The hospital will give the recovered evidence to the police.
 - b. The responding supervisor will conduct a thorough investigation of the incident and complete a Form 18I, Injury to Prisoner, for the ingestion.
- C. Holding/Interviewing Prisoners in Police Facilities
 - 1. Instructions on how to interview witnesses, victims or suspects can be found in the Department Investigations Manual.
 - a. A description of the interview room and items that should be maintained in the room can also be found in the Investigations Manual.
 - 2. Do not use police facilities as jails or holding cells.
 - a. Use interviewing rooms for processing and interviewing persons or prisoners on official police business.
 - 1) Never leave prisoners alone.
 - 2) Officers will inspect the interview room prior to bringing in a person to be questioned.
 - 3) Two officers should be present while interviewing suspects or persons under arrest. Notify the desk personnel of persons brought into the facility in case the interviewing officer should call for assistance.
 - 4) Un-cuffing prisoners is sometimes required during an interview. Weapons control should be a priority consideration before uncuffing a person in a confined space.
 - 5) Make a blotter entry noting an interview has taken place. Include the name of the officer, the time in and out of the room and the supervisor notified.

- 6) Persons being held should be allowed reasonable access to restrooms. If a prisoner becomes aggressive or uncooperative they should be transported to the Hamilton County Justice Center.
3. The district/section/unit officer in charge (OIC) and desk personnel will remain informed about prisoners in their station. They will:
 - a. Provide pertinent information when answering phone calls about prisoners in custody, or previously in custody.
 - 1) Refer to Procedure 18.120, Release of Information and Public Records, for guidelines in releasing prisoner information to the public.
 - 2) When callers need more information, refer them to HCJC Intake or the HCJCYC.
 - b. Interview rooms will be inspected by a relief supervisor once during each shift. The inspection will be documented in the supervisor's Daily Rounds.

D. Prisoner Transporting

1. All prisoners subject to physical arrest will be transported to the appropriate facility.
 - a. When transporting a prisoner, the MVR/DVR will be activated for recording purposes. The camera will be turned to face the rear seat to record the prisoner's actions for the entire transport. With the digital DVR system, to activate the recording capabilities inside of a police car, one of the two Sure Talk microphones must be removed from the docking station and placed in an appropriate area inside the driver's compartment of the vehicle. The microphone must be manually activated by pressing the ACT button to record audio transmissions during the transport process.
 - b. Vehicles equipped with an Eyewitness ION DVR system have a third microphone permanently installed in the rear passenger compartment around the rear window. To record audio inside a vehicle, the In-car Microphone (ICM) must be manually activated by pressing the ICM button located on the left panel of the overhead console.
 - c. Use the transport command (TR) on the Mobile Data Computer (MDC) and enter the location to where the prisoner is being transported in brackets [] not parentheses (), and enter the starting mileage when beginning transport. Upon arrival, use the transport complete command (TRC), and enter the ending mileage.

Example: TR [HCJC], start mileage 12345
TRC, end mileage 12348

- d. Receive permission from a supervisor before transporting a prisoner to any hospital or other non-police facility.
- e. Arresting officers involved in a use of force, other than the use of chemical irritant or the deployment of the X26 Taser, will not transport a prisoner who is the subject of the use of force.
 - 1) Officers may remove a prisoner to a safe location to prevent an escalation of the incident. Neutral officers will respond and transport the prisoner.
2. When arresting officers cannot transport their own prisoner, they must provide transporting officers the completed paperwork or at least the minimum following information:
 - a. Name, badge number, and unit of the arresting officer.
 - b. Specific charge(s) placed against the prisoner.
3. When possible, two officers will transport a prisoner who is incapacitated from intoxication or injury to prevent falls or additional injury.
4. Two officers will transport a prisoner on a stretcher. The second officer will ride in the rear to monitor the prisoner and to give or summon medical aid if necessary.
 - a. Whenever possible, officers will place the prisoner on their back to avoid positional asphyxiation and/or cocaine psychosis.
5. Never leave a prisoner unattended inside a vehicle.
6. Search seating areas of transporting vehicles before and after each prisoner transport.
7. Use marked police vehicles equipped with screens.
 - a. In vehicles with security screens, transport a single prisoner on the right side of the rear seat.
 - b. Use the seat belt and lap restraint bar whenever possible.
 - c. Engage the rear door and window locking system on vehicles having this option.
 - d. Secure sliding partition in vehicles equipped with Plexiglas.
8. One officer may transport two prisoners provided the vehicle is equipped with a security screen and both prisoners are secured in the rear seat with seat belts.

- a. No more than two prisoners will be transported in any one Department vehicle, with the exception of the Personnel Transport Van stored at District One.
9. Officers will not transport prisoners in a vehicle without a screen.
 - a. Under exigent circumstances a supervisor may approve the transport of a prisoner in a vehicle without a screen.
 - 1) When transporting in vehicles without screens, use two officers. The second officer sits in the rear seat behind the driver with the prisoner to their right.
 10. Personnel Transport Van
 - a. Districts/sections/units can borrow the Personnel Transport Van parked in the 14th Street lot behind District One.
 - 1) Request the keys from a District One shift supervisor.
 - 2) Make a blotter entry at District One showing the:
 - a) Operating officer and unit of assignment.
 - b) Date, time, and expected return.
 - c) Reason for using the vehicle.
 - b. Notify the HCJC when expecting physical arrests numbering 20 or more.
 11. Hamilton County Sheriff's Patrol Wagon
 - a. Request the Hamilton County Sheriff's Patrol Wagon in advance when expecting numerous physical arrests at planned events.
 - 1) Call the HCJC Intake supervisor to request the wagon.
 12. Upon arrival at the appropriate detention facility, officers will:
 - a. Secure their firearms in the provided lock box or the trunk of the police vehicle.
 - b. Remove restraining devices from prisoners inside the detention facility.
 - c. Deliver all applicable arrest forms to the receiving officer.
 - d. Obtain a signature for receipt of the prisoner.
- E. Handling or Transferring Prisoners of Other Local Police Agencies
1. Officers will verify the identity of a prisoner accepted from another agency prior to transporting the prisoner to a detention facility.

- a. Compare the other agency's paperwork with the identification and information (name, address, DOB, Social Security number, etc.) provided by the prisoner.
 - b. Officers will ensure that all necessary paperwork accompanies the prisoner.
 - c. Officers should note on the Form 527 any known or suspected escape or suicidal tendencies and notify the detention facility.
2. When arresting an individual on a warrant issued by another local police agency, the officer will:
 - a. Cite according to Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders, completing a Form 314, Notice to Appear, if the warrant was issued by a Hamilton County jurisdiction, except Mayor's Court, and does not require a physical arrest.
 - b. Immediately arrange to transfer the prisoner into that agency's custody if the warrant is for Mayor's Court.
 - c. Transport to the HCJC Intake if the warrant is not citable.
 - d. When an officer makes an original physical arrest and the individual has an outstanding warrant from another jurisdiction, list the information on a Form 527 and contact the appropriate jurisdiction to send a holder to Intake.
 - e. When arresting an individual on a warrant issued by an adjoining county, with no original charges from our department, immediately arrange to transfer the prisoner into that agency's custody.
 - 1) Contact the agency by phone to confirm the time and place of transfer. If possible, arrange to meet in the field.
 - 2) When bringing a prisoner into a Cincinnati Police facility to wait for the other agency, remain with the prisoner until the other agency takes custody or until relieved by a supervisor.

F. Prisoner Injuries

1. Officers will document prisoner injuries occurring before police control on a Form 527.
2. Per Procedure 12.545, Use of Force, a supervisor will complete a Form 18I, Injury to Prisoner, when a prisoner is injured, not the result of force, while under or just prior to police control.

G. Hospitalized Prisoners

1. If not citable, complete a Form 527. Include in the "Facts" section:
 - a. The name of the hospital.
 - b. A brief description of the injury, illness, or mental condition.
 - c. A complete description of the prisoner's clothing, and anything else to help identify or locate the subject in case of escape.
2. When a prisoner is hospitalized at University Hospital:
 - a. Notify the University of Cincinnati (UC) Police.
 - 1) Complete holder forms when requested by UC Police.
 - 2) Write the phone number of Police Communications Section (PCS) on hospital holder forms and the yellow copy of Form 527.
 - 3) Ask UC Police to notify PCS before discharging the prisoner.
 - b. Staple the yellow copy of Form 527 to the top copy of the holder form and request UC Police keep the paperwork with the prisoner for the next transporting officer. Hospital holder forms stay at the hospital.
 - c. Refer to Procedure 12.610, Prisoners: Guarding Hospitalized, for guidelines in guarding prisoners at University Hospital.
3. When a prisoner is hospitalized at any other hospital:
 - a. Notify hospital security.
 - b. Request hospital security keep the yellow copy of Form 527 with the prisoner for the next transporting officer.
 - c. Write the phone number of PCS on the yellow copy of Form 527.
 - d. Ask hospital security to notify PCS before discharging the prisoner.
4. Processing the Form 527, Arrest Report
 - a. During normal business hours – Monday through Friday from 0730 to 1700 hours, immediately deliver the Form 527 and complaints/warrants to the Records Section, City Hall, 801 Plum Street, Room 328.
 - 1) Records Section will immediately enter the arrest information into the computer, placing the case on the next available court docket.

- a) Officers will remain at the Records Section until the arrest information is entered. Officers will then hand deliver the completed forms to the Hamilton County Clerk's Office.
 - b. For all other times (Monday through Friday from 1700 to 0730 hours, weekends, and holidays) immediately deliver the Form 527 and complaint/warrants to the Hamilton County Justice Center (HCJC) Intake.
 - 1) HCJC will make a computer entry of the hospitalized prisoner case information, placing it on the next available court docket.
 - a) HCJC will deliver completed forms to the Hamilton County Clerk's Office.
 - c. For juvenile prisoners, immediately deliver the Form 527 and complaints/warrants to the Juvenile Court Clerk's Office, 2020 Auburn Avenue.
5. Prisoner released from a hospital.
- a. If the prisoner was admitted, PCS will dispatch a uniformed unit from the district where the hospital is located.
 - b. If the prisoner was treated at the emergency room but not admitted, PCS will dispatch a uniformed unit from the arresting officer's district/section/unit.
 - c. Transporting officers will:
 - 1) Contact hospital security to get the yellow copy of the original Form 527.
 - 2) Query the prisoner through RCIC/NCIC.
 - 3) Contact the Hamilton County Clerk's Office to check for any new charges filed on the prisoner.
 - 4) Contact the Central Warrant Processing Unit (CWPU) to determine if the court issued a capias on the prisoner.
 - a) If a capias was issued for the original charge, complete a new Form 527.
 - b) Attach the yellow copy of the old Form 527 to the new Form 527.
 - 5) Unless the prisoner has a capias, the only paperwork needed for transportation is the yellow copy of the original Form 527.

- 6) Handcuff, search, and transport a hospitalized prisoner the same as original arrests.

H. Prisoner Escapes

1. Immediately notify PCS.
2. PCS will make an all county broadcast (ACB) and include the following information:
 - a. A complete description of the prisoner.
 - b. Method and direction of travel if known.
 - c. Offense the subject was in custody for.
 - d. Prisoner's home address or other possible destination.
 - e. Any other pertinent information.
3. Notify a supervisor.
4. The investigating supervisor will notify the involved district/section/unit OIC. Notify the Night Chief if during working hours.
5. The OIC of the involved district/section/unit will submit a Form 17 to the Police Chief detailing the circumstances of all prisoner escapes and attempts.
6. File appropriate charges against the escapee.

I. Transporting Sick, Injured, or Disabled Prisoners

1. Sick or injured prisoners.
 - a. If a prisoner becomes sick or injured subsequent to arrest, officers will immediately seek medical attention.
 - b. Prisoners will remain handcuffed if possible.
 - c. If possible, transport the prisoner to University Hospital and notify a supervisor. If the prisoner is 12 years of age and under, transport to Children's Hospital.
 - d. If the illness or injury requires EMT or paramedics, summon the Fire Department to render aid and transport the prisoner to the hospital.
 - 1) Notify a supervisor and another unit if the transporting unit is one-person.
 - 2) One officer will remain with the prisoner while the other responds to the hospital in non-emergency status.

2. Transporting physically and mentally disabled prisoners
 - a. Officers will transport a physically or mentally disabled prisoner using a vehicle appropriate for providing the necessary care for the prisoner.
 - b. If a patrol vehicle is not appropriate consider using the following:
 - 1) Scout car.
 - 2) Prisoner van.

12.605 IDENTIFICATION OF PERSONS IN POLICE CUSTODY AND WANTED PERSONS

Reference:

Ohio Revised Code - 109.60, 109.61

Ohio Revised Code 2921.31: - Obstructing Official Business

Procedure 12.555 - Arrest/Citation: Processing Of Adult Misdemeanor and Felony Offenses

A. Purpose:

1. To provide for orderly and uniform processing and identification of arrested persons.
2. To establish guidelines for placing a suspect in the Ten Most Wanted File.

B. Procedure:

1. All persons arrested under the following circumstances (O.R.C. Sections 109.60 & 109.61) shall be fingerprinted and photographed.
 - a. Any felony
 - 1) Major case prints (includes palm prints) will be obtained in the following specific felonies:
 - a) Homicide and related offenses
 - b) Rape, Gross Sexual Imposition, Sexual Imposition, Felonious Sexual Penetration
 - c) All robbery type offenses
 - d) All burglary type offenses
 - e) Forgery and Passing Bad Checks, repeat offenders
 - f) Complicity in any of the above
 - g) At the request of the officer for a serious or unusual crime
 - b. Any of the following misdemeanors:
 - 1) All sex offenses:
 - a) Prostitutes processed during the past twelve (12) months will not require processing for subsequent arrests when charged with Prostitution, Soliciting or Public Indecency.

- 2) Any gambling offenses (except Public Gaming)
 - 3) All drug offenses (except Glue Sniffing and minor misdemeanor possession of marijuana)
 - 4) All offenses involving a deadly weapon
 - 5) Unlawful Possession of a Deadly Ordnance
 - 6) Any Theft Offense
 - 7) Tampering With Coin Machines
 - 8) Unauthorized Use of a Vehicle
 - 9) Passing Bad Checks
 - 10) Misuse of a Credit Card
 - 11) Defrauding a Livery or Hostelry
 - 12) Receiving Stolen Property
 - 13) Possession of Criminal Tools
 - 14) Possession of Counterfeiting Materials
 - 15) Endangering Children
 - 16) Child Stealing
 - 17) Criminal Child Enticement
 - 18) Vehicular Homicide
 - 19) Domestic Violence
 - 20) Assault on a Police Officer
 - 21) Resisting Arrest (supervisor's determination based on the degree of resistance).
2. Identification process will be handled by Sheriff's Office personnel at Central Intake in accordance with their guidelines and procedures.
 3. In addition to the offenses outlined in B.1.b., arresting officers may request Central Intake personnel to process:
 - a. An arrest resulting from an unusual or serious offense as determined by the arresting officer's supervisor.
 - b. If a need for future identification is anticipated by the arresting officer and his supervisor.

4. Individuals arrested for an offense that is listed in section B. of this procedure or that is a misdemeanor on the first offense and a felony on subsequent offenses must be transported to Hamilton County Justice Center Central Intake for identification processing, utilize Arrest Form 527.
 - a. The individual may be eligible for release only after processing and verification of identity is completed.
 - 1) If the officer recommends release after processing, check block marked "O.R. Bond."
 - 2) Transporting officer will not wait for processing. However, if a prisoner is discovered to be an impostor, Warrant/Identification Unit (W/IU) will check for additional warrants, and add existing warrants (if any) and the alias to the Form 527 before final processing.
 - a) W/IU will then contact Central Intake of the additions and changes.
 - b) W/IU will then contact the arresting officer, by phone, if he is still on duty. If the arresting officer is off duty W/IU will mail a copy of the amended Form 527 to him through interdepartmental mail.

C. Wanted Persons File:

1. Each unit in the Investigation and Patrol Bureaus will keep a file of the ten persons who have been identified and selected as The Crime Stoppers Ten Most Wanted persons.
 - a. The unit commander will identify a bulletin board to be used for display of the most wanted photographs.
 - b. The unit commander or his designee will make additions and deletions to this file as soon as possible after they are received.
 - c. When an addition to the file is received, it will be read at roll calls for three consecutive days.
2. The ten most wanted will consist of persons approved by the Crime Stoppers Most Wanted Advisory Board.
 - a. The board will be comprised of:
 - 1) Police personnel assigned to the Crime Stoppers Program
 - 2) A representative from the Police Intelligence Coordinating Agency (P.I.C.A.)
 - 3) A representative from the Northern Kentucky Intelligence Network (N.K.I.N.)

- 4) The Cincinnati Police Department Property Crimes Unit Commander
3. Criteria for inclusion of subjects:
 - a. Subjects who are wanted on warrants or indictments charging them with a serious felony offense or a series of felony offenses will be considered.
 - 1) Information should be provided to indicate that the subject is attempting to avoid arrest.
 - 2) It should also be shown that the subject's behavior is such that he poses a significant hazard to the general welfare of the persons and property in the Greater Cincinnati area.
 - b. No subject will be considered unless there is a warrant or indictment on file.
 4. Method for requesting a subject to be placed on the Crime Stoppers Ten Most Wanted list:
 - a. Information on the offenses involved, identifying data on the subject and any other pertinent information will be submitted to the Property Crimes Unit Commander for presentation to the Crime Stoppers Most Wanted Advisory Board.
 - 1) This should be done in accordance with accepted procedures established in the respective police agencies.
 - a) Cincinnati Police Department members must make this request as follows:
 - 1] The investigator assigned to the case, upon approval of his immediate supervisor, will submit a Form 17, through channels, to the Criminal Investigation Section Commander describing the subject, the crime and other information pertinent to the investigation.
 - 2] A copy of the warrant or indictment will be included with this request.
 - 3] A photograph of the subject that is suitable for reproduction and public dissemination must also be included.
 - 4] Upon approval by the Criminal Investigation Section Commander, this request will be given to the Property Crimes Unit Commander.
 - b. An emergency request for a subject to be included on the most wanted list can be directed to any member of the Crime Stoppers Most Wanted Advisory Board.

- 1) This method of presentation is for emergency use only, an immediate and imminent risk of serious physical harm must exist.
5. Distribution of Wanted Person Bulletins
 - a. Within Hamilton County, Ohio
 - 1) All law enforcement agencies will be notified of additions and bulletins via R.C.I.C. administrative message.
 - 2) Agencies will be requested to obtain these bulletins at the Cincinnati Police Criminal Investigation Section.
 - b. Northern Kentucky Police Chiefs Association will be responsible for distribution to Northern Kentucky police agencies.
 - c. Notification of removal will be handled in the same manner as distribution notices.
 - 1) Upon removal notification, each agency will be requested to properly destroy all outdated bulletins.
 6. Routine Updating of Most Wanted List
 - a. An accurate updated summary of the Crime Stoppers Ten Most Wanted List will be prepared and distributed on a monthly basis.
 - 1) This will assure that all agencies have current lists and that any and all deletions have been removed.
 7. Requests for removal should be processed the same as requests for inclusion.

12.610 PRISONERS: GUARDING HOSPITALIZED

Reference:

Procedure 12.600 – Prisoners: Securing, Handling and Transporting
Procedure 12.900 – Processing Juvenile Offenders

Policy:

The officer assigned to guard a hospitalized prisoner will immediately notify the investigating unit of any voluntary statements made by the prisoner pertaining to any criminal activity or offense. Specifically, the officer should be alert for accounts or descriptions of the offense for which the prisoner is currently under investigation.

Information:

In instances where a hospital other than University Hospital is used for guarding prisoners, the arresting unit will contact Criminal Investigation Section for instructions.

Procedure:

- A. A supervisor from the arresting unit will decide whether or not to place a police guard on a hospitalized prisoner. Supervisors should normally limit decisions to guard prisoners to felony arrests and base the decision upon the prisoner's physical condition.
 1. The supervisor who initiates the police guard at University Hospital will notify the Patrol Bureau Commander in writing and the district in which the arrest was made by telephone.
 2. A supervisor from the arresting district will notify Criminal Investigation Section (CIS) and a District Four supervisor. The supervisor from the arresting district is responsible for scheduling the initial guard detail as set out below.
 - a. The district in which the arrest occurred is responsible for the guard for the remainder of the current shift and the next full shift. The detail will then rotate among the five police districts on successive shifts. CIS will notify other districts of their detail times.

Example: A prisoner requiring a guard is arrested in District Two. District Two will provide the guard for the remainder of the current shift and the next full shift. District Three will then assume responsibility for the next successive shift, followed by District Four, Five, and One in that order. Repeat the cycle until the guard detail is over.

- 1) Starting times for the guard detail are 0700, 1500, and 2300 hours. Guarding officers will report to the guard detail in the uniform of the day with all related equipment. The guarding officer will monitor Talk Group 4.
 - a) Officers responding to University Hospital may park in Lot #27 (Highland Avenue Garage), located on Highland Avenue at Goodman Street. Enter the lot from Highland Avenue.
 - 1] This lot is available 24 hours a day. The Police Department will pay the fee.
 - 2] Officers will identify themselves to the lot attendant and explain the reason for parking.
 - 3] To maintain adequate records for billing purposes, officers will sign their name, badge number, and district of assignment on the parking ticket. The lot attendant will keep the ticket when the officer leaves.
 - 4] Lot attendant hours are 7:00 A.M. - 9:00 P.M. Officers leaving when the attendant is off-duty must have a University Hospital officer meet them at the lot. The officer will operate the gate to allow the guarding officer to leave.
- 2) If guarding a prisoner becomes a problem because of a personnel shortage, a supervisor will contact the Patrol Bureau Commander or his designee, during duty hours. At other times contact the Night Chief or the designated Duty Officer.

B. District Four Supervisor Responsibilities

1. Respond to University Hospital with leg irons, Form 661, Visitors Registration, and Form 662, Prisoner Phone Log. These items are assigned to District Four for exclusive use at University Hospital.
2. Accompany the initial guarding officer and examine the location where the prisoner is lodged. Give standard and special instructions to the officer on a Form 311, Supplementary Offense Report, to provide consistency between the shifts.
 - a. The guarding officer will pass these instructions on to the next officer assigned to guard duty.
3. Notify University Hospital Police at the start and again at the end of the guard detail.
4. Monitor the activities of personnel detailed to guard duty and provide for meals and other relief as required.

C. Leg Irons

1. The guarding officer will keep the prisoner in leg irons except when removal is necessary for medical treatment.
 - a. Always secure one ankle to the bed frame.
 - 1) Attach the leg irons in a manner which give a degree of comfort to the prisoner, while still maintaining security.
 - 2) Keep leg irons double locked.
 - b. Whenever the prisoner needs to use the bathroom, place the leg iron attached to the bed frame onto the prisoner's other ankle.
 - 1) For safety reasons, attach the leg irons from the rear of the prisoner.
 - 2) Check the bathroom to ensure nothing is inside that the prisoner could use as a weapon or potential escape device.

D. Transporting Prisoners Within The Hospital

1. Guarding officers will remain alert and keep the prisoner in view at all times. Notify a District Four supervisor at once if official hospital activities (moving the prisoner to X-ray, etc.) endanger the security of the prisoner.
 - a. Before moving the prisoner throughout the hospital, the officer will notify University Hospital Police of the prisoner's destination within the hospital.

E. Prisoner Visitation

1. Admit only the spouse, parents, attorney, or clergy member of the prisoner for contact visitation. The district or unit initiating the police guard will approve visitation before any visit. A District Four supervisor may approve additional visitors if a guarded prisoner is near death. Limit these additional visitors to members of the prisoner's immediate family only.
 - a. Permit only one visitor at any one time.
 - b. Visits must conform to visiting hours set by the hospital.
 - c. Require each visitor to read and sign the Form 661. The officer will verify the information and initial the Form 661. Refuse admission if the visitor fails to comply.
 - d. The guarding officer will phone the information on the Form 661 to CIS before ending his tour of duty.
 - e. The guarding officer will watch visitors while with the prisoner to protect against the exchange of weapons or contraband.
 - 1) Prisoners may receive reading material only.
2. Prisoners may make one supervised telephone call per day of reasonable duration (not to exceed thirty minutes) unless security needs dictate the suspension of phone calls.
 - a. Prisoners are not allowed to have cellular phones.
 - b. Complete Form 662 each time a call is made. Log all telephone calls by date, time, person called, and phone number. Contact the floor charge nurse to get a telephone. The guarding officer will place the call for the prisoner. Permit only local calls.

F. Prisoner Release

1. Whenever a guarded prisoner is released from the hospital, it is the immediate responsibility of the on-duty police guard to notify District Four and CIS. A District Four supervisor will respond and ensure all equipment is returned to District Four special inventory. CIS will immediately notify the districts the detail is over.
 - a. The responding District Four supervisor will send all copies of the Form 661 and Form 662 to CIS.
2. The guarding officer is responsible for delivering the prisoner to the Hamilton County Justice Center or the Hamilton County Juvenile Court Youth Center. A District Four unit will meet the guard detail at the hospital and transport the officer and prisoner to the jail.

12.615 DECEASED PERSONS/PRISONERS

Reference:

Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
 Procedure 12.616 - Notifications: Deceased Persons and Police Action Resulting
 in Life Threatening Injuries/Death
 Procedure 12.705 - Property Confiscation
 Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage
 and Release
 Ohio Revised Code 313.12 – Notice to Coroner of Violent, Suspicious, Unusual
 or Sudden Death or any Death of a Mentally
 Handicapped or Developmentally Disabled Person
 Ohio Revised Code 313.13(A) - Autopsy
 Hamilton County Coroner's Office Manual: General Office Policies and
 Procedures, Sections 2.4 & 2.18.0
 Cincinnati Police Department Investigations Manual

Definitions:

Mentally Handicapped Person – A person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

Developmental Disability - A severe and chronic disability characterized by all of the following:

1. It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.
2. It is manifested before age twenty-two.
3. It is likely to continue indefinitely.
4. It results in one of the following:
 - a. In the case of a person under three years of age, at least one developmental delay or established risk;
 - b. In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;
 - c. In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

5. It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

Purpose:

To ensure the timely and efficient investigation of incidents involving deceased persons, while preserving potential evidence of a crime by securing the site pending the release of the body by the Hamilton County Coroner.

To protect the dignity of persons who have died and to lessen the effects of the death on members of the decedent's family.

To ensure the timely transfer of information between the Police Department and the Hamilton County Coroner's Office.

Ensure proper handling of evidence in cases involving deceased persons.

Policy:

Officers will exhaust all reasonable means to determine whether a person is deceased. It is better to make the mistake of sending someone to the hospital who is already dead than for a person to die as a result of a wrong assumption.

A supervisor must respond to the scene of all deceased persons.

The Hamilton County Coroner or Coroner's investigator will respond on all deceased persons that are determined to be Coroner's cases. They will make the determination as to whether the case is considered a Coroner's case or not. No officer will touch or move the body unless advised by the Coroner or his investigator; this includes removing identification.

Information:

A Hamilton County Sheriff's Office (HCSO) prisoner detail will transport all deceased persons that are determined to be Coroner's cases.

The Police Department is required by law to report all deaths of mentally handicapped and/or developmentally disabled individuals to the Coroner's Office regardless of the circumstances.

Procedure:

A. Investigation of Non-Suspicious or Natural Deaths

1. Officer's Responsibilities:

- a. Upon the discovery of a deceased person, use all reasonable means to determine whether the person is dead:
 - 1) Inspect the body for any signs of life. Check for airway obstructions, breathing, and pulse.

- 2) If unable to determine after using all reasonable means, request the Fire Department respond.
 - b. The on-scene officer will notify a supervisor.
 - c. Secure the scene until the arrival of a supervisor.
 - 1) Do not touch or move the body. This includes removing a wallet, looking for identification or rolling the body to take photographs.
 - 2) Do not move anything or alter the scene. This includes opening windows, changing thermostats or fans, or turning on or off lights.
 - d. The initial investigating officer will complete a Form 316A, Deceased Person Report.
 - 1) If the officer obtains complete information at the scene, the Hamilton County Coroner's Office may be able to authorize release of the body directly to a funeral director.
 - a) Advise the funeral home to contact the reporting district with the death pronouncement information required for the Form 316A.
 - 1] The district will fax the completed Form 316A to the Coroner's Office.
 - e. A physician on the scene may make the official death pronouncement. The officer must still receive instructions from the Hamilton County Coroner's Office regarding disposition of the body.
2. Supervisor's Responsibilities
- a. The district supervisor on the scene will assume command of the initial investigation and immediately contact the Hamilton County Coroner's Office.
 - 1) Notification to the Hamilton County Coroner's Office will be made in all accidental or natural deaths, except natural deaths at nursing homes (see Section F.) and the death of a child who was an in-patient at Children's Hospital (see Section B.2.). These exemptions do not apply to individuals who were mentally handicapped or developmentally disabled. The supervisor must notify the Coroner's Office in all cases where the deceased was mentally handicapped or developmentally disabled.
 - 2) The Coroner's Office will evaluate the circumstances of the death with the supervisor. The Coroner's Office will determine if the case is a Coroner's case.

- a) If the Coroner's Office sends an investigator and/or forensic pathologist to the scene, the supervisor will remain at the scene and coordinate the investigation with the Coroner's Office.
 - b) If the Coroner's Office does not send an investigator and/or forensic pathologist to the scene, the district supervisor will proceed with the death investigation.
- b. If the Coroner's Office does not respond, photograph the body in the position it was discovered.
 - 1) Unless prevented by scene restrictions, take additional photographs of the right, left, top, and bottom sides of the body, moving the body to photograph, if necessary.
 - 2) Properly label photographs with the date, time, address, and identity of the photographer.
 - a) Attach photographs to the Form 316A.
- c. Make arrangements for next of kin notification in accordance with Procedure 12.616, Notifications: Deceased Persons and Police Action Resulting in Life Threatening Injuries/Death.
 - 1) If the deceased is determined to be indigent, officers will contact the Northern Kentucky and Cincinnati Mortuary Services at 1-800-884-6739. They will respond to transport the body.
 - a) If there is a dispute between the mortuary service and the supervisor as to the financial status of the deceased, contact the Hamilton County Coroner's Office for direction.

B. Investigation of Homicide or Suspicious Deaths

- 1. If there is evidence the death was due to homicide, suicide, suspected suicide, fire, death while in police custody, death involving suspicious circumstances, or the death of a child seven years of age or younger, a supervisor will immediately secure the crime scene and post an officer or officers to restrict entry into the scene.
 - a. A supervisor will assign an officer to complete a Form 390, Crime Scene Admittance Log, documenting the personnel who have entered the scene, the time and date they entered, the reason for entering, and the time and date they exited the scene.
 - 1) No one is to touch or move the body. This includes removing a wallet, looking for identification or rolling the body to take photographs.

- 2) No one is to alter the scene. This includes opening windows, changing the thermostat or fans, or turning on or off lights.
 - b. A district supervisor will contact the Homicide Unit explaining the circumstances requiring their response. The first officer on the scene, the notifying supervisor, and any other officer with pertinent information will remain on the scene. No one will be released except by a Homicide Unit supervisor or ranking Homicide Unit investigator.
 - 1) When the Homicide Unit arrives, the ranking Homicide Unit supervisor or investigator will take command of the investigation.
 - a) Homicide Unit personnel are responsible for completing the Form 301, Cincinnati Police Department Incident Report, for the homicide.
 - b) District personnel on scene are responsible for the completion of any other reports.
 - 1] The investigating officer will complete a Form 316A and fax it to Criminal Investigation Section (CIS).
 - c. Homicide Unit personnel will insure the Coroner's Office was notified for all deaths involving homicide, suicide, suspected suicide, fire, suspicious circumstances, children seven years of age or younger, mentally handicapped or developmentally disabled individuals who died as the result of an above listed occurrence; or if the death occurred while in police custody. Homicide Unit personnel will provide the relevant preliminary information regarding the death.
2. Officers dispatched to Children's Hospital regarding the death of a child will immediately notify the Homicide Unit and request a district supervisor respond.
 - a. Homicide Unit personnel will respond to consult with the attending physician and assume command of the investigation.
 - b. The attending physician at Children's Hospital is responsible for notifying the Coroner's Office prior to requesting an officer respond.
 3. The HCSO will investigate all deaths occurring at the Hamilton County Justice Center, River City Correctional Center, Queensgate Correctional Facility, and the Hamilton County Juvenile Court Youth Center.

C. Deceased Prisoners

1. Officers will immediately notify a supervisor.
2. The responding supervisor will summon the Homicide Unit and Internal Investigations Section (IIS) when a person, while under or just prior to police control and as a result of police activity, dies or suffers life threatening injuries.
 - a. Homicide Unit and IIS will conduct a prompt and thorough investigation of any incident where a person dies while in police custody.
 - b. Police personnel will cooperate fully in the investigation.
3. Notify the District Commander or, if at night, the Night Chief.

D. Crime Scene Protection

1. The first supervisor on the scene will ensure the crime scene is secure.
2. The supervisor on the scene will assign an officer to complete a Form 390 documenting the personnel who have entered the scene, the time and date they entered, the reason for entering, and the time and date they exited the scene.
3. Officers will not touch anything unless absolutely necessary and will not take any photographs. No one will be allowed to enter the scene until the Homicide Unit arrives. Criminalistics Squad will process the scene.
 - a. Weapons may need to be secured for safety reasons, or if the scene will undergo an uncontrollable change such as fire, explosion, flooding, etc.
 - 1) Photograph any weapon(s) before moving. Note the time, location, where it was placed, and the person who moved the weapon.
 - b. Refer to the Investigations Manual for in-depth guidelines.

E. Investigations of Accidental Deaths

1. Some scenes require extra officer safety precautions. Be sure the scene is safe to work in before investigating.
 - a. Notify the Cincinnati Fire Department or Building Department as necessary.

2. Secure any equipment possibly involved in the death, e.g., electrical equipment that may have fallen into a bathtub, a jack believed to be faulty, a space heater emitting toxic gases, etc.
 - a. Submit any evidence for examination according to Procedure 12.715, Property and Evidence: Accountability, Processing, Storage and Release.

F. Natural Deaths at Nursing Homes

1. An officer and a supervisor will respond, if summoned, to the scene to investigate.
 - a. The Coroner's Office does not need to be notified by police, unless the deceased individual was mentally handicapped or developmentally disabled.
 - 1) A Form 316A will not be made.
 - b. If the deceased has been the victim of a previous assault or the subject of previous patient abuse, the Coroner's Office and Homicide Unit must be notified.
 - 1) Contact CIS and request a records check.
 - 2) Review the patient's records.
2. Advise the nursing home staff it is their responsibility to notify the next of kin and arrange for disposition of the deceased.
 - a. Deceased persons with no known next-of-kin, who require county burials or storage for other reasons, will be accepted at the Hamilton County morgue.
 - 1) It is the responsibility of the nursing home to arrange transportation to the morgue.

G. Expected Deaths of Terminally Ill Hospice Patients

1. Expected deaths at a residence, rather than in a health care facility, come under the Coroner's jurisdiction.
2. Home health care/hospice nurses are required to report these deaths to the Coroner's Office using their Standard Death Report Form.
 - a. This includes disposing of any remaining medication, securing a pronouncement for the death certificate, ensuring there were no recent falls or unnatural events, and that a funeral home has been contracted to transport the deceased.

3. An on-scene hospice nurse relieves the Police Department of death reporting responsibility in cases of expected deaths of terminally ill hospice patients.
 - a. If needed, an officer and a supervisor will respond to the scene to investigate. If an officer and supervisor respond, the supervisor has the responsibility to ensure the appropriate Coroner's Office notification was made if the death involved a mentally retarded or developmentally disabled individual.
 - 1) A Form 316A will not be made.
 4. This does not relieve or preclude an officer on the scene from investigating the circumstances of a death.
- H. Disposition of Property According to Type of Death Report
1. If the deceased lived alone, secure the premises.
 - a. Officers will not do an inventory search.
 2. Direct all inquiries about the premises and personal property to the Coroner's Office. Final disposition of personal effects is the responsibility of the Coroner.
 3. If the deceased lived alone and the body must go to the morgue, secure the premises even if next-of-kin is present. Explain to the next-of-kin that re-entry into the premises requires authorization from the Coroner's Office.
 4. If the Coroner's Office releases the body, the next of kin can make arrangements to have a funeral home respond.
 - a. Police do not need to inventory or secure the property.
 5. In cases of a suspected homicide, Homicide Unit personnel will consult with the Coroner's Office to determine what property will be transported with the body to the Coroner's Office and what property will be processed as evidence according to Procedure 12.715, Property and Evidence: Accountability, Processing, Storage and Release.

12.616 NOTIFICATIONS: DECEASED PERSONS AND POLICE ACTION RESULTING IN LIFE THREATENING INJURIES/DEATH

Reference:

Procedure 12.230 - Fatal Crash Investigation and Placement of Related Charges
Procedure 12.615 - Deceased Persons/Prisoners
Procedure 18.106 - Police Clergy Program
Procedure 18.120 - Standards for Releasing Information to the News Media
Standards Manual - 13.1.5, 55.2.7

Policy:

When life threatening injury or death results from police intervention or action, the Police Chief or designated member of the command staff will endeavor to make personal contact and notification with that person's immediate family. The notification shall include the offer of the use of all available support resources, e.g., Police Clergy, CPAC, etc.

The investigating unit supervisor is responsible for notification of the next of kin for all other incidents.

Police personnel will make death notifications in person whenever possible. Deliver the notification with tact and sensitivity. Before arrival, learn as much as possible about the next of kin. Extra precautions in the notification may be necessary if the next of kin is elderly or of fragile physical or mental health.

Information:

The Hamilton County Coroner's Office aids local police agencies in their investigation of deceased persons. However, notification of the next of kin is the responsibility of the agency investigating the death, not the Coroner's Office.

The Hamilton County Coroner's Office does not allow viewing of the deceased for identification purposes. The use of forensic science is the primary tool in identification. If forensics does not establish identification, photographs of the deceased can be used by the Coroner's Office. Officers should not direct next of kin to respond to the Coroner's office to identify the deceased. Next of kin should be directed to contact the Coroner's Office during business hours for direction.

Procedure:

- A. Notification Responsibility:
 - 1. The responding district supervisor is responsible for notifying the next of kin when the district investigates the death.
 - a. The district supervisor will make a blotter entry noting the disposition of the notify.

- b. If the notify is not completed by the end of the initial shift's tour of duty, the following shift officer-in-charge (O.I.C.) will ensure notification attempts continue.
 - 1) At 0800 hours, the O.I.C. will make a blotter entry designating the investigative unit supervisor assigned to continue notification attempts.
 - a) Forward all records of the next of kin investigation and all notification attempt information to the investigative unit O.I.C.
2. Responsibility for notification of the next of kin transfers to the responding supervisor or senior officer of any section/unit taking charge of an investigation. This includes Traffic Unit on auto fatalities or Homicide Unit on any questionable or suspicious deaths.
 - a. The initial responding supervisor will continue notification attempts until investigation responsibility transfers to another investigating unit.
 - b. The district supervisor will make a blotter entry noting the person taking over the responsibility of notification.
- B. Notification Process:
1. If the next of kin is present, the responding supervisor will make the notification.
 2. If the next of kin is not present and within the City limits:
 - a. Attempt to obtain a member of the Police Clergy Team to assist with the notification.
 - 1) Meet the Clergy Team member at a site other than the location of the next of kin. Determine in advance how to present the notification.
 - b. Make the notification in person.
 3. When the next of kin is in Hamilton County but outside City limits, first notify the local police agency. They may be able to provide information on the next of kin.
 - a. Advise the agency of your estimated time of arrival and request their response.
 4. When the next of kin is outside Hamilton County, use Police Communications Section (PCS) for the notification.
 - a. Contact PCS and provide the following information for the notifying agency:
 - 1) Name and address of the next of kin

- 2) Name of the deceased
 - 3) Name and phone number of the investigating district/section/unit where the family may call for further information
 - 4) Coroner's Office telephone number for further information and funeral home designation
5. After notifying the next of kin, record the following information in the appropriate blotter and in all applicable reports:
- a. The name of the person contacted, when, and by whom. Note the contacted person's relationship, address, and phone number.
 - b. The teletype message numbers when used, especially when the notify involves outside agencies.
 - 1) When other units make notification of next of kin, someone from the unit will notify the district of occurrence for a blotter entry.
 - c. The name of the person contacted at the Hamilton County Coroner's Office regarding the next of kin notification.

12.620 CRIMINAL PURSUIT FUND

Policy:

The unit supervisor may approve criminal pursuit fund disbursements up to \$500.00. The Unit Commander must approve \$500.00 to \$2000.00 disbursements. The Section Commander must approve disbursements of \$2000.00 to \$10,000.00. The Bureau Commander must approve any disbursement in excess of \$10,000.00.

District, Section, Bureau Commanders or the Police Chief may institute stricter levels of approval for criminal pursuit fund disbursements.

Information:

The district/section/unit commander is responsible for the security, accountability, disbursement, and use of criminal pursuit funds.

Department personnel will not use criminal pursuit funds for office supplies and other routine expenditures. Department personnel may use criminal pursuit funds to:

- Make the necessary expenditures to maintain anonymity of officers involved in covert operations.
- Facilitate criminal investigations in other jurisdictions.
- Purchase information, contraband, articles, or other items which will aid in criminal investigations.
- District/section/unit commanders will report to Inspections Unit any special problems which prevent strict compliance with this procedure.

Procedure:

A. Criminal Pursuit Fund Disbursement Ledger

1. The district/section/unit commander will maintain a bound ledger to record all transactions. Entries will be recorded in ink. Line and title the columns as follows:
 - a. Transaction Number - Numerical sequence followed by the current year.
Example: 1-04, 2-04, 3-04, etc.
 - b. Date of disbursement
 - c. Reasons for transaction
 - d. Disbursing officer's signature
 - e. Receiving officer's signature and badge number

- f. Closing date
 - g. Returned/added to fund
 - h. Issued from fund (expense)
 - i. Balance after each transaction or return
 - 2. Do not erase, black out, or white out improper entries. Strike a single line through the improper entry and insert the correct entry above it.
3. The district/section/unit commander or designee will disburse all money. Each officer authorized to disburse funds will sign his name in the space provided in the front of the ledger. When this authorization is rescinded for any reason, note it in the space provided.
 - a. The disbursing officer will not disburse funds to himself.
 - 1) The disbursing officer is the person who initially removes money from the fund for redistribution to other employees.
 - 2) An employee who receives money from the disbursing officer for redistribution to other employees is not considered a disbursing officer.
 4. Assign a transaction number for each disbursement.
 - a. The entry will include the date, a brief reason for the transaction, the signature of the disbursing officer, and the signature and badge number of the receiving officer.
 - b. After each transaction, the disbursing officer will record the current balance in the proper column.
 5. Reenter money returned using the originally assigned transaction number.
 6. The district/section/unit commander will review each completed ledger page and sign the lower right corner indicating approval of all transactions.
- B. Criminal Pursuit Fund Expense Report (Form 680)
1. Each officer receiving money from the fund will record all expenditures on a Criminal Pursuit Fund Expense Report (Form 680).
 - a. Use the computer generated or preprinted Form 680. Do not make any copies of this form.
 - b. Do not erase, black out, or white out improper entries. Strike a single line through the improper entry and insert the correct entry above it.

- c. A Form 680 may contain entries from several different investigations involving money from the same transaction number.
 - d. When possible, include the offense number, name(s), sex, race, and address of those involved, property recovered, weight and disposition of drugs, charges placed, etc.
 - e. When using a confidential informant (CI), include the CI number and indicate a signed receipt obtained.
 - f. Number multiple Form 680s, dispersed to different officers from a single transaction, using the original transaction number plus the letter A, B, C, etc.
 - g. Index all Form 680s by transaction number and maintain them in a three-ring binder.
 - h. Officers will return left over funds from a transaction to the disbursement officer along with the Form 680.
 - 1) The disbursement officer will enter the amount of money returned in the ledger under the "Returned/Added to Fund" column. The "Balance" column will increase by the amount of money returned.
 - 2) Do not close a transaction by transferring left over money to the next transaction.
2. An officer should close a transaction within 30 days. List on a Form 17 any reasons for not closing the transaction (investigation in progress, etc.). File the Form 17 with the Form 680s in the three-ring binder.
 3. Department personnel will not hold criminal pursuit funds for court.
 4. The district/section/unit commander will determine the status of any disbursement not closed within 30 days.
- C. Replenishment of Funds
1. Submit a Form 17 to the Fiscal and Budget Section summarizing individual ledger entries and requesting a replenishment of funds.
- D. Auditing Criminal Pursuit Funds
1. The Inspections Section and the Fiscal and Budget Section will conduct inspections and audits of these records four times a year. The four auditing periods are:
 - a. January 1 through March 31.
 - b. April 1 through June 30.

- c. July 1 through September 30.
 - d. October 1 through December 31.
2. Units will balance criminal pursuit funds at the end of each auditing period. Units will then start a new page or ledger for the next auditing period.
3. Do not record expenditures from the January to March auditing period in the April to June auditing period, etc., and vice versa.
4. Disbursement officers may either:
 - a. Collect unspent funds from transactions at the end of each auditing period and issue new funds, or
 - b. Make interim report entries in the ledger to show what part of the funds were spent in one auditing period and what portion was carried over and spent in the new auditing period.
5. When expenditures from disbursements issued to officers are not spent or returned by the end of March, June, September, and December, officers will record the remaining expenditures from the disbursement on a separate Form 680.
6. The total expenses listed on the Form 680s should be equal to the expenses listed in the ledger, minus the officer's returns.

12.625 FLYING ARMED ON OFFICIAL BUSINESS

Reference:

Title 49, Code of Federal Regulations, Section 1544.219

Definitions:

Federal Air Marshals – specially trained and equipped Federal law enforcement officers assigned to selected flights to take necessary action to prevent hijacking of an aircraft and loss of life. ***Protection of their identity is critical.***

Federal Flight Deck Officer – a pilot who has volunteered, been selected for, and completed a Transportation Security Administration Training Program, authorizing them to carry a firearm to protect the flight deck of an aircraft.

Transportation Security Administration (TSA) – The Federal branch of the U.S. Department of Homeland Security that regulates security for air travel.

Information:

Full-time municipal, county, and state law enforcement officers are permitted to be armed on commercial aircraft when on official business necessitating a need to have a weapon on a specific flight segment. Some examples of a demonstrated need to be armed are:

- Protective escort duty.
- Hazardous surveillance operations.
- On official business and required to arrive prepared for duty.

An airline has the authority to refuse to allow a law enforcement officer to fly armed.

Sworn personnel are reminded to be discreet in all aspects of flying armed. This includes when notifying the airline representative, presenting the necessary documents, bypassing the Passenger Screening Checkpoint, and while onboard the flight.

After boarding but prior to closing the aircraft's doors, the airline crew must notify the Pilot-In-Command of the airline of each armed law enforcement officer aboard the aircraft. The airline crew must also notify armed law enforcement officers of the location of other armed law enforcement officers aboard the aircraft, including Federal Air Marshals and Federal Flight Deck Officers.

The Pilot-In-Command is the final authority onboard the aircraft.

Policy:

Only sworn personnel on official Police Department business who have completed the Transportation Security Administration's Law Enforcement Flying Armed Training Course will fly armed.

Only the Police Chief or an assistant police chief can grant authorization for sworn personnel to fly armed.

Sworn personnel flying armed may not consume alcohol within the eight hours prior to the flight nor consume any alcohol while onboard the flight.

Procedure:

A. Officers Identifying a Need to Fly Armed Shall

1. Complete Form 17, Authorization to Fly Armed, and forward it through channels for approval.
2. After receiving approval from the Chief, the officer must request authorization from the TSA through the National Law Enforcement Telecommunications System (NLETS) at least 24 hours prior to the scheduled flight.
3. The Officer must notify his immediate supervisor or a supervisor designated by the unit/section commander who will assist with the NLETS request.
 - a. The request message should be sent to ORI : VAFAM0199
 - b. Once the request is received by the TSA, a return message will be sent containing an authorization code.
 - c. The officer must present the NLETS response message with the authorization code during the check – in process.

B. Airport Check-In Process

1. Check in at the ticket counter of the affected airline at least one hour prior to flight departure. In emergency circumstances, notify the affected airline as soon as possible if less than one hour.
2. Identify yourself as a law enforcement officer who is flying armed to the airline representative.
3. Present the following credentials at the ticket counter:
 - a. Cincinnati Police Department Identification Card and badge.
 - 1) A badge alone will not be accepted as a means of identification.
 - b. Original Form 17, Authorization to Fly Armed.
 - 1) A photocopy will not be accepted.
 - 2) Retain the original Form 17, Authorization to Fly Armed, for all segments of the flight itinerary.

- c. Original copy of the NLETS authorization response message with the authorization code.
 - d. State of Ohio Driver's License.
4. The airline should issue a "Notice of Law Enforcement Officer (LEO) Flying Armed" form or equivalent.
 - a. Fill out the form completely, accurately, and sign.
 5. If the airline refuses to allow you to fly armed:
 - a. Request assistance from the airline's Customer Service Representative who may be able to assist in resolving issues encountered at the ticket counter or boarding gate.
 - b. If the issue cannot be resolved and the airline still refuses to allow you to board the plane armed, place the unloaded weapon and ammunition in checked baggage.
 - 1) A locked, hard-sided container is required to store the firearm if being placed in checked baggage. Sworn personnel should always bring this item with them in their checked baggage in case the airline refuses to allow them to fly armed.
 - a) Ammunition must be placed in the factory carton or other similar packaging. Ammunition may not stay loaded in the weapon's magazines.

C. Check-In Process for Screening Checkpoints

1. After leaving the airline ticket counter, respond to the checkpoint of the assigned gate.
2. Proceed to the checkpoint exit lane and identify yourself as a law enforcement officer who is flying armed to a TSA agent.
3. Present the following documents for inspection:
 - a. Cincinnati Police Department Identification Card and badge.
 - b. Original Form 17, Authorization to Fly Armed.
 - c. Original NLETS message with authorization code.
 - d. State of Ohio Driver's License.
 - e. "Notice of LEO Flying Armed" form.
4. The TSA agent will contact a representative from the local law enforcement agency whose jurisdiction covers the affected airport to respond and verify the credentials.

5. If problems are encountered, request to speak to a TSA Screening Supervisor who may be able to resolve issues encountered at the screening checkpoint.

D. Check-In Process at Boarding Gate

1. Upon arrival at the boarding gate, identify yourself as law enforcement officer who is flying armed to the gate agent and discreetly present the "Notice of LEO Flying Armed".
2. Upon boarding the plane, present the "Notice of LEO Flying Armed" form to the flight crew.
 - a. The flight crew and/or Pilot-In-Command may also request to see your credentials and authorization form.
3. Present the "Notice of LEO Flying Armed" form to the gate agent and flight crew on all segments of the flight itinerary, including transfer and connector flights.
4. The Pilot-In-Command has the final approval on whether a law enforcement officer will fly armed on the plane.
 - a. If the Pilot-In-Command refuses to allow an officer to fly armed, place the firearm in checked baggage.

E. Officers Flying Armed

1. Shall at all times keep the firearm concealed and out of view of the public, if not in uniform.
2. Shall at all times keep complete control of the firearm on their person.
 - a. The firearm may not be carried off the officer's person in any manner, i.e., carried in a purse or placed in an overhead storage compartment.
3. Shall not carry the Department issued chemical irritant or any other type of self defense spray onto a commercial aircraft, even if in uniform.
 - a. The issued chemical irritant canister may be carried in checked baggage.

F. Response to Incidents aboard Aircraft

1. For disorderly passengers and other non-life threatening situations, allow the flight crew to handle the incident. They have been trained to handle most crisis situations.
 - a. Only assist if requested by airline personnel.

2. For aircraft hijackings or other life-threatening situations **do not** take action if there are Federal Air Marshals onboard unless they specifically request assistance.
3. For aircraft hijackings or life-threatening situations when there are not Federal Air Marshals aboard, take the necessary action to prevent loss of life or serious physical harm.

G. Discharging of Firearms aboard Aircraft

1. Officers who are required to discharge their firearm aboard an aircraft to prevent loss of life or serious physical harm are cautioned that shot placement is critical. Errant shots that do not strike an intended target may cause:
 - a. Damage to the hydraulic, fuel, electrical systems, or engine of the airplane.
 - b. Possible fire.
 - c. Serious injury or death to innocent persons.

12.630 USE OF THE POLYGRAPH, COMPUTER VOICE STRESS ANALYZER, AND THE HYPNOTIST

References:

Standards Manual - 42.2.8, 52.1.7

General Information:

Polygraph and computer voice stress analyzer (CVSA) examinations supplement an investigation, but officers should not consider these examinations a substitute for field investigation. Officers should conduct investigations thoroughly and explore all possible aspects of the case.

Officers may use polygraph/CVSA examinations to identify or eliminate possible suspects and to verify information received from witnesses and victims.

Officers should not assume a person is unfit for a polygraph/CVSA examination. If any doubt exists, contact the polygraph/CVSA examiner.

The following physical or psychological conditions may affect the results of a polygraph/CVSA examination:

- Permanent illness, such as heart or respiratory diseases
- Mental disability or suicidal tendencies
- Pregnancy
- Immaturity or senility (will not affect a CVSA examination)
- Psychosis or drug addiction (will not affect a CVSA examination)

Policy:

Officers may conduct polygraph examinations only on felony offenses, but may conduct CVSA examinations on misdemeanor or felony offenses.

All other polygraph/CVSA examinations, including those requested by outside agencies, must have the approval of the Police Chief or his designee.

Conduct polygraph/CVSA examinations on juveniles only after obtaining consent from either:

- The juvenile's legal, custodial parent(s), who must be present during the explanation and signing of the Notification of Rights (Form 600) and Consent Agreement (Form PG101), or
- A judge of Juvenile Court.

Procedure:**A. Appointment:**

1. Discuss the case with the unit supervisor.
2. After obtaining approval from the unit supervisor, the officer will:
 - a. Contact the senior polygraph examiner at the Criminal Investigation Section (CIS) for available scheduling dates and times for polygraph examinations or
 - b. Contact a Personal Crimes Unit (PCU) supervisor to reserve the CVSA and obtain available scheduling dates and times.
 - 1) Officers should obtain a list from PCU of standard questions asked during a computer voice stress analysis. Tape an interview with the subject. The tape can then be analyzed as well as having the subject analyzed in person.
3. Contact the examinee to schedule a date and time for the examination.
 - a. Explain clearly to the examinee the voluntary nature of the examination. Clearly state the examination will not be conducted unless the person is willing to take it.
 - b. Stress the idea the examination process allows the examiner to verify the truthfulness of the examinee. Indicate only that the examination is easy to administer and the examiner will explain its operation.
 - c. Advise the examinee the amount of time for examinations vary. The average polygraph examination requires approximately four hours and the CVSA examination requires approximately one hour. This should serve only as a general guideline.
 - d. Advise the examinee to eat and obtain proper rest before the examination.
4. Contact the senior polygraph examiner or the CVSA examiner again and confirm the date and time for the polygraph/CVSA examination.
5. Polygraph/CVSA examiners will schedule and conduct examinations on short notice for emergencies or exceptional circumstances, unless extensive interrogation of the examinee has taken place immediately prior to the examination being conducted.

B. Required Information for Polygraph/Computer Voice Stress Analyzer (CVSA) Examinations:

1. Polygraph/CVSA examination results will normally be in direct relation to the volume and accuracy of the information supplied by the officer.

2. Before an examination, forward copies of the following to the polygraph/CVSA examiner's office:
 - a. A case summary report of the case to date
 - b. Description of the evidence
 - c. Statements of complainants, witnesses, and others involved
 - d. Information and evidence linking the subject to the offense. This will include motive, opportunity, personal statements, alibi, counter alibi information, etc.
 - e. Known criminal history of the subject. Also known or suspected mental or physical condition history that could bear upon the validity of the examination.
 - f. Information withheld from the examinee and known only to the perpetrator of the offense
- C. On the day of the examination:
1. Have the examinee at CIS for the polygraph examination or at the district/predetermined place for the CVSA examination on the appointed date and time.
 2. Avoid discussing the case with the examinee immediately before the examination.
 3. Attempt to ensure the examinee is not under the influence of alcohol or drugs.
 4. Bring all reports, records, and statements pertaining to the case to the examination.
 5. Remain with the examinee to monitor throughout the examination.
- D. After the examination, the polygraph/CVSA examiner will:
1. Discuss the results of the examination with the investigating officer.
 2. Interrogate all examinees identified as deceptive in an attempt to elicit a confession.
 3. Submit a typed polygraph report to the investigating officer within five to seven days of the polygraph examination
 - a. A typed report is not necessary after conducting a CVSA examination.
- E. Use of the Hypnotist:
1. In some cases, a hypnotist can obtain maximum information from a witness or victim through hypnosis.

2. Coordinate all requests for services of the Department's hypnotist with the CIS Commander.
3. Hypnotize the witness or victim as soon as possible after the event under investigation.

12.700 SEARCH WARRANTS/CONSENT TO SEARCH

References:

Ohio Revised Code 2933.21 - Search Warrant
Ohio Revised Code 2933.22 - Probable Cause
Ohio Revised Code 2933.23 - Affidavit for Search Warrant
Ohio Revised Code 2933.241 - Inventory of Property Taken
U.S. Supreme Court No. 98-83 - Wilson v. Layne
Ohio Supreme Court – Middletown v. Flinchum
Procedure 12.131 - Confidential Informant
Procedure 12.175 - Use of Special Weapons and Tactics Unit
Procedure 12.735 - Federal and State Forfeitures
Procedure 12.701 - Electronic Search Warrants

Purpose:

Aid in detecting and arresting persons committing crimes and in procuring evidence in criminal cases.

Prevent the suppression of evidence and dismissal of cases on procedural grounds.

Develop public confidence in the Police Department by carrying out the police function in an ethical and lawful manner.

Protect the constitutional rights of citizens.

The primary goal of any high-risk tactical operation is always safety. That means the safety of all officers involved as well as innocent bystanders and subjects. A secondary concern is the retrieval of evidence. Retrieval of evidence is considered only after safety issues are addressed. A successful search warrant service is comprised of three components: planning, execution, and documentation.

General Information:

The life of all Ohio search warrants is 72 hours from the time of issuance by the judge. Included in the strict 72 hour time limit are Saturdays, Sundays, and legal holidays. The search warrant is good for only one search.

The U.S. Supreme Court ruled that it is a violation of the Fourth Amendment for police to bring members of the media or other third parties into a home during the execution of a warrant when the presence of the third parties in the home was not in aid of the execution of the warrant.

The Ohio Supreme Court has ruled officers may make warrantless entries into a wanted person's home for a misdemeanor following the fresh pursuit of misdemeanor offenders.

Policy:

Obtain supervisory review and approval of search warrants before contacting the court. For advice in drafting the search warrant, contact members of the Central Vice Control Section or Criminal Investigation Section. If requiring additional legal information, Police Communications Section (PCS) has a list of home phone numbers of on-call members of the Municipal Court Prosecutor's Office.

Unless specifically requested by the judge, do not take confidential informants to the judge's home when applying for a search warrant.

Affiant officers and their supervisors will direct and control others that aid in the service of search warrants. Final responsibility for proper service of search warrants remains with the affiant officer and supervisor in charge.

Officers will notify their immediate supervisor before aiding in the service of a search warrant obtained by another law enforcement agency. The supervisor will respond to ensure the search warrant meets Department standards.

Officers will notify their immediate supervisor before allowing a third party into the home during the execution of a warrant and permission will only be granted if the third party's presence will aid in the execution of the warrant.

Procedure:

A. Consent Searches:

1. When an MVR or DVR is present, **ALL** requests to search without a warrant, including searches of persons, buildings, or vehicles, will be recorded. Both audio and video recordings will be made of the request and consent when practical. Requests involving incidents beyond the camera will still be recorded by audio if within range of the recording device. Recording is intended to enhance a documented consent; it does not replace a signed Form 601, Consent to Search Without a Warrant, or Form 601PV, Consent to Search Person or Vehicle, when requesting a search.
2. On-site searches, that require the use of data-reading software to examine electronic data contained in computers or other electronic devices, are to be conducted by authorized Department personnel only. Personnel should refer to procedure 12.701, Electronic Search Warrants, prior to conducting a search.
3. Request individuals to sign a Form 601, Consent to Search Without a Warrant, or Form 601PV, Consent to Search Person or Vehicle, before conducting **ALL** consent searches including vehicles, persons, buildings, areas, computers, electronic devices or residences.
 - a. Notify a supervisor if an individual gives verbal consent but refuses to sign the Form 601, or Form 601PV.
 - 1) Supervisors will respond to the scene to verify the consent was given.

- 2) Do not search until a signature is obtained or a supervisor confirms receipt of verbal consent.
 - 3) Document on Form 601, or Form 601PV - "REFUSED SIGNATURE" in the space provided for the signature of the consenting person.
- b. Contact a Central Vice Control Section supervisor for questions regarding consent to search procedures.
4. When completing a Form 601, or Form 601PV document all pertinent information related to the consensual search.
 - a. The inventory portion of the Form 601, or Form 601PV should be completed in the presence of the person who signed the form.
 - b. The individual is to be given the white-citizen copy of the completed Form 601, or Form 601PV as a receipt of all items confiscated during the search.
 - c. Officers must have a supervisor sign the Form 601, or Form 601PV before securing his/her shift.
- B. Obtaining a Search Warrant:
1. For searches of computers, computer files, or any other electronic data storage devices refer to procedure 12.701, Electronic Search Warrants.
 2. An affidavit is the basis for a search warrant. A search warrant is valid when the affidavit satisfies the legal requirements for such warrants. Prepare the affidavit stating:
 - a. The nature of the offense.
 - 1) The affidavit and warrant must describe the actual criminal offense being investigated.
 - b. Give a precise description of the place to be searched. Affiant officers must see the exact location, e.g., house, apartment, floor, and door where officers will correctly enter to serve the search warrant. Supervisors will confirm affiant officers have this personal knowledge before approving plans for serving the search warrant.
 - 1) Where possible, use actual street addresses. Ensure the address given is complete and accurate. Include a brief description of the premises and exact portion of the house or other building to be searched.

Example: Apartment #28, on the 5th floor inside the large brown brick apartment building located at 3500 Reading Road, Cincinnati, Ohio.

- 2) When searching a motor vehicle, include the name of the owner (if known) and the make and license number of the vehicle.

Example: A 1976 Chevrolet Camaro, red in color, bearing Ohio license plate number 123 ABC. License plates on said vehicle are registered to John Doe at 5220 Madison Road, Cincinnati, Ohio.

- c. Specify in the affidavit and warrant the items sought.
 - 1) There are four categories of items which may be the subject of a search warrant:
 - a) Fruits of a crime.
 - b) Instruments of a crime.
 - c) Evidence of a crime.
 - d) Contraband.
 - 2) Officers may seize items discovered:
 - a) Unexpectedly during the search for items named in the warrant, or
 - b) Incidental to a lawful arrest. Seizure is permissible without the need of a second search warrant.
 - d. Probable cause:
 - 1) Probable cause for a search warrant are facts and circumstances strong enough by themselves to cause a prudent officer to believe articles subject to seizure are being held on the property.
 - 2) An officer may have either first or second hand knowledge of these facts.
 - a) If the second hand knowledge involves information from an undisclosed informant, the officer must support the informant's trustworthiness. Explain prior dealings with this source have shown a pattern of reliability and the informant had a reasonable basis for obtaining the information.
3. Complete the search warrant form in duplicate.
 - a. Direct the search warrant to the head of the local law enforcement agency where service will occur.
 - b. Search warrant service normally occurs during daylight hours. State law defines daylight hours as the hours between 0700 -

2000. If a nighttime search is necessary, clearly state in the affidavit the reasons which make it necessary.

- 1) Without the nighttime entry specification, the warrant restricts the officer to a daytime entry. However, a detailed and thorough search starting during the daytime may extend into the night without becoming an illegal search.
4. During normal court hours (8:00 a.m. to 4:00 p.m. Monday through Friday), the scheduled duty judge will review and sign the search warrant. This judge can be found in his/her usual courtroom.
- a. The duty judge is also the contact judge for search warrants from 4:00 p.m. to 8:00 a.m., Monday through Friday. To contact a judge after normal court hours, officers will:
 - 1) Advise the Clerk of Courts of the need for a judge to secure a search warrant.
 - 2) The Clerk of Courts will contact the judge by telephone or pager.
 - 3) The judge will contact the officer and make the necessary arrangements to have the search warrant reviewed and issued.
 - b. From 4:00 p.m. Friday until 8:00 a.m. Monday, the Room A judge is the contact judge for search warrants.
 - 1) This judge can be located in Room A at 9:00 a.m. on Saturday and some Sundays. This judge will be available at all other weekend times through the Clerk of Courts' office.
5. Requesting a "No Knock" search warrant.
- a. The affiant officer must add the following four points in addition to the probable cause listed in Section A.1.d. above.
 - 1) The affiant officer must show why the police need a "No Knock" waiver (e.g., violent history of suspect).
 - 2) The affiant officer must give the names and descriptions of armed suspects he believes may try to harm officers during the search.
 - 3) The affiant officer must give a statement showing a connection between the address in question and the criminal activity (e.g., the building owner states Jane Doe is the resident on record for apt. #5 at 1234 Smith St. and Jane Doe is the wife of suspect John Doe).
 - 4) The affiant officer must add the following waiver just above the area where the judge signs the warrant: "Furthermore,

for good cause shown, I waive the statutory precondition for nonconsensual entry."

- b. After review by a command officer (captain or above), contact the City Prosecutor. The City Prosecutor will contact a judge and arrange for a court reporter to record the proceedings.
 - 1) If other than normal business hours, contact the City Prosecutor through PCS.
- c. All "No Knock" search warrants are high risk search warrants requiring the use of SWAT.

C. Supervisor's Responsibility Before Entry:

- 1. Have members of the affiant unit begin watching the premises about one hour before serving the search warrant.
 - a. Estimate the number, nature, and sex of probable occupants.
 - 1) Determine whether there are others in the premises requiring special consideration during the entry (e.g., children, elderly, dogs, etc.).
- 2. Determine how many officers it will take to safely enter the premises and conduct a thorough, controlled search. Limit the size of the search party to the number of personnel needed to carry out the search properly.
 - a. Department personnel involved in the search warrant service will wear body armor.
- 3. Ensure a captain or above reviews the operational plan of any search warrant where forced entry is anticipated.
- 4. Obtain the aid of the SWAT Team in the service of high risk search warrants.
 - a. A high risk search warrant is one where the officers expect:
 - 1) Fortified locations.
 - 2) Armed subject.
 - 3) Subject has an outstanding warrant for Homicide, Rape, Felonious Assault, Aggravated Robbery, or Aggravated Assault.
 - 4) Any other situation where the potential for violence is great (No Knock search warrants).
 - 5) A Search Warrant Service Risk Assessment Matrix is completed and indicates the need for obtaining the aid of SWAT for the service of the search warrant.

- b. When possible, submit requests to use SWAT through the SWAT Commander or SWAT Coordinator before preparing the search warrant.
 - c. When advance notice is not possible, notify the district commander or Night Chief (when during his tour of duty) for approval to request SWAT. Request SWAT by calling PCS.
 - 1) PCS will use the standard SWAT notification procedure.
 - d. SWAT personnel will handle the entry phase of the search and secure the premises. The unit obtaining the search warrant is responsible for the actual search.
5. Contact the Asset Forfeiture Squad when expecting seizure of contraband, money, or vehicles subject to forfeiture (see Procedure 12.735).
 6. Conduct a detailed briefing.
 - a. Include the use of charts, photographs, floor plans, etc., where necessary.
 - b. Assign specific duties to each individual.
 - c. Select a specific radio channel to use during service of the search warrant. Inform a PCS supervisor of this channel and the location of the warrant service.
 - d. Inform all officers involved of the type of warrant being served and the exact location and description of the residence or facility in question.
 - e. Describe the suspects in detail.
 - f. Assess doors for their locations and accessibility. Include their direction of opening, material construction, and locking devices.
 - g. Identify the best route for approaching the location.
 - h. Assess the types of weapons and fortification expected including possible booby traps.
 - i. Complete a detailed check off list. The check off list will contain, but is not limited to, the following information:
 - Name and description of offender.
 - Criminal history.
 - Address and description of premises.
 - Phone number.
 - Type of vehicles, (QR/QD).
 - Weapons.
 - Employer's name and address.

- Children (ages), girlfriend/wife.
- Dogs, etc.
- Type of door.
- Officers needed to secure inside and outside of premises.
- Check with other units and agencies.
- Location of drugs.
- Vest, weapons, flashlights.
- Any additional items.

D. Gaining Entry:

1. A supervisor will be on the search warrant scene during the service of all search warrants.
2. Secure the perimeter of the premises before entry. Have all doors and windows under observation.
3. Officers will clearly notify persons inside the search site of their presence and request admission.

Example: "Police officers, search warrant, open the door."
4. Use force to enter the premises only after waiting a reasonable amount of time for an occupant to open the door.
 - a. A reasonable amount of time is that time necessary for an occupant to reach the door from the furthest part of the premises.
 - b. If, while waiting for the door to open, there is some sign the occupant is fleeing, fortifying their position, destroying evidence or contraband, or taking action that would jeopardize the safety of the officers, force open the door immediately.
 - c. Upon entry, have one officer continue to announce the identity and purpose of the entering officers.
 - 1) Officers not in uniform will display proper identification (e.g., badge, ID, etc.) when serving the search warrant.
 - 2) A uniformed officer of the local law enforcement agency will be present during the search.
5. The supervisor in charge will complete an after action report when warrant service required forced entry.

E. Search Procedures:

1. The supervisor in charge of the search warrant scene will ensure officers make a security sweep of the entire premises immediately after entry.

2. Secure, search, and identify any occupants. After searching all the occupants for weapons, direct them to a previously searched area. Assign an officer to remain with the subjects.
3. The supervisor in charge will ensure an officer presents and explains the search warrant to the responsible occupant.
4. Search the premises in a thorough, orderly fashion. Upon discovering an article subject to seizure, the finding officer will summon a witnessing officer. If practical, videotape or photograph the article in the location where officers found it.
 - a. Assign one person to collect, preserve, and document all items seized until possession is transferred to the Court Property Unit.
 - 1) A supervisor will witness the counting and handling of large sums of money and other valuables.

F. Post-Search Requirements:

1. Properly secure the premises upon completion of the search.
 - a. Note the nature and extent of any damage caused during the entry and searching procedure. When applicable, prepare a Form 17 and a Form 301, Incident Report.
2. Officers taking property under the authority of a search warrant will:
 - a. Give the person from whom or from whose premises the property was taken a copy of the warrant and completed return portion of the search warrant as receipt for the property taken.
 - 1) Make the inventory 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. If one is not present, make the inventory in the presence of at least one credible person other than the applicant for the warrant or the person from whose possession or premises the property was taken.
 - b. If the person is not present, leave the copy and return portion of the search warrant at the place from which the property was taken.
 - c. Promptly return the affidavit, the warrant itself, and the completed return to the issuing judge. Make the return to the judge assigned to Room A when the issuing judge is unavailable. The evidence taken in the search warrant must be available to the judge accepting the return if requested.
 - 1) Deliver the affidavit, warrant, and return to the Clerk of Courts after review by the judge accepting the return.

12.701 ELECTRONIC SEARCH WARRANTS

References:

United States Code (USC) 18USC2510-18USC2522, et al - Federal Wiretap Statutes

18USC2703 - Release of subscriber information to law enforcement under court order

18USC3127 - Authority to issue orders pursuant to 18 USC 2703

42USC2000 - Publishers Privacy Act/Publisher Protection Act

Ohio Revised Code (ORC) 2933.52 - Interception of wire, oral or electronic communications

ORC 2933.53 - Application for interception warrant

ORC 2933.56 - Contents of warrant; sealing of application and warrant; disclosure; retention

ORC 2933.58 - Instructions to investigative officers; procedures for interception; territorial validity

ORC 2933.59 - Execution of warrant or oral order; recording or resume; termination; tampering; destruction of documents; disclosure

ORC 2933.61 - Service of inventory on intercepted persons; inspection of materials

ORC 2933.64 - Training in wiretapping and electronic surveillance

ORC 2933.65 - Civil and criminal actions for violations

ORC 2933.76 - Authorization of use of a pen register or trap and trace device

ORC 2933.77 - Authorization for TSP to charge for services outside of the normal course of business and for technical assistance and equipment

ORC 2933.21 - Search warrant

ORC 2933.22 - Probable cause

ORC 2933.23 - Affidavit for search warrant

ORC 2933.241 - Inventory of property taken

U.S. Supreme Court No. 98-83 - Wilson v. Layne

Procedure 12.809 - Telephone Court Orders

Procedure 12.700-SEARCH WARRANTS/CONSENT TO SEARCH

Purpose:

To ensure uniformity in conducting electronic search warrants and direct the warrants to the proper investigating authority.

Policy:

Obtain supervisory review and approval of electronic search warrants and court orders before contacting the court. A supervisor from the Intelligence Unit will be the primary approving supervisor. In the event an Intelligence Unit supervisor is unavailable, a supervisor from the Major Offender Unit (MOU) will approve the search warrant. Assistance in drafting the electronic search warrant or court order should come from the City Prosecutor's office.

All electronic search warrants and court orders are signed by a judge from the Court of Common Pleas, Criminal Division, after review by the City Prosecutor.

The use of data-reading software, known as Secure Techniques for on Site Preview (Stop) or similar authorized software to examine electronic data contained in electronic data storage devices prior to seizure, are to be conducted by authorized Department personnel only.

Upon seizure, all forensic examinations of stored electronic data contained in computers are conducted by Regional Electronic Computer Investigation Section (RECI). All forensic examinations of cell phones, Blackberries and other similar devices are conducted by Police Criminalistics Section.

Information:

There is a difference between an electronic search warrant and a court order. A computer, usually the hard drive, is actually searched to obtain information on its contents. Much like searching a house for evidence, the computer is the property of another, but it may contain evidence of a crime. To search the property of another requires the consent of the owner or a search warrant. Due to wording in the laws concerning searches of electronic media, the Criminal Division of the Commons Pleas Court is used as the issuing authority for the search warrant. A municipal court warrant may allow the seizure of the computer, but it takes a Common Pleas warrant to search the computer.

All that is required to obtain subscriber information from an Internet Service Provider (ISP) is a court order. There is no search involved and the ISP owns the subscriber information. It is the same as obtaining a telephone number with a court order.

Should a subscriber store e-mail on the ISP's server or have a file share stored on an ISP's server, a search warrant would be needed, as that information is the property of the subscriber, not the ISP.

Procedure:

A. Electronic Search Warrants and Court Orders

1. The search warrant or court order will be approved by a supervisor from Intelligence Unit or MOU.
2. The search warrant or court order will be reviewed by the City Prosecutor's office.
3. The search warrant or court order will be signed by a judge from the Court of Common Pleas, Criminal Division.
4. Computers seized for forensic examination are submitted to RECI along with the following:

- a. A case summary or a RECI evidence submission sheet.
 - 1) RECI evidence submission sheets can be obtained by contacting RECI.
- b. A copy of the search authority (search warrant, Form 601, Consent to Search Without a warrant or RECI consent form).
 - 1) When using a consent to search form, it is imperative that officers obtain consent from all parties who have an expectation of privacy. Access to all parts of the electronic device may require additional paperwork. RECI officers can give further advice in this area.
 - 2) If the electronic device is from a business, the consent to search form must also be signed by the supervisor of the business, and include a copy of the business' user agreement.
 - a) The supervisor must have direct authority over the electronic device in order to give consent. RECI officers can give further advice in this area.

B. Electronic Court Orders

1. To obtain a court order, personnel will contact the Intelligence Unit. Only certified Intelligence Unit officers can write these court orders.
2. All telephone court orders require the following information on the affidavit:
 - a. Requesting officers need to provide their name, rank, unit of assignment, working hours, telephone and fax numbers. Officers must include the criminal charge, with the ORC section number for the investigation, and a brief statement of probable cause.
 - b. The probable cause statement must include how the telephone number is involved in the criminal activity and how the requested information will assist law enforcement in the criminal investigation.
3. Court orders can be obtained for:
 - a. Subscriber information
 - 1) This gives the name, address, and credit card information on the person(s) who is/are responsible for the payment of

the Internet service. This information comes from the ISP, such as America On Line, Roadrunner, Zoomtown, etc.

- b. Internet provider address information
 - 1) This information can be obtained for certain types of investigations. For example, if an officer needs assistance in identifying a person using a certain moniker in a chat room or on a blog posting.
- c. Cellular telephone information
 - 1) Officers requiring information on phone numbers received and called should refer to Procedure 12.809, Court Orders for Telephone Records.

12.705 CLANDESTINE LAB TEAM

Definitions:

Clandestine Lab - an illegal operation using chemicals and/or equipment to manufacture a controlled substance. Offenders manufacture a variety of illicit drugs in such labs including marijuana, methamphetamine, amphetamine, MDMA (ecstasy), PCP, and LSD.

Purpose:

To inform officers about the potential dangers and risks associated with clandestine labs and provide guidelines for the use of the Clandestine Lab Team and equipment.

Policy:

Officers investigating or having knowledge of a clandestine lab will notify the Clandestine Lab Team. A Clandestine Lab Team member will respond to assist in the identification, handling, and processing of the lab.

The first priority at the scene of a clandestine lab is to prevent and/or limit exposure to yourself and the public.

Information:

All clandestine labs are dangerous and contain chemicals that can pose both long and short term health risks. This is true whether the lab is fully operational, dismantled, in storage, or in transport. Clandestine drug labs cause three main types of harm: physical injury from explosions, fire, chemical burns, and toxic fumes; environmental hazards; and child endangerment.

Simple procedures to reduce or limit exposure to risks when dealing with clandestine labs:

- Do not eat or drink.
- Do not smoke.
- Do not touch your face, eyes, nose, or mouth.
- Do not open containers or put your face over an open container.
- Do not turn lights on or off.
- Do not taste, smell, or touch any substance.
- Do not unplug or plug in objects.

Many of the hazards associated with labs are derived from ingredients found in products such as cold medicine, nail polish remover, dietary supplements, starter fluid, anti-freeze, paint thinner, and drain cleaner.

Indications of a clandestine lab include:

1. Strong smell, possibly resembling urine, or an unusual chemical smell like ammonia, acetone, or ether.
2. Extra efforts made to cover windows or reinforce doors.

3. Lack of trash placed outside for pickup.
4. Lab materials surrounding the property, i.e., fuel cans, red stained coffee filters, glassware, and duct tape.
5. Soft drink bottles with hoses attached, large amounts of empty blister packs for cold/asthma medication.
6. Chemical containers or paraphernalia such as glassware and rubber tubing.

The Occupational Safety and Health Administration (OSHA) has established guidelines and requirements governing exposure to clandestine drug labs.

Persons who may have been contaminated should be isolated until the Cincinnati Fire Department arrives for proper decontamination. Contaminated individuals should be kept outside and away from others. Do not place them in a location likely to contaminate other people and/or property.

Do not touch anything inside a suspected lab. Be cautious of any chemical which may have been dumped inside or outside of a lab. Do not operate any electrical appliances or equipment which is not intrinsically safe, i.e., flashlights, light switches, cameras, etc. Department hand-held radios with a green dot on the bottom are considered to be intrinsically safe.

Anything that has been in contact with a potentially hazardous material is considered contaminated and must be disposed of in a manner prescribed by law.

The Clandestine Lab Team responds to reports of labs and is staffed with officers trained and equipped to enter, assess, and process clandestine drug production sites.

In addition to the chemical and process hazards at clandestine labs, officers should be aware of antipersonnel devices or "booby traps." These devices are designed to protect the lab, serve as warning devices to aid in the escape of suspects, and possibly incapacitate law enforcement officers.

Procedure:

- A. Duties and Responsibilities of First Officer on Scene:
 - 1. Notify Police Communications Section (PCS) of relevant information.
 - 2. Request a supervisor and any necessary assistance.
 - 3. Suggest safe response routes for other responding personnel.
- B. Supervisory Duties and Responsibilities:
 - 1. Establish an outer perimeter to control pedestrian and vehicular traffic.
 - 2. Establish an inner perimeter to isolate and contain the clandestine lab.
 - 3. Request Cincinnati Fire Department (CFD) respond and advise them of the incident. If there is no fire, smoke, or injury, request CFD to stand by at a designated area.
 - 4. Request PCS notify the Clandestine Lab Team and Central Vice Control Section to respond.
 - 5. Brief the first Clandestine Lab Team member upon arrival.
 - 6. Based on the size and type of clandestine lab, responding supervisors should determine the need to:
 - a. Establish a command post and staging area located upwind from the clandestine lab.
 - b. Appoint a recorder and maintain a log of events, including action taken, personnel on scene, traffic posts established, and persons entering and exiting the incident site.
 - c. Evacuate all civilians at least 600 feet away from the affected area.
 - 1) If it is impractical to evacuate civilians 600 feet away, evacuate a minimum of three floors above and below the clandestine lab.
- C. Police Communications Section will:
 - 1. Notify the Clandestine Lab Team coordinator or designee.
 - 2. Notify a Central Vice Control Section supervisor.
- D. Clandestine Lab Team personnel will:
 - 1. Confer with the ranking supervisor on scene of the incident and assume control of the scene until a Clandestine Lab Team supervisor arrives.

2. Maintain a log of events, action, and personnel.
 3. Work in conjunction with and assist members of Central Vice Control Section in their investigation.
- E. Equipment Inventory:
1. The Clandestine Lab Team Coordinator or designee will inventory and inspect Lab Team equipment after each training session and activation.
- F. Recall Roster:
1. Clandestine Lab Team members will immediately notify the Clandestine Lab Team Coordinator of any change of address or phone numbers.
 2. The Clandestine Lab Team Coordinator will provide an updated personnel recall roster to PCS with changes.

12.710 UNIT PROPERTY BOOK

Reference:

Procedure 12.715 – Property and Evidence: Accountability, Processing, Storage and Release

Policy:

To comply with existing state law and adhere to established Police Department procedures on property which comes into police possession. A property book will be a bound ledger maintained by each listed unit.

Procedure:

A. Unit Property Book:

1. Districts One, Two, Three, Four, and Five, and the Criminal Investigation Section, Central Vice Control Section, Impound Unit, and Narcotics Unit will maintain a property book.
2. Record all property coming into the custody of police personnel in the unit property book.
3. There will be a log book for the unit property room key that will be kept at the front desk. The desk officer will issue the property room key to personnel as necessary. The officer will also ensure the unit property book is complete and up-to-date.
4. Keep the unit property book in the unit property room. All personnel who find or recover property will record the following information in the property book:
 - a. Line #
 - b. Date
 - c. Taken from person or place
 - d. Description of property
 - e. Weight/count of drugs
 - f. Package weight
 - g. Why held
 - h. Reporting officer
 - i. Location of property
 - j. Delivery date

- k. Delivering officer
 - l. Property number
 - m. Lab number
5. The Court Property Unit will return the yellow copy of the Property Receipt (Form 330) to the originating unit.
- a. The property number is located in the upper right corner of the Form 330. The number indicating the location of the property is just below the property number.
 - 1) Place these numbers in the designated columns in the unit's property book.
6. Property coming into custody of personnel assigned to a unit not covered under Section A.1. will process the property through the district/section/unit in which the event occurred.
7. A supervisor from each shift will audit and initial the property book daily. Bring discrepancies noted to the attention of the unit commander and then the bureau commander.

12.715 PROPERTY AND EVIDENCE: CONFISCATION, ACCOUNTABILITY, PROCESSING, STORAGE AND RELEASE

Reference:

Procedure 12.265 - Wrecker and Towing
 Procedure 12.350 - Automated Fingerprint Identification System (AFIS)
 Procedure 12.400 – Incident Reporting, Miscellaneous Reporting
 Procedure 12.403 – Crime Victim/Witness Notification and Assistance
 Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.615 - Deceased Persons/Prisoners
 Procedure 12.710 - Unit Property Book
 Procedure 12.720 - Evidence: Submitting for Physical Analysis
 Procedure 12.725 - Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens
 Procedure 12.735 - Federal and State Forfeitures
 Forensics Manual
 Investigative Manual

Definitions:

Property - any material object of value, however slight, tangible or intangible to which an owner has a legal right.

- Property marked as “found” or “personal” is returnable to anyone with proof of ownership. No disposition order will be sent to the responsible officer and the property could be disposed of in 90 days if not claimed.
- Property marked as “court” is any property held as evidence or has the potential to be evidence. A disposition order will be sent to the responsible officer to determine the disposition.
- Property held as “confiscated” will be disposed of after one year unless Court Property Unit is otherwise advised. A disposition order will not be sent to the responsible officer. Do not submit evidence or potential evidence as confiscated.

Evidence - Legally obtained, documentary or oral statements and material objects submitted to a court of law as proof to ascertain the truth regarding an offense that occurred.

Deoxyribonucleic Acid (DNA) the material inside the nucleus of a cell that carries genetic information.

Purpose:

Provide for the security, care, custody, and control of seized, recovered, and evidentiary property as well as abandoned, lost, or found property.

Eliminate questionable confiscation and reduce complaints of illegal search and

seizure.

Establish procedure regarding firearms coming into police possession.

Policy:

Police personnel confiscating, seizing or recovering property of any kind will be in compliance with local, State and Federal laws.

Property used in an unlawful manner will be seized and held as evidence in connection with the arrest.

Police personnel will not confiscate lawfully possessed property. An exception will be made if, in the judgment of a supervisor, the confiscation is deemed necessary for the safety or welfare of the public or individuals involved. Items falling into this category are guns, knives, other dangerous weapons, explosives, poisons, etc.

All recovered firearms, ammunition, bullets and casings will be treated as evidence. The history of how they came to be recovered will be investigated.

Police Department personnel are responsible for inventorying and processing all property coming into their custody before terminating their tour of duty.

Information:

Police personnel are encouraged to read the Investigations Manual and Forensic Manual found on the Department Intranet. These manuals instruct investigators and field personnel on the proper collecting techniques for property held as evidence or how it is to be submitted for analysis.

Intelligence Section is the liaison with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). Intelligence Section presents firearms to the ATF for submission into the Electronic Trace Submission System database. ATF returns a copy of the database report to Intelligence Section. A supervisor may contact the Intelligence Section via the Criminal Investigation Section (CIS) desk to access the report.

The Hamilton County Coroner's Laboratory has the ability to process items submitted for DNA analysis. A DNA profile can be obtained from samples of skin, hair, blood, and other body fluids. Once a profile is made, it is maintained in a local data base and forwarded to the state for submission into the Combined DNA Index System (CODIS), where it is compared to established profiles of known offenders.

Procedure:

A. Processing Property

1. All property confiscated, seized, found, or coming into police custody will be properly marked, packaged and submitted by the officer into the district/section/unit property room before terminating their tour of duty.
 - a. Complete a Form 330, Property Receipt.

- 1) All Forms 330 pertaining to one arrest or case will have the same officer listed as the primary officer.
 - b. Complete a Form 64, Property Tag or Form 327 Court Tag.
 - c. Complete all required forms and follow specific guidelines below for property requiring special processing for example: money, drugs or firearms.
 - d. Submit the property for approval to a supervisor.
 - e. Enter the property in the district/section/unit property book.
- B. Supervisors will:
1. Verify the contents of the property envelope, bag or package placing their signature in the space provided.
 2. Ensure all required forms are complete and attached to the property and sign the property receipt.
 3. Ensure the property is properly marked and entered in the property book.
- C. Confiscated Property
1. Report confiscated property (except firearms) on a Form 301, Incident Report.
 - a. Provide a complete account of the circumstances surrounding the confiscation.
 - b. A Form 330, Property Receipt, is to be issued to the subject from whom the property was confiscated.
- D. Non-personal Property on Prisoners
1. When property other than personal property on prisoners or property submitted for analysis comes into the custody of Cincinnati police or private police officers (items to be processed at the district of detail assignment), officers will prepare the property for the Court Property Unit.
 - a. The officer will complete a Form 330, Property Receipt.
 - 1) All Forms 330 pertaining to one arrest or case will have the same officer listed as the primary officer.
 - 2) A copy of the Form 330 is to be issued to the subject from whom the non-personal property was confiscated.
 - b. Enter the property in the district/section/unit property book.

- 1) Personnel will record all information according to Procedure 12.710, Unit Property Book.
- c. Put the property in the property locker, lock the locker, and deposit the property locker key in the locker.
- d. The master property locker key will be kept in a secured place within the district/section/unit and will only be accessed by a supervisor. The master property locker key is required to reopen lockers once they are locked.
 - 1) Officers requiring access to a locked property locker will notify a supervisor.
 - 2) The supervisor will accompany the requesting officer to the locker, open the locker, and witness any action taken regarding the property.
 - 3) The supervisor will not, under any circumstances, give the master key to the requesting officer.
 - 4) If a supervisor has reason to open a secured property locker, it must be done in the presence of a second officer or supervisor.
2. A supervisor will review all Forms 330 for accuracy and place their name and badge number in the block provided.
 - a. Send all copies of the Form 330 with the property to the Court Property Unit by 0830 hours, Monday through Friday.
3. Court Property Unit personnel will inspect the property for correct packaging and completeness of tags and receipts.
 - a. Incorrectly prepared and tagged property will not be accepted.
 - b. Incorrectly prepared and tagged property, such as drugs, firearms or money, will be retained at Court Property Unit.
 - c. A copy of the related Form 330, with a notation of the errors, will be given to the delivering officer. The district property officer will deliver the Form 330 with the error notice to the district/section/unit Administrative Assistant or a supervisor by 1000 hours that day.
 - d. A supervisor from the affected district/section/unit will respond to Court Property Unit within three days to correct the error.
 - e. After the correction is made, Court Property Unit will process the property.
 - f. Date and initial the Form 330, assign the location number, and put the property number on each copy.
 - 1) White copy of the Form 330 is filed at Court Property Unit.

- 2) Yellow copy of the Form 330 is given to the delivering officer for filing.
 - a) A supervisor designated by the district/section/unit commander will be sure the location and property numbers are entered in the district/section/unit property book.
- g. Enter all submitted property into the Automated Control of Evidence (ACE) computer database. A bar code identifier is generated and assigned to each individual item.
4. To avoid recalling personnel after normal business hours, submit property in the following manner:
 - a. Property valued up to \$999.99 will be held at the district/section/unit property room. Property valued from \$1,000.00 to \$9,999.99 will be held at CIS. Property valued at \$10,000.00 and above requires the recall of Court Property Unit personnel.
 - 1) The CIS safe is located in the lobby of the CIS, 824 Broadway, 5th floor. The safe has a night deposit drum. If valuable property does not fit in the CIS safe, Court Property Unit personnel must be recalled.
 - b. Hold all other items in the district/section/unit property facility for submission to Court Property Unit on the next business day.
 - 1) Central Vice Control Section (CVCS) may retain up to \$5,000 in U.S. currency in its safe.
 - 2) CVCS may retain drugs in its safe if the quantity can be placed there in its entirety.
 - a) Drug evidence too bulky for the safe will be taken directly to Court Property Unit in accordance with established procedures.
 - c. Recall Court Property Unit personnel, with approval of a captain or above, if the property exceeds any of the above values and/or cannot be stored as indicated above.
 - d. Officers must record property in the district/section/unit property book before delivery to CIS.
 - e. Evidence, including packaging, must be smaller than 14" x 5" x 4".
 - f. Evidence must be properly packaged and sealed with evidence tape. The officer sealing the package must date and initial the seal.

- g. Attach completed property receipts and tags.
- h. Officers will notify the CIS desk officer who will unlock the night deposit bin.
- i. Officers must sign the property log maintained by the CIS desk officer.
- j. Court Property Unit personnel will pick up items from the safe at the beginning of each business day. Two members of Court Property Unit will check and audit the items. Discrepancies will be brought to the attention of an affected district/section/unit supervisor and the Evidence/Property Management Section Commander.

E. Personal Property Found on Prisoners

- 1. Property that is found on prisoners and not needed for court will accompany the prisoner to the appropriate detention facility.

F. Property Contained in Towed or Moved Vehicles

- 1. All property contained in vehicles will be processed according to Procedure 12.265, Wrecker and Towing.

G. Hamilton County Coroner's Cases

- 1. In accordance with Procedure 12.615, Deceased Persons/Prisoners, personal property such as clothes, wallets, money, jewelry, medicine, etc., will accompany bodies to the Coroner's Office and be retained there. The morgue attendant will issue a receipt to the delivering officer.
- 2. Other property not accompanying the body to the Coroner's Office should be processed through the appropriate district/section/unit property book. Mark the Form 330 "Hold for Coroner".
 - a. Deliver property processed through units other than CIS to the Court Property Unit.
 - b. Property requiring special handling by Homicide Unit personnel will be processed by the Criminalistics Squad, in accordance with Procedure 12.615, and may be taken directly to the Coroner's Office or processed at CIS.
 - 1) The officer delivering evidence to the Coroner's Office will complete a Form 330 and a Property Location Card, signed by the officer.
 - 2) Process all copies of Forms 330 through Court Property Unit by the next business day.
 - c. The Homicide Unit is responsible for delivery of all property held for the Coroner's Office. Court Property Unit is responsible for

the return of all property released from the Coroner's Office.

3. The Coroner's Office will return the following property:
 - a. Homicide cases - all property determined to be evidence, including the fatal weapon.
 - 1) Motor vehicles are evaluated individually.
 - 2) The decision to retain or return is made by the Coroner's Office.
 - b. Questionable deaths later determined not to be a homicide - property related to the death, but not the property of the deceased.
 - c. Suicide cases – property related to the suicide.

H. Air-Dried Evidence

1. If an on-scene supervisor is uncertain about whether to hold wet, bloody clothing and items as evidence, the supervisor should contact a Homicide Unit supervisor for further guidance per Procedure 12.725, Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens.

I. DNA Evidence

1. Officers requesting a DNA analysis should limit their requests to evidence involving serious crimes or felonies, violent misdemeanors, or a pattern of offenses that might be connected to one person.
2. Other items that can be submitted for analysis include clothing, hats, or tools used in an offense. These items may provide a profile from particles left by the suspect.
3. Only trained personnel may submit a buccal swab for analysis. Contact an Investigative Unit supervisor to request a trained officer for assistance with buccal swabs.
4. Every effort should be made to prevent cross contamination of evidence submitted for analysis. Evidence containing wet blood or body fluids can be placed in one of the blood drying rooms located at District Four. See Procedure 12.725, Blood Drying Rooms: Processing of Evidence Exposed to Blood Borne Pathogens, for instructions.
5. The Court Property Unit will submit evidence to the Coroner's Office.
6. Results from testing generally take 30 days to complete. A report will be forwarded to court property unit from the Coroner's lab. Court Property Unit will attach a copy of the report to the evidence returned

from the lab. A copy of the report will also be forwarded to the submitting officer.

7. When the Combined DNA Index System (CODIS) matches a profile with a known person in the data base, the Coroner's Lab will send a report to the investigating officer requesting a buccal swab sample from the suspect to confirm the match.

J. Release of Property at the Recovering Unit

1. Property of the victim will be returned pursuant to Procedure 12.403, Crime Victim/Witness Notification and Assistance.
2. The claimant will sign a Form 330 for any property released by the recovering unit.
 - a. The recovering unit will file all three copies of the Form 330.

K. Release of Property at the Court Property Unit

1. Court Property Unit personnel will release property according to their Standard Operating Procedure. Personnel will be sure they release property to the rightful owner and obtain a signature on the ACE Property Withdrawal Receipt.
 - a. A police officer or private police officer may not check out property to deliver it to its rightful owner.
2. A Department employee or private police officer removing property from Court Property Unit for court, identification purposes, test firing, etc., must complete and sign an ACE Property Withdrawal Receipt. The Department employee or private police officer is responsible for returning the property to Court Property Unit. Court Property Unit will verify the identity of the individuals by checking their police identification card, through personal knowledge, or by having their identity established by other personnel known to the Court Property Unit personnel.
3. Property is normally returned to Court Property Unit on the same day it is checked out. It is the responsibility of the person returning the property to ensure the ACE Property Withdrawal Receipt is appropriately marked indicating the return of the property.
 - a. Mark property tags and envelopes when returning property to indicate whether there is further need for its use.
4. When unable to return property on the day it is checked out, the officer must notify Court Property Unit on the next business day.
 - a. Officers unable to return property on the same day will return it to their district/section/unit's property room and log it into the property book.

- b. Private police officers unable to return property on the same day will return it to District One.
 - 5. Court Property Unit will review the file for property not returned each day. Court Property Unit will initiate an inquiry into the status of all property not returned within two days.
 - 6. If the court directs the release of property, direct the person to retrieve the property at Court Property Unit. The arresting officer will not release the property directly to any person in the courtroom.
 - a. Police officers will not request the court to release any property for their personal use.
 - 7. If the court retains custody of the property, the officer will obtain the prosecutor's signature, printed name, and date in the "Turned Over to Court" section of the ACE Property Withdrawal Receipt.
 - a. The officer will return the completed receipt to Court Property Unit immediately following the court appearance.
- L. Property Requiring Special Processing
- 1. Money or jewelry in excess of \$100
 - a. A supervisor, in the presence of the recovering officer, must verify the amount of money or jewelry.
 - 1) Money coming into police custody will be processed through Court Property Unit.
 - 2) Officers submitting money will determine if the money is required as actual evidence or if the bills are not particular to the case (marked money, exploded dye pack monies, etc.).
 - a) The Form 330 and property package will be marked "Hold At Court Property Unit" in the case of money being held at the Court Property Unit.
 - b) The Form 330 and property package will be marked "Deposit Into Account" in the case of money being deposited.
 - b. A supervisor will verify the contents of the property envelope, placing their signature in the space provided on the envelope.
 - c. Photograph all jewelry that comes into Department possession. The recovering officer will place the photograph inside the property envelope.
 - d. A supervisor will ensure the property is properly marked and entered in the property book and sign the property receipt.

- e. The property will be placed in the property locker along with the property locker key.
 - f. When an officer seizes over \$200.00 in change, it will be taken to the City Treasurer's Office for an accurate count prior to submission to Court Property Unit.
 - 1) After normal business hours, the property will be placed in the district/section/unit property locker. A notation will be made in the district/section/unit blotter advising first relief to transport the change to the City Treasurer's Office.
2. Controlled substances
- a. A controlled substance is any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V. Any drug requiring a prescription for dispensation is also a controlled substance.
 - b. A supervisor will verify the weight of the drug or substance, the weight recorded on the Form 330, and the weight listed on the property envelope. The supervisor will conduct the verification in the presence of the recovering officer.
 - c. A supervisor will ensure the property is properly marked and entered in the property book and sign the property receipt.
 - d. The property will then be placed in the property locker along with the property locker key.
3. The presence of a supervisor is required when any property listed in Sections L.1. and L.2. is placed in or removed from a unit property room. The supervisor will remain until the transaction is completed.
4. Potentially hazardous materials
- a. Potentially hazardous material is any property possibly contaminated by blood or other body fluids.
 - b. Place biohazard warning labels on all property possibly contaminated by blood or other body fluids. Ensure the label is plainly visible to other personnel handling the property.
 - c. Use a syringe tube to package any needle coming under police control. Place a biohazard warning label on the container.
 - 1) Attach a property tag to the syringe tube. Do not place the tube in a property envelope.
 - d. The property will then be placed in the property locker along with the property locker key.

M. Perishable Property Requiring Refrigeration

1. Store in the refrigerator located at Court Property Unit.
 - a. When Court Property Unit is closed, use the CIS refrigerator.
 - 1) Complete a Form 330 and mark "Held at CIS".
 - 2) Mark the unit property book at the originating unit "Held at CIS".
 - 3) Deliver the property and all copies of the Form 330 to CIS desk personnel.
 - 4) CIS desk personnel will receive the property and make an entry in the CIS refrigerator property book.
 - 5) CIS desk personnel will sign and date the reverse side of all copies of the Form 330.
 - b. Court Property Unit personnel will pick up the property from CIS each weekday morning and transfer it to the refrigerator in Court Property Unit. The transferring officer will note the transaction by making an entry in the CIS refrigerator property book.
 - 1) Court Property Unit will assign a property number on the Form 330. The delivering officer will take the yellow copy of the Form 330 to his unit of assignment.
 - 2) Court Property Unit retains the white copy for their files.
- N. Storing Gasoline Powered Equipment
1. Take mopeds, power lawn mowers, or other gasoline powered objects to the Impound Unit for storage.
 - a. Report mopeds on a Form 301, Incident Report.
 - b. Report power lawn mowers or any items other than vehicles using gasoline on a Form 330 along with the white Form 64, Property Tag, or the yellow Form 327, Court Tag.
- O. Storing of Flammable Liquids, Fireworks, etc.
1. Flammable liquids such as gasoline, kerosene, fuel oil, or similar substances capable of ignition, creating an explosion, or burning with extreme rapidity, are kept in a locked outdoor storage facility under the control of the Impound Unit.
 2. Summon a supervisor if there is any doubt about the safe transportation of the above substances to the Impound Unit. If necessary, call the Fire Department to assist in the safe transportation of volatile substances.

- a. After normal business hours, contact a captain or above for authorization to recall Impound Unit personnel.
3. Flammable liquid requiring analysis
 - a. Obtain a suitable specimen container from the Impound Unit. Transfer liquid to the container, properly seal, and identify with the recovering officer's name and badge number.
 - b. The specimen, along with the Evidence Submission Sheet completed by the recovering officer, will be picked up from the Impound Unit by Court Property Unit personnel. Court Property Unit personnel will have the specimen analyzed according to Procedure 12.720, Evidence: Submitting for Physical Analysis. After analysis, return the specimen container to the Impound Unit storage facility.
 4. Form 330, Property Receipt
 - a. The Impound Unit will forward the Form 330 to Court Property Unit if no analysis is requested.
 - b. Upon completion of processing, Court Property Unit personnel will distribute the copies as follows:
 - 1) Yellow copy to the district/section/unit commander.
 - 2) White copy retained at Court Property Unit.
 5. Request the Fire Department respond whenever high-powered explosives are encountered.
- P. Identifiable and Unidentifiable Property
1. The recovering officer will initiate a computer check on all identifiable property bearing a serial or model number, manufacturer's name, etc.
 - a. If the property is recovered lost property and can be identified, it will be processed as outlined in procedure 12.400, Incident Reporting, Miscellaneous Reporting.
 2. The recovering officer will indicate a computer check and necessary follow-up has been completed by listing the verifying officer's name and badge number in the lower right-hand portion of the Form 330.
 3. Property recovered as a result of a computer query
 - a. Cincinnati Police Department entries - note the facts on a Form 311, Incident Closure Report, and route to Records Section for cancellation of the computer entry.
 - b. Other agencies' entries - notify the CIN1 operator at Police Communications Section (PCS) and provide the recovery data.

The CIN-1 operator will teletype the information to the originating agency for their removal from the computer file.

4. Prepare a Form 301 Incident report for all found identifiable property that is not matched to property listed in the RCIC data base.
5. If the property is not identifiable, note "N/A" in the lower right-hand portion of the Form 330 along with the officer's name and badge number. Prepare a Form 317 for found unidentifiable property.

Q. Form 330, Property Receipt

1. When forwarding articles such as guns, TVs, CB radios, bicycles, lawn mowers, watches, or any other items which have an identifiable serial number to Court Property Unit, the forwarding unit should include the following information on the Form 330:
 - a. Type of item.
 - b. Brand name.
 - c. Serial number.
 - d. Model number.
 - e. Color.
 - f. Characteristics which would aid in identification of the item.
 - g. Name and badge number of processing officer checking computer files.

R. Processing of Firearms

1. Recovery of Firearms
 - a. Photograph each firearm prior to moving it, when possible (see Procedure 12.615, Section D.3.a.).
 - b. Sketch the location of the firearm and all persons associated with it. When possible, measure the distances of the firearm to the person.
 - c. Make the firearm safe without obliterating fingerprints or other evidence, when possible.
 - d. If a firearm cannot be made safe without destroying evidence, a supervisor will determine if, how, and where the firearm will be transported.
2. Report all firearms coming into police control on Form 313, Firearm Report.
 - a. Fill out all blocks completely except "Barrel Length". Court

Property Unit personnel will complete this block.

- b. List the complete number found on the frame, including prefix and suffix letters.
 - c. If a firearm does not have a serial number, note this in the "Serial Number" block.
 - d. In all felony arrests involving the confiscation of a firearm, whether or not a weapons offense has been charged, the submitting officer will print "**ATTENTION RIP CASE**" in bold lettering in the "Detail/Remarks" section of the Form 313.
3. Query all firearms coming under police control through the Regional Crime Information Center and the National Crime Information Center.
 - a. The officer having original control of the firearm will run the query.
 - b. If the firearm is reported lost or stolen from outside of the City of Cincinnati, the officer running the query must notify CIN1 to contact the originating agency and confirm the stolen status. Officers will not contact the originating outside agency for confirmation.
 - c. Confirmed stolen or lost firearms recovered must be reported to Teletype and receive a cancellation teletype number.
 - d. After confirmation fax a copy of the Form 313, Firearm Report to Teletype. Reporting officers must call to confirm receipt of the fax and record the teletype number on the Form 313.
 - 1) Teletype phone number 263-8124
 - 2) CIN1 phone number 263-8121
 - 3) CIN1 / Teletype fax number 263-8120
 - e. Court Property Unit will not accept firearms unless they have been queried through the computer.
 4. Attach Form 327, Property Tag, Form 330, Property Receipt, and a Form 313, Firearm Report, to all firearms coming into police control.
 5. Place all firearms in a gun envelope.
 - a. If a firearm will not fit in a gun envelope, attach a Form 327, Form 330, and Form 313, along with the computer query, to the firearm.
 6. Place the computer printout and Form 313 inside the gun envelope. Ensure the following information is on the printout:
 - a. The words "To Court Property Unit".

- b. Date and time the printout was forwarded to Court Property Unit.
 - c. The originating agency terminal identifier (example: DST1, PARK, CVCS, etc.).
7. If body fluids are on the firearm, attach all paperwork to the outside of the gun envelope.
- a. Place a biohazard label on the outside of the gun envelope or cardboard firearms property box.
8. Routing of the Form 313
- a. File the original and a copy of the Form 313 at the reporting unit.
 - b. Attach two copies to the firearm.
 - 1) Court Property Unit will file one copy and forward the other copy to the Bureau of Alcohol, Tobacco, Firearms and Explosives.
9. Test firing weapons
- a. The primary officer is responsible for test firing the weapon as soon as possible.
 - b. If no weapons charges are filed or the firearm is found property, no test firing is required by the primary officer.
 - 1) CIS officers will test fire these weapons for entry into the National Integrated Ballistic Information Network (NIBIN).
 - c. In situations where officers believe it is unsafe to test fire the weapon, they will transport the firearm to CIS. The weapon will be logged into the CIS property book and stored in a property locker.
 - 1) The property will be marked, "Unsafe weapon – hold for Special Investigations Squad (SIS)".
 - 2) If the SIS investigator believes the weapon is unsafe, the weapons will be transported to the Firearms Training Unit for inspection by an armorer. If the weapon is determined to be safe, the SIS investigator will test fire the weapon or witness the test.
10. Packaging of Magazines, Ammunition, Bullets, and Casings
- a. Package magazines, ammunition, bullets, and casings separately in a cartridge envelope and place them in a property envelope.
 - b. When a firearm is not found at the scene or not involved in the

recovery, package magazines, ammunition, bullets, and casings in standard property envelopes.

S. Return of Confiscated Firearm(s)

1. If an officer confiscates a firearm from a citizen, the citizen may get the firearm back if:
 - a. There is a court order from a judge, or
 - b. The Police Chief approves a written request from the citizen requesting the return of the firearm.
 - c. Officers will query the confiscated firearm(s) and person requesting the firearm(s) to ensure he/she is in compliance with ORC 2923.13, Having Weapons While Under Disability. The person requesting the firearm must prove ownership or the right to possession of the firearm and sign Form 332, Release of Firearms. This is a three-part form, distribute as stated at the bottom of the form.

2. When a confiscated firearm is returned to its owner, the Police Department will, before returning the firearm, require the owner to prove ownership or the right to possession of the firearm.
 - a. An owner may demonstrate ownership or the right to the possession of a firearm using one of the following:
 - 1) A bill of sale with the description, serial number, and owner's name.
 - 2) A police query showing the firearm is registered to the owner.
 - 3) Possession of a court order ordering the return of the firearm to the owner.
 - 4) Presenting his homeowner's insurance showing the firearm is listed and reported lost or stolen from the owner.
 - 5) A dealer presenting an inventory with the firearm and serial number listed and that the firearm was reported stolen or missing from the owner's business.

T. Concealed Carry Licenses

1. Concealed Carry Licenses may be seized when a license holder is arrested for any of the following:
 - a. Any felony offense.
 - b. Any misdemeanor offense of violence as defined in Section 2901.01 of the Ohio Revised Code.

- c. Any drug offense.
 - d. Violation of a Temporary Protection Order.
2. Process Concealed Carry Licenses separately from other seized property. Attach a copy of the Form 527, Arrest and Investigation Report, or the Form 314, Notice to Appear, to the Form 330, Property Receipt.
- a. If the license is required as evidence for court proceedings, mark the license as needed for "Court".
 - b. If the license is subject to confiscation but not required as evidence for court proceedings, mark the license as "Confiscated".
 - 1) Upon receipt of a Concealed Carry License, Court Property Unit will make the necessary notification of the license seizure to the issuing agency. Confiscated licenses will be immediately mailed back to the issuing agency. Licenses held for court will be mailed back to the issuing agency upon conclusion of any criminal proceedings.
 - c. All seized Concealed Carry Licenses should be submitted to Court Property Unit. Licenses should not be retained in the Form 527E, Case Investigation Jacket, or in personal case jackets if a Form 527E is not required.
 - d. Found Concealed Carry Licenses will be processed as found property per Court Property Unit's current Standard Operating Procedure.
- U. Safes, Bicycles, and Large Evidence
- 1. Take the property directly to the Court Property Unit during normal business hours.
- V. Fraudulent Checks
- 1. Fraudulent checks are maintained in secure case jackets by the assigned Financial Crimes Squad or district investigator and are not delivered to Court Property Unit.
 - 2. Enter checks received into the Check Complaint Book maintained by the Financial Crimes Squad. Entries will consist of the:
 - a. Complainant's name and address.
 - b. Suspect's name.
 - c. Charge.
 - d. Assigned investigator.

- e. Amount of the check.
 - f. Date received.
3. Checks remain a part of the file and will not be disposed of after the court action.

W. Fraudulent Prescriptions

- 1. Fraudulent prescriptions are maintained in secure case jackets by assigned Central Vice Control Section investigators and are not delivered to Court Property Unit.
- 2. Provide pharmacies with a Form 328, Prescription Receipt Form, (pharmacy - top copy, case jacket - bottom copy) for prescriptions kept as evidence.
- 3. Prescriptions remain a part of the file and are not disposed of after the court action.

X. Status of Property Items

- 1. When property is being held as evidence, the Court Property Unit clerk will initiate a disposition order. The clerk will forward the orders to the responsible officer's commander.
- 2. The district/section/unit commander will ensure the responsible officer completes the disposition order and returns it to Court Property Unit within 14 days.

Y. Proceedings for the Forfeiture of Property

- 1. Officers will refer to procedure 12.735, Federal and State Forfeitures, when processing property believed to be subject to forfeiture.

12.720 EVIDENCE: SUBMITTING FOR PHYSICAL ANALYSIS

Reference:

Procedure 12.130 - Vice Control and Enforcement Responsibilities
Procedure 12.715 – Property and Evidence: Confiscation, Accountability,
Processing, Storage, and Release
Procedure 12.725 Blood drying Rooms: Processing of evidence Exposed to
Blood Borne Pathogens
Manual of Rules and Regulations - 2.04
Forensics Manual
Investigative Manual, 2.4.0 and 13.1.15

Definitions:

Evidence: Legally obtained, documentary or oral statements and material objects submitted to a court of law as proof to ascertain the truth regarding an offense that occurred.

Private police officers: performing special duties for the benefit of, and at the expense of, private persons or corporations may be commissioned by the Police Chief with approval of the City Manager. Such private police officers shall be subject to the orders, rules and regulations of the Police Chief.

Drug paraphernalia: means any equipment, product, or material of any kind used by the offender for propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance.

Deoxyribonucleic Acid (DNA) the material inside a nucleus of a cell that carries genetic information.

Information:

The Hamilton County Coroner's Laboratory has the ability to process items submitted for DNA analysis. A DNA profile can be obtained from samples of skin, hair, blood, and other body fluids. Once a profile is made, it is maintained in a local data base and forwarded to the state for submission into the Combined DNA Index System, (C.O.D.I.S.), where it is compared to established profiles of known offenders.

The increasing number of DNA submissions and the costs associated with these examinations has resulted in the following; the Coroner's Lab will initially process five items submitted for analysis per case. If no evidence is found on the first five items, additional testing may occur on other evidence submitted. The lab will currently accept more than five items; however testing will only be completed on five items. Officers should limit the number of items submitted to the lab; the rest should be properly collected and submitted to the property room. Officers should include documentation in the submission paperwork to assist the lab in determining which items will be examined first.

Purpose:

Prevent the suppression of evidence and dismissal of cases on procedural grounds.

Policy:

Evidence submitted for physical analysis will be processed in a consistent manner in order to maintain a high standard of dependability for examination of the sample.

The officer will record all pertinent information on the Hamilton County Coroner's Laboratory Evidence Submission Form.

Procedure:

A. Alcoholic Evidence

1. Alcoholic beverages used as evidence in court require analysis.
2. Officers citing/arresting for liquor violations must process the alcoholic beverage as evidence.
 - a. All alcohol evidence submitted for physical analysis must be submitted in a plastic specimen bottle. The specimen must be sealed with evidence tape. The seal must be initialed and dated by the submitting officer.

NOTE: The original liquor container may be attached to the specimen bottle; however, the lab will not accept evidence in original sealed containers such as cans or bottles.

- 1) The investigating officer will enter the evidence in the unit's property book and secure it in the unit property room. Attach the following items to the evidence:
 - a) Copy of the Form 527, Arrest and Investigation Report, or Form 314, Notice to Appear.
 - b) Form 330, Property Receipt.
 - 1] On the Form 330, list the name of each arrested person. If the property also involves a liquor establishment, include the liquor establishment's name (DBA) on the Form 330.
 - c) A Form 327, Property Held for Court Tag, marked "Held for Court".
 - d) A Hamilton County Coroner's Laboratory Evidence Submission Form.

- 2) Deliver the evidence to the Court Property Unit between 0630-0830 hours, Monday through Friday.
 - b. Process evidence no longer in its original container in the following manner.
 - 1) Remove ice from the beverage to prevent dilution of the evidence. Place the evidence in a plastic specimen bottle and seal it.
 - a) The investigating officer will date and initial the seal in the presence of the arrested, if possible.
 - c. Complete Forms 330, 327, and 484, Analytical Report for Liquor Violations. Attach these items and a copy of the Form 527 or Form 314 to the evidence. Enter the evidence in the unit property book. Deliver the property to the Court Property Unit.
 - 1) List on the Form 330 the names of all arrested persons and the name of the liquor establishment, when applicable.
 - d. Upon completion of liquor cases in court, the arresting officer will inform the Court Property Unit of the case disposition.
 2. Process evidence gathered for presentation to the Ohio Liquor Commission according to Section A.1. Write "Hold for Columbus" in red on the Form 330.
 - a. Evidence in original containers with unbroken seals presented to the Ohio Liquor Commission only does not require analysis.
- B. Drug Evidence
1. Investigating officer(s) will properly tag evidence believed to be an illegal or illegally possessed drug. A supervisor will verify the contents and weights of drug evidence envelopes.
 - a. Weigh the above drugs/chemical substances, place them in an envelope, and seal it with evidence tape. The seal must be initialed/dated by the sealing officer (lab requirement). Weigh the total package again without any forms attached. Mark on the front of the evidence envelope the weight/count of the drugs and the total packaged weight of the sealed envelope.
 - 1) Package drugs seized separately from drug paraphernalia. Do not weigh drug paraphernalia.
 - 2) Package syringes in a syringe tube and attach a property tag. Do not place the syringe tube in a property envelope. The lab will not accept syringes packaged in a property envelope.
 - b. The weighing officer and verifying supervisor will mark their names and badge numbers on the evidence envelope.

- 1) If the evidence is too large to weigh at the recovering unit, contact Court Property Unit personnel per Procedure 12.715, Section B.4.c.
 - c. When processing pills, tablets, capsules, caplets, etc., count the individual units, place them in an evidence envelope, and seal it with tape. Weigh the total package without any forms attached. Mark on the front of the evidence envelope the count of the drugs and the total packaged weight of the sealed envelope.
 - 1) If the pills, tablets, etc. are crushed, weigh the drug evidence then place it in an evidence envelope. Seal the envelope and weigh the total package without any forms attached. If crushed pills and whole pills are in the same packaging, do not attempt to count the individual pills. Weigh the crushed pills and whole pills together.
 - d. Attach a copy of the Form 527, Form 314, and Evidence Submission Sheet to the evidence.
 - e. All Forms 330 will accompany the property to the Court Property Unit.
 - f. To maintain continuity of evidence, process articles held through the unit property book before taking them to the Court Property Unit. Mark in the unit property book the weight/count of the drugs/pills and the total weight of the sealed package.
 - 1) Secure drug evidence separately from other evidence in the unit property room.
 - g. All personnel handling property will sign their name and date the evidence bag in the designated spaces to ensure continuity.
2. The Court Property Unit will:
 - a. Assume custody of all properly tagged evidence delivered to their office.
 - b. Verify the packaged weight, sign and return the yellow copy of the Form 330 to the delivering officer for the unit files.
 - c. Log the evidence into the Court Property Unit.
 - d. Cause analysis of the evidence for court.
 - 1) Once the Court Property Unit receives the property, direct all questions about its status to that unit. Have the property number and location number ready when making inquiries.
 3. The arresting officer will advise Court Property Unit of the disposition of completed court cases.

C. DNA Evidence

1. Officers requesting a DNA analysis should limit their requests to evidence involving serious crimes. Felonies, violent misdemeanors, or a pattern of offenses that might be connected to one person. Only five items should be submitted to the lab for DNA analysis. These items should be selected in order of importance to case and the likelihood of providing a good sample of DNA. All other evidence should be properly collected, packaged and submitted to the property room.
 - a. Each item submitted for analysis must be individually packaged.
 - b. Documentation must accompany the evidence to the lab to assist in identifying the importance of each item submitted.
 - c. Evidence submitted for comparison to known victims, suspects or persons must include buccal swabs before any DNA testing will occur. Examples where buccal swabs are required include guns submitted for CCW cases or steering wheels where multiple known DNA profiles are likely to be found.
2. In addition to blood and body fluids, items that can be submitted for analysis include clothing, hats, or tools used in an offense. These items may provide a profile from particles left by the suspect.
3. Officers are encouraged to review the Investigative manual and Forensic Manual for proper collection methods of DNA evidence. Only trained personnel may submit a buccal swab for analysis, Contact an Investigative Unit Supervisor to request a trained officer for assistance with buccal swabs.
4. Evidence submitted for DNA analysis must be packaged and submitted in compliance with procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release, Attach the original copy of the Hamilton County Coroner's Evidence Submission Sheet, a Form 330 and a copy of the 527 when an arrest is made.
5. Every effort should be made to prevent cross contamination of evidence submitted for analysis. Evidence containing wet blood or body fluids can be placed in one of the blood drying rooms located at District Four. Refer to procedure 12.175, Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens for detailed instructions.
6. The Court Property Unit will submit evidence to the Hamilton County Corners Office as described in section D. 2. of this procedure.
7. Results from testing generally take 30 days to complete. A report will be forwarded to court property unit from the Hamilton County Coroners lab. Court property unit will attach a copy of the report to the evidence returned from the lab. A copy of the report will also be forwarded to the submitting officer.

8. When C.O.D.I.S. matches a profile with a known person in the data base, the Hamilton County Coroners Lab will send a report to the investigating officer requesting a buccal swab sample from the suspect to confirm the match.

D. Other Evidence Requiring Physical Analysis

1. Criminalistics will:
 - a. Criminalistics Squad will respond to the Court Property room to check out any firearm submitted that has not been processed and they will:
 - 1) Attempt to lift all latent fingerprints from the firearm.
 - 2) Process quality prints through the Automated Fingerprint Identification System (AFIS) and report their results to the Special Investigations Squad (SIS) personnel.
 - 3) Test fire the firearm and report their results to SIS.
 - 4) Take the firearm to the Hamilton County Coroner's Crime Lab for National Integrated Ballistics Identification Network (NIBIN) test firing.
 - a) The Crime Lab will report to the Criminalistics Squad both positive and negative results of the NIBIN searches.
 - d. The original Evidence Submission Sheet will accompany articles to the laboratory. The laboratory will not accept photocopies of this form. Attach a copy of the offense report to the original Evidence Submission Sheet.
 - 1) Distribute copies of the Evidence Submission Sheet as follows:
 - a) Original to the analyzing agency.
 - b) Copy to investigator's file.
 - c) Copy to Criminalistics Squad along with a copy of the offense report.
2. Court Property Unit personnel will:
 - a. Respond to the laboratories daily, Monday through Friday, except holidays.
 - b. Pick up property and lab reports.

- 1) Staple the Official Crime Laboratory Report submitted by the Hamilton County Coroner's Laboratory to the evidence. It will remain with the evidence until the evidence receives a final disposition.
- c. Mail a copy of the Official Crime Laboratory Report to the investigating officer.

D. Processing Evidence for Cincinnati Private Police Officers

1. Cincinnati private police officers may issue minor misdemeanor drug possession citations.
 - a. Seized drug evidence will be submitted to the district where the offense occurs.
2. The desk officer will notify a supervisor when a private police officer submits evidence to the district.
 - a. Submit completed Forms 314, 330, and the Evidence Submission Form with the evidence.
3. The district supervisor will:
 - a. Check all forms for completeness.
 - b. Ensure the property envelope is properly completed.
 - c. Weigh and seal evidence in compliance with Section B.
4. Any follow-up, including completion of the Form 676, Status of Evidence and Property, will be the responsibility of the district of submission.
5. Court Property Unit personnel will:
 - a. Accept and process evidence in the same manner used for Cincinnati police officers.
 - b. Have the private police officer complete an Evidence Withdrawal Receipt when retrieving evidence from the Court Property Unit.
6. When the private police officer is unable to return property to the Court Property Unit on the day it is checked out, the property will be returned to District One.
 - a. A District One supervisor will receive evidence, confirm its weight, and ensure the property is properly logged into the property book.

12.725 BLOOD DRYING ROOMS: PROCESSING OF EVIDENCE EXPOSED TO BLOODBORNE PATHOGENS

Reference:

Procedure 12.310 - Waste and Medical Debris Used at Crime Scenes and Traffic Accidents

Procedure 12.715 - Property and Evidence: Confiscation, Accountability, Processing, Storage, and Release

Procedure 12.720 - Evidence: Submitting for Physical Analysis

Cincinnati Police Department Training Bulletin #142: Bloodborne Pathogen Exposure Control Plan

Investigations Manual

Definition:

Evidence: Items collected and submitted to a court of law as proof to ascertain the truth regarding an offense that occurred. It must be legally obtained to be admissible in court.

Information:

The Police Department's blood drying rooms are located at District Four. There are three drying rooms lettered I, J, and K and a processing room lettered L. Room L contains all necessary paperwork and personal protection equipment.

As there are only three blood drying rooms, careful thought must be given when deciding if items are of evidentiary value. Only evidence which must be analyzed by the Hamilton County Coroner's Office or submitted as evidence in a court of law should be considered for processing. Items which do not have evidentiary value should be photographed, placed in a biohazard bag, and transported to a fire station or hospital for disposal.

Refer to Procedure 12.310, Waste and Medical Debris Used at Crime Scenes and Traffic Accidents, for questions concerning medical debris, blood, and body fluids from a crime scene, traffic accident, or in public places such as sidewalks and streets.

Purpose:

Provide a safe working environment for employees who deal with the processing and drying of contaminated items that have EVIDENTIARY value.

Provide maximum protection for those employees and citizens who work or conduct business in the facility where the evidence is processed.

Policy:

Do not use the blood drying rooms merely for the purpose of drying items coming into police custody. The on-scene supervisor of an incident must determine if contaminated items are EVIDENTIARY in nature and whether they will be needed as evidence in a court proceeding. If the on-scene supervisor is uncertain whether the contaminated items are of evidentiary value, the supervisor should contact a Homicide Unit supervisor for guidance and assistance.

Do not accept any contaminated evidence, i.e., blood soaked clothing, from a hospital without contacting a District Four supervisor to ensure there is sufficient room in the blood drying rooms to house the evidence.

Procedure:

A. Notifications:

1. Personnel intending to use the blood drying rooms must contact a District Four supervisor to obtain access.
 - a. Keys to the blood drying rooms are kept in a secure location accessible only to District Four supervisors.

B. Packaging of Evidence for Transport to Blood Drying Rooms:

1. Place all contaminated evidence in an evidence bag or leak proof container.
 - a. Process each item separately to avoid cross contamination.
 - b. Avoid using plastic for transporting evidence. If evidence is received from a hospital or other source enclosed in plastic, it should be transported to the blood drying facility and removed from the plastic within two hours.
 - c. Leak proof containers are available from Supply Unit.
2. Use a sufficient amount of packaging material to prevent any leakage during transporting.
3. Contaminated evidence will not be permitted inside District Four if it is not properly packaged.

C. District Four Processing:

1. Respond to the interior of the District Four garage.
2. Request District Four desk personnel open the access door.
 - a. Absolutely no contaminated evidence will be brought into District Four by any other means.
3. Respond immediately to the blood drying rooms located near the front desk in the south end of District Four. Wait for the arrival of a District Four supervisor to provide access to the blood drying rooms.
4. All personnel entering the blood drying rooms must wear rubber gloves, shoe coverings, a mask, and eye protection when handling contaminated items. The listed personal protective equipment is stored in the cabinet in Room L.
 - a. Officers transporting the contaminated items are responsible for processing the evidence.
 - b. Place contaminated rubber gloves, shoe coverings, and masks in biohazard bags located in the drying room. Decontaminate protective eyewear.
 - c. Notify a Homicide Unit supervisor when supplies need to be replenished.
 - d. A Homicide Unit supervisor will respond to the drying rooms once a week to inspect the rooms, review the log book, and restock the supply room.

D. Blood Drying Rooms I, J, and K and Processing Room L:

1. Blood drying rooms will be used by only one investigator at a time. Place suspect's and victim's clothing in separate rooms to avoid cross contamination.
2. Each room is equipped with a stainless steel, horizontally mounted bar.
 - a. Drape evidence over the bar for drying.
 - b. Place white butcher block paper on the floor if unable to use the drying bar.

3. After putting the evidence in one of the rooms, tape a copy of the completed Form 330, Property Receipt, to the glass of the drying room door.
 4. Place a plastic zip-tie on the outside hasp of the door to ensure continuity of evidence. Do not use evidence tape to secure the door. The drying room door must remain locked at all times.
 5. Enter all information in the log book kept in Room L. Also make a blotter entry at District Four and the unit of assignment of the processing officer.
 6. Evidence must remain in the blood drying rooms for a minimum of 24 hours. Evidence must be removed within 72 hours. The processing officer must coordinate with a District Four supervisor when removing items from the blood drying rooms. It is the responsibility of the officer placing the items in the blood drying room to remove them on time.
 - a. Any time extensions must be approved by a Homicide Unit supervisor.
 - b. Make a blotter entry when you remove evidence from a room so the room can be disinfected by District Four cleaning personnel. It is imperative to note the room used in each blotter entry.
 7. Use Room L to do paperwork only. Do not bring contaminated materials into Room L.
- E. Transporting Evidence from District Four to the Court Property Unit:
1. Place dried contaminated evidence in an evidence bag or leak proof container.
 - a. Place a Form 330 and biohazard label on the outside of the evidence bag or container.

12.727 WARRANT COMPUTER ENTRIES, PRISONER RETURN AND EXTRADITION

References:

Procedure 12.554, Investigatory Stops
 Procedure 12.600, Prisoners: Securing, Handling, and Transporting
 Ohio Revised Code Chapter 2963 - Extradition
 Ohio Revised Code 2945.72 - Extension of time for hearing or trial
 Ohio Revised Code - Ohio Rules of Criminal Procedure, Rule 1(C) (2), 4, 9
 RCIC Manual Chapter 7, Section 7.8

Purpose:

Establish the Hamilton County Sheriff's Bureau of Records, Central Warrants Processing Unit (CWPU), as the central agency responsible for computer warrant entries into the Regional Crime Information Center (RCIC), National Crime Information Center (NCIC) and Law Enforcement Automated Data System (LEADS) computer files.

Establish responsibility for the return of prisoners.

Establish Criminal Investigation Section (CIS) as:

- Having the authority to assign the proper pick-up radius for all standard warrant entries and warrant entries requiring a modified pick-up radius.
- The Department liaison with law enforcement agencies in coordinating prisoner returns.
- Having the necessary expertise to inform officers of the correct course of action required to obtain indictments where interstate extradition is necessary.

Information:

CWPU enters Cincinnati warrants into the RCIC, NCIC and LEADS computer files with the following pickup radius.

Pickup Radius Guide:

- 1 Extradite Interstate.
- 1B Extradite Interstate ("Within 500 mile radius of Cincinnati" entered as a qualifier).
- 1C Extradite Interstate ("Within 250 mile radius of Cincinnati" entered as a qualifier).
- 2 Any location within Ohio.
- 3 Ohio ("Within 100 miles of Cincinnati" entered as a qualifier).
- 4 Hamilton County and adjacent Ohio counties.
- 5 Hamilton County only.

The CIS Commander may approve a modified pick-up radius not typically assigned to a warrant. Officers must submit a Form 450, Request for RCIC, NCIC and LEADS Wanted Person Computer Entry, justifying the request.

Procedure:

A. Warrant Entry

1. Traffic Warrants

- a. Cincinnati traffic warrants are entered into RCIC, with a pick-up radius of 5.
 - 1) In exceptional cases (multiple traffic warrants or aggravated circumstances), an officer may request a pick-up radius of 4.
 - a) The requesting officer must submit a completed Form 450 justifying the request.

2. Misdemeanor Warrants

- a. Cincinnati misdemeanor warrants are entered into RCIC with a pick-up radius of 5.
 - 1) Misdemeanor Domestic Violence warrants are entered into RCIC and LEADS with a pick-up radius of 4.
- b. Misdemeanor warrants may be extended in Ohio to a pick-up radius of 2, 3 or 4. Officers must submit a Form 450 justifying the request.

3. Felony Warrants

- a. All Cincinnati felony warrants signed by officers are entered into RCIC, NCIC and LEADS with a pick-up radius of 1B with the following exceptions:
 - 1) Murder warrants, escape warrants and Grand Jury Indictments are entered into RCIC, NCIC and LEADS with a pick-up radius of 1.
 - 2) Felony Domestic Violence warrants are entered into RCIC, NCIC and LEADS with a pick-up radius of 1C.
- b. Officers requesting a modified pick-up radius for felony warrants must submit a Form 450 justifying the request.
- c. Private felony affidavits are entered into RCIC with a pick-up radius of 5 (e.g., an attorney who signs a felony affidavit on behalf of his/her client).

4. All persons having five or more Cincinnati traffic or misdemeanor warrants will immediately be entered into the RCIC and LEADS system with a pick-up radius of 4.
 5. The officer originating a warrant or the officer involved in the warrant service can make a recommendation to decrease a pick-up radius. The requesting officer must submit Form 450 justifying the request.
- B. Form 450, Request for RCIC, NCIC and LEADS Wanted Person Computer Entry
1. Officers requesting modification of a pick-up radius assigned to a warrant in the RCIC, NCIC and LEADS computer files must complete a Form 450 and forward it through the chain of command to the CIS Commander.
 - a. Upon approval the CIS Commander will forward a copy of the Form 450 to the CWPU Commander for a warrant entry with a modified pick-up radius into the RCIC, NCIC and LEADS computer files.
 - 1) The CIS Commander will ensure a copy of the Form 450 is forwarded to the requesting officer.
 2. CIS will maintain the original Form 450.
- C. Warrant Confirmation Request
1. Officers will refer requests for a Cincinnati warrant hit confirmation to CWPU.
 - a. Forward all information via telephone (513) 946-6201 or teletype using the CWPU terminal identifier OH0310006.
- D. Prisoner Transport
1. The closest district will respond to pick-up an individual arrested in another jurisdiction in Hamilton County or an adjacent Ohio county on a Cincinnati warrant.
 2. All prisoner returns beyond an adjacent Ohio County are the responsibility of the district/section/unit originating the warrant. Officers will coordinate the prisoner return with CIS.
 3. Upon approval of the CIS administrative supervisor, the prisoner transport/extradition service contracted by the City may be utilized for prisoner returns outside of the state of Ohio.
 - a) Officers must ensure a Form 527, Arrest and Investigation Report, Form 527A, Case and Bond Information Sheet, and /or a Form 527B, Trial Preparation Form, is completed and delivered to the Hamilton County Justice Center (HCJC) Central Intake prior to the arrival of the prisoner.

4. The prisoner transport/extradition service will not be used for prisoner returns within the state of Ohio.
- E. Prisoner Return - Arrested in Hamilton County
1. CWPU will teletype Police Communication Section (PCS) with warrant confirmation.
 2. PCS will dispatch the closest district to respond to pick-up an individual arrested in another jurisdiction in Hamilton County on a Cincinnati warrant.
 - a. The Computer Aided Dispatch (CAD) system is programmed to select the closest district to the arresting Hamilton County law enforcement agency.
- F. Prisoner Return - Arrested in an Adjacent Ohio County
1. CWPU will teletype the warrant confirmation, telephone number and terminal identifier of CIS (OHCIP0010) to the arresting agency.
 - a. After confirming the warrant, CWPU will notify CIS of the arrest.
 2. CIS will teletype the arresting agency informing them a unit will be dispatched.
 - a. Include PCS terminal identifier OHCHP0012 in the header and request PCS to contact the arresting agency to arrange prisoner pick-up.
- G. Extradition - Arrested in an Ohio County Other Than Hamilton County or an Adjacent Ohio County
1. An individual arrested in an Ohio county other than Hamilton County or an adjacent Ohio county may not be returned to Cincinnati until brought before a court of record and given the opportunity to consult with an attorney or a person of his choice and to post bail as determined by a judge of that court (as required by Ohio Revised Code (ORC) Criminal Rule 4, Section E).
 2. CWPU will teletype the warrant confirmation, telephone number and terminal identifier of CIS to the arresting agency.
 - a. After confirming the warrant, CWPU will notify CIS of the arrest.
 3. All further correspondence reference prisoner return will remain with the arresting agency and CIS until the decision to extradite is confirmed and a Rule 4 waiver is obtained or the posting of bail cannot be met by the arrested.
 4. CIS will:
 - a. Notify the district/section/unit of the arrest and determine if the arrested will be extradited to Hamilton County for prosecution.

- b. Teletype a request for a prisoner hold to the arresting agency while attempting or upon notification of the intent to extradite.
 - 1) If the district/section/unit originating the warrant declines extradition or if the subject of the warrant can no longer be prosecuted, CIS will notify the arresting agency that extradition will not occur.
- c. Ensure a Rule 4 waiver has been signed by the arrested.
 - 1) If the arrested refuses to sign the waiver, he/she is provided the opportunity to post bail within 24 hours. If unable to post bail, the arresting agency will request prisoner pick-up within 3 working days (time requirement for the pick-up of a prisoner will vary depending on the county law enforcement agency involved).
- d. Coordinate prisoner return with the district/section/unit originating the warrant.

H. Extradition - Arrested in Another State

- 1. When a subject is arrested in another state on a warrant issued by the Cincinnati Police Department, an extradition waiver must be completed if the subject is willing to waive the right of extradition. This waiver must be done in a formal judicial hearing.
- 2. CWPU will teletype the warrant confirmation, the telephone number and the terminal identifier of CIS to the arresting agency.
 - a. After confirming the warrant, CWPU will notify CIS of the arrest.
- 3. All further correspondence will remain with the arresting agency and CIS until the decision to extradite is confirmed and an extradition waiver has been obtained by the arrested.
- 4. CIS will:
 - a. Notify the district/section/unit of the arrest and determine if the arrested will be extradited to Hamilton County for prosecution.
 - b. Teletype a request for a prisoner hold to the arresting agency while attempting or upon notification of the intent to extradite.
 - 1) If the district/section/unit originating the warrant declines extradition or if the subject of the warrant can no longer be prosecuted, CIS will notify the arresting agency that extradition will not occur.

- c. Ensure a waiver of extradition has been signed by the arrested.
 - 1) Extradition of the arrested must be completed within 10 working days of the notification of waiver (time requirement for the pick-up of a prisoner will vary depending on the state law enforcement agency involved).
 - 2) If the arrested refuses to sign the waiver of extradition, the district/section/unit originating the warrant must secure a Grand Jury indictment. A Governor's Warrant will be issued through the Hamilton County Prosecutor's Office requiring the holding state to release the arrested to the custody of the demanding state.
 - a) The Hamilton County Sheriff's Office (Fugitive Warrant Unit) has responsibility for coordination of the prisoner return once a Governor's Warrant is signed.
- d. Coordinate prisoner return with the district/section/unit originating the warrant.

I. Extradition - Wanted in Another State

- 1. When a computer hit is received on a felony warrant for a subject wanted in another state, the arresting officer will notify the Cincinnati 1 (CIN1) terminal operator.
- 2. The CIN1 terminal operator will:
 - a. Send a teletype to the agency where the warrant originated requesting confirmation.
 - 1) Confirmation must be furnished within 10 minutes when responding to an urgent request. Urgent requests are customary when **no** original charges are filed by the arresting agency. The decision to extradite does not need to be made within 10 minutes, only the decision to hold pending the extradition process.
 - 2) Confirmation must be furnished within one hour when responding to a routine request. Routine requests are customary when original charges are filed by the arresting agency.
 - b. Send a second teletype if the confirmation teletype is not received within ten minutes.
 - 1) If no response is received within ten minutes after the second teletype, the CIN1 terminal operator will call the originating agency by telephone and/or notify LEADS control.

- c. Notify the arresting officer of the warrant confirmation.
 - 1) If confirmation is not received the officer will notify a supervisor. The supervisor will decide whether to attempt further notification or to release the subject. The seriousness of the charge for which the subject is wanted must be considered.
 - d. Forward a copy of the extradition teletype to HCJC Central Intake.
 - e. Notify the originating agency to direct all further inquiries to the Fugitive Warrant Unit at (513) 946-5350 or by teletype using terminal identifier OH0310029.
3. The arresting officer will prepare a Form 527.
 - a. The transporting officer will inform HCJC Central Intake personnel to attach the teletype to the Form 527.
 4. The Fugitive Warrant Unit has responsibility for coordination of the prisoner return once the prisoner is in the HCJC.
 - a. Officers will not contact the originating agency. If contacted by the originating agency, officers will direct questions regarding prisoner pick-up or extradition proceedings to the Fugitive Warrant Unit.
 5. The Ohio Criminal Code prohibits the release of a subject to another state without a mandatory hearing before a court of record. Verbal or written waivers out of court are not valid.
 6. No subject will be arrested for a misdemeanor or traffic offense from another state.
 7. No subject will be extradited for a misdemeanor or traffic offense to or from another state.

J. Arrest Notification

1. Officers coming into contact with individuals who have a caution indicator in RCIC, LEADS or NCIC who are known to have an affiliation with groups or organizations which pose a domestic security concern must complete a Form 534, Contact Card; Form 527, Arrest and Investigation Report, etc., documenting the encounter (include photographs when possible) and forward to the appropriate section/unit. These groups may include but are not limited to terrorist groups, militia/hate groups, and Security Threat Groups (STG).
 - a. A STG is defined by the Ohio Department of Corrections as any organized criminal group which, if operating inside the institution, poses a security risk to the institution or inmate population. Examples of STGs include: white supremacist organizations, outlaw motorcycle groups, and street gangs.

- b. Forward to Intelligence Section, a copy of any report and photographs of individuals affiliated with militia/hate groups and STGs.
 - c. Forward to Tactical Planning Unit, a copy of any report and photographs of individuals affiliated with terrorist groups.
2. Intelligence Section personnel will ensure a caution indicator is added to the RCIC record of STG individuals which reads, "Caution, Subject identified as a Security Threat Group member, please forward any contact information to the Intelligence Section or call (513) 564-2200 or (513) 721-GANG".

12.730 UNSERIALIZED STOLEN PROPERTY/PROPERTY FILE

Reference:

Standards Manual - 82.3.2

Information:

According to the National Crime Information Center (NCIC) standards and rules, stolen property for which the manufacturer's serial number or owner applied serial number is known is actually entered in the computer files.

An addition to the property file has been created and made available locally by the Regional Computer Center (RCC). This file has been extended to assist the officer in identifying unserialized stolen property.

Purpose:

Provide a uniform Department policy governing the entry of stolen property in the RCC file.

Provide a method of entry and retrieval of this information.

Promote uniformity and standardization with other CLEAR County Law Enforcement Applied Regionally) users under CAPTOR (Criminal Apprehension and Prevention Through Offense Reporting).

Procedure:

A. Processing Property:

1. District collators will review offense reports and be responsible for determining which property qualifies for entry into the RCC file. Property will be entered if any of the following applies:
 - a. A brand name or model number is available.
 - b. The property has been marked with initials or any other identifiable marking which would enable the complainant to identify the property.
 - c. The property is described sufficiently by size, weight, color, or any other combination of factors which make it identifiable.
2. District collators will also be responsible for coding the property for entry.
3. Lost property which is reported on an Ohio Uniform Incident Report will also be entered into the file (since it is readily identifiable and is valuable).

4. Guns and autos will not be entered into this file but will continue to be entered into their own file.
5. Property stolen and recovered at the time of the initial report will not be entered (i.e., a shoplifter is arrested and property recovered at the time the report is made).
6. Data entry clerks will be responsible for making all entries, modifications and cancellations in the file.
 - a. Whenever multiples of the same property are stolen and entered into the file, a single group entry will be utilized. For example, a book of 100 checks will require only one entry. Quantity and identifying numbers will be entered in the remarks field.
7. Initial queries should be made by brand name, if possible, to minimize the size of response (see query example below).

OSP/Terminal Mnemonic. 29: Property Type. 30: Brand Name

- a. If brand name is not available, query by whatever information is available describing the property.

QSP/Terminal Mnemonic. 29: Property Type

- b. A second query will give additional information (i.e., value, address stolen, etc.).
 - c. Refer to RCC Users Manual for further query information.
8. All entries will be purged after 90 days. At that time a printout of all purged entries will be sent to the Criminal Investigation Section Burglary Squad for retention and future reference.

12.735 FEDERAL AND STATE FORFEITURES

Reference:

21 U.S.C. 853 - Federal Criminal Forfeitures
21 U.S.C. 881 - Federal Civil Forfeitures
Ohio Revised Code 2901.01(A)(13) - Definitions
Ohio Revised Code 2925.42 - Ohio Forfeiture Law
Ohio Revised Code 2925.43 - Ohio Forfeiture Law
Ohio Revised Code 2981.03 - Ohio Forfeiture Law
Procedure 12.715 - Property and Evidence: Accountability, Processing, Storage and Release

Definitions:

Seizing officer – is any sworn officer who confiscates property including money, motor vehicles, real property or real estate which will be held for forfeiture.

Purpose:

To ensure the fair and impartial enforcement of search and seizure laws while protecting the individual property rights of citizens.

To provide for uniform and efficient processing of forfeiture applications through the Federal Bureau of Investigation (FBI) and the Hamilton County Prosecutor's Office of seized property.

Policy:

All property seized by or forfeited to the Police Department will be processed by authorized personnel. Department personnel will not seize currency from any citizen absent probable cause to believe such currency is contraband, as defined in the Ohio Revised Code Section 2901.01(A)(13), or evidence of a crime. Department personnel will not use, or condone the use of any bias based profiling in asset seizure and forfeiture efforts.

Information:

Both federal law and the Ohio Revised Code (ORC) provide for forfeiture, to the Police Department, of all property used in and the proceeds gained from the commission of a felony drug offense.

In addition, the ORC provides for forfeiture, to the Police Department, of personal property and money considered contraband because of its use in any offense or a conspiracy to commit any offense.

Motor vehicles are only forfeitable if used in a felony offense. However, motor vehicles can be ordered forfeited, by Municipal Court, by an agreed order of forfeiture in connection with a plea arrangement.

Procedure:

- A. Initiation of Forfeiture Proceedings:
1. Officers coming into contact with contraband, money, or a vehicle believed to be subject to forfeiture will seize those items and complete a Form DIS-94, Forfeiture Application.
 - a. The officer must believe sufficient probable cause exists to believe the item has been obtained through or used in the commission of a felony offense.
 - b. If the contraband, money, or vehicle is needed as evidence for court, process as directed in this procedure and Procedure 12.715, Property and Evidence: Accountability, Processing, Storage, and Release.
 - 1) It is the exception, rather than the rule, to hold a vehicle as evidence.
 - 2) In cases involving large amounts of currency, the Prosecutor's Office requests the currency be held as evidence.
 - c. Clearly mark the words "Seized Asset - Forfeiture Case" on all property tags and receipts of property seized for forfeiture proceedings.
 2. The seizing officer will submit an approved Form DIS-94 along with copies of the following documents, if applicable, to the Asset Forfeiture Unit (AFU) prior to the completion of the tour of duty.
 - a. Arrest and Investigation Report. (Form 527) (include zip codes for residence address and place of arrest)
 - b. Vice Activity Report (Form 526).
 - c. Evidence Submission Sheet.
 - d. Search warrants and returns.
 - e. Any complaints signed (after notarization).
 - f. A complete list of all property seized which might be subject to forfeiture proceedings.
 - g. If a vehicle is involved, a Form 369, Towing Report, with computer printout showing registration information on vehicle.
 - h. A concise case summary showing:
 - 1) Probable cause for arrest.

- 2) Relationship of seized property to the felony drug offense or involved offense.
 - 3) Present location of the property (e.g., Court Property Unit, Impound Unit).
 - 4) If the Cincinnati Police Department is the only agency involved in the seizure.
 - 5) If there is an additional agency involved in the seizure, the identity of the agency and explaining their participation in the case.
3. Seizure of Currency from Juveniles:
- a. Money seized from juveniles can be considered part of the normal proceedings if accompanied by a petition on the Juvenile Complaint.
 - 1) The Juvenile Complaint will be completed with the following information added: "and request forfeiture of \$--- seized in connection with the offense."
 - a) This information will be entered immediately after the degree of the offense for which the individual is charged.
 - 2) This applies to individuals charged with drug related offenses under ORC Section 2925 and in which money was seized regardless of the amount.
 - a) This does not bypass the need to complete the Forfeiture Application or notify AFU of the seizure.
4. Seizure of Motor Vehicles:
- a. If a vehicle is involved, complete a Form 369 and tow to the Impound Unit. Note in remarks "**Hold For Forfeiture, Do Not Release.**" Also note the owner notified of the seizure, the time, date, method of notification, and the officer who made the notification.
 - 1) The seizing officer must notify the owner within 72 hours of the seizure. Notification may be orally (in person), by telephone, or by certified mail (return receipt requested) to the owner's last known address.
 - 2) If the seizing officer cannot actually contact the owner, reasonable good faith efforts to do so constitute fulfillment of the notice requirement (ORC Section 2933.43(A)(2)). Record all unsuccessful efforts in the case jacket.

- b. Motor Vehicles Not in Possession of the Owner at the Time of Seizure:
- 1) Return motor vehicles and contents to the owner within 72 hours if not in the possession of the owner at the time of seizure unless:
 - a) The owner is charged with a felony offense or administrative violation that includes the use of the vehicle as an element of the offense (i.e., Permitting Drug Abuse, ORC Section 2925.13).
 - b) The owner is charged with a felony offense or administrative violation in the actual commission of which the motor vehicle was used.
 - 1] If one of the above applies, the motor vehicle may be retained until the disposition of the criminal or administrative charge.
 - 2] If one of the above does not apply and the seizing officer will need more than 72 hours to complete the investigation:
 - a] With approval from a supervisor, petition the Court of Common Pleas for an order extending this 72 hour period.
 - 2) Request for Court Order to Extend the 72 Hour Period (ORC Section 2933.43):

NOTE: Use of this section is the exception rather than the rule. The actual number of times this court order is requested should be minimal. The preferred practice is to complete the investigation and return the vehicle to the owner within the 72 hour period.

 - a) Officers will exercise sound discretion when applying for a court order to extend the 72 hour period. This application procedure is complicated and time consuming. Avoid it if at all possible.
 - 3) Contact AFU on the first available business day after the seizure. If the seizure takes place after normal business hours, send an email to the Central Vice Control Section Commander. Then follow up by phone on the next business day. Provide the following information:
 - a) A complete description of the vehicle, including make, model, year, color, and VIN number.
 - b) The name and last known address of the owner.

- c) A statement of why additional time is needed for investigation, inspection, or the gathering of evidence.
 - d) Information concerning the notice given to the owner.
- 4) AFU will contact the Prosecutor's Office, provide them with the above information, and request the Prosecutor's Office petition the court for an order extending the 72 hour period.
- a) It may be necessary for the seizing officer to appear at the petition hearing to explain why it is necessary to hold the vehicle longer than 72 hours.
 - 1] A Central Vice Control Section supervisor will notify the officer if the officer is required to attend the petition hearing.
- 5) The court must hold a hearing no later than the next court day and notify the owner of the hearing.
- a) The seizing officer will notify the owner of this hearing.
 - 1] Make notification to the owner's last known address as shown on the Form 527, Form 369, etc.
 - 2] Seizing officer will use the Notice of Hearing (Form 273) to make notification.
 - a] Complete the Proof of Service portion.
 - 3] Fax a copy of the notice to AFU for tracking purposes. Return the original to the prosecutor handling the case. The prosecutor will then file the Proof of Service with the court.
- 6) If the petition is denied by the judge, return the motor vehicle and contents to the owner.
- a) The Police Department will require proof of ownership or legal possession of the contents from the motor vehicle. An Affidavit, Form 272, from the owner stating lack of knowledge concerning the motor vehicle's use in illegal activities will also be required.
- 7) The Impound Unit, district, or unit which has possession of the vehicle will:
- a) Execute the Form 272.

1] If a notary is not on duty at the Impound Unit, they will request a supervisor respond to the Impound Unit to notarize the affidavit.

b) Release the vehicle to the owner.

c) File the Form 272 with the Form 369 and mail a copy to AFU for tracking purposes.

B. AFU Responsibilities:

1. Asset Forfeiture personnel will be recalled on all seizures of currency or property exceeding \$10,000 in value. Seizures involving Regional Narcotics Unit personnel are exempt for the recall provision.
2. Determine whether the property is subject to forfeiture based upon the following minimum guidelines and the facts of the particular case:
 - a. U.S. Currency - \$200.00.
 - b. Vehicles - \$1,000.00.
3. Determine which agency (FBI or Hamilton County Prosecutor's Office) will process the forfeiture and forward the necessary information to them.
4. Forward to Hamilton County Prosecutor's Office all forfeiture complaints within the following timelines; "Mobile Instrumentalities", motor vehicles, water craft, personal or business/government records, within 15 days of the seizure. All other forfeiture complaints must be received within 45 days of the seizure.
5. Secure a certified copy of auto titles at the Auto Title Department, County Administration Building, 1001 Main Street, Cincinnati, Ohio, 45202.
6. Act as liaison between the Department and the processing agency.
7. Track all cases to provide the Department with information on the status of forfeiture cases.

C. Distribution of Property Forfeited to the Police Department:

1. The FBI or the Hamilton County Prosecutor's Office will notify AFU when the Police Department will receive forfeited property. AFU will:
 - a. Respond to the Court Property Unit (CPU) and provide them with a copy of the court order.
 - b. Sign a Form 272 for property received and transfer/deposit cash with the City Treasurer.
 - c. Forward appropriate documentation to the Fiscal and Budget Section with the amount of deposit.

- d. Notify Evidence/Property Management Section if the forfeiture involves motor vehicles or other property.
 - 1) Evidence/Property Management Section will assign motor vehicles or other property to various units throughout the Police Department.
 2. If the Police Chief chooses to sell forfeited property rather than keep it for use by the Department, Evidence/Property Management Section will:
 - a. Arrange for the sale of the property.
 - b. Forward the proceeds of the sale to the Fiscal and Budget Section for deposit in the forfeiture account.
 - c. Notify AFU which property is sold and of the proceeds received from the sale.
- D. Disposition of Money Seized for Forfeiture:
1. If, after review of the Form DIS-94 by AFU and/or the appropriate prosecutor, a decision is made to adopt the case for forfeiture, the AFU will assume responsibility for release of the money.
 2. If, after review of the Form DIS-94 by AFU and/or the appropriate prosecutor, no connection is found between the money and any illegal activity, the AFU will notify the seizing officer no forfeiture action will be initiated against the seized money.
 - a. If the seized money is not needed as evidence in any other civil or criminal proceeding, the seizing officer will contact the Court Property Unit and authorize the release of the money to the defendant or his authorized representative.
 - b. The seizing officer will then notify the defendant to claim the money at the Court Property Unit.

12.805 DIRECT PRESENTMENT TO THE GRAND JURY BY THE COUNTY PROSECUTOR

Purpose:

Obtain a direct indictment by the Grand Jury allowing the accused to be arrested on the open indictment and proceeded against in the Common Pleas Court of Hamilton County.

Obtain a direct indictment of any adult who is accused of the commission of a felony sex offense as set forth in Ohio Revised Code Chapter 2907 when the victim is a minor.

Procedure:

- A. Direct indictment by the Grand Jury except felony sex offenses where the victim is a minor, Central Vice Control Section, Homicide Unit, Personal Crimes Unit, Pharmaceutical Diversion Unit, and Street Corner Unit cases:
 1. Route requests to the Rapid Indictment Program at the Criminal Investigation Section.
 - a. A complete copy of the Case and Bond Information Sheet (Form 527A), countersigned by the district or unit commander, will accompany the request.
 2. Upon receipt of such request, the Rapid Indictment Program will review the request and cause the facts to be presented to the county prosecutor without delay. Incomplete Forms 527A will be returned to the initiating officer through command channels.
 - a. Officers will not hold out any pertinent information. The county prosecutor needs to know as much as possible about a given case before circumventing the usual procedure of taking the case through criminal court.
 3. Restrict requests to serious cases where the perpetrator(s) is known, warrants have been filed, the suspect(s) is out of the state and his whereabouts known, or he is in custody.
- B. Procedure for Processing All Felony Sex Offense Cases in Which the Victim is a Minor:
 1. In nonemergency situations or where the assailant is known but an arrest has not occurred, the investigating officer will immediately:
 - a. Prepare a Form 527A, including a complete witness list, and forward it along with any available evidence and medical information to the Personal Crimes Unit (PCU).
 - 1) PCU will conduct a follow-up investigation, notify the Rapid Indictment Program, and ensure the case is presented directly to the Grand Jury.

- a) If the Grand Jury returns an indictment, the accused will be arrested on the open indictment and proceeded against in Common Pleas Court.

12.806 PROCESSING AND ACCESSING SEALED CONVICTION/NON-CONVICTION RECORDS

Reference:

Manual of Rules and Regulations – 1.07
Records Section Standard Operating Procedure
Ohio Revised Code – Sealing of Record of Conviction, Sections 2953.31 – 2953.61

Purpose:

To outline methods of processing records and documents created in conjunction with conviction/non-conviction records requiring sealing in accordance with orders from the courts.

To ensure compliance with the law in all such instances.

To outline the types of sealed records maintained by Records Section and how each may be legally utilized by police officers.

To centralize the authority and responsibility for maintaining and coordinating processing of sealed Cincinnati records with Cincinnati Police Records Section.

Policy:

According to State law, no person who is employed by the Cincinnati Police Department, with the exception of the Records Section Director, shall knowingly release, disseminate, or otherwise make any information contained in a sealed non-conviction record jacket available to, or discuss any information contained in same, with any person not employed by the Department.

Information:

The Ohio Legislature has passed several statutes which provide the means for persons with conviction and non-conviction history to apply for court orders which require the expungement (for purposes of Ohio law, a "Sealing") of those conviction and non-conviction records and other related indexes.

A computer hit will result whenever a QHW is performed relative to a person with a sealed conviction record that was sealed after September 26, 1984.

Non-conviction records sealed after September 26, 1984, will not result in a computer hit as a result of a QHW. There is no index to sealed non-conviction records sealed after September 26, 1984, available to anyone other than Ohio agency Records Section Directors.

Court sealing orders after September 26, 1984, may require certain actions be performed at the direction of the Records Section Director.

Procedure:**A. Accessing Sealed Conviction Records**

1. When performing a QHW on an individual with a sealed conviction record, the following message will appear: "For more information, contact the entering agency's Record Unit supervisor". This is an indication that some type of sealed record may be on file with the indicated agency.
2. Access to and copies of sealed Ohio conviction records can be obtained by any police officer under the following conditions:
 - a. If the subject of the sealed record is under arrest or the officer intends to sign a warrant for the subject and the officer wishes to determine if the defendant could be charged as a "Second Offender" on the basis of a previous offense which had been sealed.
 - 1) In a criminal proceeding under the above conditions, a sealed conviction record is admissible evidence of a "Second Offender" status.
 - b. If an officer was personally involved in the sealed case, and is the subject of a civil action arising out of that case, the officer may then use the sealed record in his/her defense.

B. Accessing Sealed Ohio Non-Conviction Records

1. Any Cincinnati police officer may view the "Investigatory Work Product" portion of any sealed non-conviction record upon request to the Records Section Director. Requests will be made on a Form 17 via the chain of command.
2. Other law enforcement agencies, under certain conditions, may view certain Cincinnati sealed non-conviction records. Application must be made to the Records Section Director.
3. Cincinnati police officers, under certain conditions, may view the "Investigatory Work Product" portion of non-conviction records in the custody of other Ohio or non-Ohio police agencies. Application must be made to the Records Section Director of that agency.

C. Processing and Coordinating Court Ordered Sealings

1. Upon receipt of a court order to seal records, the Records Section Director will:
 - a. Ensure the Records Section sealing process is carried out according to existing Records Section Standard Operating Procedure.
 - b. Notify affected district/section/unit commanders, via Form 17, of the requirements for sealing a record.
2. Upon receipt of a Form 17 from the Records Section Director, indicating action to be taken as a result of a court ordered sealing, the district/section/unit commander will:

- a. Sign all Forms 17 and send through proper channels, along with the required indicated documents, to the Records Section Director for sealing in special files.

12.809 COURT ORDERS FOR TELEPHONE RECORDS

References:

United States Code (USC) 18USC2510-18USC2522, et al - Federal Wiretap Statutes
 18USC2703 - Release of Subscriber Information to Law Enforcement under Court Order
 18USC3127 - Authority to issue orders pursuant to 18 USC 2703
 Ohio Revised Code (ORC) 2933.52 - Interception of wire, oral or electronic communications
 ORC 2933.53 - Application for Interception Warrant
 ORC 2933.56 - Contents of warrant; sealing of application and warrant; disclosure; retention
 ORC 2933.58 - Instructions to investigative officers; procedures for interception; territorial validity
 ORC 2933.59 - Execution of warrant or oral order; recording or resume; termination; tampering; destruction of documents; disclosure
 ORC 2933.61 - Service of inventory on intercepted persons; inspection of materials
 ORC 2933.64 - Training in wiretapping and electronic surveillance
 ORC 2933.65 - Civil and criminal actions for violations
 ORC 2933.76 - Authorization of use of a pen register or trap and trace device
 ORC 2933.77 - Authorization for TSP to charge for services outside of the normal course of business and for technical assistance and equipment
 Procedure 17.100 - Record Storage
 Standards Manual – 42.2

Definitions:

On Line Listing Information (OLLI) – Provides subscriber name, address, and zip code on published telephone numbers in the Cincinnati Bell service area. No court order required.

Dialed Number Recorder (DNR) – Equipment installed at service provider's Central Office. Electronically traps numbers dialed from a target location. Requires monitoring and additional equipment. Incoming call data can be received if the target line has Caller ID service and the equipment is enabled to capture such data.

Pen Register – Same as a Dialed Number Recorder

Trap and Trace (T&T) – Software programming by provider at the switch, which records numbers dialed into a target's phone (Incoming Calls). By using Pen Register and Trap and Trace together both incoming and outgoing calls will be identified.

Non-Published number – Unlisted telephone service: Subscriber name, and address on non-published telephone numbers requires a court order. There is no cost for this service.

Call Termination Study - Provides a list of telephone numbers, which are terminating at a designated location. Not all calls will be recorded depending on the volume of calls.

Pre-paid Account - Service is provided to a subscriber, who has pre-paid their account. Usually seen where minutes are purchased on a particular cell phone number. Subscriber information is not confirmed by service provided, thus information is not reliable. Any name can be provided to service provider for subscription. Court order is required.

Telecommunications Service Provider (TSP) – Company responsible for the transmission of communications through either land or cellular capabilities. Includes Cincinnati Bell, Ameritech, Cingular, Nextel, Sprint, Verizon, etc.

Purpose:

Clarify the responsibility of officers and supervisors in requesting court orders for telephone records. To identify the Intelligence Unit as the Unit responsible for writing court orders, providing requesting units with instructions for getting them signed, serving them on the affected telephone company, receiving returns from the telephone company, and keeping a master file of all court orders. The Intelligence Unit has the only state certified officers to perform the service required in court orders for certain telephone records.

Policy:

Requests for court orders for telephone records pursuant to 18USC2703 will only be made in connection with a legitimate criminal inquiry. Requesting officers will provide the information as requested by the Intelligence Unit. Records obtained pursuant to a court order will only be used for criminal investigations and will be maintained in a manner which prevents the release of such information to anyone not involved in the investigation or criminal prosecution.

Information:

A Criminal Judge of Common Pleas must sign all telephone record court orders.

All telephone court orders require the following information on the affidavit:

A requesting officer needs to provide his name, rank, unit of assignment, working hours, telephone and fax numbers. The officer must include the criminal charge, with the ORC Section number for the investigation, and a brief statement of probable cause.

The probable cause statement must include how the number is involved in the criminal activity and how the requested information will assist law enforcement in the criminal investigation.

Procedure:

A. Requesting Telephone Records

1. Requests for information on “published” telephone numbers will be made through the Intelligence Unit. Information will be retrieved from OLLI.
2. Requests for information on “non-published” telephone subscribers, toll records for long distance calls, credit information and custom calling features for Cincinnati Bell numbers, subscriber requests for other Telecommunications Service Providers (TSP), and billing records from wireless carriers will require a Common Pleas Court Order.
 - a. The requesting officer must provide the appropriate information to the Intelligence Unit.
 - 1) The Intelligence Unit will complete a Hamilton County Common Pleas Court Order Application and Order. The court order will be addressed to the TSP for the exact records requested.
 - 2) The Intelligence Unit will fax or deliver the application and order to the requesting officer to take to the Hamilton County Common Pleas Court On-Call Criminal Judge. The requesting officer will fax or deliver the signed application and order to the Intelligence Unit. The Intelligence Unit will serve the order on the TSP. Some providers require certified copies, those must be obtained and delivered to the Intelligence Unit.
 - a) Intelligence will advise requesting officer at time of request if a certified copy of the order is needed.
 - 3) Notify the requesting officer in advance if the company involved may require personal service. The requesting officer is responsible to serve personal service orders.
 - 4) When the records are available, the Intelligence Unit will contact the requesting officer to arrange for pick up.
3. Use of Pen Register/Dialed Number Recorder (DNR) or Trap and Trace (T&T)

NOTE: The investigating unit must maintain daily contact with the Intelligence Unit for the duration of the DNR or T&T surveillance. This daily contact is critical to the success of the DNR and T&T surveillance.

- a. Direct requests for DNR and T&T surveillance to the Intelligence Unit Commander. The Intelligence Unit Commander will review the request and obtain the Criminal Investigations Section (CIS) Commander and Investigations Bureau Commander's approval. The requesting officer must supply his name, rank, unit of assignment, and unit supervisor approving the expenditure of funds for the service.
 - 1) In the absence of the Intelligence Unit Commander, the CIS Commander, Investigations Bureau Commander or Police Chief will approve or deny the request.
- b. Subscriber information for target phone(s) will be verified using a Hamilton County Common Pleas Court Order.
- c. An investigator from the requesting unit will be the affiant on all orders. The Intelligence Unit Commander or his designee will assist in drafting the Application and Entry.
 - 1) The Application and Entry will then be presented (for review and approval) to the Criminal Judge of the Court of Common Pleas. Once the order is signed, it will be hand carried to the Intelligence Unit Commander or his designee. **NO EQUIPMENT** will be installed or **TSP ASSISTANCE** provided until the Intelligence Unit Commander has the court order in hand.
- d. The Intelligence Unit Commander or his designee will manage and control any DNR equipment until it is either installed and/or delivered to the telephone service provider's security personnel for installation.
 - 1) The Intelligence Unit Commander will keep the CIS Commander and the Investigations Bureau Commander informed at all times until the investigation is completed.
- e. The Intelligence Unit Commander or his designee will instruct the affiant to hand deliver the Court Entry to the Hamilton County, Common Pleas, Clerk of Courts Office for filing of the documents.
- f. Upon completion of the investigation, all computer records, hard copies of reports, a copy of the Application and Court Entry and any other records associated with the DNR investigation will be maintained and stored under the Intelligence Unit Commander's direction.
- g. Upon completion of the investigation using the T&T, all computer records, hard copies of reports, a copy of the Application and Court Entry, and any other records associated with the T&T investigation will be strictly maintained, and properly stored under the Intelligence Unit Commander's direction.

- h. Upon completion of the investigation, the Intelligence Unit will complete a Form 630 and route it to Fiscal and Budget Section.
4. Use of Call Termination Studies from Cincinnati Bell

NOTE: Originating and Terminating Call Records for non-billable calls are not routinely kept in the TSP day-to-day records. The TSP is required to have an employee to program the Central Office (CO) switch to generate the call records in response to a court order. The TSP is authorized to bill for such assistance pursuant to ORC 2933.77.

- a. Request for Call Termination Studies will be directed to the Intelligence Unit Commander. The Intelligence Unit Commander will review the request and approve or deny the request. The requesting officer must supply name, rank, unit of assignment, name of his/her unit supervisor approving the expenditure of funds for the service.
 - 1) In the absence of the Intelligence Unit Commander, the Criminal Investigations Section Commander, the Bureau Commander or the Police Chief will approve or deny the request.
- b. Subscriber information for the target phone(s) will be verified using a Common Pleas Court Order, or an Authorized Consent Form signed by the telephone subscriber.
- c. An investigator from the requesting unit will be the affiant on all orders. Intelligence Unit Commander or his/her designee will assist in drafting the Application and Entry. Documents will be reviewed for accuracy.
- d. Upon completion of the investigation, all computer records, hard copies of reports, a copy of the application and court entry, and any other records associated with the investigation will be maintained and stored under the Intelligence Unit Commander's direction.
- e. Upon completion of the investigation, the Intelligence Unit will complete a Form 630 and route it to Fiscal and Budget Section.

12.810 SUBPOENAS

Purpose:

Set a uniform procedure throughout the Department for handling subpoenas.

Procedure:

A. Receiving Subpoenas:

1. Officers picking up subpoenas at the Prosecutor's Office will:
 - a. Immediately hand deliver subpoenas to supervisor.
 - 1) If the person who normally handles subpoenas for the unit is not available, the supervisor will remove subpoenas for the next court day, enter them in the Subpoena Book, and direct an officer to serve them.
 - a) The supervisor will collect the subpoenas at the end of the shift and make the necessary entries in the Subpoena Book.

B. Recording Subpoenas:

1. Enter subpoenas not for Department employees in the unit Subpoena Book. Subpoena Books contain the following information:
 - a. Date/time received
 - b. Name and address of subject subpoenaed
 - c. Courtroom
 - d. Returnable date
 - e. Name of serving officer
 - f. Disposition: date/time and method of service (on person, residence, etc.) or reason for failure to serve
2. Enter subpoenas for Department employees in the Court Notify Book.

C. Serving Subpoenas:

1. Serve subpoenas immediately.
 - a. Serve the subpoena at least 48 hours before the court date.

2. The courts prefer personal service. "Served on Residence" is acceptable when:
 - a. The serving officer determines the subject lives at the address.
 - b. The reason for the service is on the duplicate subpoena, e.g., "Not home March 30, 1993, 1000 hours. Left under door."
 3. The serving officer will complete the reverse side of the duplicate subpoena (yellow copy), listing the service information in the space provided, and return directly to the Clerk of Courts via interdepartmental mail no later than 24 hours after the subpoena has been served.
 4. If the serving officer is unable to locate the witness, and unable to make service, the above procedure will be followed. In addition, the original subpoena (white copy) will be sent directly via interdepartmental mail to the agency that typed the subpoena, e.g., City Prosecutor's Office, etc.
 5. Officers will record the following information:
 - a. Date and time service was executed/attempted.
 - b. Name of officer(s) executing/attempting service.
 - c. Name of person on whom legal process was served/executed.
 - d. Method of service or reason for nonservice.
 - e. Address of service/attempt.
- D. Serving Subpoenas on Citizens:
1. Serve criminal and traffic court subpoenas for persons living or employed within the Cincinnati corporate limits.
 - a. The Hamilton County Municipal Court Bailiff's Office serves subpoenas in the Hamilton County area outside the Cincinnati limits.
- E. Reluctant Witnesses:
1. The Hamilton County Prosecutor's Office forwards the subpoena to the arresting officer when the Arrest and Investigation Report (Form 527) and the Grand Jury praecipe show a witness is a "Reluctant Witness."
 - a. The arresting officer will serve the subpoena "On Person." Do not serve on the witness' residence.

- F. Serving Subpoenas on Suspended Department Employees:
1. If the suspension is more than seven days, the employee's supervisor must submit a Form 17 stating the effective dates of the suspension to the Court Control Unit.
 - a. A supervisor will serve the subpoena on the employee at home.
 - 1) Get help in serving the subpoena from the suspended employee's resident district or the district closest to the residence.
 - b. The Department will not compensate for these appearances.
 2. If the suspension is for seven days or less, the employee's supervisor must forward a completed Change in Court Appearance (Form 678) to the Court Control Unit for each subpoena the employee receives. The Court Control Unit will request a continuance until the employee returns to duty.

12.815 COURT APPEARANCES, JURY DUTY, AND OTHER HEARINGS

Reference:

Procedure 12.555 - Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders
 Procedure 12.810 - Subpoenas
 Procedure 12.816 - On-Call Court Appearance
 Procedure 12.817 - Court Management System (CMS)
 Procedure 12.820 - Compensation for Court Attendance, Hearings and Other Administrative Recalls
 Procedure 12.825 - Compensatory Time and Paid Overtime
 Procedure 13.100 - Field Training Officer Program
 Procedure 19.105 – Sick/Injured With Pay and Special Leaves
 Manual of Rules and Regulations and Disciplinary Process
 Fraternal Order of Police/City Labor Agreement
 Department of Human Resources, Personnel Policies and Procedures
 Ohio Rules and Regulations – Article 69

Purpose:

Ensure compliance by employees with Department procedure and directives of the courts, including jury duty.

Keep court time to a minimum while maintaining current conviction rates and avoiding civil liability suits.

Provide specific instructions for completing and processing the following:

- Recording vacation and compensatory time scheduling
- Form 678, Change in Court Appearance through Employee Tracking Solution
- Form 674, Case Delay Request Card
- Request for dismissal of charges in court
- Employees failing to appear in court

Policy:

Employees will appear for scheduled court cases in a timely and professional manner and will be well prepared to present cases and testimony to the courts.

Officers who are injured with pay or in **any** off duty sick status are not permitted to work outside employment details. This includes officers who cannot report for court because they are sick or injured. Officers must call on the track and physically report for their tour of duty before becoming eligible to work an outside employment detail.

Information:

Appearance in court as necessary is a job requirement of the Cincinnati Police Department. The court's schedule does not coincide with the shifts worked by many Department personnel, thus requiring personnel to appear in court during hours other than their normal working hours. Contractual and procedural provisions provide compensation for officers appearing in court when not on duty. The ramifications of not appearing in court when notified can be severe, not only in the loss of cases, but in increased civil liability for the Department as well as the officer. Additionally, personnel are subject to disciplinary action if they fail to appear as notified or fail to comply with the provisions of this procedure.

Procedure:

A. Court Control Unit

1. Employees responding for testimony in Grand Jury, Juvenile Court, Common Pleas, or any Municipal Court will first respond to the Court Control Unit, Room 147, Hamilton County Courthouse.
 - a. Office hours are Monday through Friday from 0730 to 1530 hours.
 - 1) When trials extend beyond 1530 hours, employees will have the respective prosecutor mark and sign a Form 68P, Overtime and Court Appearance Report, with the time released from court. Employees will deposit their Form 68P in the locked mailbox located outside the Court Control Unit door.
 - b. Department employees will be properly groomed and dressed, including authorized firearm, badge, and ID card. Department employees will wear either the uniform of the day (for their respective unit) or acceptable business attire of conservative color and design.
 - 1) Male employees in conservative business attire will wear a suit or sport coat with dress trousers, shirt, tie, and dress shoes. Earrings are not allowed.
 - 2) Female employees in conservative business attire will wear a business style dress, slacks, or suit and dress shoes. Moderate use of makeup is acceptable.

- 3) Clothing made of denim material is not acceptable.
- 4) Mountain bike officers attending court while off-duty will wear the uniform of the day or conservative business attire.
 - a) The mountain bike uniform may be worn to court only when the officer is on-duty and riding the mountain bike that day.

2. Reporting to the Court Control Unit

- a. Sign the log-in sheet provided by the Court Control Unit and advise of the case and courtroom.
 - 1) Indicate on the log-in sheet if the case is an outside employment case.
- b. Employees will receive compensation (up to 1/2 hour) on a Form 68P for checking in at the Court Control Unit before responding to court.
 - 1) Allow enough time to permit the log in process and travel time to the courtroom before the scheduled hearing time.
- c. The Court Control Unit will:
 - 1) Add the name of employees properly notified, case number, room number, and time of the court appearance to the Court Control Unit's daily automated court docket, if not listed.
 - 2) Issue a time stamped Form 68P to the Department employee.
 - a) A Form 68P will not be issued to employees not notified to appear.
 - b) Employees will complete the "Time in court" block on the Form 68P. This block will reflect the "Time Stamp In" and "Time Stamp Out" information.
- d. Outside employment cases
 - 1) Compensation for court appearances arising from arrests and citations occurring while working an outside employment detail is the responsibility of the outside employer.

- 2) Officers on duty at the time of a scheduled hearing:
 - a) Issue, process, and route a Form 68P as described in this procedure. The Form 68P issued by the Court Control Unit will be stamped "Outside Employment Case". The officer may submit a copy of this Form 68P to the outside employer for compensation.
 - 1] The district/section/unit commander will use the Form 68P to determine the time spent by an employee in the disposal of a case.
 - a] The employee must submit a Form 25S, Application for Leave of Absence, for vacation or compensatory time to cover this period.
 - b] The district/section/unit commander will attach the Form 25S to the Form 68P before processing by the unit time clerk.
 - 3) Officers off duty at the time of a scheduled hearing and notified through the Department to appear in court on outside employment cases must respond to the Court Control Unit.
 - a) The Court Control Unit will issue a Form 68P stamped "Outside Employment Case". The officer may submit a copy of this Form 68P to his outside employer for compensation.
- e. Multiple Common Pleas Court appearances
- 1) When an employee attends Common Pleas Court and the trial lasts more than one day, the employee will keep the subpoena until excused by the court.
 - 2) The employee will sign in each day at the Court Control Unit and prepare a separate Form 68P for each day's attendance.
 - a) The prosecutor will note the time excused on the Form 68P.
 - 3) The Court Control Unit submits all Forms 68P to the unit of assignment.

- f. Defense appearances
 - 1) Employees who appear in court or produce documents on behalf of the defense, either voluntarily, or in response to a subpoena, must immediately submit a Form 17 via the chain of command to Planning Section notifying the Police Department of the appearance.
 - a) Include in the Form 17 a brief summary of the expected testimony or the document requested.
 - b) Attach a copy of the subpoena.
 - c) For cases in Common Pleas Court, fax the Form 17 and subpoena to the Hamilton County Prosecutor's Office at 946-3105.
 - d) For all other cases fax the Form 17 and subpoena to the Solicitor's Office at 352-1515.
 - 2) Planning Section will maintain a copy of the Form 17 and subpoena.
 - 3) Employees must sign in at the Court Control Unit and advise they are appearing for the defense. The Court Control Unit will add the employee's name, case number, room, and time on the daily automated court docket.
 - 4) The Department will compensate employees who receive a subpoena from the defense for court appearances resulting from their duties as a police officer in the same manner as a normal court appearance.
 - g. Court appearances resulting from off-duty arrests
 - 1) The officer must sign in at the Court Control Unit.
 - 2) The Department will compensate officers for court appearances resulting from enforcement action taken as a police officer while off duty and not working police related outside employment.
3. Endorsement of Form 68P by prosecutor or grand jury foreman
- a. Before the case is called in the courtroom, the employee will complete all the case and employee information on the Form 68P.
 - b. Upon completion of the employee's appearance and release by the prosecutor, the employee will present the prosecutor with the completed Form 68P.

- 1) The prosecutor will sign the Form 68P and enter the time next to his signature.
- c. The employee will immediately hand-deliver the completed form back to the Court Control Unit.
4. Officers will get a subpoena from the prosecutor in Grand Jury and Common Pleas. Take the subpoena to the Common Pleas Clerk of Court's Office, Room 315, Hamilton County Courthouse. Each officer will hand-deliver it to the clerk located at the Criminal Desk.
 - a. The Juvenile Court prosecutor will issue a subpoena from Juvenile Court. Take the subpoena to the Juvenile Court Clerk's Office, first floor, 800 Broadway, and deposit it in the basket on the front counter.
 - b. Officers will not need to wait for a check except for outside employment arrests where officers want to keep the check.
 - c. Court Control Unit personnel will respond to the Clerk's Office each business day and receive one voucher for all court appearances for the previous court day.
5. Final processing at the Court Control Unit:
 - a. When employees return the completed Form 68P, the Court Control Unit will:
 - 1) Inspect the Form 68P for accuracy.
 - 2) Time stamp the Form 68P.
 - a) Question unreasonable lapses between the time the prosecutor signed the Form 68P and the arrival of the employee at the Court Control Unit.
 - 1] Document and submit to the district/section/unit commander any unreasonable lapses that would result in additional compensatory time.
 - 3) Make the proper entry on the log-in sheet showing the employee completed the court process.
 - 4) Stamp in green "For Pay - Grand Jury Court Appearance", "For Pay - Common Pleas Court Appearance", or "For Pay - Juvenile Court Appearance". This will notify district/section/unit timekeepers the appearance is a paid appearance.
 - 5) Stamp in red "Outside Employment Arrest" on any off-duty appearances arising from outside employment arrests.

- 6) Ensure officers appearing on duty have "**ON DUTY**" noted in the "Court time for time" block.
 - 7) Keep the Form 68P for processing to the employee's unit.
 - b. Employees unable to check out because the Court Control Unit is closed will deposit their Form 68P in the locked mailbox located outside the Court Control Unit door.
 - 1) The Court Control Unit will make a copy of the Form 68P and mail the original to the employee's unit.
6. Police personnel subpoenaed to court or board hearings at a location in Hamilton County other than the Hamilton County Courthouse, Hamilton County Justice Center, or the Hamilton County Juvenile Court, including but not limited to, United States Federal Court appearances in Cincinnati, Ohio, and Covington, Kentucky.
- a. Appear at the location listed on the subpoena at the scheduled time.
 - b. Complete a Form 68P.
 - 1) Have the person in charge of the hearing (prosecutor, probation officer, officer of the court, etc.) sign the Form 68P on the line titled "Verified by:" and fill in the space titled "Time in court".
 - c. Obtain the check issued by the agency for compensation of the appearance.
 - 1) Endorse the check and write "For Deposit Only" on the rear of the check.
 - d. Turn the Form 68P and check into the unit timekeeper for processing and forwarding to the Finance Management Section.
7. The Court Control Unit will review each day's activities and submit a monthly report to the Inspections Section Commander listing the following:
- a. Number of employees notified to appear in court.
 - b. Number of employees excused from court through the Change in Court Appearance process.
 - c. Any employee who didn't properly appear as notified, including absences and tardiness.

- d. Any employee who responded to court without being notified through the normal notification process.
 - e. Any employee who responded to court whose attire or appearance was inappropriate.
 - 1) In addition to the monthly report, this will be reported as it occurs.
 - f. Any other notable occurrences, violations, or incidents.
 - 1) In addition to the monthly report, these will be reported as they occur.
8. See Procedure 12.825 concerning processing Forms 68P at the district/section/unit level.
- B. Change in Court Appearance
- 1. Requests for continuances
 - a. The Department will consider requests for continuances in instances involving emergencies, illness, injury, or where cases are scheduled on days previously entered into the CMS i.e., scheduled vacation, off day, training day, etc.
 - b. The Change in Court Appearance request will be completed within 72 hours of the officer receiving the notify, when possible.
 - 2. Employee unable to appear in court
 - a. Employees who cannot attend court because of unforeseen circumstances or emergencies occurring on the scheduled court date will immediately notify a supervisor.
 - 1) The supervisor will review the circumstances with the officer.
 - 2) The supervisor will immediately complete a Change in Court Appearance request through ETS if the criteria for excusing the officer from court are met as set forth in Section C.1. Indicate the new primary officer who will be attending court if possible. If not, request a new court date and indicate when the officer will return to work.
 - a) Immediately work-flow the Change in Court Appearance request to the Court Control Unit.
 - b) For same day or next day court appearances, call the Court Control Unit before 0800 hours and notify them of the Change in Court Appearance request sent via ETS.

- 1] Phone notifies made before or after office hours will be left on the Court Control Unit voice mail.
 - 3) The Court Control Unit will forward the Change in Court Appearance information to the court where the officer is scheduled to appear.
3. Change in primary officer
 - a. When the primary officer notified for court cannot appear, a unit supervisor will, if possible, notify an alternate officer competent to testify to appear.
 - b. The supervisor will complete a Change in Court Appearance request in ETS showing the change in primary officer and reason for the change.
 - 1) The supervisor will work-flow the request through ETS to the Court Control Unit.
 4. Training does not take priority over a scheduled court case. Certification training or State mandated training such as CPR, OVI, annual firearms qualification, canine, and mounted training are the only exceptions.
 - a. If time permits, the preferred method for handling conflicts between court and training is to reschedule the training or, if possible, trade training dates with another officer.
 5. Officer not needed for court
 - a. Before a supervisor completes a Change in Court Appearance request, officers will:
 - 1) Make personal contact with the appropriate prosecutor to confirm they are not needed for court.
 - 2) Include the name of the prosecutor authorizing the Change in Court Appearance.
 - a) If the officer cannot make personal contact with the prosecutor, the Change in Court Appearance will not be submitted to the Court Control Unit and the officer will respond to court as notified.

6. Officer suspension
 - a. If an officer is suspended seven days or less, the district/section/unit commander will immediately forward the Change in Court Appearance request to the Court Control Unit, via ETS, for each court notify the officer receives while under suspension. The Court Control Unit will then request a continuance until the officer returns to duty (refer to Procedure 12.810).
 - b. If an officer is suspended more than seven days, the district/section/unit commander will initiate a Form 17 advising the Court Control Unit of the suspension dates. This form will request future court dates for the suspended officer be handled by subpoena.
 7. The Court Control Unit will determine if the request is in compliance with this procedure if it is received before the scheduled court appearance.
 - a. The Court Control Unit will forward the Change in Court Appearance request to the Hamilton County Prosecutor or Municipal Court Prosecutor requesting a change in officer needed for court.
 - b. If the request does not meet Department guidelines for change in court appearance, the Court Control Unit will reject the request through ETS, outlining in the notes of the message the reason for rejection. The supervisor will insure the officer is notified of the rejection. The officer will attend court as scheduled.
 - c. In cases with multiple officers, cases will not be reset for any officer other than the one who signs the complaint.
 - d. In all cases, district/section/unit supervisors will be held accountable for any Change in Court Appearance request determined by the Court Control Unit as not meeting Department guidelines.
 8. If ETS is down, all Change in Court Appearance requests will be sent via fax. The Form 678, Change in Court Appearance, will be used in these instances.
- C. Completing a Form 674, Case Delay Request
1. If more than one case is scheduled on the same day and at conflicting times, complete a Form 674. The Court Control Unit provides this form for all officers in court who have cases in other courtrooms.
 - a. Upon completion, give the Form 674 to the prosecutor in the room where the case will be held.

D. Request for Dismissal of Charges in Court

1. Officers who believe it is necessary to request dismissal of a charge or to otherwise intervene in the disposition of any case before the court will submit a request through channels to their bureau commander stating the reason(s).
 - a. Officers are not to proceed in requesting a dismissal or to intervene in a court case unless permission has been granted.
 - b. After the bureau commander's approval, the officer will consult with the appropriate prosecutor's office before approaching the court for the stated purpose. The officer will, at the time of consultation, present to the prosecutor a copy of the bureau commander's approved request.

E. Notification for Deposition Hearings

1. The Solicitor's Office notifies Planning Section when an officer is required to respond to a deposition hearing. Planning Section is responsible for notifying a supervisor in the district/section/unit where the officer is assigned.
2. The district/section/unit supervisor will enter the notification in the blotter and will notify the officer to appear for the deposition hearing.
 - a. Notification must be confirmed. Leaving a message on an answering machine, fax, voicemail or pager is not considered confirmed notification.
 - b. The blotter entry must be signed out by the supervisor making the notification or by the officer.
3. The notifying supervisor will send a confirmation message to the Planning Section mailbox by email upon notification of the officer. (Planningsection@cincinnati-oh.gov).
4. Planning Section will notify the Solicitor's Office and will complete and file all pertinent paperwork.

F. Other Hearings

1. A Department member requested or subpoenaed to appear by anyone other than the City at an arbitration hearing related to discipline or a civil court personnel related action filed against the City:
 - a. Will immediately notify the Internal Investigations Section.
 - b. Will not appear in uniform except when pre-approved by a bureau commander, but will dress in conservative business attire.

- c. Will not interpret matters of policy as only the Police Chief sets policy for the Department.
 2. Department members appearing in court on personal matters, civil or criminal, will not appear in uniform.
 - a. Any officer entering the courthouse or 800 Broadway when not engaged in official business, must pass through the metal detectors. Any officer carrying a firearm and not on official business must have the firearm secured and under control of the sheriff. No exceptions to this order are permitted. Lock boxes at the Courthouse are located at the rear basement door. Lock boxes at 800 Broadway are located at the front door.
 - b. Any officer encountering difficulties at a checkpoint, either at the courthouse or 800 Broadway, will request a supervisor respond to resolve the situation. Officers are not to challenge the deputy sheriff on the above issues.
 3. Citizen Complaint Authority (CCA) interviews
 - a. Interviews will be scheduled in advance with input from the officer's supervisor regarding work schedule.
 - b. Once a CCA interview is scheduled, the officer involved in the interview will not be granted time off until the interview is complete.
 - c. If an officer fails to appear for a scheduled interview, the shift Officer in Charge (OIC) will be contacted via radio by a Police Communications Section (PCS) supervisor. The PCS supervisor will provide the OIC with the name of the CCA investigator. The OIC will directly contact the CCA investigator regarding the failure to appear.
- G. Supervisory Responsibilities When Personnel Fail to Appear (FTA) or are Tardy for Scheduled Court Appearances
 1. Upon receipt of an ETS memo reference a FTA or tardy court appearance involving personnel, a supervisor will:
 - a. Conduct an investigation of the incident.
 - b. Complete and forward an FTA/Tardy Form through ETS detailing the results of the investigation.
 - 1) Refer to Manual of Rules and Regulations Sections 3.04 and 15 Disciplinary Table.

H. Employees Notified for Jury Duty

1. Upon receiving a jury duty summons, employees will immediately notify their supervisor. Employees cannot request exemption from jury duty.
2. Employees assigned to first shift group 8 will be detailed to jury duty.
 - a. Employees working any other shift or off day group wishing to be detailed to jury duty should submit a Form 440, Voluntary Shift Deviation Form, and/or a Form 443, Off Day Deviation, to accommodate jury duty.
3. Employees detailed to first shift for jury duty service will be carried as JUR-Jury Duty in the Time Book.
 - a. The Department will excuse employees for time spent on jury duty. While not actively serving on a jury, employees will be at their unit of assignment.
4. Employees detailed to jury duty will sign and forward checks received for jury duty to the unit timekeeper for verification. Officers attending jury duty on their own time may keep checks received for jury duty.
 - a. The unit timekeeper will forward the checks to Finance Management Section.

12.816 ON-CALL COURT APPEARANCE

References:

Procedure 12.815 - Court Appearances, Other Hearings, and Correspondence to Other City Departments

Procedure 12.820 - Compensation for Court Attendance and Hearings

Policy:

This procedure affects officers whose shifts begin between 0600 and 0900 hours and who are scheduled to appear in Juvenile Court or Municipal Court, except Room A and Room B. Officers will not respond to court until notified by Court Control Unit. This procedure does not apply to first shift officers on regularly scheduled off days, vacation days, or compensatory off days.

This procedure in no way limits the Department's ability to bypass the on-call system. An officer may be present in court if a supervisor determines the Department would benefit by the officer monitoring a particular case.

Procedure:

A. Court Notices

1. Officers, whose shifts begin between 0600 and 0900 hours, receiving a court notify for Juvenile Court or Municipal Court will notify their supervisor immediately.
2. The officer will complete a Form 663, On-Call Court Appearance, when scheduled to appear in Juvenile Court or Municipal Court.
 - a. Obtain the signature of a supervisor and make a copy of the Form 663.
 - b. Fax and mail the Form 663 to the Court Control Unit office.
 - 1) Return the copy of the Form 663 along with the fax receipt to a supervisor who will file the form by date. Forms 663 will be kept for 60 days past the court date.
 - 2) Forms 663 must be hand carried to Court Control Unit when the case is the same day or next day.
 - c. The supervisor will mark the time book and lineup with an asterisk, showing the officer is on call for court.
 - 1) Advise the on-call officer that no time off will be granted until final disposition of the court case.
3. Court Control Unit personnel will:
 - a. Review the Form 663 for accuracy and completeness.

- b. Mark the daily court docket sheet noting the officer is on call and will not respond to the Court Control Unit office unless notified.
 - c. File the Form 663 in a tickler file by court date for later processing.
 - d. Deliver the Form 663 for each affected Municipal courtroom or Juvenile Court to the appropriate prosecutor before the start of court each day.
4. The prosecutor in each courtroom will:
- a. Affix each Form 663 received to the appropriate case document. The prosecutor will arrange the case to allow setting within 15 minutes from the start of court.
 - b. Determine if the case requires the officer's testimony.
 - 1) If the officer's presence in court is necessary, the judge will continue the case in progress and schedule it later on the day's docket.
 - a) The prosecutor will immediately notify the Court Control Unit office to have the officer respond.
5. The Court Control Unit office will contact Police Communications Section and request the on-call officer respond to court immediately.
6. The on-call officer will respond without delay to the Court Control Unit office.
- a. The on-call officer should respond to court in less than 30 minutes.
 - 1) A supervisor must be notified if the officer will be delayed for more than 30 minutes. The supervisor will notify the Court Control Unit office supervisor that the officer is responding and advise the approximate length of delay.
 - b. The officer will respond to the assigned Municipal courtroom or Juvenile Court and notify the prosecutor upon arrival.
 - c. Upon completion of the court case, the officer will check out through the Court Control Unit.

12.817 COURT MANAGEMENT SYSTEM (CMS)

References:

Procedure 12.815 - Court Appearances, Other Hearings, and Correspondence to Other City Departments
Procedure 13.115 - Outside Training Programs/College Attendance
Procedure 16.125 - Travel on City Business
Procedure 19.105 – Sick/Injured With Pay and Special Leaves
Procedure 19.135 – Annual Vacation Policy

Information:

The CMS was developed to coordinate the scheduling of court appearances with the work schedules of police employees to eliminate conflicts and reduce court misses.

Information Technology Management System is the liaison with the Hamilton County Court Administrators Office for issues related to the technical operation of the Court Management System.

Personnel Section is responsible for the maintenance of personnel employment and assignment status in the Court Management System and serves as the Department's liaison for administrative purposes.

Procedure:

- A. Personnel Section will:
1. Enter the off day group schedule for the following year into the CMS prior to the end of the current year
 2. Maintain and review the accuracy of all personnel assignments in the CMS. Make any changes to annual off day group schedules, published transfers, retirements, resignations, new employees dismissals, and changes in shift assignments or off day groups.
- B. District/Section/Unit Commanders or their designee will:
1. Verify personnel assignments in the CMS and provide timely notification to the Personnel Section Commander of the changes in assignment or off day group.
 2. Enter all training, sick leave, FMLA leave, IWP, scheduled vacation, approved time off or any other type of leave.
 3. Verify the CMS was reviewed for scheduled Court prior to final approval of requested time off.

C. Supervisors Will:

1. Review the CMS prior to approval of time off.
2. Enter all approved Time Off, SWP, or Mandatory Training into the CMS.

D. Police Officers/Specialist Will:

1. Prior to submitting a 25s for time off, check the CMS for scheduled court. Indicate this was done by writing "CMS Reviewed" in the narrative portion of the 25s.

12.825 COMPENSATORY TIME AND PAID OVERTIME

Reference:

Cincinnati Municipal Code (CMC) - Chapter 308 - Employment Regulations
 FOP/City Labor Agreement - Sections 2, 8, 12, & 25
 AFSCME/City Labor Agreement - Articles 14 and 15
 CODE/City Labor Agreement – Article 15
 City of Cincinnati Overtime Policy
 Procedure 12.815 - Court Appearances, Jury Duty, and Other Hearings
 Procedure 12.820 - Compensation for Court Attendance, Hearings and Other
 Administrative Recalls
 Procedure 12.826 - Processing Payroll/Timekeeping
 Payroll Storage System Users Manual

Definitions:

Increment Overtime – Overtime request for pay or time for activities that are relative to routine Departmental operations. Routine activities which meet one of the criteria for Contingency Overtime will be classified as Contingency Overtime.

Contingency Overtime – Overtime request for pay or time submitted and approved in advance. Contingency Overtime will be either non-routine, specifically funded (such as council mandated PVO), or project activities (such as special investigations or sweep operations). All overtime pertaining to a SWAT operation/incident will be classified as Contingency.

Reimbursable Overtime – Contingency overtime that requires payment from an outside source, i.e., Enterprise Services, grant monies, Ohio Department of Transportation, etc.

Purpose:

Establish a procedure for administering, documenting, and processing records concerning compensatory time.

Ensure compliance with the Fair Labor Standards Act (FLSA) for non-exempt sworn and non-exempt non-sworn employees, as mandated by federal statute.

Policy:

Court, Off/Dead, Increment, and Contingency are the only categories that are acceptable for the submission of paid overtime. Contingency overtime may only be used if it has been pre-approved by the Police Chief or is allocated in the current budget.

Avoid overtime whenever possible. All personnel will strive to reduce overtime hours worked.

Supervisors will consider the use of on-duty personnel or will adjust the employee's hours rather than scheduling overtime, if contractually permissible. Pertinent provisions of the contract dealing with shift separation and shift changes must also be considered.

A supervisor will pre-approve all scheduled, unscheduled, emergency, and non-emergency overtime.

Police Department personnel, both sworn and non-sworn, who work more than eight hours in one day or more than forty hours in one week (seven day period) will be compensated according to contract or memorandum of agreement.

All compensatory time will be recorded as directed in this procedure. Unrecorded time is strictly prohibited.

Department personnel will be compensated for holidays according to current Fraternal Order of Police (FOP), American Federation of State, County, and Municipal Employees (AFSCME), and Cincinnati Organized and Dedicated Employees (CODE) contracts, and CMC Section 308-9. Sworn personnel receive 120 hours compensatory time on January 1 each year instead of holiday pay. Holidays are treated as any other day.

Annually, each sworn member will have up to three compensatory hours deducted from their time and deposited in the FOP donated time bank. The amount of time deducted is at the discretion of the FOP President.

Personnel will be compensated only for increment overtime previously authorized by their supervisor, except in extreme emergencies.

Information:

FLSA exempt sworn employees include sergeants, lieutenants, captains, assistant chiefs, and the Police Chief. FLSA non-exempt sworn employees include police officers and specialists. FLSA non-exempt sworn employees are capped after accumulating 480 FLSA compensatory hours. This does not include the 120 hour annual holiday allowance. When the 480 hour cap is reached, all additional overtime, including compensatory time, is compensated by cash payment. The 480 hour cap is revolving. It does not end except when employment is terminated. All comp-time eligible, non-sworn employees, whether FLSA exempt or non-exempt, are capped after accumulating 80 FLSA compensatory hours.

Conditions may exist which require an employee to perform a work related function outside of the normally established business hours of that employee. If this occurs, all CODE, Division 0 (non-CODE), and Division 8 employees may adjust their schedules to use these hours as time off within the same pay period.

Supervisors will make every effort to ensure flex time is used in the same pay period it is earned. If circumstances do not permit the eligible employee to use the time within the same pay period, the employee may accrue flex time at a straight rate. Flex time may only be accrued past the pay period with the prior approval of the employee's supervisor. Only non-overtime eligible CODE, Division 0 (non-CODE), and Division 8 employees may accrue flex time.

Absent extenuating circumstances, the supervisor will require the employee to use any accrued flex time within the next pay period. When this is not possible, a plan should be established to use accrued flex time as soon as possible. Unused flex time may not be carried longer than 6 months.

Employees who accrue flex time will submit a Form 202F, Flex Time Accrual/Usage of Flex Time, signed by a supervisor, to Finance Management Section via the chain of command. A copy of the Form 202F will accompany the Form 202C, Weekly Time Report, submitted at the end of the 2nd week of the pay period. A Form 202F is not required if the overtime hours are used within the same pay period.

Flex time will not be used as a way to allow employees to accumulate time for future use. Additionally, flex time will have no cash value under any circumstances.

All non-sworn employees will complete a Form 202C. Employees whose working hours are listed on a daily line-up are not required to complete a Form 202C unless they are eligible for flex time.

Procedure:

A. Overtime Compensation

1. Personnel working overtime will complete and submit a Form 68P, Overtime and Court Appearance Report, by the end of the next working day. Authorization must be given prior to working the overtime.
 - a. Check "Time" or "Pay" on the Form 68P.
 - b. In cases of increment overtime, the supervisor authorizing the overtime will sign the Form 68P in the "Overtime pre-approved by" block. At the time of authorization, if the authorizing

supervisor is physically unable to sign the Form 68P, authorization must be given in one of the following ways:

- 1) Via MDC from the supervisor to the officer.
 - 2) Via radio if the officer has no access to an MDC.
 - 3) Via phone only when there is no immediate access to an MDC or radio.
 - a) If authorization is obtained by phone, the authorizing supervisor must sign the Form 68P in the "Overtime pre-approved by" block prior to submission.
 - c. In cases of contingency or reimbursable overtime, such as details assigned by Detail Coordination Unit (DCU), preplanned City paid details, SWAT incidents, etc., no signature is required. However, the name of the unit, i.e., DCU, or the supervisor authorizing the overtime will be entered in the "Overtime pre-approved by" block.
 - d. List scheduled duty hours in the "Duty hours" block. The overtime hours are listed in the "Overtime hours" block.
 - e. In the "Reason" block describe the activity requiring the overtime.
 - f. A supervisor will sign the "Verified by" line on the Form 68P after verifying the overtime worked and the accuracy and completeness of the form.
2. Report "Recall" as defined in the FOP and AFSCME labor agreements.
 3. If overtime is contingency overtime, a Form 17, Request for Paid Overtime, must be previously approved.
 4. The unit timekeeper will enter the overtime hours worked as outlined in the Payroll Storage System Users Manual.
 - a. File the Form 68P in the employee's individual time folder along with all Form 25S, Request for Leave of Absence.
 5. The district/section/unit commander will review and approve all Forms 68P.

B. Form 435, Payroll Overtime Report

1. Each district/section/unit commander will review all usage of overtime as recorded on the Form 435 and note his approval in the space provided.
2. The original Form 435 will be forwarded to Finance Management Section.
 - a. Post a copy on the unit bulletin board for employee review.
 - b. Maintain a copy in the unit file.
3. Document "Recall" hours on a separate Form 435.
4. Other classes of paid overtime listed on a separate Form 435 include, but are not limited to:
 - a. Overtime, Emergency - state the specific reason.
 - b. Overtime, Interdepartmental Billing - details worked for other city departments.
 - c. Overtime, Position Vacancy.

Note: A Form 17 Request for Paid Overtime is required, if applicable.

C. Other Overtime

1. Court appearance compensation - refer to Procedures 12.815 and 12.820.
2. Holiday time
 - a. Compensate non-sworn employees who work on a holiday for pay at double their hourly rate in addition to the eight hours pay ordinarily received when working a non-holiday.
 - 1) Submit a Form 68P showing the scheduled duty hours in the "Duty hours" and "Overtime hours" blocks. The timekeeper will fill in the "Overtime for pay" block showing the hours earned. Note "*Worked Holiday*" (specifying which holiday) in the "Reason" block.

3. All sworn members of the Department will receive any additional time declared for each special holiday throughout the year. The authority to grant a special holiday rests with the City Manager.
 4. Flex time accrual/usage
 - a. Employees accruing and/or using flex time will complete a Form 202F and submit it to a supervisor for signature.
 - b. A copy of the Form 202F (covering the entire pay period) will be attached to the Form 202C submitted at the end of the 2nd week of the pay period.
 - c. The original Form 202F will be sent to Finance Management Section, via the chain of command, for processing.
- D. Transfer of Personnel
1. Units transferring personnel in or out of a unit will ensure that all Forms 25S and Forms 68P have been entered. The procedure outlined in the Automated Comp-Time Program User's Manual will then be followed.

12.826 PROCESSING PAYROLL/TIMEKEEPING

Reference:

Cincinnati Municipal Code Chapter 308 - Employment Regulations
 Procedure 12.815 - Court Appearance
 Procedure 12.820 - Compensation for Court Attendance and Hearings
 Procedure 12.825 - Compensatory Time and Paid Overtime
 Procedure 16.130 - Non-sworn Employee's Daily Time Forms
 Procedure 19.140 - Outside Employment
 FOP/City Labor Agreement
 AFSCME/City Labor Agreement
 Cincinnati Police Department Payroll Storage System User Manual (User Manual)

Purpose:

Provide guidelines to instruct personnel in the use of the Department's payroll database storage system.

Facilitate the entry and tracking of payroll and compensatory time.

Administer and process compensatory time as outlined in Procedure 12.825, Compensatory Time and Paid Overtime.

Policy:

Record all compensatory time earned and used as outlined in the User Manual.

Procedure:

A. Security

1. Information Technology Management Section (ITMS) is responsible for the integrity and security of the payroll database storage system.
 - a. ITMS will assign timekeepers a user login ID and a password to access the payroll database.
 - 1) A timekeeper's password and login ID will be changed when directed by district/section/unit commanders. ITMS will make the change according to its standard operating procedure (SOP).

B. Entering Data

1. Timekeepers will enter data from approved Forms 25S, Application for Leave of Absence, and Forms 68P, Overtime and Court Appearance Report, into the payroll database storage system as directed by the User Manual.

C. Reports

1. During the first pay period of each year, Personnel/Finance Management Section will distribute a list of reporting periods and due dates for completing the Payroll Attendance Report (PAR).
2. For each reporting period, timekeepers will:
 - a. Prepare, in duplicate, a bi-weekly computerized PAR using the payroll database storage system.
 - b. Fax a copy of the PAR to Fiscal and Budget Section by 1600 hours on the Monday following the end of the payroll period.
 - c. Send the original PAR to Fiscal and Budget Section.
 - d. File a copy of the Payroll Attendance Report (PAR).
3. If the Monday following the end of the payroll period falls on a holiday, the fax copy of the PAR is due to Personnel/Finance Management Section no later than 1000 hours the following day.
 - a. If an error is found once the PAR is submitted, prepare a Form 17 requesting a payroll correction.
4. Every reporting unit will complete and file a bi-weekly Form 435, Paid Overtime Report, for increment overtime, court overtime, police visibility overtime (PVO), recalls, and Special Weapons and Tactics recalls.
 - a. District/section/unit commanders will review the Form 435 and forward it to Personnel/Finance Management Section.
5. Detail Coordination Unit (DCU) is responsible for contingency overtime details other than PVO and will complete a Form 435.
 - a. Officers working a contingency overtime detail handled by DCU will submit a Form 68P to their unit timekeeper for data entry and fax a copy of the Form 68P to DCU.

D. Compensatory Time Balances

1. Every reporting unit will prepare and file a bi-weekly Compensatory Time Balances Report for each payroll period.
 - a. Balance the unit's Compensatory Time Balances Report with the City's Leave Balances Report.
 - 1) If the time sheets do not balance, prepare a Form 17 to explain and correct any discrepancies.

2. Post a copy of the City's Leave Balances Report to be used as a reference by supervisors and personnel when granting and requesting time off.
 - a. Upon an individual's transfer, the unit's timekeeper will print out and file in the individual's payroll folder a current Compensatory Time Balances Report.
 3. Personnel/Finance Management Section is responsible for the following reports
 - a. Selling of compensatory/holiday time
 - 1) Personnel selling compensatory or holiday time must complete a Form 25S in addition to signing the computer printed form listing the number of hours and specifying either compensatory or holiday time.
 - b. Selling of sick time
 - 1) Personnel selling sick time must sign a preprinted Form 17 authorizing the deduction of sick time.
 - c. Shift differential hours reported in November for payment in December.
 - d. Surveillance Allowance Report sent in January
- E. Backup of Data
1. ITMS will backup payroll storage system data on a daily basis per its SOP.
 2. ITMS will rotate payroll storage system data to an off site storage facility on a weekly basis per its SOP.

12.830 DONATED TIME

Reference:

Labor Agreement: Queen City Lodge No. 69 Fraternal Order of Police and the
City of Cincinnati.
City of Cincinnati Personnel Policies and Procedures

Purpose:

To establishing a procedure for the management of donated time programs, while providing relief to sworn and non-sworn employees seeking relief from hardships resulting from medical conditions.

Policy:

The donor and the employee receiving the donated time need not work in the same agency, nor be in the same classification (i.e., lieutenant to police officer, police officer to clerk typist).

Procedure:

A. Sworn Employees:

1. When it is brought to the attention of a unit commander that an employee's sick time credit has been or is about to be exhausted. The unit commander will investigate:
 - a. The employee's present ailment.
 - b. The prognosis of the city physician.
 - c. The employee's record of sick time used in the past five years.
2. The unit commander will submit a Form 17 to the Police Chief, through channels, noting:
 - a. The details of the investigation.
 - 1) Include all accumulated sick time balance and usage during the previous five year period.
 - b. Any recommendation the unit commander may have concerning the employee's eligibility as a recipient of donated time.
3. Once the Police Chief approves an employee can receive donated time, the Form 17 will be forward to the Safety Director for consideration.
 - a. Upon approval by the Safety Director, the Form 17 will be forwarded to Planning Section:

- 1) Planning Section will prepare a Staff Note item indicating official approval of donated time.
 - a) The Form 17 will be forwarded to Personnel Section.
 - 1] Personnel Section will inform the Fraternal Order of Police by telephone.
 - b. If the recommendation is disapproved, Police Personnel Section will notify the employee making the request.
4. Sworn employees are eligible to receive voluntarily donated time from Department employees (sworn and non-sworn), and employees from other agencies in the city.
 - a. Each Department or city employee wishing to donate time will follow Section B.4. of this procedure.
5. Any Department member wishing to voluntarily donate time for the benefit of an approved recipient will:
 - a. Submit an Application for Leave of Absence (Form 25-S) to his unit commander.
 - 1) List the name and unit of the beneficiary, the kind of time being donated (e.g., vacation, compensatory time, or holiday time), and the number of hours being donated.
 - a) Sick time may not be donated.
 - 2) The donor's rank and signature must appear on the Form 25-S.
6. Unit timekeepers will forward the original Forms 25-S for all donated time to the Fiscal and Budget Section.
 - a. Keep a copy of the Form 25-S in the donating officer's time folder.
7. As the donated time is credited to the recipient officer, Fiscal and Budget Section will notify the donating member's and recipient's unit commander.
 - a. Fiscal and Budget Section will return the original Form 25-S to the donating member's unit commander for processing purposes and notify the recipient's commander of the number of hours donated.

NOTE: Do not make a deduction from the donor's time records until notified of use from the recipient officer's unit commander.

- b. Recipient's unit commander will ensure the Time Information Management System (TIMS) and Relief Line-Up (if applicable) are marked with the DNT (donated time) symbol.
 8. The unit commander of the eligible recipient officer will report monthly to the Police Chief, via Form 17, the total number of hours credited to the recipient officer so the credited time can be deducted from the donated time balance.
 - a. As such credits are applied (as time is used), the recipient's unit commander will notify the donating member's unit.
 - b. The unit's monthly Form 17 report must reflect the recipient's name, unit of assignment, type of time, and date the time is to be used.
 - c. In no case will donated time be employed to extend an employee's period of active duty beyond a recommended retirement date, as established by the police physician.
 - d. Upon notification by the recipient employee's unit commander, any donated time processed and not needed by the recipient due to retirement, return to duty, or other reasons will be returned to the donor and unit records adjusted accordingly.
- B. Non-sworn Employees:
1. Permanent and provisional employees may receive donated time under the following circumstances:
 - a. It is a legitimate use of sick with pay (SWP), not sick pay family (SPF) or sick pay death (SAD).
 - b. They have exhausted all of their own SWP, vacation, and compensatory time.
 - c. Approval will not be allowed if the sick employee is eligible for disability or regular retirement.
 2. Time donated is deducted from the donor's vacation balance or compensatory time balance, not SWP balance.
 - a. Any donated time processed and not needed by the recipient due to retirement, return to duty, or other reasons will be returned to the donor and unit records adjusted accordingly.
 3. When a unit commander is informed that a non-sworn employee's sick time, vacation time, and compensatory time credit has all been or is about to be exhausted:
 - a. The unit commander will investigate the prognosis of the employee's private physician.

NOTE: First secure a written release by the employee to enable the private physician to release information (patient/doctor confidentiality). If employee refuses, prepare a Form 17 with the appropriate recommendation for granting/not granting donated time.

- 1) The unit commander may request a physical examination by the city physician if the employee's injury or illness is such that it may interfere with the employee's work performance.
- b. Upon completion of the investigation, the unit commander will execute a Form 17 to the bureau commander noting:
 - 1) The details of the investigation.
 - 2) Any recommendation the unit commander may have concerning the employee's eligibility as a recipient of donated time.
- c. Upon approval of the bureau commander, Police Personnel Section will prepare an administrative teletype message and a Staff Note item indicating the employee is requesting donated time.
4. Each city employee wishing to donate time will submit a Form 25-S indicating:
 - a. The name of the person to whom the time is being donated.
 - b. The number of hours being donated.
 - c. The recipient's unit of assignment.
 - d. The type of time being donated (e.g., vacation, holiday, or compensatory time).
 - 1) Sick time may not be donated.
 - e. The fact that this is a voluntary donation of time.
 - f. The donor's classification and rank, if applicable.
5. Forward completed Forms 25-S through appropriate city channels to the Fiscal and Budget Section for processing. Keep a copy of the Form 25-S in the donating employee's time folder.
 - a. Fiscal and Budget Section will, in turn, advise the recipient's unit timekeeper as to the amount of time donated.
6. The unit of assignment of the employee receiving donated time will enter that employee's name on the biweekly Payroll Attendance Report and indicate "Donated Time" following the employee's name.

- a. Do not deduct hours from the donor's time records until notification is received from the Fiscal and Budget Section.
 - 1) Fiscal and Budget Section will return the original Form 25-S to the donating member's unit timekeeper for processing purposes.
 - 2) If the donating member's unit is outside of the Department, the Fiscal and Budget Section will notify the payroll clerk of the outside donating agency.

7. Fiscal and Budget Section

- a. Upon receipt of the bureau commander's approval and completed Forms 25-S, Fiscal and Budget Section will initiate a Form 17 to the Assistant Director of City Personnel listing the following information for each donor:
 - 1) Donor's name.
 - 2) Social security number.
 - 3) Biweekly rate.
 - 4) Hourly rate.
 - 5) Number of hours donated.
 - 6) Gross pay donated.
- b. The Form 17 will also include the recipient's:
 - 1) Name.
 - 2) Social security number.
 - 3) Biweekly rate.
 - 4) Hourly rate.
 - 5) Number of donated hours received.
- c. City Personnel will send a written verification approving the information contained in the above document.
- d. Fiscal and Budget Section will use each Form 25-S as needed to credit the donee with the appropriate hours, and process the necessary paperwork to delete the time from the donor.
- e. Fiscal and Budget Section will, at this time, advise the donor's unit of assignment to make the required deductions from the donor's time records.

- f. If the recipient employee returns to work for any length of time and incurs a new illness or injury, or a recurrence of the old illness/injury, the process for requesting donated time must be repeated.

C. Donated Time That Leaves the Department:

1. Submit a Form 17 indicating the donor's name, social security number, biweekly pay rate, hourly pay rate, and the number and type of hours donated directly to the recipient's unit.
2. Recipient's unit will notify the donor's unit when the time is used so the vacation, compensatory time, or holiday time can be deducted.

D. Fraternal Order of Police Time Bank:

1. On January 1 of each year, three hours of compensatory time will be deducted from each sworn member's compensatory time balance.

12.900 PROCESSING JUVENILE OFFENDERS

Reference:

Procedure 12.205, Traffic Enforcement
 Procedure 12.215, Cincinnati Parking Infraction (CPI)
 Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing and Arrest
 Procedure 12.315, Investigation of Rape and Other Sexual Assault Offenses
 Procedure 12.430, Endangering Children Offenses
 Procedure 12.545, Use of Force
 Procedure 12.600, Prisoners: Securing, Handling, and Transporting
 Procedure 12.610, Prisoners: Guarding Hospitalized
 Procedure 12.905, Fingerprinting and Photographing of Juveniles
 Procedure 12.910, Missing Persons
 Cincinnati Municipal Code 910-1, Attendance at School
 Ohio Rules of Juvenile Procedure Rule 6, Taking into custody
 Ohio Rules of Juvenile Procedure Rule 7, Detention and shelter care
 Ohio Revised Code 2151.022, Unruly child defined
 Ohio Revised Code 2151.23, Jurisdiction of juvenile court
 Ohio Revised Code 2151.31, Apprehension, custody, and detention
 Ohio Revised Code 2151.311, Procedure upon apprehension
 Ohio Revised Code 2151.312, Place where unruly child may or may not be held
 Ohio Revised Code 2919.21, Nonsupport or contributing to nonsupport of dependents
 Ohio Revised Code 2919.22, Endangering children
 Ohio Revised Code 2919.23, Interference with custody
 Ohio Revised Code 2919.24, Contributing to unruliness or delinquency of a child

Policy:

When dealing with juvenile offenders, it is the policy of the Police Department to employ the least coercive of the enforcement directives available to properly address the situation.

Sometimes, when dealing with juvenile offenders, there are underlying issues that need to be investigated. When coming into contact with a juvenile offender, especially runaways, curfew violators and truants, officers will look for physical signs of abuse or neglect. If there are physical signs or allegations of abuse or neglect, the appropriate investigations will be conducted, reports completed and necessary action taken.

Information:

Community safety depends primarily upon voluntary individual restraint conditioned by community norms that control harmful behavior and reinforce conventional productive behavior. Youth who are not bonded to conventional community institutions such as school, work, religious and recreational organizations are more likely to engage in criminal behavior.

The emerging direction of juvenile justice is towards a balanced and restorative system of justice. Restorative justice focuses on crime as harm and justice as repairing harm, in part, by sanctioning juveniles based upon accountability measures which attempt to restore victims and clearly denounce and provide meaningful consequences for illegal behavior.

The following enforcement directives are designed to hold juveniles accountable for illegal behavior. Employing these directives will allow the court to appropriately intervene in incidents of juvenile offenses through formal and informal action, to effectively address victim, offender and community needs in a balanced manner which enhances public safety.

In all cases where there is doubt as to the proper disposition of juvenile cases, the officer will contact Youth Services Section (YSS) for assistance. If YSS personnel are unavailable, contact a supervisor for assistance in arriving at the proper juvenile disposition.

Procedure:

A. Unofficial Complaints/Hearings

1. An officer who perceives that an informal intervention by Juvenile Court is preferable to merely releasing the juvenile to a parent/guardian without contact with Juvenile Court may sign an unofficial complaint against first time non-violent misdemeanor offenders.
 - a. Unofficial complaints are processed through the Hamilton County Juvenile Court (HCJC) and result in a scheduled Unofficial Hearing.
 - b. Unofficial Hearings provide an opportunity for the juvenile and the victim to arrive at a solution.
2. Criteria and guidelines for Unofficial Complaints/Hearings are established by the HCJC.
 - a. Unofficial complaints can only be signed for first time delinquent or unruly offenders with a minor offense.
 - b. Unofficial complaints can only be signed when a juvenile admits guilt to the offense.
 - c. Unofficial complaints are **not** permitted for the following cases:
 - 1) Any use of a gun (real or toy)
 - 2) Domestic Violence or assault against a parent, custodian, guardian, or family member
 - 3) Threat or serious physical harm or death (Menacing and Aggravated Menacing)
 - 4) Unrecovered or damaged property over \$300

- 5) Drugs
 - 6) Sexual Offenses
 - 7) Traffic violations
 - 8) Any weapon on school grounds
- d. HCJC has the final say in determining which juvenile contacts qualify to proceed with an unofficial hearing.
3. Complete a Form 314, Notice to Appear, indicating referral for unofficial hearings.
- a. Write in bold letters across the bottom of the Form 314, "Unofficial Hearing" and check the block marked "Juvenile Court (When Notified)".
 - b. Sign an "Unofficial Complaint" at the Hamilton County Juvenile Court Youth Center (HCJCYC) Intake Office.
 - 1) Verify if the offense meets the guidelines for an unofficial hearing with a HCJCYC Intake Office clerk.
 - c. A citizen issued a Form 655R, Cincinnati Police Citizen Referral, may sign an "Unofficial Complaint".
- B. Issuance of a Form 314, Notice to Appear - Closed Referral
1. In cases where an unofficial hearing is not perceived as the proper action, a closed referral may be issued for any non-violent misdemeanor offense, excluding alcohol or drug offenses, provided the juvenile has not been previously issued a closed referral for any criminal offense.
- a. Before issuing a closed referral, perform a computer query to determine the juvenile's criminal history and wanted status.
 - 1) Computer queries QHW, QW, QJN, QJO, and QJH access juvenile history and wanted entries.
 - 2) Verify an outstanding warrant for a juvenile's arrest by calling the HCJCYC Intake Office clerk (24 hours a day).
 - b. Note the title of the offense, section number, and facts of the offense on all closed referrals.
 - 1) List the type of offense in the "Title of Offense" space of the Form 314.
 - 2) Enter the facts of the offense in the "Describe Violation" space of the Form 314.

- c. To properly identify juveniles and correlate juvenile records, it is imperative closed referrals, arrest reports, and other police reports reflect the names and addresses of natural parents of the juvenile and the names and addresses of the stepparents or guardians who may now have custody of the juvenile.
 - d. Print "Closed Referral" in bold letters across the bottom of the Form 314.
 2. Once the closed referral has been completed, the juvenile must be released to an adult in the following order of preference - a parent, adult relative, adult sibling, school administrator, or responsible adult.
 - a. Inform the adult of the nature of the offense and arrange for the release of the juvenile.
 - 1) Indicate the name and relationship of the person notified on the back of the Form 314. The adult assuming custody of the juvenile must sign the front page of the Form 314.
 - b. For minor misdemeanor and traffic offenses, a telephone notification by the officer to the adult is sufficient. The name of the adult notified must be indicated on the back of the Form 314.
 3. When more than one juvenile is involved in one incident, each referral will have complete information and crossed reference notes.
 4. A unit supervisor will review a closed referral for completeness, legibility, accuracy, and appropriateness (nature of offense, policy compliance, etc.).
 5. Police personnel will forward the closed referral (both criminal status and traffic offenses) to the appropriate district Data Entry Operator (DEO).
 - a. The DEO will enter the closed referral into the computer system and forward all copies to the Records Section for filing.
- C. Issuance of Citations
 1. Sign official complaints against juveniles who have committed a felony, violent misdemeanor (per 2902.02 ORC), drug or alcohol offense or for a non-violent misdemeanor (if they have previously been issued a closed referral for a criminal offense), except in the following cases wherein a closed referral is permitted:
 - a. Complainant refuses to prosecute
 - b. Exceptional clearances (multiple case closures)
 - c. Juvenile lives outside of Hamilton County (misdemeanors only)
 - d. Children under the age of seven

2. Sign official complaints processed as citations at the HCJCYC Intake Office.
3. When the complainant in a juvenile investigation wishes to sign a juvenile complaint, the investigating officer will:
 - a. Provide the complainant a completed Form 655R, Citizen Referral, containing the following information:
 - 1) Juvenile's name and address
 - 2) Juvenile's date of birth
 - 3) Parent/guardian's name, if appropriate
 - 4) Recommended charge and section number
 - b. Inform the complainant to file the complaint against the juvenile at the HCJCYC Intake Office.
 - c. Complete a Form 314 for record purposes.
 - 1) Officers are not required to list the Juvenile Court case number or the Juvenile Court identification number on the Form 314.
 - 2) List the name, address, and phone number of the person signing the complaint on the rear of the Prosecutor's Copy of Form 314 under "Witnesses to be notified for court."
 - 3) Check the block titled "Juvenile Court (When Notified)."
 - 4) A unit supervisor will review the Form 314 and forward to the district DEO.
 - a) The district DEO will enter the citation into the computer system and forward all copies to Records Section for filing.
 - d. Release the juvenile to his parent/guardian.
 - 1) Advise the parent/guardian that Juvenile Court will notify them of the court date.
4. In cases where the officer will sign the complaint
 - a. Complete a Form 314 for record purposes.
 - 1) Check the block titled "Juvenile Court (When Notified)."
 - b. Release the juvenile to his parent/guardian.
 - 1) Advise the parent/guardian that Juvenile Court will notify them of the court date.

- c. Sign the official complaint within 16 hours of the citation at the HCJCYC Intake Office.
 - 1) Complete a Hamilton County Juvenile Court Case Summary Form, available at the Intake Office, when signing the complaint.
 - 2) Obtain the Juvenile Court case number and the Juvenile Court identification number from the intake clerk. Record the Juvenile Court case and identification number in the "Describe Violation" space on the Form 314.
 - 3) Officers have the option of completing a Form 555, Juvenile Court Pre-Sentence Probation Information Request, to provide information to the court prior to sentencing. This form may also be completed when making a physical arrest.
 - a) Completion of the Form 555 will generate a pre-sentence probation investigation. The arresting officer(s) will be contacted during this investigation to provide information relevant to the sentencing.
- d. Juvenile Court will notify all witnesses and issue the necessary subpoenas.
- e. A unit supervisor will review the Form 314 and forward to the district DEO.
 - 1) The DEO will enter the citation into the computer system and forward all copies to Records Section for filing.

D. Physical Arrest (Detention)

- 1. Reasons to admit a juvenile into detention are:
 - a. The seriousness of the offense
 - 1) Priority should be given to offenses involving violence toward a victim(s).
 - 2) A history of minor offenses may also be considered.
 - b. Protection of the juvenile from immediate or threatened physical or emotional harm.
 - c. The juvenile may abscond or be removed from the jurisdiction of the court.
 - d. The juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for the juvenile and return the juvenile to court when required.

- e. An order for placement of the juvenile in detention or shelter care has been made by the court.
2. Approval from a supervisor is required to place juveniles under 12 years of age in detention.
3. Appropriate charges must be determined prior to transport to the HCJCYC.
4. Transportation to HCJCYC (Detention)
 - a. Juveniles will be taken to the appropriate detention facility without delay, unless in need of medical attention.
 - b. Juveniles will remain handcuffed during all phases of transportation and processing.
 - c. Whenever juveniles are transported or processed, separate them from adult offenders.
5. Process all evidence through the arresting officer's district/section/unit to the Court Property Unit. Document on the Form 527, Arrest and Investigation Report, where the property was taken.
 - a. Personal property found on the juvenile will be held at HCJCYC.
6. Prepare a Form 527 when taking a juvenile to the HCJCYC.
 - a. The Form 527 will accompany the juvenile to the HCJCYC and provide the basis for the Receipt for Juvenile Form prepared by intake personnel.
 - b. Notify the HCJCYC intake or youth center officer when an arrested juvenile must obtain medical treatment prior to being transported to the HCJCYC.
7. Upon completion of the juvenile's registration, the arresting officer will file the official complaint with the HCJCYC Intake clerk.
 - a. The Form 527 should contain all pertinent information related to the case including: names of witnesses, injuries to victims, any evidence, etc.
 - b. The transporting officer(s) will enter the identification number and case number(s) obtained from the intake clerk in the "Facts of Arrest" space on the Form 527.
 - c. A unit supervisor will review the Form 527 and forward to the district DEO.
 - 1) The DEO will enter the Form 527 information into the computer and forward all copies to Records Section.

8. Officers will complete a Form 527J, Juvenile Case Investigation Jacket, for all arrests on original felony and original, reportable misdemeanor charges. The only exception is Operating a Vehicle under the Influence (OVI) arrests.
 - a. The Form 527J will include a 527B and copies of all other pertinent paperwork needed to prove the facts of the case, including probable cause, elements of the crime and evidence showing the suspect committed the crime.
 - b. A supervisor must review the contents for accuracy and completeness and sign the Form 527J.
 - c. The completed Form 527J will be entered into the district/section/unit Form 527J log book.
 - 1) **Do not** leave the 527J or 527B with the juvenile clerk.
 - d. The approved Form 527J will be logged out of the log book and hand carried to the Hamilton County Prosecutors Office (Juvenile Division) located at 230 East 9th Street, 4th floor, by the officer assigned to the property run on the next business day.
9. Notification of parent/guardian
 - a. An officer taking a juvenile into custody will make a reasonable attempt to notify the parent/guardian. Make an entry in the district or unit blotter of the notification or inability to notify.
 - 1) Notify the parent/guardian when detaining a juvenile for "in-custody" questioning.
 - a) "In-custody" means taking a juvenile to a police facility, detention facility, hospital, or other place where the juvenile is not free to leave.
 - b) The detaining of a juvenile for in-custody questioning must be based upon probable cause.
 - c) Notification of the parent/guardian is not necessary for brief field interviews.
 - d) The interviewing officer(s) will explain agency and juvenile justice system procedures to the juvenile and the juvenile's parents or guardians.
 - 1] As part of the explanation, include:
 - what violation the juvenile is being charged with.
 - whether the juvenile will be transported to the HCJCYC or released to the custody of the parent or guardian.

- whether further court proceedings will ensue.

2] Juvenile Court will handle the notifications of when to appear for further court proceedings.

- 2) The length of time for a juvenile interview is best gauged by the investigator's assessment of the juvenile's physical and emotional condition throughout the interview process.
 - a) Never interview juveniles beyond one hour without approval of a supervisor.
- 3) No more than two officers will interview a single juvenile.

E. Felony and Reportable Misdemeanor Warrants

1. Refer to Procedure 12.900 section D.8. when signing active juvenile warrants for felony or reportable misdemeanor offenses.

F. Runaways

1. Query all runaways to determine if warrants have been signed.
2. Local runaways
 - a. Take the juvenile home. Obtain supervisory approval if the juvenile lives outside Hamilton County, but within reasonable driving distance.
 - 1) If the parent/guardian cannot control the juvenile or the juvenile will run away again, they must sign an official complaint at the HCJCYC Intake Office before the juvenile is placed in detention.
 - b. Juvenile Court will issue a runaway warrant for a juvenile whose whereabouts have been unknown for 12 hours or more. Exceptions are made for a juvenile whose safety is in jeopardy.
 - c. Officers may consider a local runaway for detention if they can justify it on the basis of personal knowledge or when other delinquent acts are involved. Disposition should be made in accordance with Section D.1. of this procedure.
3. Out-of-town runaways
 - a. Take the juvenile who lives 75 miles or less to the district. Notify the parent/guardian to respond for the juvenile. A supervisor will ensure the security of the juvenile until the parent/guardian arrives.
 - 1) If there is any question regarding the cooperation of the juvenile while awaiting release, transport to HCJCYC and sign the appropriate charge as indicated below.

- b. Take juveniles living in excess of 75 miles from Cincinnati to HCJCYC.
 - 1) The arresting officer will sign an unruly juvenile complaint based on ORC 2151.022, Unruly Juvenile, Defined.
 - 2) Contact 241-KIDS (Hamilton County Department of Human Services) for assistance for juveniles under 12 years of age. Complete a Form 314 and notify Personal Crimes Unit (PCU) by telephone.
 - c. Make a blotter entry indicating the disposition of the juvenile.
 - 4. Runaways from placement centers
 - a. Place runaways, 12 years of age or older, from placement services in the HCJCYC unless immediate custody can be transferred to an appropriate authority for the juvenile's return.
 - 1) The arresting officer will complete a Form 527.
 - b. Contact 241-KIDS for a juvenile under 12 years of age if the juvenile cannot be returned to the agency having jurisdiction. Complete a Form 314 and notify PCU by telephone.
- G. Incurable Complaints
- 1. Police officers will not initiate an arrest for incurability without an official complaint signed by a parent/guardian.
- H. Juvenile Traffic Offenders
- 1. Juveniles 12 through 17 years of age inclusive, who commit a minor traffic violation, may be issued an Ohio Multi-Count Uniform Traffic Tag (MUTT) or a closed referral.
 - a. When a closed referral is issued, write "Closed Referral" and the specific charge in the "Offense Charged and Description" block of Form OH-1.
 - b. Juveniles 7 through 11 years of age will receive a closed referral unless one of the following occurs:
 - 1) Operation of a vehicle without a valid driver's license.
 - 2) Operating a Vehicle Under the Influence (OVI) violation.
 - 3) Auto accident with serious injuries or a death to another (excludes pedestrian accidents wherein the juvenile is at fault and injured)
 - 4) Auto accident involving severe property damage

2. If a traffic code violation (for OVI cases, see Section H.3. of this procedure) is committed by a juvenile driving a motor vehicle, and the officer determines a warning (Closed Referral) is not sufficient, the following will apply:
 - a. District officers will cite juvenile traffic offenders on an MUTT to Hamilton County Juvenile Court on the following days except court holidays:
 - 1) Monday - District 1 and District 5
 - 2) Tuesday - District 2
 - 3) Wednesday - District 3
 - 4) Thursday - District 4

NOTE: Other units are not restricted.

 - 5) A minimum of 14 days must elapse between the date the citation is written and the date of the hearing (except juvenile OVI cases - see Section H.3. of this procedure). Write citations for the first hearing date for your district following the 14 days.
 - 6) When necessary, the hearing date can be delayed to a following assigned date.
 - 7) All hearings will be set for 1430 hours.
 - 8) Districts assigned hearing dates that fall on a holiday will schedule the hearing for the indicated day of the following week.
 - b. Citations issued as a result of an auto accident require both parties and witnesses to be informed of the date and time of the hearing.
 - 1) Witnesses may appear at the hearing, but are not required unless subpoenaed.
 - c. Give a juvenile traffic offender the violator's copy of the MUTT, listing the date and time of the court appearance.
 - 1) Check the block advising the juvenile to appear in Hamilton County Juvenile Traffic Court.
3. When a juvenile is cited to court for ORC Sections 4511.19 OVI, or 4511.19.1 - Implied Consent.
 - a. Cite the arrested juvenile on a MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or legal holiday, use the next court day.

- b. The time of the court appearance is 1430 hours in Juvenile Court.
 - c. Police personnel will not appear at this hearing.
 - 4. Treat juveniles riding toys as a pedestrian.
 - 5. Issue a Cincinnati Parking Infraction (CPI) when a vehicle parked in violation is known to be owned, or the violation was committed by, a juvenile.
 - a. Cite juveniles operating a vehicle with expired license plates in violation of Cincinnati Municipal Code (CMC) 503-52, Unauthorized License Plates, on a MUTT to Juvenile Court.
- I. Adult Criminal and Traffic Warrants Issued to a Person who is a Juvenile
 - 1. Send an adult criminal or traffic warrant issued for a juvenile to the Hamilton County Sheriff's Office, Central Warrants Processing Unit.
 - a. Accompany the warrant with a complete list of the facts so a Record of Arrest can be prepared and the warrant(s) dismissed.
 - 2. Circumstances consistent with this procedure will determine if:
 - a. The juvenile is issued a MUTT and cited to juvenile court.
 - b. A juvenile complaint is signed and the juvenile is cited to Juvenile Court or placed in the HCJCYC.
- J. Service of Hamilton County Juvenile Court Warrants
 - 1. When a computer check indicates a warrant is on file, telephone the HCJCYC Intake Office and confirm the warrant.
 - a. Complete a Form 527 listing the following information:
 - 1) Date, time, name of the person confirming the warrant, and the Juvenile Court identification number in the space titled "Facts of Arrest"
 - 2) Warrant number(s) in the space titled "Charges"
 - 3) RCIC control number in the space titled "Control Number"
 - b. Complete a Form 527J if information which is pertinent to the warrant is discovered, including new evidence and/or statements made by the arrested.
 - 2. If adults have an active warrant issued by the Hamilton County Juvenile Court when the adults were juveniles, confirm the warrant with the HCJCYC Intake clerk.

NOTE: Do not cite adults with juvenile warrants to court.

- a. Take adults with Juvenile Court criminal and parole violation warrants to the HCJC (Hamilton County Justice Center).
 - 1) Take the completed Form 527 to the HCJC with the adult.
 - 2) Advise the HCJCYC Intake clerk the person will be taken to the HCJC.
 - a) The intake clerk will teletype confirmation of the warrant to the HCJC.
 - b. Take adults with Juvenile Court traffic or violation of court order (juvenile probation violation) warrants to the HCJCYC.
 - 1) Take the completed Form 527 to the HCJCYC with the adult.
3. When the HCJCYC Intake clerk is unable to confirm a warrant on a computer hit, the unit supervisor will document on a Form 17 the date, time, name of the clerk, and a full report of the incident. Forward the Form 17 and a teletype printout of the computer hit to the Police Chief.
 - a. The Police Chief will forward the Form 17 to the Youth Services Section (YSS) Commander for a follow-up investigation.
 - b. Release the juvenile if the intake clerk cannot confirm the warrant and no new charges are filed.
 4. Hamilton County Juvenile Court warrants are distributed to the districts.
 - a. The district commander will direct all juvenile warrants received to the warrant control officer.
 - 1) The warrant control officer will complete a Form CW100 (Warrant Control Card) for each warrant.
 - a) Record juvenile warrants separately but in the same manner as adult warrants.
 - b) Process juvenile warrants within a 14 day period.
 - c) The Monthly Warrant Report will include a separate section for juvenile warrants.
 - b. The district commander will determine the assignment for service of juvenile warrants.

K. Investigations on School Property

1. The primary function of the School Resource Officer (SRO) is enforcement action for any violation of law which occurs on school property.

- a. In many instances, the SRO can identify a wanted juvenile.
 - b. The SRO may also know the background information, address, and other data on a suspect juvenile.
 - c. When SRO's are not readily available to respond, all initial requests for service (e.g., reports, investigations, etc.) should be immediately handled by the police officer on the scene and not referred to an SRO for appropriate action.
2. If an incident occurs on school property in view of a police officer, the officer will file the official complaint.
 3. Contact the school principal to arrange for an interview on the school premises with a juvenile.
 - a. For informational purposes and necessary assistance contact the SRO.
- L. Attendance at School
1. If a juvenile is out in a public place during the hours when the child is required to be in attendance at school and is without parental supervision and not on an emergency errand, complete a Form 314, charging the juvenile with CMC Section 910-1, Attendance at School (also known as Daytime Curfew). If the juvenile is not suspended or expelled from school, return the juvenile to their particular school attendance officer.
 2. If the student is suspended or expelled from school, they may not be returned to school, but must be taken home or to a police facility until a parent or guardian can be contacted.
- M. Curfew for Minors
1. If a juvenile, under the age of 16, is about or upon any place in the city other than their home or usual place of abode between the hours of 10:00 p.m. and 5:00 a.m. of the following day, and exceptions do not apply, charge with CMC Section 911-27b.
 2. If the juvenile is 16 or older but under 18 and is about or upon any place in the city other than their home or usual place of abode between the hours of 12:00 a.m. and 5:00 a.m., and no exceptions apply, charge with CMC Section 911-27c.
 3. In cases of curfew violations, CMC Section 911-27, juveniles may be transported to the following locations, listed in order of preference:
 - a. Home - Officers will transport a curfew violator home if geographically closer than a curfew center.
 - b. Curfew Center

- c. Lighthouse Youth Services Inc., 3330 Jefferson Avenue, when a parent/guardian cannot be located and a curfew center is not available.
 - 1) Officers must make a reasonable attempt (approximately one hour) to locate the parent/guardian of a curfew violator before transporting the violator to the Lighthouse.
 - 2) Curfew violators under the influence of drugs/alcohol, in possession of a weapon, or involved in gang activity will not be accepted.
 - a) Lighthouse staff has the right to refuse admittance to any curfew violator.
 - 3) Officers transporting a curfew violator to the Lighthouse must then respond to the HCJCYC Intake office to sign a complaint for CMC 911-27, even if the violator is a first offender.
 - 4) Curfew violators who leave the Lighthouse before being released to a parent/guardian will not be charged with Escape, O.R.C. 2921.34.
 - a) If located, these violators will be transported to HCJCYC and charged with an additional curfew violation, if appropriate.
 - 5) Officers will contact the District Five Officer In Charge (OIC) if a supervisor is needed to resolve any situation involving curfew violators.
- d. Hamilton County Juvenile Court Youth Center, 2020 Auburn Avenue.
 - 1) Only transport curfew violators to the HCJCYC if one of the following conditions applies:
 - a) All locations listed above are unavailable to receive the violator.
 - b) Any condition listed in Section D.1 of this procedure is applicable to the violator.

4. Enforcement actions

- a. A Form 314 (closed referral) will be made for an initial curfew violation.
 - 1) A closed referral should not be used on a second contact unless extenuating circumstances are present (e.g., extensive time has expired since last enforcement contact, juvenile will soon be an adult, etc.).

- b. Handle subsequent violations by completing a juvenile complaint signed at either Juvenile Court or Juvenile Detention.
 - 1) Any previous adjudication for **ANY** violation will cause the correct charge for curfew to be a Violation of a Court Order (VCO). Sign a Juvenile Complaint titled "VCO-Curfew" (ORC Section 2152.02).
 - c. If the parent/guardian has previously been issued a written warning, issue the parent/guardian a minor misdemeanor citation for CMC Section 911-27(e).
5. To ensure the appropriate enforcement is being taken, officers must check the juvenile's previous record.
- a. This can be accomplished by making a computer inquiry or calling the Juvenile Court Clerk's office.

N. Adult Involvement in Juvenile Court Cases

1. Juvenile Court has original jurisdiction under the Ohio Revised Code to hear and determine all misdemeanor cases charging adults with any act or omission with respect to any juvenile, which act or omission is a violation of any state law or any municipal ordinance.

NOTE: ORC Section 2919.22, Division A - Endangering Children, a misdemeanor of the first degree, is the jurisdiction of the Hamilton County Municipal Court.

2. Police personnel or a parent/guardian wishing to obtain an adult warrant at the Hamilton County Juvenile Court for ORC Sections 2919.21, Division (B) - Nonsupport or contributing to nonsupport of dependents; 2919.22, Division (B)(1) - Endangering Children; 2919.23, Division (B) - Interference with custody; or 2919.24, Contributing to unruliness or delinquency of a juvenile, can:
- a. Consult with a prosecutor on the Hamilton County Juvenile Court's staff during normal business hours.
 - b. File complaints with the HCJCYC Intake clerk when the officer or parent/guardian cannot wait until normal court business hours.
3. Process adult violators arrested and charged with an offense that Juvenile Court has jurisdiction over through the HCJCYC Intake Office and hold at the HCJC.
- a. The arresting officer or the complainant, accompanied by the arresting officer, will sign the official complaint at the HCJCYC Intake Office.
 - 1) The police officer will obtain the necessary paper from the Intake Clerk after the complaint is signed and transport the arrested and the paperwork to the HCJC.

O. Disclosing Identity of Juvenile Offenders

1. Police personnel will not disclose the identity of any juvenile who is the subject of a police contact through detention, citation to court, or by referral to non-criminal justice administration personnel in conformance with the spirit of the Ohio Juvenile Code, except when:
 - a. Identity is required for official purposes.
 - b. The juvenile is wanted as a missing person/runaway and such information is transmitted by Police Communications Section (PCS).
 - c. The juvenile is wanted in the investigation of a felony and such information is transmitted by PCS.
2. Refer private persons or agencies making a request for identity of juvenile offenders at the Records Section, any police unit, or from a member of the Department, to the Hamilton County Juvenile Court. Juvenile Court can better evaluate the total situation regarding the juvenile involved and their records are more complete.

12.905 FINGERPRINTING AND PHOTOGRAPHING OF JUVENILES

Reference:

Ohio Revised Code - Section 109.60
 Ohio Revised Code - Section 109.61
 Ohio Revised Code - Section 2151.313
 Standards Manual - 82.1.1

Purpose:

To establish a uniform Department policy governing the collection and preservation of fingerprints, photographs, and reports required when taking a juvenile into custody.

To establish a countywide database of critical information needed to aid in the investigation and prosecution of juvenile offenders.

Policy:

Department members will comply with Ohio Revised Code's (ORC) *mandatory* and *discretionary* guidelines for the fingerprinting and photographing of juveniles taken into custody.

Procedure:

- A. Process for Fingerprinting or Photographing Juveniles:
1. Fingerprint and photograph all juveniles arrested or taken into custody for the commission of a felony or an offense of violence.
 2. Permission from a Juvenile Court judge is **not** required to fingerprint or photograph juveniles when all of the following apply:
 - a. The child is arrested or taken into custody.
 - b. The offense is a felony, or an offense other than a minor misdemeanor or traffic offense.
 - c. There is probable cause to believe the child may have been involved in the commission of this offense other than a minor misdemeanor or traffic offense.
 3. Permission from a supervisor is required to fingerprint and photograph a juvenile when there is probable cause to believe the child may have committed a misdemeanor violation other than offenses of violence or a felony (Refer to section A.5.a.-ff. for a complete list of offenses). In all other cases, fingerprinting and photographing a juvenile requires permission from a Juvenile Court judge.
 - a. Call Juvenile Court, Docketing and Case Management Office, during normal business hours for permission.

- 1) If permission is granted over the phone, the officer must complete the Cincinnati Police Department Fingerprints and Photographs Report (Form 189) and send it to Juvenile Court as indicated on the form.
- b. After normal working hours, an officer may contact a Juvenile Court judge through the Juvenile Court night clerk.
4. The Hamilton County Juvenile Court Youth Center (HCJCYC) authorities will fingerprint and photograph all juveniles who are:
 - a. Physically incarcerated for a felony.
 - b. Physically incarcerated for an offense of violence.
 - c. Physically incarcerated for a Parole Violation.
5. A juvenile arrested for any of the following offenses will be fingerprinted and photographed. Upon a delinquent adjudication, fingerprints will be entered into the Automated Fingerprint Identification System (AFIS) by the Hamilton County Sheriff's Identification Unit (HCSIU).
 - a. (2903.01) Aggravated Murder
 - b. (2903.02) Murder
 - c. (2903.03) Voluntary Manslaughter
 - d. (2903.04) Involuntary Manslaughter
 - e. (2903.11) Felonious Assault
 - f. (2903.12) Aggravated Assault
 - g. (2903.13) Assault
 - h. (2903.21) Aggravated Menacing
 - i. (2903.211) Menacing by Stalking
 - j. (2903.22) Menacing
 - k. (2905.01) Kidnapping
 - l. (2905.02) Abduction
 - m. (2905.11) Extortion
 - n. (2907.05) Rape
 - o. (2907.03) Sexual Battery
 - p. (2907.05) Gross Sexual Imposition

- q. (2907.12) Felonious Sexual Penetration- *Repealed*
 - r. (2909.02) Aggravated Arson
 - s. (2909.03) Arson
 - t. (2911.01) Aggravated Robbery
 - u. (2911.02) Robbery
 - v. (2911.11) Aggravated Burglary
 - w. (2911.12) Burglary
 - x. (2917.01) Inciting to Violence
 - y. (2917.01) Aggravated Riot
 - z. (2917.03) Riot
 - aa. (2917.31) Inducing Panic
 - bb. (2919.25) Domestic Violence
 - cc. (2921.03) Intimidation
 - dd. (2917.04) Intimidation of a Crime Victim or Witness
 - ee. (2921.34) Escape
 - ff. (2923.161) Improperly Discharging Firearm at or into a Habitation or School
6. The district/section/unit making the juvenile arrest is responsible for fingerprinting the juvenile following each arrest for a felony or an offense of violence. This applies to situations where the officer has custody of the juvenile and issues a Notice To Appear (Form 314) citation to court in lieu of a physical arrest. Enter the juvenile arrest into the blotter.
- a. Make three ten-print Fingerprint Cards (Form 12FB, FW, MB, or MW), (one local and one Bureau of Criminal Identification and Investigation (BCI&I)), one FBI ten print card, and one set of Palm print Cards (Form 12P) of the arrested juvenile.
 - b. Districts- The District Investigative lieutenant is responsible for quality control and routing of the fingerprints.
 - c. Section/units- The Section/Unit Commander or his designee is responsible for quality control and routing of the fingerprints.
7. Each morning with the property run, districts/sections/units will send the following information of juveniles arrested for felonies and offenses of violence:

- a. Copies of the fingerprints, copies of palm prints, and a copy of the Arrest and Investigation Report to the Juvenile Court Clerks Office, 800 Broadway.
- b. Original fingerprints, original palm prints, and a copy of the 527 to HCSIU, room 101 of the Hamilton County Justice Center. List the Juvenile Court Identification number in the "Jacket Number" box on the Form 527.

B. Reporting Requirements:

1. The District Investigative Unit Commander/Section Commander or his designee must forward the Form 189 to the Director of Docketing at Juvenile Court for all photographs taken, forward the Form 189 to HCSIU and the Director of Docketing at Juvenile Court for fingerprints taken, no later than the Juvenile Court's next business day, complete with:
 - a. Identity of juvenile: name, address, birth date, parent's or guardian's name.
 - b. The offense under investigation.
 - c. The date and time fingerprints and photographs were taken.
 - d. The number of fingerprint/photograph sets taken.
 - e. The name, address, and agency of each person who has custody of the fingerprints or photographs.
2. The investigating officer is under a continuing duty to report, no later than the Juvenile Court's next business day, the name and address of any additional officer or agency to which the fingerprints/photographs are released.
3. Failure of a law enforcement officer to comply with the reporting requirements of ORC 2151.313 is a misdemeanor offense.

C. Limitations on Use and Release of Fingerprints and Photographs:

1. Before filing a complaint regarding the offense:
 - a. The fingerprints/photographs may only be used in the investigation of the original offense.
 - b. The fingerprints/photographs may only be released to the court.
2. After filing the complaint, the officer may use the fingerprints or photographs to:
 - a. Investigate the original offense.
 - b. Investigate any other juvenile delinquency offense if the child is a suspect in that crime.

3. If a child is adjudicated delinquent of an offense, other than a traffic offense or a minor misdemeanor, the officer may use the fingerprints and photographs:
 - a. In an investigation if the child is a suspect.
 - b. In a photo array if the child is a suspect.
- D. Storage of Files:
1. The officer taking fingerprints or photographs will complete a Form 189.
 - a. The officer is responsible for storage and security of the photographs.
 - b. The District Investigative supervisor/Section Commander or his designee will file the Form 189 in a master file.
 - c. The investigative supervisor will monitor the master file to ensure compliance with the retention periods in Section E.
- E. Retention Periods:
1. If no complaint regarding the offense under investigation is filed within 30 days, the investigating officer must return the fingerprints and photographs to Juvenile Court.
 2. If the complaint is filed and subsequently dismissed, the District Investigative unit Commander/Section Commander or his designee will:
 - a. Deliver all fingerprints and photographs, including copies, to Juvenile Court within 30 days of the dismissal.
 3. If the case is pending or the juvenile is found guilty, the unit may retain the fingerprints or photographs for two years or until the juvenile reaches age 18, whichever is earlier. Upon expiration, deliver them to Juvenile Court.
- F. Expungement Orders:
1. Upon notification by Juvenile Court of any sealing, destruction, or expungement order, units will immediately comply by forwarding all such records to Juvenile Court.

12.910 MISSING PERSONS

References:

Procedure 12.110, Handling Suspected Mentally Ill Individuals and Potential Suicides
 Procedure 12.400, Offense Reporting, Miscellaneous Reporting
 Procedure 12.555, Arrest/Citation: Processing of Adult, Misdemeanor and Felony Offenders
 Procedure 12.600, Prisoners: Securing, Handling, and Transporting
 Procedure 12.912, Child Abduction/Amber Alert Plan
 NCIC Manual – Missing Persons
 A Child is Missing Program – (ACIM)
 Ohio Revised Code – Section 5502.52 Statewide Emergency Alert Program Regarding Abducted Children

Definitions:

The Hamilton County Mental Health Board (HCMHB) defines categories of risk for patients in care facilities as follows:

Category I is a high risk. The individual has exhibited specific evidence of dangerousness such as a suicide plan, has made a threat against a specific person, etc. There is clear evidence of dangerousness, e.g., observed indiscriminate assaultive behavior or a complete inability to care for self. The individual is a minor or a legal hold.

The Cincinnati Police Department considers all Category I missings as critical missings.

Category II is a moderate risk. The evidence of dangerousness is inconclusive. History may indicate a potential for aggression if provoked. May have a history of Absent Without Leave (AWOL) with no violent episodes.

Category III has no evidence of dangerousness. There is no evidence the patient is dangerous to self or others and can care for self. Frequent AWOL abuser, self return is anticipated.

Purpose:

Establish Department guidelines governing the reporting and investigation of missing persons.

To ensure all missing persons cases are investigated in a professional and timely manner.

Policy:

Any responsible and competent adult whose whereabouts are unknown by his choice will not be reported as missing.

If any doubt exists, complete a Form 304, Cincinnati Police Department Missing Report.

Procedure:

A. Reporting A Missing Person

1. Critical Missing Person

- a. District personnel will immediately begin a critical missing investigation and report if the person is:
 - 1) Under 12 years of age
 - 2) Over 65 years of age AND the disappearance poses a threat of serious harm or death to the individual.
 - 3) A possible victim of foul play
 - 4) In poor mental condition
 - a) Likely to do harm to self or others
 - b) Disoriented or unable to respond to simple questions regarding personal information, i.e., name, date, or place.
 - 5) In poor physical condition
 - a) Physical impairment(s) which severely limits self care
 - b) Dependent on life sustaining medication
 - 6) A Category I missing
- b. If the missing person fits one or more of the listed criteria for a critical missing, Police Communications Section (PCS) will dispatch a district supervisor to the scene.
 - 1) The supervisor will direct an area search if necessary.
 - 2) The supervisor will notify Personal Crimes Unit (PCU) during the hours of 0800 to 2400. From the hours 2400 to 0800, the supervisor will notify the Criminal Investigation Section (CIS) desk.
 - a) The supervisor will ensure a copy of the Form 304 is faxed to PCU.
 - b) A PCU supervisor, or in his absence a CIS shift supervisor, will decide if PCU personnel will be recalled to respond to the scene in exceptional cases requiring their expertise.
 - 1] Contact CIS to recall PCU personnel

- c) PCU personnel will duplicate any photographs of the missing person for radio and television station notification.
 - 1] 0800-1600 hours notify Public Information Office (PIO) to contact the media
 - 2] 1600-0800 hours PCU will contact the media and advise PIO that the information has been forwarded
 - d) PCU personnel involved in the investigation will maintain a Form 188, Personal Crimes Unit Investigative Report, detailing all Department actions taken to locate the critical missing.
- c. If the missing person fits one or more of the listed criteria for a critical missing, or is a found child/elderly/disabled that is unable to articulate their address, the responding officer can initiate A Child is Missing (ACIM) Program. A supervisor's permission is not necessary.
- 1) Call ACIM 24 hours a day/7 days a week, toll-free, at 1-888-875-2246.
 - 2) Officers will answer all questions and provide the operator with the following information:
 - a) Reporting agency name
 - b) Officer name and contact number
 - c) Case number (if available)
 - d) Name and description of missing
 - e) Time, date, location, zip code, and county last seen
 - f) PCS line number for sightings is 513-765-1212
2. Missing juveniles
- a. A Form 304 will be filed immediately on all missing juveniles.
 - b. Federal Law requires entry of missing juveniles into the Law Enforcement Automated Data System/National Crime Information Center (LEADS/NCIC) computer files within two hours from the time the original call is received.
 - c. The officer completing the Form 304 will have it checked by a supervisor and will immediately fax a copy to PCU.
3. Missing adults

- a. Adults 18, 19, or 20 years of age will be reported immediately. Federal Law requires entry of missing adults 18 years of age but less than 21, into the Law-Enforcement Automated Data System/National Crime Information Center (LEADS/NCIC) within two hours from the time the original call is received.
 - b. Adults who do not meet the criteria of Section A. 1., or who are 21 years of age or older, must be missing 24 hours before taking a report unless there are extenuating circumstances.
 - c. The Telephone Crime Reporting Unit (TCRU) will make these reports unless extenuating circumstances exist.
4. Nonresident of Cincinnati whose location is unknown
- a. If the missing visitor does not meet the critical missing criteria, refer the reporting person to the police agency of the missing person's residence.
 - 1) This does not preclude the officer from initiating an "Attempt to Locate" broadcast if necessary.
 - b. If the agency where the missing person resides refuses to make the report, the district where the missing person was last seen will make the report and conduct the investigation.
 - c. If the missing person fits one or more of the listed criteria for a critical missing, follow Section A.1.b.
 - 1) Notify the police agency where the missing person resides.
- B. Who May Report a Missing Person
- 1. Any responsible adult with accurate information may report someone missing. This will include nursing home or hospital representatives who have charge of the care of the missing person.
 - a. Missing residents of Summit Behavioral Healthcare (SBH) are investigated by the Ohio State Highway Patrol (OSHP). However, when necessary, Department personnel will assist OSHP.
- C. Initial Missing Person Investigation
- 1. Police officers will generally take missing person reports in person except for adults 21 years of age or older when no extenuating circumstances exist.
 - 2. Before making the Form 304, the officer will conduct a preliminary investigation in an attempt to locate the missing person. This may include, but should not be limited to, a consensual search of the residence or telephone calls to such places as the Hamilton County Justice Center or the Hamilton County Morgue.

3. Report critical missings to PCS as soon as an adequate description is available.
 4. Photographs and fingerprints of missing persons
 - a. The reporting officer will attempt to obtain a small picture of the missing person. Indicate on the Form 304 that a picture is available. The picture will stay with the district/section/unit investigating the missing. Send the picture to PCU to attach to their copy of the Form 304 if the investigation transfers to that unit. If possible, retain pictures of all persons reported missing.
 - b. The initiating officer will ask the reporting individual if there are fingerprints available of the missing person. Indicate on the Form 304 if the fingerprints are available and where they are on file.
- D. Form 304, Cincinnati Police Department Missing Report
1. The reporting officer will call PCS, Line 3500 or 2975, with information from the Form 304 for the radio broadcast and teletype message. PCS will teletype all missing persons and broadcast all critical missings.
 2. Fax a copy to PCU.
 3. Officers completing a Form 304 for other districts will immediately fax a copy and mail the Form 304 to the district of residence of the missing person.
 - a. Critical missing reports will immediately be hand carried to the district of residence, with the exception of out of town missings.
 4. Missing persons who meet the criteria for immediate entry into LEADS/NCIC will be entered by PCU. During the hours of 0200 to 0700, or when PCU personnel are not working, missing persons meeting the immediate entry requirement will be entered by Police Communications Section. Updates and changes to LEADS/NCIC entries will be under the direction of PCU.
- E. Follow-Up Investigation
1. If after 14 days the missing person is not located, the district will forward to PCU a copy of the Form 304, the photo if one is available, and its investigation documented on a Form 311A, Supplementary Offense Report Addendum.
 - a. PCU is responsible for follow-up investigation after the 14-day district investigation.
 2. PCU supervisors will review the 14-day investigation for accuracy and completeness.

F. Closing Missing Person Reports

1. Upon locating or confirming the location of a reported missing person, Department personnel will notify PCS to cancel the teletype and will complete a Form 311, Cincinnati Police Department Incident Closure Report, containing complete information.
 - a. Forward copies of the Form 311 to the district conducting the follow-up investigation.
 - 1) The District collator will forward a copy of the report to the Records Section.
 - b. If the located missing person is 12 years of age or younger, speak with the child and look for physical signs of abuse or neglect.
 - 1) If there are allegations or physical signs of abuse or neglect, conduct the appropriate investigations, complete the necessary reports, and take appropriate action.
2. Inactive File
 - a. Districts will file the Form 304 as inactive if the person has not returned, is not located, or there is no information as to the person's location when either:
 - 1) At the end of 30 days if the individual who reported the missing person cannot be found, and there is no further information, or
 - 2) At the end of three months if the individual who reported the missing person is located, but further helpful information is unavailable.
 - b. Perpetual file of missing person reports
 - 1) PCU will maintain a perpetual file on all missing persons who have not been located.
 - a) PCU will enter appropriate missings in the LEADS/NCIC missing persons file.
 - 1] Check missing persons through any County Law Enforcement Applied Regionally (CLEAR) terminal using a QHW query.
 - 2] Access juvenile runaway warrants from Hamilton County with a QHW query.
 - 3) When a missing person's name is not known, check the missing persons file through any CLEAR terminal using the QM function.

G. Identification of Bodies

1. PCU can assist in the identification of unidentified human bodies by using its files.
2. PCU will send the Hamilton County Coroner copies of inactive missing person reports over 30 days old.

H. Found Persons

1. Department personnel who are unable to locate the residence, relatives, and/or other responsible friends of a found person will:
 - a. Contact PCU for assistance in interviewing the found person.
 - 1) PCU will check its records for a possible address on the subject.
 - 2) If PCU is unavailable, contact a CIS supervisor for assistance.
 - b. Officers may utilize the ACIM program as described in Section A.1.c.
 - c. Contact 241-KIDS for assistance in emergency care and/or placement of a juvenile.
 - d. Complete a Form 527, Cincinnati Police Department Arrest and Investigation Report according to procedures 12.555 and 12.600.
 - e. Any mentally ill person with a mental hold or who voluntarily agrees should be returned to the particular facility that reported the missing. If the facility is unknown, the subject is violent, or from outside the Hamilton County boundaries, the mentally ill person will be taken to University Hospital as directed in procedure 12.120.
 2. If the found person is 12 years of age or younger, speak with the child and look for physical signs of abuse or neglect.
 - a) If there are allegations or physical signs of abuse or neglect, conduct the appropriate investigations, complete the necessary reports, and take appropriate action.
- I. Out of Town Missings/Attempts to Locate, Possibly in Cincinnati, Being Investigated by Other Jurisdictions
1. PCS will teletype this information to all districts and units.
 2. PCU is responsible for any requested follow-up investigation.

J. Summit Behavioral Healthcare Walkaways

1. Forensic patients
 - a. These patients have been charged with a crime and have been committed through adjudication or are awaiting adjudication. They fall into four categories:
 - 1) NGRI - Not guilty by reason of insanity
 - 2) RTC - Restore to competency (for trial)
 - 3) IST - Incompetent to stand trial (probated by Civil Court)
 - 4) Police Holds - Emergency psychiatric admissions transferred to the SBH prior to trial
 - b. When a forensic patient escapes, walks away, or is AWOL from the SBH, the OSHP Hamilton Post will initiate a LEADS teletype and forward the information by fax to PCS for an All County Broadcast (ACB).
 - 1) OSHP will sign felony escape charges on the forensic patient and this information will be included with the ACB.
 - 2) District Four will receive a copy of the AWOL Data Sheet and will assign an investigator to assist the OSHP investigator.
 - a) District Four and PCS will maintain an AWOL Data Sheet File.
 - 3) Felony warrants signed on forensic patients will be handled by District Four Investigative Unit.
 - c. Forensic patients escaping will receive classification by the HCMHB as a Category I, II, or III.
 - 1) Officers must be aware that a forensic patient has been charged with a crime, and therefore the risk assessment by the HCMHB is completely independent of the patient's status as a forensic patient.
 - d. If apprehended, verify wanted status. Escape warrants will be on file at the Clerk's Office or entered in the computer.
 - 1) If the escape warrant is on file, transport the escapee to the Hamilton County Justice Center (HCJC).
 - 2) If the escape charge has not yet been filed, call the OSHP Hamilton Post at 863-4606. They will forward a teletype holder to the HCJC or advise to return the patient to the SBH.
 - e. If taken to the HCJC, request "no bond" on the arrest report. If

returned to the SBH at the OSHP's request, make a Form 316, Minor Accident/Aided Case/Mental Health Response Report.

- 1) Fax a copy of all reports to the District Four Investigative Unit Commander. District Four will forward a copy to the OSHP.
- f. Wanted escapees found inside the City will be the Department's responsibility to transport.
- 1) On occasion, OSHP may request the Department's assistance in picking up a prisoner in Hamilton County. This request will be coordinated through a District Four supervisor.
- g. Call PCS teletype and request a cancellation of the ACB wanted broadcast.
- 1) PCS will contact OSHP to request cancellation of the LEADS teletype entry.
2. Civil Patients
- a. Patients at the SBH, through Probate Court, will not be charged with felony escape. They can be Category I, II, or III missings.
 - 1) OSHP will notify PCS as outlined above to initiate an ACB.
 - b. If found unattended within the City, return them to the SBH.
 - 1) Violent patients will be transported to the University Hospital as directed in procedure 12.110.
 - c. Do not transport nonviolent SBH civil patients from group homes, other out placement sites, or family members' homes. Patients who are simply late returning on a pass, in a hospital, or in custody of another police agency are the responsibility of the SBH Campus Police. SBH Campus Police can be reached at 948-3600 for transport.
 - d. Make a Form 316 on any civil patient transported to SBH and fax a copy to the District Four Investigative Unit.
 - e. Call PCS teletype and request a cancellation of the ACB wanted broadcast.
 - 1) PCS will contact the OSHP to request cancellation of the LEADS teletype entry.

12.912 CHILD ABDUCTION/AMBER ALERT PLAN

References:

Procedure 12.400 – Offense Reporting, Miscellaneous Reporting
Procedure 12.910 – Missing Persons
Ohio Revised Code – Section 5502.52 Statewide Emergency Alert Program
Regarding Abducted Children

Definitions:

Child - an individual under eighteen years of age.

Dangerous environment - a relative term that may depend on the age and development of the child.

Emergency Alert System (EAS) - a four part message system. The header defines the nature, location and the agency that originated the emergency message. The two-tone signal, transmitted for a minimum of eight seconds, provides an audio alert to audiences that emergency information is about to be sent. The audio and/or video message is transmitted to the audience. The end of message signal is given.

Public Safety Answering Points (PSAP's) - an agency in the United States, typically county or city controlled, responsible for answering 9-1-1 calls for emergency assistance from police, fire, and ambulance services.

Purpose:

To use all available community resources to facilitate the successful recovery of an abducted child.

To establish partnerships with television/radio media in order to immediately broadcast critical information within the tri-state area using the EAS.

To establish a partnership with the Advanced Regional Traffic Interactive Management and Information System (ARTIMIS) to disseminate descriptive information utilizing the Dynamic Message Signs (DMS).

To establish a partnership with Lamar Advertising and Norton Outdoor Advertising, to disseminate descriptive and photographic information to the public utilizing Digital Billboards for AMBER Alert activations.

Policy:

Department personnel will respond to all calls of child abduction promptly and safely.

Department personnel will thoroughly investigate all reports of critical missing and missing children to determine if the child has possibly been abducted.

Department personnel will work in partnership with the media and the community to locate abducted children, return them to safety, and apprehend the abductor.

Information:

AMBER Alert Plan - **A**merica's **M**issing: **B**roadcast **E**mergency **R**esponse is named for a 9-year-old girl who was kidnapped by a stranger and later found dead. In response to that tragedy, area media has agreed to repeat news bulletins about abducted children hoping the bulletins might help save the life of a child.

In abductions, the first three hours after the child is abducted are the most critical. Broadcast radio, television, DMS, and Digital Billboards present a timely and vast medium in which to alert the citizens of the entire metropolitan area.

This plan has been developed in partnership with Cincinnati based media agencies, Federal Bureau of Investigation, Hamilton County Association of Chiefs of Police, and the Ohio Department of Transportation.

Norton Outdoor Advertising and Lamar Advertising will disseminate the AMBER Alert information on their Digital Billboards exclusively for the first hour following an alert activation. After the first hour, the AMBER Alert information will continue to be displayed in the advertising loop, along with other posted advertisements.

Procedure:**A. First Officer On the Scene Responsibilities**

1. Assist the on scene or responding supervisor in determining if a child abduction has occurred.
 - a. Obtain sufficient descriptive information about the child, including a recent photograph.
 - 1) Photographs obtained by the first officer on the scene must be relayed to the Criminal Investigation Section (CIS)/Personal Crimes Unit (PCU) supervisor immediately to ensure rapid dissemination to broadcast media sources.
 - b. Obtain descriptive information of the abductor, manner and direction of escape, and other pertinent data.
 - c. Conduct consensual searches of any locations where the abducted child could reasonably be (i.e. residence, babysitter's house, relative's house). Refer to Procedure 12.700, Search Warrants/Consent to Search.
2. Complete necessary reports. Refer to Procedure 12.910, Missing Persons.

B. Supervisor Responsibilities

1. Immediately respond to all child abduction calls.
2. Conduct a thorough investigation to determine if any of the below listed criteria have been satisfied:

- a. The supervisor concludes, based on the totality of the circumstances, the probability exists that the child has been abducted.
 - b. There is credible information that suggests the child was forcibly or intentionally removed or lured away from the location and there is a threat of immediate danger of serious bodily harm or death to the child.
 - c. The abducted child is a potential victim of foul play, sexual exploitation, or is in a dangerous environment.
 - d. The abducted child is believed to be with people who may endanger the child's welfare.
 - e. An investigation has taken place which eliminates all other alternative explanations for the whereabouts of the child.
 - f. The child is not a runaway and has not been abducted as the 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.
3. Upon the supervisor's determination that a child abduction has occurred:
 - a. Gather information for Sections II, III, and IV of the Form 304A, Child Abduction/AMBER Alert Plan Form.
 - b. Contact a Police Communications Section (PCS) supervisor to relay the information and activate the AMBER Alert Plan.
 4. If a crime scene is identified, initiate crime scene control and evidence preservation.
 5. Establish separate staging areas for responding officers and media. The staging area will not be located in the abducted child's home.
 6. Notify a PCU supervisor to respond. If a PCU supervisor is not working, a CIS supervisor will respond.
 - a. Ensure all collected photographs are immediately relayed to CIS/PCU for rapid dissemination to broadcast media sources.
- C. The Police Communications Section supervisor will:
1. Collect all information necessary to complete a Form 304A and contact the media voice mailbox system.
 2. Initiate an All County Broadcast (ACB).
 3. Initiate an information page advising activation of the AMBER Alert.

4. Activate the Communicator to notify Area Public Safety Answering Points (PSAP's)
 5. Notify ARTIMIS to activate an AMBER Alert utilizing the DMS.
 - a. ARTIMIS will activate the DMS with an AMBER Alert and a description of the vehicle used and/or the license plate (this may be a partial plate).
 - 1) ARTIMIS will post the AMBER Alert message on the DMS for a period of five (5) hours or until directed by the PCS supervisor.
 6. Notify Lamar Advertising, via an email to the AMBER Alert Notification Group. Provide all required information, including the scanned/electronic photographs. Contact Lamar Advertising by telephone to confirm receipt of the email. (Lamar Advertising is the central contact point for utilization of all Digital Billboards.)
 7. Generate a teletype message to the affected areas.
- D. Personal Crimes Unit /Criminal Investigations Section Supervisor will:
1. Respond to the scene and assume responsibility for the investigation.
 2. Ensure all graphic information (victim photo, suspect photo, suspect vehicle photo) is scanned as an attachment and sent by email to the PCS supervisor. This **must** be accomplished as quickly as possible within the first hour of initial contact with the complainant.
 3. Ensure PCU personnel duplicate any photographs of the abducted child for radio and television station notification.
 4. Ensure PCU personnel involved in the investigation maintain a log detailing all police actions taken to locate the abducted child.
 5. Ensure PCU personnel complete Form 304, Cincinnati Police Department Missing Report, and enter the information into the Law Enforcement Automated Data System/National Crime Information Center (LEADS/NCIC) computer files.
- E. Upon confirmation of the location of an abducted child, the Personal Crimes Unit/Criminal Investigations Section supervisor will:
1. Cancel the LEADS/NCIC teletype.
 2. Ensure a Form 311, Cincinnati Police Department Incident Closure Report, is completed.
 3. Contact a PCS supervisor to:
 - a. Call the media voice mailbox system and cancel the AMBER Alert.

- b. Advise ARTIMUS to deactivate the AMBER Alert on the DMS.
 - c. Advise Lamar Advertising the child has been located and the AMBER Alert is cancelled.
 - d. Cancel the ACB.
 - e. Initiate an information page advising deactivation of the AMBER Alert.
 - f. Activate the Communicator to notify PSAP's of the AMBER Alert cancellation.
 - g. Cancel the teletype message sent to the effected area.
4. Ensure all original photographs are returned to the respective owner.

13.100 FIELD TRAINING OFFICER PROGRAM

Reference:

Fraternal Order of Police/City of Cincinnati Labor Agreement

Definitions:

Field Training Officer (FTO) – an experienced officer whose performance displays exemplary abilities, desire, and achievement. Their duties and responsibilities are to train the PPO during the probationary period, enabling them to work a solo assignment.

Probationary Police Officer (PPO) – a sworn employee who is under provisional status. The probationary period is one year from the date of being sworn in as a police officer. Probationary police officers may be removed for cause during the first six months of the probationary period. Probationary police officers may be removed without right of appeal during the last six months of the probationary period.

Remedial Training – any instruction given during Phase II or Phase III of the probationary training period. This training is designed to enhance deficient areas in the PPO's ability to perform job duties.

Recruit Book – a guideline and evaluation instrument designed to document the PPO's performance ability and skill level. This handbook provides an overall view of the police work accomplished by the PPO.

Purpose:

Provide for a formal and uniform on-the-job training period.

Provide experience, guidance, and supervision so the PPO may develop the knowledge, skill, and abilities to demonstrate a high degree of proficiency in judgment, conduct, appearance, job skills, problem-solving, and interpersonal relationship skills.

Aid in the evaluation of probationary personnel.

Serve as an aid in evaluating the Department's training program.

Policy:

The goal of the FTO program is to effectively train a PPO to work as a single unit officer in a safe, skillful, productive, and professional manner.

The FTO has two primary responsibilities: first is a responsibility to the community and second is a trainer and evaluator of the PPO.

Procedure:

A. Forms Used in the FTO Program:

1. Form 644, Daily Observation Report.
 - a. Completed daily by the FTO during Phase II for all work days, off days, and absences including Week 0, Observation Week.
2. Form 646A, FTO Sergeant's Weekly Report.
 - a. Completed weekly by a FTO sergeant and turned in by Tuesday of the following week during Phase II.
3. Form 646B, Relief Commander's Narrative Report.
 - a. Completed weekly by the relief commander and turned in by Friday of the following week during Phase II.
4. Form 647, FTO Final Evaluation Report.
 - a. Form 647 is located in the back of the Recruit Book and completed by the primary FTO at the end of Phase II.
5. Form 647A, FTO Sergeant's Monthly Report.
 - a. Completed by an FTO sergeant at the end of each calendar month during Phase III.
6. Form 647B, FTO Evaluation Report.
 - a. Completed by the PPO at the end of weeks 8 and 13.
7. Form 647C, FTO Recertification and Evaluation Report.
 - a. Completed by a FTO sergeant by the end of each January and July.
8. Form 647D, FTO Sergeant Recertification and Evaluation Report.
 - a. Completed by a relief lieutenant by the end of each January and July.
9. Form 647E, Community Problem Oriented Policing Problem-Solving Exercise.
 - a. Completed by the PPO during Phase II.

B. Recruit Training Phases:

1. **Phase I:** Recruits receive approximately 25 weeks of formal classroom instruction at Training Section.

2. **Phase II:** Probationary police officers are assigned to a district and partnered with at least two different training officers (a primary and secondary) working second, third, or power shifts for a minimum of 12 weeks.
 - a. Each segment of Phase II is to be completed on different shifts (recommended shifts are second, third, and power). PPOs will not be assigned to first shift except in rare cases with bureau commander approval.
 - 1) Weeks 0 – 3 assigned to primary FTO.
 - a) Week 0 is strictly an observation week. A Form 644 must be completed for all days of the observation week. Evaluations should not be noted on Forms 644 during observation week; however, significant incidents or situations that the PPO is exposed to during the observation week should be noted.
 - 2) Weeks 4 – 7 assigned to a secondary FTO on a different relief.
 - 3) Weeks 8 – 12 assigned to primary FTO.
 - b. All missed workdays, excluding regularly scheduled off days, will be made up before the PPO advances to Phase III.
3. **Phase III:** Probationary police officers are released to regular assignment. Phase III terminates at the end of the probationary period.

C. Duties of Probationary Police Officers

1. Participate fully in Phase II of training. Failure to do so may require extension of the probationary period or failure of probation.
 - a. Time off during Phase II is limited to emergency situations and must be made up.
2. Attend at least one community meeting with the primary FTO.
3. Complete Form 647E, Community Problem Oriented Policing Problem-Solving Exercise, with the assistance of the primary FTO.
4. Complete Form 647B, FTO Evaluation Report, at the completion of weeks 8 and 13. At the end of week 8, Form 647B will evaluate the secondary FTO. At the end of week 13, Form 647B will evaluate the primary FTO.
 - a. Upon completion, Forms 647B should be routed through the district commander to Training Section.

D. Duties of Field Training Officers

1. During Phase II, complete Form 644, Daily Observation Report, and review with the PPO daily. The Form 644 should be completed and signed by the PPO the same training day for which the Form 644 is completed.
 - a. In the event the PPO's Phase II training extends beyond the 12-week minimum, continue to complete Form 644 daily.
 - 1) The district commander may designate another FTO to fill out the forms if a schedule conflict occurs.
2. Direct, guide, explain, and demonstrate the fundamentals of police work so the PPO understands how and why duties are performed in a certain manner.
 - a. Allow PPOs to perform tasks they are competent to handle and ready to assume.
 - b. Check all paperwork for completeness, accuracy, legibility, etc.
3. If the PPO is to be retained as a permanent employee, the primary FTO will complete Form 647, FTO Final Evaluation Report, and the Recruit Book.
 - a. Complete Form 647 at the end of Phase II.
 - b. The primary FTO is charged with the maintenance, care, custody and control of the Recruit Book.
4. Attend all scheduled meetings to discuss the PPO's performance with all officers involved in the program.

E. Duties of FTO Sergeants

1. During Phase II:
 - a. All PPO's assigned with FTO's will be identified on the daily relief lineup by typing "PPO" in the "special" section of the lineup. Police Communications Section will not count PPO cars as double units when dispatching radio runs requiring two-officer responses.
 - b. On a weekly basis, review Forms 644, Daily Observation Report. This review includes conferring with the FTO about the progress of the PPO.
 - c. On a weekly basis, complete Form 646A, FTO Sergeant's Weekly Report.
 - d. On a weekly basis, confer with the relief lieutenant concerning the progress of the PPO.

- e. On a weekly basis, confer with PPOs to note their progress and identify strengths and weaknesses. Ensure the PPO signs Forms 644 and 646A.
 - f. Use the Recruit Book as an aid in counseling the PPO. It should serve as an aid to correcting individual weaknesses in an effort to improve overall performance.
 - g. Ride with PPO for a minimum of four hours to observe performance. Document the performance on Form 646A, FTO Sergeant's Weekly Report.
 - h. Attend all scheduled meetings to discuss PPO's performance with all officers involved in the program.
2. During Phase III:
- a. Once the PPO has been approved for solo patrol by the affected district commander, the FTO Sergeant will remove the PPO designation from the lineup.
 - b. At the end of each calendar month, complete Form 647A, FTO Sergeant's Monthly Report.
 - c. On a monthly basis, confer with the relief lieutenant concerning the progress of the PPO.
 - d. On a monthly basis, confer with PPOs to note their progress. Ensure the PPO signs Form 647A.
 - e. Ride with PPO for a minimum of four hours to observe performance. Document the performance on Form 647A.
3. By the end of each January and July, complete Form 647C, FTO Recertification and Evaluation Report, for each FTO on the relief.

F. Duties of Relief Lieutenants

1. During Phase II:
- a. Ensure the FTO and PPO are assigned to the same off-day group so they will work together as much as possible.
 - 1) Forward a Form 17 to the Training Section Commander listing the name of the PPO, FTO, and assigned off-day group.
 - b. On a weekly basis, review Forms 644, Daily Observation Report, and 646A, FTO Sergeant's Weekly Report. This review will consist of conferring with the FTO sergeant to identify strengths and weaknesses of the PPO.
 - c. On a weekly basis, complete Form 646B, Relief Commander's Narrative Report, for each PPO assigned to the relief.

- d. On a weekly basis, meet with the FTO sergeant, FTO, and PPO to discuss the PPO's progress. Identify strengths and weaknesses and take any necessary measures to address deficient areas. Ensure the PPO signs Form 646B.
 - e. Forward Forms 644, 646A, and 646B to the district commander for review.
 - f. Review the Community Based Problem-Solving Exercise with the PPO and primary FTO, then forward to the district commander with recommendations for a CPOP project, if warranted.
 - g. Confer with the district commander within the last week of each 28-day work period and in the final evaluation process concerning the progress of each PPO.
 - h. Notify the FTO Coordinator of any areas requiring additional training.
2. During Phase III:
- a. At the end of each calendar month, review and sign Form 647A, FTO Sergeant's Monthly Report. This review will consist of conferring with the FTO sergeant to identify strengths and weaknesses of the PPO.
 - b. At the end of each calendar month, meet with the FTO sergeant, FTO, and PPO to discuss the PPO's progress.
3. Review Forms 647C, FTO Recertification and Evaluation Report.
4. By the end of each January and July, complete Form 647D, FTO Sergeant Recertification and Evaluation Report, for each FTO sergeant on the relief.
- G. Duties of District Commanders
- 1. Recommend personnel for assignment as FTOs, with input from the Training Section Commander, using criteria outlined in section I.
 - 2. If necessary, after consultation with the Training Section Commander, remove a FTO from the program.
 - 3. Assign the PPO to primary and secondary FTOs with input from the Training Section Commander. Notify the FTO Coordinator of the pairings.
 - 4. Within the last week of each 28-day work period, or more frequently if necessary, confer with shift lieutenants to identify if problem areas exist. Consult with the Training Section Commander and FTO Coordinator to establish training programs within the district to address any problems.

- a. This does not preclude training conducted at Training Section in response to a general problem that would benefit more than a few PPOs.
 5. Review, approve, and forward all completed Forms 644, 646A, 646B, 647, 647A, and 647B to the Training Section.
 - a. If the PPO has successfully demonstrated the ability to perform as a police officer, return the Recruit Book along with completed Form 647 to the Training Section.
 6. Notify the Training Section Commander via Form 17 of changes in primary or secondary FTOs.
 - a. Include the name of the PPO, the name of the previous and new FTO, and indicate the FTO status (primary or secondary).
 7. Initiate dismissal procedures when repeated attempts to train and counsel a PPO have been unsuccessful.
 - a. Dismissal procedures should occur in Phase III before the beginning of the 11th month of probation to provide enough time for case documentation and preparation. This in no way prevents beginning dismissal procedures at an earlier or later date.
 8. Review Forms 647C, FTO Recertification and Evaluation Report, and 647D, FTO Sergeant Recertification and Evaluation Report, and forward to Training Section.
 9. Notify the affected FTO Sergeant to remove PPO designation from the daily relief lineup once a PPO has been approved for solo patrol.
- H. Duties of the Training Section Commander and FTO Coordinator:
1. Direct and coordinate the activities of the FTO Program.
 2. Assemble the FTO Review Board for the review of field training officers.
 - a. The FTO Review Board consists of the Administration and Patrol Bureau Commanders, Training Section Commander, Internal Investigations Section Commander, FTO Coordinator, and a FTO.
 - 1) The Training Section Commander, with input from the Administration and Patrol Bureau Commanders and approval of the Police Chief, will select a FTO to serve on the board for a period of two years.
 3. The FTO Review Board will meet twice a year to review FTO and FTO Sergeant Recertification and Evaluation Forms and make final recommendations to the Police Chief. The Review Board will also meet as needed to select new FTOs.

- a. The Board will review all applications from FTOs and prospective FTOs. The Training Section Commander will review the findings of the Board and make recommendations to the Police Chief.
 - b. The Board may interview any prospective or present FTO they feel does not meet the standards outlined in section I and make recommendations to the Police Chief.
4. Review completed Forms 644, 646A, 646B, 647A, and 647B.
 5. The Training Section Commander and FTO Coordinator will take an active part in the final evaluation of each PPO and make a recommendation to either retain or separate the PPO.
 6. Recruit advisors will:
 - a. Assist the FTO Coordinator in identifying weaknesses in recruit training and assist with remedial training.
 - b. Assist the FTO Coordinator with the maintenance of files, report deadlines, and follow up on the status of PPOs.
 - c. Review completed Forms 644, 646A, 646B, 647A, and 647B with the FTO Coordinator.
- I. Criteria and Method for Selecting Field Training Officers
1. Factors to be considered in the selection of Field Training Officers includes:
 - Performance rating.
 - Attendance.
 - Driving record.
 - Commendations.
 - Complaint history.
 - Disciplinary record.
 - Physical fitness.
 - Oral communication skills.
 - Judgment.
 - Job experience.
 - Attitude.
 - Maturity.
 - Previous FTO experience.
 - Knowledge of procedures.
 - Writing skills.
 - Seniority.
 2. Selection process for choosing police officers, specialists, and sergeants for the FTO program:
 - a. The FTO Review Board will review and consider the following information for each applicant:

- 1) Seniority (in excess of three years).
- 2) Personnel jacket information and Internal Investigations Section profile record of the past three years.
- 3) Verification of information on application form.

J. FTO Insignia:

1. Only those officers on Training Section's list of active FTOs may wear the FTO insignia. Any officer removed from FTO status, regardless of the reason, will immediately return the insignia to the FTO Coordinator.
 - 1) The insignia is only to be worn on the left breast pocket flap of the nylon windbreaker, storm coat, Ike jacket, or blouse during cold weather. During warm weather, it is to be worn on the left shirt pocket.

13.101 TRAINING MEMOS AND VIDEOS

Information:

Training Memos are designed to bring timely information to the attention of Police Department personnel. They impart information in narrative form to all personnel. This helps the Department meet training needs as they are identified. Training Memos suggest best methods of performing functions or describe services available to the Department from outside agencies. They assist personnel in using the latest accepted techniques in carrying out Department procedure.

Policy:

Training Memos will be written to conform to the mandates of procedure but should not refer to procedure by number. Training Memos may at times elaborate upon procedure in methods of carrying out the Department mission.

Procedure:

A. Department Personnel:

1. Sworn personnel must be familiar with all current Training Memos and know the contents of these training documents.
2. If any Department member recognizes a need for training that could be accomplished through a Training Memo or video, or a shortcoming with a current Training Memo or video, he should forward the information/suggestion on a Form 17 through channels to Training Section.

B. Training Section:

1. The Training Section Commander is responsible for determining the training needs of the Department.
2. Training Section will conduct an annual review of all Training Memos and videos ensuring they are valid and current.
3. Producing Training Memos and Videos
 - a. Training Section will create/revise/delete Training Memos and videos as a result of:
 - 1) A Form 17 from a Department member, endorsed and approved by the Chief, suggesting a change in a current Training Memo or video, or the need for an additional Training Memo or video.
 - 2) A determination by the Training Section Commander of a training need that would be met most appropriately in a Training Memo or video.
 - 3) An annual review of Training Memos and videos conducted at Training Section.

- b. When producing/revising Training Memos and videos, Training Section will request input from the affected unit(s).
 - 1) The affected unit(s) will be responsible for providing information to assist Training Section staff.
 - 2) Training Section will complete the final document to assure it meets training guidelines.
 - c. Coordinate with Planning Section to ensure the concepts of the Training Memo or video are not in conflict with current policy, procedure, statutes, or ordinances.
4. Staffing the Training Memo
- a. When a Training Memo is written/revised, the Training Section will request staffing, by Chief's memo, for comments from:
 - 1) Planning Section
 - 2) All Bureaus
 - 3) Fraternal Order of Police
 - 4) Other appropriate agencies outside the Department (for coordination/input)
 - b. After all staffing responses are received, they must be evaluated. Retain all responses for future reference.
 - c. Appropriate changes will be made as a result of the staffing process, and submitted to the Police Chief for approval.
 - 1) If numerous or major changes are made as a result of the staffing process, restaff the Training Memo as outlined in Section 4.a. above.
5. Distribution
- a. After approval by the Police Chief, the new/revised Training Memo will appear in the Department Staff Notes for official notification of Department personnel.
 - b. Training Section will ensure distribution to all sworn personnel.
 - c. When a Training Memo is deleted, a Staff Note Item will be published as official notification of Department personnel.
- C. Master Training Memo Book:
1. Training Section maintains the Department's Master Training Memo Book containing:
 - a. All current, valid Training Memos with revision dates.

- b. All deleted/invalidated Training Memos with dates of deletion and notation briefly indicating reason for invalidation/deletion.
- 2. Each district/section in the Department maintains a book containing all current and valid Training Memos.

13.105 REPORTING AND EVALUATING OFFICER'S ACTIVITY

Reference:

Procedure 12.537 – Mobile Video/Digital Video Recording Equipment
Procedure 12.030 – Vehicles: Assignment, Use, and Maintenance

Purpose:

To provide a uniform system throughout the Police Department for maintaining officer's activity records.

Policy:

Officers will accurately and thoroughly record their daily activity to maintain integrity, community trust, and professionalism while performing their duties.

Procedure:

A. Specialists/Police Officers will:

1. Take a Form 436A, Daily Activity Record, with them on patrol, fill in with ink the identifying information, and make necessary entries as calls for service are received and dispositions are obtained.
2. Submit the Form 436A to the shift supervisor at the completion of the officer's tour of duty.
3. Complete activity reports according to unit Standard Operating Procedure (SOP) when assigned to a specialized unit.

B. Supervisors will:

1. Prior to the termination of the following workday, review for accuracy and completeness all Forms 436A submitted the previous day. Discuss any errors or performance deficiencies with the officer. Should an error exist, have the necessary correction made by the officer. Each shift will maintain a Form 436A file.
2. Record activity entries onto a Form 436B, Monthly Composite - Officer's Daily Activity Record.
3. Maintain Forms 436B in alphabetical order for the shift and make them available to the officers for review upon request.
4. Provide counseling when the need is recognized. Enter this action in the space provided and sign and date the entry along with the officer.
5. Submit Forms 436B to the unit commander at the end of each period for approval. Record entries on a Form 436C, Patrol Officer's Composite Activity Record.

6. When an officer is transferred, send the Forms 436B and 436C to the new unit along with the officer's Personnel Information Sheet. Retain all Forms 436A in the original unit.
- C. Forms 436A, 436B, and 436C
1. Retain all Forms 436A, 436B, and 436C for the current and previous year only.
 2. Individual specialized units may customize Forms 436A, 436B, and 436C to meet their specific needs.
- D. Guide for Completing Form 436A, Side 1 - Activity Summary
1. Officers assigned as partners may take equal credit for work accomplished except as otherwise indicated in the following instructions.
 - a. Beat/Zone - Enter beat number and zone of each day's assignment.
 - b. Hours - List working hours along with partial time off in this block; i.e. 1500-2300, 2VAC (2100-2300).
 - c. Total Hours On Duty/Detail - Enter the actual number of hours on duty. Behind the slash, record the amount of detail time. Information contained in this space will only apply to fixed posts, assigned details, and court attendance while on duty. Supervisors will consider detail time when evaluating performance.
 - d. Vehicle Inspected By – Enter the name of the officer who inspected the vehicle at the beginning and end of the shift.
 - e. Service Calls/Administrative Calls - Enter the total number of calls for service received from Police Communications Section (PCS) where a direct task is required. This does not include such runs as Signals "55," "1," or "2" unless these calls result in a direct task. Do not score if a run was disregarded. Below the slash, enter the number of administrative calls. Mail run, property run, pickup subpoenas, or pickup supplies are examples. Do not double score with radio runs.

- f. Activity:
- 1) Felony Arrests/Co-op – Above the slash, list the number of felony arrests made. Any computer "hits" on warrants resulting in a physical arrest may be scored. Below the slash, include all felony arrests in which the officer supplied information leading to the arrest or developed evidence pertaining to the arrest. Include prisoner pickups from other departments/agencies. Record the name, address, charge, and warrant number, if applicable, in the Arrest/Investigatory Stops section. Only the officers making the arrest will score.
 - 2) Misd. Arrests/Co-op – Above the slash, list the number of misdemeanor arrests made. Include OVI, driver's license violations, and minor misdemeanors in this space. Any computer "hits" on warrants resulting in a physical arrest or citation may be scored. Below the slash, include all misdemeanor arrests in which the officer supplied information leading to the arrest or developed evidence pertaining to the arrest. Include prisoner pickup from other departments/agencies. Record the name, address, charge, and warrant number, if applicable, in the Arrest/Investigatory Stops section. Only officers making the arrest will score.
 - 3) Truants/Curfew Viol. – Above the slash, record the number of truants picked up. Below the slash, record the number of curfew violations issued.
 - 4) Cases Cleared: Fel./Misd. – Above the slash, record the number of felony cases cleared. Below the slash, record the number of misdemeanor cases cleared. Include all cases closed except for "Investigation Pending." Do not score missing persons returned or auto larcenies recovered, without an arrest, as a cleared case.
 - 5) Offense Inv./Closed – Above the slash, record the number of original or follow-up offense reports investigated. Below the slash, record the number of cases closed.
 - 6) Crimes Disc./Vice Arrests – Above the slash, record the number of crimes discovered through the officer's individual efforts. Any crime requiring an offense report that is discovered by the officer may be recorded in this space. Do not list those crimes that are a result of a service call or similar second party information. Below the slash, indicate the number of vice arrests made. Also score these arrests in Items 1) or 2).

- 7) OVI Arrests/Processed – Above the slash, record the number of persons arrested for operating a vehicle under the influence (score also in Item 2). Below the slash, record the number of persons processed/tested for OVI violations only if the officer is an intoxilyzer operator. Record the name, address, and charge in the space provided. The processing officer may take credit for a Co-op arrest; however, the arresting officer does not take credit for intoxilyzer processing.
- 8) Reports Made - Score the number of all reports made during the shift (Form 301, Form 316, etc.).
- 9) Form 306 (Prev. Pat. Rpt.) - Record the number of Preventive Patrol Reports issued.
- 10) MUTTs/Radar-Laser – Above the slash, record the number of traffic violations resulting in an arrest or citation. Include juvenile traffic arrests and citations. Partners will take credit when a physical arrest is made or an auto crash is investigated. Below the slash, record the number of speeding violations written using radar or laser.
- 11) Crash Reports/Citations – Above the slash, record the number of Forms OH-1, Ohio Traffic Crash Report investigated. Below the slash, record the number of Forms OH-1 made which resulted in a citation.

NOTE: Score no more than one arrest or citation for each accident in this space. All arrests and citations occurring in connection with a crash report will also be scored in their appropriate place.

- 12) Forms 318 - Record the number of Forms 318 made.
- 13) Ped. Viol.: Adult/Juv. – Above the slash, list the number of adult offenders resulting in citation or referral. Below the slash, list the number of juvenile offenders resulting in citation or referral. Partners will take credit when a physical arrest is made.
- 14) CPIs - Record the number of parking infractions issued. Partners do not take credit for parking infractions.
- 15) Auto Recovery - Record the number of auto larcenies or unauthorized use vehicles recovered.
- 16) Autos Towed - Record all autos towed during the shift. Include auto crashes, delinquents, parking infractions, etc.

- 17) Invest. Stops/Contact Cards – Above the slash, record the number of investigatory stops (reasonable suspicion to believe a citizen is committing or has committed a crime). Record the name and address of each person stopped for this purpose in the space provided. Below the slash, record the number of Forms 534, Contact Card completed.
- 18) PFO/Assists – Above the slash, record the number of places found open as a result of the officer's individual efforts. Only the discovering officer and partner take credit for the PFO. Below the slash, other responding officers take credit for an assist. Complete a Form 317, Cincinnati Police General Conditions Report, if no offense is recorded.
- 19) Warr.-Sub. Served/Unable – Above the slash, record the number of warrants or subpoenas served. Below the slash, record the number of warrants or subpoenas returned unable to serve.
- 20) Forms 305 Inv./Dir.Pat. – Above the slash, record the number of Forms 305, Complaint Report, investigated during the tour of duty. Below the slash, record the number of directed patrol investigations made.
- 21) Referrals/Problems Identified – Above the slash, record situations coming to the attention of an officer where private or government agencies could be of assistance; i.e., YMCA, Private Complaint, Salvation Army, 241-KIDS. Below the slash, record the number of community problems identified and recorded on a Form 560, Community Problem Solving Worksheet.
- 22) Foot/Bike Patrol Hours – Above the slash, record the number of hours spent on foot patrol. This does not include time spent out of the vehicle on routine radio runs. It does include time spent on dismounted “directed patrol.” Below the slash, record the number of hours spent on bike patrol.
- 23) Public App./Community Council Meetings – Above the slash, record the number of gatherings attended, in an official capacity, to address the concerns of or to relay information to schools, youth organizations, businesses, etc. Below the slash, record the number of community council meetings attended.
- 24) Court Appearances – Record the number of court appearances attended on-duty or off-duty.

- g. In-car Camera Check:
 - 1) Record the results of the Mobile Video/Digital Video Recording Equipment inspection. Record any tape/disc change along with the reason for the change and the name of the supervisor who changed the tape/disc.
- h. Notes:
 - 1) List any traffic posts worked, foot patrol, etc.

E. Guide for Completing Form 436A, Side 2 - Service Calls:

- 1. Officers must log complete information concerning calls for service and all action requiring out-of-service time (Signal 27).
 - a. Rec'd - Enter the exact time the radio or MDT run is received from PCS.
 - b. 26 - Enter the time when service is completed for that particular dispatch.
 - c. Name - Enter the name of the complainant whenever possible. If no complainant is found or appropriate, enter the name of the victim or suspect.
 - d. Location - Enter the exact address of the radio run. Make any corrections to dispatched address, if necessary, and notify PCS of the change.
 - e. Nature - Enter specific information from the dispatcher on the nature of the run, including specific code number or signal.
 - f. Disposition - Enter as much information as necessary to adequately describe the service rendered or action taken.
 - 1) Disposition should be comprehensive enough to allow a supervisor to immediately determine what action was taken: advice given, reports made, arrests, or pending activities resulting from this run.
 - 2) If given a disregard on the run, indicate by whom (PCS, district, another beat car) and indicate which car took the run. Do not score disregards as runs in Item 4.

12.825 COMPENSATORY TIME AND PAID OVERTIME

Reference:

Cincinnati Municipal Code (CMC) - Chapter 308 - Employment Regulations
 FOP/City Labor Agreement - Sections 2, 8, 12, & 25
 AFSCME/City Labor Agreement - Articles 14 and 15
 CODE/City Labor Agreement – Article 15
 City of Cincinnati Overtime Policy
 Procedure 12.815 - Court Appearances, Jury Duty, and Other Hearings
 Procedure 12.820 - Compensation for Court Attendance, Hearings and Other
 Administrative Recalls
 Procedure 12.826 - Processing Payroll/Timekeeping
 Payroll Storage System Users Manual

Definitions:

Increment Overtime – Overtime request for pay or time for activities that are relative to routine Departmental operations. Routine activities which meet one of the criteria for Contingency Overtime will be classified as Contingency Overtime.

Contingency Overtime – Overtime request for pay or time submitted and approved in advance. Contingency Overtime will be either non-routine, specifically funded (such as council mandated PVO), or project activities (such as special investigations or sweep operations). All overtime pertaining to a SWAT operation/incident will be classified as Contingency.

Reimbursable Overtime – Contingency overtime that requires payment from an outside source, i.e., Enterprise Services, grant monies, Ohio Department of Transportation, etc.

Purpose:

Establish a procedure for administering, documenting, and processing records concerning compensatory time.

Ensure compliance with the Fair Labor Standards Act (FLSA) for non-exempt sworn and non-exempt non-sworn employees, as mandated by federal statute.

Policy:

Court, Off/Dead, Increment, and Contingency are the only categories that are acceptable for the submission of paid overtime. Contingency overtime may only be used if it has been pre-approved by the Police Chief or is allocated in the current budget.

Avoid overtime whenever possible. All personnel will strive to reduce overtime hours worked.

Supervisors will consider the use of on-duty personnel or will adjust the employee's hours rather than scheduling overtime, if contractually permissible. Pertinent provisions of the contract dealing with shift separation and shift changes must also be considered.

A supervisor will pre-approve all scheduled, unscheduled, emergency, and non-emergency overtime.

Police Department personnel, both sworn and non-sworn, who work more than eight hours in one day or more than forty hours in one week (seven day period) will be compensated according to contract or memorandum of agreement.

All compensatory time will be recorded as directed in this procedure. Unrecorded time is strictly prohibited.

Department personnel will be compensated for holidays according to current Fraternal Order of Police (FOP), American Federation of State, County, and Municipal Employees (AFSCME), and Cincinnati Organized and Dedicated Employees (CODE) contracts, and CMC Section 308-9. Sworn personnel receive 120 hours compensatory time on January 1 each year instead of holiday pay. Holidays are treated as any other day.

Annually, each sworn member will have up to three compensatory hours deducted from their time and deposited in the FOP donated time bank. The amount of time deducted is at the discretion of the FOP President.

Personnel will be compensated only for increment overtime previously authorized by their supervisor, except in extreme emergencies.

Information:

FLSA exempt sworn employees include sergeants, lieutenants, captains, assistant chiefs, and the Police Chief. FLSA non-exempt sworn employees include police officers and specialists. FLSA non-exempt sworn employees are capped after accumulating 480 FLSA compensatory hours. This does not include the 120 hour annual holiday allowance. When the 480 hour cap is reached, all additional overtime, including compensatory time, is compensated by cash payment. The 480 hour cap is revolving. It does not end except when employment is terminated. All comp-time eligible, non-sworn employees, whether FLSA exempt or non-exempt, are capped after accumulating 80 FLSA compensatory hours.

Conditions may exist which require an employee to perform a work related function outside of the normally established business hours of that employee. If this occurs, all CODE, Division 0 (non-CODE), and Division 8 employees may adjust their schedules to use these hours as time off within the same pay period.

Supervisors will make every effort to ensure flex time is used in the same pay period it is earned. If circumstances do not permit the eligible employee to use the time within the same pay period, the employee may accrue flex time at a straight rate. Flex time may only be accrued past the pay period with the prior approval of the employee's supervisor. Only non-overtime eligible CODE, Division 0 (non-CODE), and Division 8 employees may accrue flex time.

Absent extenuating circumstances, the supervisor will require the employee to use any accrued flex time within the next pay period. When this is not possible, a plan should be established to use accrued flex time as soon as possible. Unused flex time may not be carried longer than 6 months.

Employees who accrue flex time will submit a Form 202F, Flex Time Accrual/Usage of Flex Time, signed by a supervisor, to Finance Management Section via the chain of command. A copy of the Form 202F will accompany the Form 202C, Weekly Time Report, submitted at the end of the 2nd week of the pay period. A Form 202F is not required if the overtime hours are used within the same pay period.

Flex time will not be used as a way to allow employees to accumulate time for future use. Additionally, flex time will have no cash value under any circumstances.

All non-sworn employees will complete a Form 202C. Employees whose working hours are listed on a daily line-up are not required to complete a Form 202C unless they are eligible for flex time.

Procedure:

A. Overtime Compensation

1. Personnel working overtime will complete and submit a Form 68P, Overtime and Court Appearance Report, by the end of the next working day. Authorization must be given prior to working the overtime.
 - a. Check "Time" or "Pay" on the Form 68P.
 - b. In cases of increment overtime, the supervisor authorizing the overtime will sign the Form 68P in the "Overtime pre-approved by" block. At the time of authorization, if the authorizing

supervisor is physically unable to sign the Form 68P, authorization must be given in one of the following ways:

- 1) Via MDC from the supervisor to the officer.
 - 2) Via radio if the officer has no access to an MDC.
 - 3) Via phone only when there is no immediate access to an MDC or radio.
 - a) If authorization is obtained by phone, the authorizing supervisor must sign the Form 68P in the "Overtime pre-approved by" block prior to submission.
 - c. In cases of contingency or reimbursable overtime, such as details assigned by Detail Coordination Unit (DCU), preplanned City paid details, SWAT incidents, etc., no signature is required. However, the name of the unit, i.e., DCU, or the supervisor authorizing the overtime will be entered in the "Overtime pre-approved by" block.
 - d. List scheduled duty hours in the "Duty hours" block. The overtime hours are listed in the "Overtime hours" block.
 - e. In the "Reason" block describe the activity requiring the overtime.
 - f. A supervisor will sign the "Verified by" line on the Form 68P after verifying the overtime worked and the accuracy and completeness of the form.
2. Report "Recall" as defined in the FOP and AFSCME labor agreements.
 3. If overtime is contingency overtime, a Form 17, Request for Paid Overtime, must be previously approved.
 4. The unit timekeeper will enter the overtime hours worked as outlined in the Payroll Storage System Users Manual.
 - a. File the Form 68P in the employee's individual time folder along with all Form 25S, Request for Leave of Absence.
 5. The district/section/unit commander will review and approve all Forms 68P.

B. Form 435, Payroll Overtime Report

1. Each district/section/unit commander will review all usage of overtime as recorded on the Form 435 and note his approval in the space provided.
2. The original Form 435 will be forwarded to Finance Management Section.
 - a. Post a copy on the unit bulletin board for employee review.
 - b. Maintain a copy in the unit file.
3. Document "Recall" hours on a separate Form 435.
4. Other classes of paid overtime listed on a separate Form 435 include, but are not limited to:
 - a. Overtime, Emergency - state the specific reason.
 - b. Overtime, Interdepartmental Billing - details worked for other city departments.
 - c. Overtime, Position Vacancy.

Note: A Form 17 Request for Paid Overtime is required, if applicable.

C. Other Overtime

1. Court appearance compensation - refer to Procedures 12.815 and 12.820.
2. Holiday time
 - a. Compensate non-sworn employees who work on a holiday for pay at double their hourly rate in addition to the eight hours pay ordinarily received when working a non-holiday.
 - 1) Submit a Form 68P showing the scheduled duty hours in the "Duty hours" and "Overtime hours" blocks. The timekeeper will fill in the "Overtime for pay" block showing the hours earned. Note "*Worked Holiday*" (specifying which holiday) in the "Reason" block.

3. All sworn members of the Department will receive any additional time declared for each special holiday throughout the year. The authority to grant a special holiday rests with the City Manager.
 4. Flex time accrual/usage
 - a. Employees accruing and/or using flex time will complete a Form 202F and submit it to a supervisor for signature.
 - b. A copy of the Form 202F (covering the entire pay period) will be attached to the Form 202C submitted at the end of the 2nd week of the pay period.
 - c. The original Form 202F will be sent to Finance Management Section, via the chain of command, for processing.
- D. Transfer of Personnel
1. Units transferring personnel in or out of a unit will ensure that all Forms 25S and Forms 68P have been entered. The procedure outlined in the Automated Comp-Time Program User's Manual will then be followed.

13.107 EVALUATION SUPPLEMENT LOG

Reference:

FOP/City Labor Agreement
AFSCME/City Labor Agreement
CODE/City Labor Agreement
Procedure 14.200 - Information Technology
Procedure 16.111 - Employee Tracking Solution

Purpose:

Document positive employee work performance, training, and corrective action. Assist with the development and evaluation of personnel. Track employee interventions and the intervention progress within the Employee Tracking Solution.

Policy:

An Evaluation Supplement Log (ESL), will be maintained on all sworn and non-sworn employees. ESLs will be maintained in the Employee Tracking Solution (ETS).

Supervisors will utilize these entries to document positive and/or negative personnel performance, plans of actions or interventions to enhance performance, and for use as supporting documentation related to employee evaluation. When the intervention includes a referral to an outside agency (Public Employees Assistance Program, police psychologist, etc.) only the name of the agency will be listed. The reason for the referral will be outlined in the employee's medical jacket maintained at Personnel Section. Authorized employees may access the medical jacket by contacting Personnel Section.

Information:

Interventions can occur as a result of any incident or identification of a pattern requiring attention. Employees will be evaluated according to a comparison with employees in their organizational group. Should this evaluation reveal that an officer's activity exceeds or falls short of established thresholds, an intervention may occur. Any of the following are considered an intervention and will be documented in the employee's ESL:

- Review;
- Counseling;
- Training;
- Referral to outside services such as, Public Employees Assistance Program (PEAP), police psychologist, etc, (list only the agency name);
- Monitoring plan – documented action plan with set reporting intervals;
- Reassignment;
- Discipline;
- Other or any combination of the above.

Procedure:

A. ESL Format

1. Every ESL entry will be entered into ETS.
 - a. Give full details, including date of occurrence, and description of the incident or action generating the ESL entry.
 - 1) Include reference document, offense number, tag number, name, etc., if applicable.
 - 2) Include the date the incident or action occurred. For example, on 03/01/06, Officer Jones responded to an Aggravated Robbery, Incident #50A1100201, made the initial report, recovered victim's property, recovered the weapon used, arrested the suspect, Marcus Smith, and elicited a confession from suspect.
 - b. When describing the supervisory action taken, a one or two word entry is acceptable, i.e., commended, officer advised, counseled. If the action is documenting an intervention plan, a brief description of that plan or the name of the outside agency must be noted.
 - c. Record the date the employee was notified of the ESL entry.
 - d. Employee badge number and initials
 - 1) A supervisor will request the employee log in to ETS and review the ESL.
 - a) Make the request for the employee to review the entry as soon as possible from the date of entry.
 - b) The review will take place in the presence of the reviewing supervisor.
 - 2) The employee will be asked to enter their initials and badge number (if applicable) to acknowledge they have been notified the ESL entry was made.
 - a) If the employee refuses to initial a disciplinary or corrective entry, another supervisor must witness the refusal. The witnessing supervisor's name will be noted in the Action Taken area. The reviewing supervisor must type the word "refused" in the Employee Initial field indicating the employee refused to initial the ESL, regardless of the nature.

- 4) Employees are not permitted to write a rebuttal or comments on the ESL form. Employees do have a right to submit an explanation or rebuttal on a Form 17, which will be scanned and attached to the ESL case folder as a document. The original Form 17 will be routed through the chain of command.
- e. Supervisors who initiate an ESL entry or review an ESL entry with an employee will enter their initials and badge number.
- f. Further Disposition
 - 1) If a single incident or a series of incidents result in other action taken at a later date, note the specific action taken in this field, i.e., official commendation, written reprimand, etc.
 - 2) Reports (Forms 17, 90SP, 91SP, etc.) submitted indicating that an ESL entry was made will accompany the ESL in the case folder.
 - a) The ESL will be attached to the original ETS case, if appropriate, by "Add ESL".
 - b) If a hard copy of the ESL is needed for a document outside of ETS, the ESL will be printed and attached.

B. Supervisor Responsibilities

1. The ESL will be work-flowed to the employee when the supervisor is ready to review it with the employee. The review must take place as soon as possible from the date of entry.
 - a. The review will take place in the presence of the supervisor who prepared the ESL. If a different supervisor is going to review the ESL with the employee, the ESL must first be work-flowed to the reviewing supervisor.
2. District/section/unit commanders will finalize all ESL entries.
3. The relief or unit officer in charge will check entries regularly for accuracy.
4. First line supervisors will review the ESL in conjunction with the monthly worksheet review.

C. Review of ESL Entries

1. ESL entries may be accessed by:
 - a. Employees – employees may review their ESL via ETS at any time.

- b. District/section/unit commanders and supervisors to whom the employee is assigned.
- c. Personnel Section.
- d. Internal Investigations Section.
- e. Inspections Section.
- f. Assistant Police Chiefs.
- g. Police Chief and/or designee.

13.109 FIXED SHIFT ASSIGNMENTS

Reference:

FOP/City Labor Agreement
Standards Manual - 16 and 41

Definitions:

Shift - A fixed period of time a group of district patrol officers and supervisors work. Shifts are designated by the general period of time in which they work, i.e., first shift, second shift, third shift.

Purpose:

To establish a standard for the selection and assignment of district uniformed patrol personnel to fixed shifts.

To facilitate the efficient and effective use of personnel.

Procedure:

A. Shift Selection Process:

1. The shift selection process will begin on or about November 1 each year.
 - a. Officers will submit a Shift Selection Form (Form 439) to their immediate supervisor no later than November 20 each year.
2. The district commander will post the shift assignments no later than December seventh.
3. Shift change will take place at the beginning of the first four week period on or after January first of each year.

B. Shift Selection:

1. Shift selection requests will be processed by seniority, as measured by the police officer's date of appointment as a police recruit to the date of the yearly January shift change date.
 - a. Police officers and specialists will be assigned to the shift of their preference by seniority.
 - b. Police officers assigned to uniform patrol with less than three years seniority will be assigned to a shift by the district commander.
 - c. The district commander will make every effort to use this three year period to expose these officers to daytime, afternoon, and night policing.

2. Sergeants with less than one year seniority in rank will be assigned to a shift by the district commander.
 - a. Seniority will be measured by the sergeant's appointment date to the date of the yearly shift change date.
 - b. The district commander will make every effort to ensure the newest sergeants are not grouped on one shift.
 3. The district commander will determine the number of officers from each rank to be assigned to each shift.
 4. Sergeants and lieutenants, except as noted above, will be assigned to the shift of their preference by seniority.
 5. Police officers, specialists, sergeants, and lieutenants may be assigned by the Chief to shifts, based upon the needs of the department.
- C. Traditional Shifts:
1. Each district will field three traditional shifts and at least one, but not more than two, power shifts.
 - a. First shift starting times will be 0600 and/or 0700 hours.
 - b. Second shift starting times will be 1400 and/or 1500 hours.
 - c. Third shift starting times will be 2200 and/or 2300 hours.
 - d. Early power shift starting time will be anywhere between 1000 and 1300 hours.
 - e. Late power shift starting time will be anywhere between 1800 and 2100 hours.
 2. The district commander may adjust the starting times of the power shifts as needed during the year. Proper notice, as provided by the labor agreement, must be made of changes in starting times.
 3. Personnel will remain on their assigned shift until the next selection period unless circumstances necessitate changes as determined by the district commander.
 - a. Personnel assigned, transferred in, or recalled from layoff will be assigned to a shift by seniority.
 - b. Normal duty hours may be changed temporarily for special events, training, emergencies, etc.
 - c. If it is necessary to change the number of officers assigned to a shift for any reason, seniority will be used in assigning the officers.

- 1) Seniority will also be used if too many requests are received for a shift.
 - 2) Reverse seniority will be used if not enough requests are received to fill a shift.
4. When a vacancy needs to be filled on a shift, the district commander will review the Forms 439A, 439B, and 439C submitted by his officers during the annual shift selection period. The most senior officer requesting assignment to the shift will receive the shift assignment. This process will continue until all positions are filled or until the candidate pool is exhausted.
- a. An officer who declines a subsequent offer of a shift assignment he initially requested, but lacked seniority to receive, will be considered satisfied, and forfeits his seniority pick for the remainder of the selection period.

ALL REFERENCES TO EIGHT SQUAD PLAN HAVE BEEN DELETED.

13.110 ASSIGNMENT, ROTATION AND TRANSFER OF PERSONNEL

References:

Procedure 13.100 – Field Training Officer Program
Procedure 13.112 – Assignment Availability Selection Process
FOP/City Labor Agreement

Policy:

Personnel will be assigned with the primary purpose of providing adequate service in all units. Experience and qualifications of individuals will guide selection.

Procedure:

A. Assignment and rotation

1. Upon graduation from the recruit training program, police officers will be assigned to field units; the Patrol Bureau will implement and maintain administration of this process (refer to 13.100, section B.2.).
 - a. The probationary police officers will be given at least two district assignments in their first three years with the Police Department.
 - b. A member may be transferred to provide additional stimulus or afford new experience, when an administrative evaluation indicates such action.
 - c. As a general rule, the first assignment will be not less than one nor more than two years.

B. Transfer

1. Upon request of a district/section/unit commander, extension of a specific assignment within the three year time span may be granted after a review of special or extraordinary job skills or active involvement in a significant investigation or program.
2. At the completion of the unit tour, an evaluation of the individual will be made by the shift supervisors with any comments from the district commander relating to individual activities, qualities and capabilities.
3. Requests for transfer prior to completion of the three year cycle will not be honored except for reasons of urgency upon the approval of the Police Chief.
 - a. Requests for transfer, three years from the date of first district assignment, will be given administrative consideration after submission through channels to the Police Chief's Office.

- b. Special or temporary transfers of personnel for purposes other than training will not affect the rotation policy.
 - c. Under ordinary circumstances, transfers will not be made for disciplinary purposes.
4. After individuals have completed their rotation cycle, their personal preference in assignment will be given consideration to whatever extent is consistent with Department policy.
 - a. Members desiring transfer to other assignments will submit a Form 17 to the Personnel Section stating reasons for request and any special experience or qualifications they may have.
 - b. When members in two or more units agree to request mutual transfers, each individual shall submit a separate Form 17 naming the person with whom agreement has been made and units to which they are assigned.
 5. District/Section/Unit commanders will briefly comment on all requests for transfer and forward to the Personnel Section.
 6. Personnel wishing to withdraw transfer requests may submit a canceling Form 17 at any time.
 7. District/Section/Unit commanders, subject to the approval of the bureau commander, will exercise discretion in the employment of personnel assigned to their units.
 8. When it proves impracticable to honor transfer requests within one year on their dates, such requests will be voided.
 - a. Members may resubmit requests not granted within a year.
- C. Temporary Assignments
1. Department needs may dictate the temporary assignment of Department personnel.
 2. The Police Chief determines:
 - a. The positions eligible for temporary assignment.
 - b. The duration of any temporary assignment (generally six months).
 - c. The job specific selection criteria.
 - d. The selection procedure. It will usually follow the specialized assignment application procedure set forth in Procedure 13.112.

3. Restricted Duty Personnel

- a. Department needs may dictate the temporary suspension of an officer's police powers.
- b. An officer on restricted duty may not leave the facility where he is assigned during his tour of duty, unless accompanied by a supervisor.

13.112 ASSIGNMENT AVAILABILITY SELECTION PROCESS

Reference:

FOP/City Labor Agreement
Procedure 13.110 - Assignment, Rotation and Transfer of Personnel

Purpose:

Provide an objective method of selecting officers for assignment availabilities.

Provide officers the opportunity to broaden their experience within these assignments and to emphasize the importance of uniformed patrol.

Information:

Assignment availability openings shall be categorized by job classifications in the following manner:

- Investigative Assignment
- Administrative Assignment
- Technical Assignment
- Patrol Support Assignment (i.e.; Neighborhood officer, bike patrol officer, traffic unit, canine squad, mounted squad)

Policy:

Select personnel for assignment availabilities in a fair and equitable manner and meet the needs of the Police Department.

Job criteria (service tenure, special skills, etc.) will be listed in the "Assignment Availability" vacancy notice.

Procedure:

A. Assignment Availability

1. All district, section, and unit openings which fall under the above listed categories will be published in the Department staff notes.
2. When an applicable vacancy occurs within a district/section/unit, the district/section/unit commander will forward a written request to the Police Chief for approval to post a vacancy notice including the job description.
 - a. The Police Chief's Office will notify Police Personnel Section when a vacancy notice is to be posted.
 - 1) The vacancy notice will include the following information:
 - a) The expiration date for all applications, which will be 10 days after being published in the Staff Notes.

- b) Minimum requirements designated by the district/section/unit commander and approved by the Police Chief.
 - 2) The posting and notice of assignment vacancies will conform with Article VIII (Publication of Assignment Availability) of the current FOP labor contract.
 - 3) After the closing date, Personnel Section will forward all applications received to the appropriate district/section/unit commander and the affected bureau commander.
 - 4) Notice of a vacancy, or even the selection process, does not guarantee that a position will be filled. At any time during the process, the open position may be phased out or otherwise eliminated. The open position may also remain unfilled and open for an indefinite period.
 - 5) Personnel Section will keep applications on file for one year.
- B. Application for Vacancy
 - 1. Personnel who feel they qualify for the assignment, and wish to be considered, will submit a completed Assignment Availability Application Form (Form 77).
 - 2. Make all application forms in duplicate and process as follows:
 - a. Submit the original application directly to Personnel Section.
 - b. Submit the copy to the applicant's immediate supervisor.
 - 1) Supervisors and district/section/unit commanders will type appropriate comments on the application form.
 - 2) Forward the form 77 to Personnel Section through the normal chain of command.
 - 3. Applications will not be accepted after the expiration date, unless there are exigent circumstances.
 - a. Personnel Section will keep the original application on file for tracking and future analysis.
- C. Process for Selecting Police Officers, Specialists, Sergeants, and Lieutenants
 - 1. The district/section/unit commander will review and consider the following mandatory information for each applicant:
 - a. Seniority
 - b. Diversity needs of the unit

- c. "Employee Performance Profile"
 - 1) Personnel jacket information
 - 2) Internal Investigations Section Profile record of the past three years
 - d. Verification of information on application form
 - 2. The district/section/unit commander or his/her designee will interview each applicant that meets the criteria.
 - 3. The district/section/unit commander with the vacancy will make a recommendation to his bureau commander. The bureau commander will make a recommendation to the Police Chief.
 - a. Bureaus, districts, sections, and units may choose to perform other testing before making a recommendation for selection (e.g. physical agility test for canine handler, etc.)
 - b. The bureau/district/section/unit commander may recommend a different officer.
 - 4. The Police Chief has final review authority and will make all selections. He will notify Personnel Section when the selection is made. All applications will be returned to Personnel Section.
 - a. Personnel Section will immediately notify the affected district/section/unit commander and the officer selected.
 - b. Personnel Section will note all transfers in the Personnel Jacket of the affected officer.
 - 5. Nothing in this selection process prohibits the Police Chief from selecting any officer to fill the vacancy.
- D. District/section/unit internal transfers
- 1. Districts/sections/units may make internal transfers only upon approval of the Police Chief.
 - a. The district/section/unit commander will post the assignment availability as outlined in section A.2.
 - b. District/section/unit commanders must notify the Personnel Section of all internal transfers by forwarding a Form 17 to the Personnel Section Director.
- E. Effect of Promotions
- 1. Any specialist or police officer promoted to sergeant will serve one year in a district, uniformed, shift/squad capacity before applying for an assignment, unless otherwise directed by the Police Chief.

F. Transfer Notices

1. Personnel will be notified at least ten days in advance of a transfer unless there are extenuating circumstances.

13.113 CIVILIAN ASSIGNMENT AVAILABILITY

Definition:

A civilian is any city employee assigned to the Cincinnati Police Department who is not a sworn police officer.

Policy:

It is the policy of the Cincinnati Police Department to treat personnel in a fair and equitable manner. The Police Department should be sensitive to the needs of civilian personnel.

Purpose:

Provide a system for selecting qualified civilian personnel to fill vacant civilian positions.

Provide steps for filling civilian vacancies within the Police Department and provide for increased transfer and promotional opportunities for current Police Department civilian employees.

Procedure:

A. Notification of Assignment Availability:

1. The district/section/unit commander is responsible for notifying Police Personnel Section when a vacant position exists or is expected to occur. The district/section/unit commander will forward a written request to the Police Chief for his approval to post an assignment availability notice.
2. The assignment availability will include the following information:
 - a. Classification title
 - b. District/section/unit of vacancy
 - c. District/section/unit commander
 - d. Qualifications and duties
 - e. Work hours
3. Notification of the assignment availability will be in the following manner:
 - a. Published in the next available Staff Notes.
 - b. Posted in a prominent location for ten days.
 - c. Distributed by the district/section/unit commanders or a designee to the civilian personnel under their command.

B. Application for Vacancy:

1. Personnel who feel they qualify for the assignment availability, and wish to be considered, will submit a completed Cincinnati Police Department Civilian Assignment Availability (Form 78) prior to the expiration date.
 - a. Requests received after the expiration date will not be considered unless extenuating circumstances exist and have been documented by the employee's immediate supervisor and the district/section/unit commander.
2. Make all application forms in duplicate and process as follows:
 - a. Submit original application directly to Police Personnel Section.
 - b. Submit the copy to the applicant's immediate supervisor.
 - 1) Supervisors and district/section/unit commanders will note appropriate comments on the application form.
 - 2) Forward to Police Personnel Section through the chain of command.
 - c. Police Personnel Section will retain the original application on file for tracking and future analysis.
 - d. Police Personnel Section will forward a copy of all requests received to the district/section/unit commander where the vacancy has occurred.
 - 1) A second copy will also be forwarded to the district/section/unit's bureau commander.
3. If there are ten or less applications, all applicants will be interviewed. If there are more than ten applications, the district/section/unit commander or a designee will rank the top ten applicants for interviews.
 - a. For security purposes, a minimum of a records check will be conducted on an applicant who is transferred into the Department; is promoted into the Department from another city department; or is a new hire to the city. Generally, the Recruiting Unit conducts background investigations on all sworn and civilian employees with the exception of entry-level clerks.
 - 1) The affected district/section/unit commander will ensure that a criminal history check has been completed and the results are noted on the Form 17 requesting the employee be transferred to that district/section unit.
 - b. If interviews are necessary, the district/section/unit commander or a designee will schedule and conduct them.

- c. The district/section/unit commander or a designee will evaluate all interviews.
4. The district/section/unit commander, after all interviews have been completed and a selection made, will submit his selection request, through the chain of command, to the Police Chief for approval.
5. The Police Chief has final review authority of all selections. He will notify Police Personnel Section when the selection is made.
 - a. Police Personnel Section will notify the affected district/section/unit commander.
6. Police Personnel Section will notify all applicants of the decision.
 - a. Applicants may contact the district/section/unit commander for input on how the decision was reached.

13.115 OUTSIDE TRAINING PROGRAMS/COLLEGE TRAINING

Reference:

FOP/City Labor Agreement
AFSCME/City Labor Agreement
Cincinnati Organized and Dedicated Employees (CODE) Agreement
Procedure 12.817 - Court Management System (CMS)
Procedure 16.125 - Travel on City Business
Human Resources Policies and Procedures – Section 3.4
Administrative Regulation #13 - Travel Outside of Cincinnati on City Business
Requiring an Overnight Stay

Information:

Outside training includes job-related conventions, professional conferences, workshops, seminars, and special training events sponsored by agencies other than the Cincinnati Police Department. Exempt from this procedure are City of Cincinnati sponsored seminars of several hours to one day duration covering a limited subject such as payroll preparation, personnel related forms or processes, Equal Employment Opportunities matters, etc. Also exempt from this procedure are Department personnel attending college or training on their own time and at their own expense.

Policy:

Officers, who will be out of town on City Business, must review the Court Management System and report the days they will be unavailable for court to their immediate supervisor, who will enter the information into the CMS.

Procedure:

- A. Evaluating Training Requests
 1. Training requests are evaluated using the following criteria:
 - a. Is there need for the training?
 - b. Will the employee and/or Department benefit from this training?
 - c. Are funds available?
 - d. Is the training job related? If not, is it related to the applicant's career plan?
 - e. Does the Training Section already provide this training? Is the same quality training available elsewhere at a more reasonable cost?
 - f. Have others in the same unit attended this training?

B. Order for Processing the Outside Training Request Packet

1. Applicant.
2. Immediate supervisor.
3. District/section/unit commander.
4. Bureau commander.
5. Training Section.
6. Resource Bureau Commander.
 - a. Asset Forfeiture Committee, if required.
7. Finance Management Section.
8. Police Chief.
9. Finance Management Section.
10. Training Section.
11. Applicant.

C. Process for Requesting to Attend Outside Training Programs

1. Applicant responsibilities
 - a. Contact the Training Section to obtain an Outside Training Request packet. This packet consists of a Form 70T, Request for Outside Training, a Form 70S, Request for Permission to Travel, and the employee's training record.
 - 1) Anytime an employee voluntarily requests training and/or travel on City business, the employee will not receive any overtime compensation in excess of an eight-hour day, or a forty-hour work week during the training and/or travel.
 - 2) A Form 70S is not necessary if the training is free, reimbursable fees are not involved (i.e., lodging, meals, gas, parking fees, etc.), and does not involve an overnight stay.
 - 3) Follow all instructions in the packet for completing the request.
 - b. The applicant will submit the completed Outside Training Request packet to his immediate supervisor.
 - 1) Include a copy of the training record.

- 2) Include brochures, announcements, and registration forms with the completed packet.
 - 3) Submit requests as far in advance as possible. However, if the training date is less than four weeks away, personnel may expedite the request by hand carrying the request through proper channels to the Training Section.
- c. The Training Section will notify the applicant if the request was approved or disapproved using a Disposition Notification Form 17.
- 1) If the request is approved, follow the instructions in the Outside Training Request packet to complete the travel and/or training arrangements.
 - a) See the Outside Training Request packet for information on prepayment or billing of certain expenses, as stipulated in Administrative Regulation #13, Travel Outside of Cincinnati on City Business Requiring an Overnight Stay.
- d. After returning from the training, complete and submit a Form 71S, Statement of Travel Expense, through the chain of command to the Finance Management Section.
- 1) See the Outside Training Request packet for instructions on completing Form 71S.
- e. Evaluation of Outside Training Request/Certificate
- 1) Each attendee will complete the Evaluation of Outside Training Request (preprinted Form 17) no later than two weeks after returning to duty. Route the completed form and a copy of any certificate of completion, if issued, through the chain of command to the Training Section.
 - a) Failure to complete and submit the Evaluation of Outside Training Request will result in the applicant receiving no credit for the training and disapproval of future training.
- f. The Department employee may be required to prepare and submit a lesson plan on the subject(s) addressed in the training program. The employee may serve as an instructor on this topic to train other employees during recruit or in-service training.
2. Immediate supervisor responsibilities
- a. At the time the request is submitted, ensure the training packet is complete.

- b. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure. Sign and date in the designated space on the rear of the Form 70T.
 - c. Forward the request to the district/section/unit commander.
3. District/section/unit commander responsibilities
- a. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure.
 - b. Forward the request to the bureau commander.
 - c. The district/section/unit commander will receive a copy of the applicant's Disposition Notification Form 17 stating the disposition of the request.
 - d. On approved requests, ensure the applicant follows the instructions for making the necessary arrangements and completing necessary paperwork.
4. Bureau commander's responsibilities
- a. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria in Section A.1. of this procedure.
 - 1) If approved, forward the request to the Training Section.
 - 2) If disapproved, return the request to the applicant back through the appropriate chain of command.
5. Training Section responsibilities
- a. Upon request, ensure the requesting person receives the Outside Training Request packet.
 - b. Ensure all returned forms are properly completed.
 - c. Review, evaluate, and recommend approval or disapproval on the Form 70T using the criteria established in Section A.1. of this procedure.
 - d. Forward the request with the recommendation to the Resource Bureau Commander.
 - e. Attach a copy of the applicant's training record.
6. Resource Bureau Commander will:
- a. Submit the request to the Finance Management Section to verify available funds.

- b. Convene the Asset Forfeiture Committee for review of the request if asset forfeiture funds will be utilized.
 - c. Forward to the Chief for approval.
 - d. Return the completed packet to the Finance Management Section regardless of approval status.
7. Finance Management Section will:
- a. Send a copy of Form 70S and the remainder of the travel packet to the Training Section.
8. Training Section will:
- a. Send copies of the Disposition Notification Form 17 and Evaluation of Outside Training Request to the applicant if the request is approved.
 - 1) Send the original Disposition Notification Form 17 and Evaluation of Outside Training to the applicant's district/section/unit commander.
 - 2) The applicant is responsible for all travel arrangements.
 - 3) Route the Form 70S and other related documents to the Finance Management Section for processing.
 - 4) Review the Evaluation of Outside Training Request submitted by the employee for the value of the program and the possible impact on future training programs.
 - b. Notify the applicant and the applicant's district/section/unit commander through the proper bureau commander using a Disposition Notification Form 17 if the request is disapproved.
 - 1) Training Section will send a copy of the disapproved request to the Finance Management Section when necessary.
- D. Advance for Expenses
- 1. An advance of funds will be permitted to cover expenses only in cases of extended stay (i.e., Southern Police Institute or FBI National Academy).
 - a. Traveler should prepare a Form 70S detailing the estimated dollar amount for out-of-town travel and indicating the amount of the travel advance request.
 - 2. The Police Chief must approve the travel advance request.

- a. If approved, Finance Management Section will prepare a Form 37S, Claim Voucher, requesting an advance in the name of the traveler for the amount of the travel advance. This is required at least 14 days before the scheduled trip.

E. College Attendance

- 1. The Police Department encourages college attendance.
 - a. No member may attend college while on duty.
 - 1) Personnel attending classes during scheduled work hours will use accumulated compensatory, holiday, or vacation time.
- 2. Tuition reimbursement
 - a. Each request is judged on the following criteria:
 - 1) Is the course related to current duties or an aid to promotion?
 - 2) Is the course part of a degree program?
 - a) Electives may be covered if they are part of a degree program.
 - 3) Is the school/institution accredited?
 - b. Request for reimbursement must be filed and approved before course registration.
 - 1) Complete Part 1 and submit through the unit commander a Form 80, Application and Approval for Tuition Reimbursement.
 - 2) The unit commander will review the Form 80 and forward the request to the Training Section Commander for completion of Part 2.
 - a) The Training Section Commander will determine whether the institution is accredited.
 - 3) The Training Section Commander will forward approved Form 80 to Finance Management Section for the completion of Part 3. Disapproved forms will be returned to the submitting officer.
 - a) The submitting officer may elect to re-submit the disapproved request form to the City Human Resources Director for additional review and completion of Part 5.

- 4) Finance Management Section will forward the Form 80 to the Police Chief for completion of Part 4.
- 5) Upon approval by the Police Chief, the Form 80 is returned to Finance Management Section.
 - a) Finance Management Section will send a copy of the approved form to the submitting officer.
- 6) After completing the course work, the Employee must send a copy of his paid receipt for the course and a grade transcript to Finance Management Section.
- 7) Non-sworn personnel in Division 1 and Division 0 (CODE), may request tuition reimbursement for up to six (6) credit hours per quarter for completed work at an accredited educational institution based on the following:
 - a) 100% tuition reimbursement for grade of "A".
 - b) 80% tuition reimbursement for grade of "B".
 - c) 60% tuition reimbursement for grade of "C".
 - d) 80% tuition reimbursement for grade of pass in a pass/fail course.
 - e) 0% tuition reimbursement for grade of fail in a pass/fail course.
- 9) Tuition reimbursement for sworn personnel
 - a) To be eligible to participate in the tuition reimbursement benefit, sworn police officers must meet the conditions set forth in Section 3.4 of the Human Resources Policies and Procedures.
 - b) Reimbursement for up to six (6) credit hours per academic session is based on the following:
 - 1] 100% tuition reimbursement for grade of "A".
 - 2] 80% tuition reimbursement for grade of "B".
 - 3] 60% tuition reimbursement for grade of "C".
 - 4] 80% tuition reimbursement for grade of pass in a pass/fail course.
 - 5] 0% tuition reimbursement for grade of fail in a pass/fail course.

- c) Plus or minus grades have no effect on the reimbursement received by the employee.
- 9) Finance Management Section will process the receipt and grade transcript for reimbursement.
- a) Reimbursements will appear on the employee's payroll check once entered and processed by the Finance Management Section. These payments will be coded so that reimbursements will not be taxed.
- 10) Finance Management Section will file a quarterly report to the Human Resources Director with a listing of individuals receiving tuition reimbursement and the courses taken.

13.120 PARTICIPATION OF DEPARTMENT PERSONNEL IN ATHLETIC EVENTS

A. Purpose:

1. To establish Department policy governing the participation of Department personnel in athletic events on city time.
2. To establish a policy concerning sporting events sponsored by commercial enterprises.

B. Procedure:

1. No member of the Department will be permitted to participate in athletic events on city time.
2. Members desiring to participate will be encouraged to use their accumulated vacation time or compensatory time, to secure time off.
3. At the discretion of the unit commander, the changing of shift assignment will be encouraged when there is insufficient accumulated time.
4. The granting of time off to participate in athletic events will not be approved by the unit commander if the effective strength of the unit will be jeopardized through lack of personnel.
5. When a member of the Police Department is injured while participating in an athletic event (whether Department sponsored or not) and said injury requires time off, the member will be carried as "Off-Duty Sick" (the member's accumulated sick time will be used).
 - a. The Injury Report (Form 91-S) will not be made when injury is sustained from any recreational activity.
6. Members of the Department will not engage in sporting or athletic activities, as a participant, manager, coach or other fashion, which are sponsored by commercial agencies if such association would embarrass the Police Department.
 - a. Members desiring to engage in athletic activities sponsored by commercial agencies will submit their request on a Form 17 to their unit commander and all such participants must have the unit commander's prior approval.

14.110 TELEPHONE USE

Purpose:

Establish guidelines for the official use of cellular telephones, wireless data devices, i.e. Blackberry, TREO, etc. and long-distance telephone calls made by Police Department personnel.

Policy:

When making or receiving telephone calls, Department personnel will conduct themselves in a professional and courteous manner. Personnel will not engage in disputes with telephone operators under any circumstances.

Employees will reimburse the City for any costs associated with the personal use of cellular telephones or wireless data devices.

Cellular telephones and wireless data devices are issued to expedite the facilitation of official City business when away from normal telephone service. The use of cellular telephones or wireless data devices are intended for police related business only.

Personnel will inform Finance Management Section of any changes or additions to Department cellular telephone or wireless data device numbers.

Procedure:

A. Local Calls From Public Telephones

1. All Police Department personnel calling City Hall centrex numbers or Police Communications Section (PCS) from public telephones will:
 - a. From public telephones owned and operated by Cincinnati Bell or ATT:
 - 1) Dial "O" (operator) and wait until the operator responds.
 - 2) Identify yourself as a police officer and request the specific centrex number.
 - b. From public telephones owned and operated by private companies:
 - 1) Dial "10288 or 10ATT" and wait until the ATT operator responds.
 - 2) Identify yourself as a police officer and request the specific centrex number.
 - c. On all emergency calls, call 911. On all other calls to PCS, call 263-8111.

2. This service is provided to on-duty officers for official business only and is not intended for personal, non-emergency telephone calls.
 - a. Police personnel should be alert for civilians trying to use this service fraudulently.

B. Making Long-Distance Telephone Calls

1. Definity System: 310 Ezzard Charles Drive, 824 Broadway, 801 B. West 8th Street, District 2, Street Corner Unit, Police Communications Section and 800 Evans Street
 - a. Dial 9 + 1 + area code + 7 digit number.
 - b. Enter the extension number* when you hear the second dial tone after the 3 beep confirmation tone.

*If the extension number begins with "1," you must change the "1" to "9;" e.g., "1970" would be entered as "9970."
2. Centrex System: Districts 3, 4, and 5, Park Unit, Narcotics Unit, Impound Unit, and Court Control Unit
 - a. Dial 8 + 9 + 1 + area code + 7 digit number.
 - b. Enter the extension number* when you hear the second dial tone after the 3 beep confirmation.

*If the extension number begins with "1," you must change the "1" to "9;" e.g., "1970" would be entered as "9970."
3. Other telephone users: Firearms Training Unit and Mounted Squad
 - a. Dial 1 + area code + 7 digit number.

C. Reporting Long-Distance Telephone Calls

1. Personnel making long-distance telephone calls from an office phone, fax machine, mobile phone, etc., will complete a Form 657, Long-Distance Telephone Report for each call made.
 - a. The district/section/unit supervisor in charge at the time will sign each completed Form 657, indicating approval of the long-distance call.
2. The district/section commander or director will approve all Forms 657A.
 - a. Keep a copy for the district/section/unit file with all Forms 657 attached to the Form 657A.
3. Submit to the bureau commander, by the 10th of each month, the original Form 657A, Monthly Long-Distance Telephone Report. The

reporting period will cover the entire preceding month. List chronologically all long-distance telephone calls made from the district/section/unit assigned telephones including fax machines, mobile phones, etc.

- a. The bureau commander will approve the Form 657A and forward the original Form 657A to the Finance Management Section for audit.

4. Finance Management Section will:

- a. Audit monthly telephone bills received from Communications Technology Services for correctness of fees and computations.
 - 1) Discrepancies between charges and documented information will be identified.
 - a) Request the affected district/section/unit to clarify inconsistencies or take corrective action as necessary.
 - b) Forward a copy of the request to Inspections Section.
- b. Upon suitable clarification or correction of the Form 657A, the Finance Management Section will file the original report for audit purposes.
 - 1) Forward a copy of the information used to correct the Form 657A to Inspections Section.

D. Long-Distance Telephone Fraud

- 1. Police Department employees should be aware of frauds involving the use of telephone lines for long distance and overseas billing.
 - a. To avoid telephone fraud, do not transfer anyone to an outside operator from an incoming telephone call.

E. Cellular Telephone or Wireless Data Device Authorization and Use

- 1. Department personnel who are transferred to a position where a cellular phone or wireless data device was previously approved, or is assigned to a position where a cellular phone or wireless data device is desired must;
 - a. Request and complete a Cellular Phone/ Wireless Data Device Authorization Form from Police Communications, Radio/Equipment Clerk at 263-8118 and submit it through the chain of command.
 - b. Complete a Form 17, Cellular Telephone Usage Form.
 - c. Complete a Form 630, Cincinnati Police Department Equipment/Supply/ and Service Order Form.

2. After approval by the Police Chief, the forms will be forwarded to Police Communications Section, where the cellular phone or wireless data device will be activated. Cellular telephones and wireless data devices will be distributed and tracked by Police Communications Section.
3. Finance Management Section will forward cellular phone and wireless data device billing statements, through the respective bureau, to the district/section/unit commander or director.
4. Each district/section/unit commander, director, or designee will review the cellular telephone or wireless data device usage of personnel under their command and forward the results to the bureau commander.
 - a. All numbers will be identified. Any number not related to police business will require notation on the billing statement. A Form 17MPR, Cellular Phone Reimbursement, will be completed by the district/section/unit commander, director, or designee listing all employees who have costs to pay through payroll deduction.
 - 1) The Form 17MPR, Cellular Phone Reimbursement will include each employee's name, employee ID number, amount due from the employee, and signed authorization for the payroll deduction.
5. Each bureau will collect the Forms 17MPR, Cellular Phone Reimbursement from their districts/sections/units and forward to the Finance Management Section.
6. Bureau commanders will audit the cellular phone or wireless data device statements for each district/section/unit commander.

14.115 TELETYPE PROCEDURE

Procedure:

- A. Police Communications Section (PCS):
1. PCS teletypes messages on:
 - a. Vehicles stolen, recovered, and misplaced. Also vehicles wanted in criminal investigations, hit-skips, and attempts to locate.
 - b. License plates stolen, lost, recovered, or other wanteds.
 - c. Persons missing, located, wanted, unidentified found dead, or in police custody.
 - d. Streets in unsafe condition, blocked or opened by utility companies.
 - e. Information or inquiries which should come to the attention of other units.
 - f. All radio communications directing desk or other police personnel to perform a specific function.
 2. Teletyped information goes to all police districts, Park Section, Criminal Investigation Section (CIS), and Impound Unit.
 - a. PCS will teletype intrastate and interstate messages to the effected district/section/unit depending on the subject.
- B. Teletype Message Retention at Districts/Sections/ Units:
1. Retain court notifies and wanted teletype messages for the present and past year.
 2. Remove messages for individual officers and give them to the affected officers.
 3. Maintain all other teletype messages on the roll call clipboard for 72 hours from the last update.
 - a. Update or cancel only wanted or missing persons, attempts to locate, etc., messages on the roll call clipboard.
 - 1) Wanted vehicles will appear on the auto larceny list.
 - b. Retain on the clipboard for 72 hours teletype information of continuing interest such as permits, street openings, FOP and other social bulletins. Afterwards, post messages on district/section/unit bulletin boards.

- C. Teletype Message Cancellation:
1. On all wanted broadcasts, auto larceny, and teletype messages, the initiating police department will authorized cancellation of the teletype message.
 2. Cincinnati Police Department Messages
 - a. Cincinnati Wanted Messages (Other than Stolen or Wanted Vehicles)
 - 1) If a Hamilton County law enforcement agency, other than the Cincinnati Police Department, obtains information which cancels this type of message, they will contact the initiating unit.
 - a) The initiating unit will contact PCS who will teletype the cancellation.
 - b. Cincinnati Stolen or Wanted Vehicle Messages
 - 1) For vehicles recovered outside the City of Cincinnati, the recovering police agency will notify PCS by computer (OHCIP0012).
 - a) PCS will request the recovering agency to teletype a "locate entry" and administrative message.
 - b) PCS will cancel the stolen or wanted vehicle message upon receipt of the locate entry.
 3. Messages initiated by a Hamilton County Police Agency other than the Cincinnati Police Department.
 - a. Wanted Messages (Other than Stolen or Wanted Vehicles)
 - 1) If a Cincinnati Police Department unit obtains information which cancels this type of message, they will contact the initiating agency.
 - a) The initiating agency will then teletype the canceling message.
 - b. Stolen or Wanted Vehicle Messages
 - 1) For vehicles recovered by a Cincinnati Police Department unit, the recovering unit will call PCS (3500). PCS will notify the initiating agency by teletype and Vehicle Locate (LV).
 - a) The initiating agency will then cancel the wanted entry.

14.120 FACSIMILE (FAX) MACHINES

Reference:

Procedure 14.110 - Public Telephone: Official Use

Purpose:

Establish a procedure for the official use of facsimile (fax) machines and control long distance facsimile calls by Police Department personnel.

Procedure:

A. Use of Facsimile (Fax) Machines:

1. Personnel will use facsimile machines for the transmission of official documents only.
2. The identity of the sender must accompany all faxed documents:
 - a. Complete a Fax Transmittal Memo (post-it) and attach it to the first page of the document.
 - b. If the document requires added comments, use the Department's fax cover sheet instead of the Fax Transmittal Memo.
3. Personnel sending confidential information will contact the receiving site to ensure an authorized individual receives the message. Exercise extreme care when sending confidential messages, the sender is responsible for faxed information.

B. Long Distance Facsimile Calls:

1. Complete a Long Distance Telephone Report (Form 657) for each long distance facsimile call.
2. Include approved Forms 657 in the unit's Monthly Long Distance Telephone Report (Form 657A). Refer to Procedure 14.110, Section C., Long Distance Telephone Calls.

14.125 INSTALLATION OF NEIGHBORHOOD BLOCK WATCH SIGNS

Reference:

City Ordinance #417-1983 - Block Watch Signs

Purpose:

Establish a policy for neighborhood community groups desiring to participate in the Cincinnati Police Department's Block Watch Program.

Outline procedures to be followed by neighborhood liaison officers and neighborhood community groups requesting permission to display Neighborhood Block Watch Signs, and for the processing of these requests.

Coordinate the activities of the Police Department, and Traffic and Road Operations Division.

Procedure:

- A. Neighborhood Block Watch Sign(s) Application:
1. When a neighborhood community group desires to display a Neighborhood Block Watch Sign(s) announcing their participation in the Block Watch Program, a representative of the group will:
 - a. Obtain an application from the district neighborhood liaison officer.
 - b. Complete and return the application to the district neighborhood liaison officer along with a certified check/money order, payable to the City of Cincinnati, in the amount of \$30.00 for each sign requested.
 2. Upon receipt of the completed application and appropriate certified check/money order, the neighborhood liaison officer will investigate to determine if the requesting neighborhood community group meets the following criteria:
 - a. Fifty percent of the neighborhood community group residents should be Block Watch members.
 - 1) If 50 percent neighborhood community group participation is not met, the affected district's neighborhood liaison officer will provide this information along with a recommendation to the district commander.

Note: The Police Department has established 50 percent neighborhood community group participation as the desirable goal for acceptance in the Block Watch Program.

The neighborhood liaison officer may request an exception to the goal from the district commander.

- b. The neighborhood community group should be capable of demonstrating the organization's vitality, ability, and willingness to maintain continued interest in the Block Watch Program.
3. After determining the neighborhood community group has met the above criteria, the neighborhood liaison officer will forward the application, certified check/money order, and their recommendation to the district commander.
4. The district commander will make the final decision as to the approval or disapproval of the application and will either:
 - a. Forward the approved application and certified check/money order to the Chief's Office, or
 - b. Return the disapproved application and certified check/money order to the neighborhood liaison officer for return to the neighborhood community group.
5. The Chief's Office will forward the approved application and certified check/money order to the Traffic and Road Operations Division.
6. The district neighborhood liaison officer will:
 - a. Notify the neighborhood community group of the approval/disapproval of their request.
 - 1) If disapproved, return the certified check/money order to the neighborhood community group.
 - b. Contact the Traffic and Road Operations Division and arrange for the proper location(s) and installation of the Block Watch sign(s).
 - c. Inform the neighborhood community group that the replacement expense of the Block Watch sign(s) will be their responsibility.
7. Upon receipt of the approved application, the Traffic and Road Operations Division will:
 - a. Assign a project number for the work requested.
 - b. Deposit the certified check or money order with the City Treasurer.
 - c. Issue work orders to Traffic Aids for the installation of the sign(s).

8. Traffic Aids will:
 - a. Install the sign(s) and process billing against the appropriate job order number for payment.
 - b. Notify the Traffic and Road Operations Division when the work is completed.

14.200 INFORMATION TECHNOLOGY

Reference:

Ohio Revised Code 2913.04(B) - Unauthorized Use of Computer Property
Manual of Rules and Regulations, Section 2.05
City Personnel Policies and Procedures, Chapter 9.1, Internet Access and
Electronic Mail Policy

City Information Security Manual
Human Resources Policies and Procedures, Chapter 9
Information Technology Management Section Help Area on Department Intranet

Definitions:

Internet - The World Wide Web.

Intranet - The protected network of city owned computers.

Software - Computer programs such as Windows, Microsoft Office, Microsoft Exchange, etc.

Hardware - Computers, monitors, printers, etc. All peripheral devices are hardware.

Computer User Liaison (CUL) - Persons designated by a district/section/unit commander to act as the first line of assistance.

Helpdesk -

- Information Technology Management Section (ITMS) Helpdesk for hardware support.
- Software trainer for software support.
- RCC Helpdesk for e-mail support.

Rebooting - Shutting down and restarting the computer.

Purpose:

Ensure the security and integrity of the Police Department's computer systems.

Ensure that computer systems are properly obtained, utilized, and maintained.

Policy:

No person shall attempt to gain access to or use any program, computer, or network for which they are not authorized. No person will modify, move, or delete any file or document unless authorized to do so. All software will be installed by or under the direction of ITMS.

Personnel are accountable to the provisions of all user agreements when accessing software applications and programs on Department computers. All computers and information systems, including email, Internet capabilities, and computer programs are for official business only. Police Department computers may not be used for games or Internet music/videos.

Members will not use unlicensed software on Police Department computers. Violations can be a fifth degree felony under Ohio Revised Code.

Information:

The Information Technology Management Section (ITMS) is responsible for the purchase, installation, maintenance, and administration of information technology used by the Department except for a limited amount of equipment dedicated to Police Communications Section.

Members have no expectation of privacy regarding the use of Police Department computers, files stored on Police Department computers, or email.

Procedure:

A. Procuring Information Technology (IT):

1. ITMS personnel will research all IT requests. ITMS must be involved in all phases of IT procurement, including vendor management, demonstrations, planning, etc.
 - a. ITMS will receive, inventory, install, and maintain all IT, licenses, maintenance contracts, and user agreements for the Department.
 - b. Purchase requests for all additional IT must be documented and supported on a Form 17IT.
 - 1) Submit the Form 17IT through the chain of command.
 - a) Email or FAX a copy to ITMS.
 - b) The affected bureau commander will forward approved requests to ITMS.
 - 2) ITMS will:
 - a) Make recommendations on the Form 17IT as to the propriety of the IT requested.
 - b) Complete the Form 630.
 - c) Submit Forms 17IT and 630 to the ITMS Commander who will forward the request through the chain of command to the Resource Bureau Commander.
 - 3) The Resource Bureau Commander will either:
 - a) Approve the request and forward to Finance Section.
 - b) Disapprove the request and return the annotated Form 17IT to the affected bureau commander and the Form 630 to ITMS.

B. Trouble Shooting and Maintenance:

1. If the user cannot solve the problem by rebooting, the user should contact the on-duty district/section/unit Computer User Liaison (CUL).
 - a. If a CUL is not available, call the ITMS Helpdesk.
 - 1) After normal business hours, absent exigent circumstances, leave a description of the problem on the ITMS Helpdesk voice mail.
 - 2) If exigent circumstances exist, contact Police Communications Section who will contact the ITMS Commander or designee. If necessary, the-recall of ITMS personnel will be authorized.
 - b. If the system in question is a CLEAR-owned Regional Crime Information Center (RCIC) terminal, contact the ITMS Help Desk during normal business hours. After normal business hours, contact the Regional Computer Center (RCC) Help Desk.
2. Users are responsible to store all files on the allocated server space.
 - a. Files should not be stored on local hard drives or floppy disks. Floppy disks are unreliable and should not be considered a dependable source of back-up.

C. Use of Computers:

1. Do not use or install any hardware or software on Department computers.
2. The standard Department desktop is the only authorized desktop format.
3. Knowledge of unauthorized access to any computer, system, or network must be immediately reported to a supervisor.
4. Users must "log in" in order to use any computer.
 - a. When not actively using the computer for any length of time, log off.
 - b. Do not turn off the computer.
 - c. Reboot computers daily.
5. Only data created with Police Department software may be stored on Department servers.
 - a. Files, documents, spreadsheets, etc., of outside origin must be scanned for viruses before use on a Department computer.
6. Supervisors will report personnel changes affecting computer use to ITMS, including people no longer needing access to a computer.

D. Passwords:

1. Users are assigned secure passwords when their accounts are created.
 - a. Passwords should be at least eight characters in length and should include letters and numbers.
 - b. Passwords are not retained by ITMS. ITMS can issue a new password if necessary.
 - c. Passwords should be changed on a regular basis.
 - d. Supervisors can require that subordinate personnel provide them with their password.
 - e. Department personnel are required to provide their passwords to ITMS personnel upon request, as may be necessary for the performance of official duties.
2. Electronic Mail (Email) logon:
 - a. Users should change their RCC assigned password at their first logon.
 - b. RCC requires the change of email passwords every 90 days.
 - c. New email passwords must be unique and at least eight characters in length.
 - d. For email problems contact the RCC Help Desk.
 - e. Supervisors can require subordinate personnel provide them with their email password.
3. Personnel will not share or disclose passwords except at the direction of a supervisor.

E. Electronic Mail (Email):

1. Abide by the City of Cincinnati Electronic Mail Policy.
2. Use for official business only.
3. Most email messages are public record.
 - a. Generally, access to email pursuant to a Public Records Request (see P.M. 18.120 and ORC 149.32) will occur with the employee's knowledge, in their presence, and with their cooperation.
 - b. Access without the employee's knowledge should be coordinated with ITMS and RCC.

4. Users are required to maintain email accounts that do not exceed allowed storage limits. This includes deleted messages in the inbox, sent items folder, and deleted items folder.
- F. Internet:
1. Abide by the City of Cincinnati Internet Policy.
 2. Use for official business only.
 3. Users must be aware that downloading programs and email attachments can spread viruses.
- G. Use of Personal IT Appliances or Devices with Department-owned Equipment:
1. The Department does not permit the attachment of any personally owned IT appliances of any type (cameras, audio-recorders, printers, etc.) to Department-owned equipment, unless approved by the ITMS Commander.
 2. Users must submit a Form 17IT and any licensing documents through the chain of command to the ITMS Commander. Describe the use, nature, and purpose of any personal IT devices requiring attachment to Department equipment.
 3. The ITMS Commander will evaluate the request and recommend approval or disapproval, based on the particular IT appliance and how it may affect the function and security of Department equipment, operations, and security. ITMS will forward its recommendation to the Information Management Bureau Commander for review and approval.
 4. Upon approval, the user will contact ITMS and arrange for the installation of hardware and software. Users will be notified of disapproval via the chain of command.
 - a. ITMS will participate in all initial installation and permanent removal of personal IT appliances connected to Department equipment.
 - b. After installation, ITMS will not perform any maintenance or support for personal IT devices. Any maintenance, support, or repair of such devices is the responsibility of the user/owner.
 - c. Persons requesting connection of personal IT devices to Department equipment could be financially responsible for repair of damage caused to Department equipment by personal IT devices.
 6. If a personal IT device negatively affects the operation or security of Department equipment, immediately or subsequently, ITMS will recommend and request permission of the district/section/unit commander to remove offending device(s).

7. Use of personal IT devices connected to Department equipment is limited to official business only. Additionally, such use is subject to all policies, rules, and regulations of the Police Department and the City of Cincinnati.

15.100 CITIZEN COMPLAINTS

References:

Manual of Rules and Regulations
Procedure 12.545, Use of Force

Definitions:

Citizen complaint - an allegation from any source of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order; or in some manner prejudicial to the individual, the Police Department or to the community. In situations involving only the individual's alleging innocence of a charge placed by a police officer, advise the complainant to seek judicial redress through established court procedures.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Policy:

The Internal Investigations Section (IIS) is to be notified for incidents involving criminal allegations against or suspected criminal conduct by sworn Department members. IIS should be notified in addition to the Duty Officer, the affected district or section commander, and the Night Chief, when applicable. IIS will request appropriate resources as needed from those sections or units that are subject experts in specific areas.

Domestic violence is the exception to this policy. Law and Department procedure require district personnel take immediate action in domestic violence cases based on probable cause. IIS should be notified when Department members are arrested for domestic violence.

This policy does not change or otherwise affect Procedure 12.550, Discharge of Firearms by Police Personnel.

During an investigation, all relevant police activity including each use of force, not just the type of force complained about, will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident.

The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; the Department will continue its investigation as necessary to determine whether the original allegation can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer did or did not use a type of force, nor will it justify discontinuing an investigation.

Department members will not file charges against a complainant for a violation of Ohio Revised Code §2921.15, Making False Allegation of Peace Officer Misconduct, without supervisory approval and prosecutorial review.

A Department employee seeing or having knowledge of a police action involving misconduct will immediately initiate a citizen complaint on behalf of the alleging party.

If a citizen objects to an officer's conduct that officer will inform the citizen of their right to make a complaint. The officer will give them an information brochure and complaint form. Officers will not discourage any person from making a complaint.

The complainant's willingness to participate in, and the outcome of, a Citizen Complaint Resolution Process (CCRP) meeting will have no bearing on the investigation or the adjudication of that complaint.

If the complainant declines to attend the CCRP meeting, the investigating supervisor is required to notify the complainant of the facts of the investigation and the disposition. The report submitted should include information indicating the complainant was notified or that a sincere effort was made but was unsuccessful.

Preferably police supervisors will accept citizen complaints. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible. It is the accepting supervisor's responsibility to review the complaint. The district/section/unit commander will order additional investigation when appropriate and make the final determination of how the complaint is routed.

Upon receipt, each complaint will be assigned a unique tracking number and will be resolved in writing. All citizen complaints received by the Department will be maintained in a secure location. This includes the Form 648, Citizen Complaint or Information, and all investigative documentation.

The complainant will be kept informed periodically regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

Any officer who used force or chemical spray during the incident, or whose conduct led to the injury of a prisoner, or who authorized the conduct that led to these reportable incidents is prohibited from investigating the incident.

Any officer or supervisor involved in a situation resulting in an official complaint will not be present during any interview with the complainants or witnesses.

Any supervisor identified as a party to an official complaint will not act as the complaint investigator.

Information:

Allegations of the following nature will be handled through CCRP:

- Discourtesy/unprofessional attitude.
- Lack of proper service.
- Improper procedure, e.g., offense investigation, use of discretion, official law enforcement practices, and Police Department procedures.

The following types of allegations will be handled by the Internal Investigations Section (IIS) and/or the judicial system, not CCRP:

- Criminal conduct.
- Sexual misconduct.
- Serious misconduct, e.g., severe nature or pattern of procedural violations, lack of service, etc.
- Excessive use of force as defined in Procedure 12.545, Use of Force.
- Unnecessary pointing of firearms at persons.
- Improper searches and seizures.
- Discrimination.

The Hamilton County Clerk of Courts requires a referral from a police agency, the Private Complaint Mediation Program, the Prosecutor's Office or an attorney before they consider probable cause for a complaint and warrant to be issued. If a citizen responds to the Hamilton County Clerk of Courts Office demanding a warrant for a police officer, the Chief Deputy of the Municipal Court, Traffic/Criminal Division will be notified. Upon notification, the Chief Deputy will contact the Police Department.

Procedure:

- A. If while investigating a use of force, the individual alleges excessive force then the investigating supervisor will complete a Form 648, Citizens Complaint or Information in the Employee Tracking Solution (ETS). The supervisor will investigate the complaint thoroughly while all participants are present.
 1. Complete a Form 17 summarizing the investigation. Attach the Forms 17 and 648 to the Investigation Report case folder for the use of force in ETS. Work-flow the Form 17, Form 18F, Supervisor's Use of Force Investigation Report, and Form 648 and any attachments through to the district/section/unit commander through the chain of commander for review.
 - a. When work-flowing the documents, "Add Notification" for the following units:
 - 1) Internal Investigations Section.
 - 2) Patrol Bureau.
 - 3) Inspections Section.
 2. If more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force, contact the IIS Commander and the officer's district/section/unit commander.
 3. The affected bureau commander will work-flow the above forms to IIS for investigative review and final approval by the Police Chief.

B. Form 648, Citizen Complaint or Information

1. Complete a Form 648 in when a citizen brings to a Department employee's attention an action, situation, or condition as described in the Information section.

C. Accepting a Citizen Complaint Lodged in Person

1. Give the complainant a Form 648 to complete. Provide instructions on completing the form and have the complainant sign the front side of the form in their own handwriting. The backside is for Department use only.
2. If more space is needed, use additional blank Forms 648.
3. Upon request, help the complainant complete the Form 648.
 - a. If the complainant is given help to complete the form, include a brief statement as to why help was given in the "Details" section.
 - b. Request the Form 648 be signed by the following: complainant, representative of the complainant, or any person assisting the complainant.
 - 1) Witness the signature.
 - c. Police Department personnel helping a complainant prepare the form, must sign in both the "Receiving" and the "Assisting Person" blocks.
4. The accepting employee will review the completed form for content and legibility.
 - a. If a word is not legible, ask the complainant what the word is. Print the proper word directly above the complainant's handwritten word.
 - b. Third party complaints will be handled in the same manner as any other complaint.
5. The receiving employee will ensure all pertinent dates and times are included in the form.
 - a. Attach legible copies of all arrest slips pertaining to the incident.
6. If a complainant refuses to write the complaint in his own handwriting, process the complaint as a telephone complaint. Refer to Section G. of this procedure.
7. The receiving employee will place his name and badge number in the space provided on side one of the Form 648. Provide the complainant with a copy of Page One only which will serve as the complainant's receipt.

- a. Complainants do not receive a copy of the completed Page Two.
 - b. The receiving employee's written observations should not be on the copy given to the complainant.
8. After accepting a Form 648 that has been personally filled out and/or signed, this information must be entered onto a Form 648 in ETS. When transferring the information from the original Form 648 into ETS, record the information exactly as it was written, including misspellings, profanity, punctuation, etc. The handwritten original document must then be scanned into the computer and attached to the appropriate ETS folder. The original Form 648 will then be routed through to the district/section/unit commander with any other original documents, pictures, tapes and copies of applicable MVR/DVRs.
- D. Completing "For Department Use Only" Section of the Form 648, Page Two
1. Outline the allegations, identify principals and witnesses and provide information developed as a result of any preliminary investigation.
 - a. Make sure to include addresses and phone numbers of all principals and witnesses.
 2. Enter a description of the complainant's apparent physical condition and demeanor.
 - a. State your reason for believing a complainant was under the influence of an intoxicant and/or drug (do not express opinions regarding their mental competency or veracity).
 3. Describe any other traits or conditions displayed by the complainant, which may have a bearing on the allegation and/or investigation of the complaint.
 4. Specifically note any visible marks or injuries about the complainant.
 - a. Take photographs when the complaint involves any injury, claimed injury, or damaged clothing, etc., whether visible or not.
 - 1) Clearly label the photos with the complainant's name, date, time taken, and photographer's name and badge number. Attach photographs to the Form 648 for review by the district/section/unit commander.
 5. Do not include written observations on the copy given to the complainant.
 6. The receiving employee will ensure all information on the form is as complete as possible.

- E. Processing the Completed Citizen Complaint Form
1. Work-flow the Form 648 to the affected district/section/unit commander by 0800 hours on the next day. Forward all original documents, photographs, tapes and copies of applicable MVR/DVRs for review.
 - a. Complaints eligible for CCRP:
 - 1) Affected district/section/units retain original Form 648 complaint and all pertinent documentation.
 - 2) Upon work-flowing the complaint for assignment, "Add Notification" to IIS of the Form 648 for tracking purposes.
 - b. Complaints not eligible for CCRP:
 - 1) Work-flow the Form 648 with all pertinent documentation to IIS.
- F. Accepting a Citizen Complaint by Mail, Email, or Fax
1. Submit citizen complaints received through the mail or via fax to a supervisor. The supervisor will:
 - a. Prepare a Form 648.
 - b. Scan the letter or fax into the computer system and attach to the appropriate ETS case folder.
 - c. Place the original letter or fax in a sealed envelope and process as in Section D.
 - d. Complaints received in the form of email messages will be printed out, scanned into the computer and attached to the appropriate ETS case folder, and then processed as in Section D.
- G. Accepting a Citizen Complaint by Telephone or Telecommunications Device for the Deaf (TDD)
1. Refer telephone complaints to a supervisor. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible.
 - a. Make an effort to persuade the complainant to appear in person at a police facility to file the complaint.
 - b. Enter pertinent information on a Form 648. Obtain all the facts necessary to complete the form.
 - c. Get the complainant's name, address, and telephone number. Advise the citizen this information is essential to investigate the complaint.

- 1) Advise a complainant who insists on remaining anonymous this may hamper a proper investigation and disposition of the complaint.
 - d. Print the words "Telephone Complaint" in the box for the complainant's signature.
 - e. Follow the procedure in Section D. for processing the complaint.
 2. TDD complaints will be received by Police Communications Section (PCS) and handled according to their standard operating procedure.
 - a. The affected district/section/unit supervisor, upon notification from PCS, will follow the procedure in Sections D. and G.1.
- H. Assignment, Logging, and Investigation of Citizen Complaints
1. The supervisor assigned the complaint will resolve complaints eligible under CCRP. Any problems or needs identified will be relayed in writing in the form of a recommendation to the Police Chief.
 2. Non-CCRP complaints will be forwarded to IIS and resolved per IIS Standard Operating Procedure (SOP).
- I. Citizen's Complaint Resolution Process
1. The investigating supervisor will thoroughly investigate all allegations. All pertinent information sources will be examined, including but not limited to: the complainant, witnesses, involved officers and witness officers, worksheets, MDT information, offense reports, relevant law, policy and procedure, etc. Investigators will not ask officers or other witnesses leading questions that improperly suggest legal justification for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
 - a. Forward information to the district/section/unit commander for referral to IIS if the investigation reveals the complaint is not suitable for a resolution meeting.
 2. The investigating supervisor will take appropriate action based on the investigation of the complaint.
 - a. The investigating supervisor will make a determination whether or not the member's conduct was consistent with Department policy, procedure, and practice. The supervisor will document the finding in the Form 648B, Resolution Disposition, in ETS.
 - b. Verbal counseling or counseling via the Evaluation Supplement Log (ESL) if the member's conduct does not meet Department standards as determined by the investigation. Add the ESL to the original ETS case folder.
 - c. Hold a complaint resolution meeting with the complainant and the Department member.

3. Resolution Meeting: A resolution meeting will be conducted according to the following guidelines:
 - a. Only the complainant, the involved Department member, and the investigating supervisor/facilitator will attend the resolution meeting. No one else will be present. This allows for the best interaction between the two participants. In cases where there are multiple complainants and multiple officers, meetings will be held for each if necessary. In most cases, a primary complainant will be identified and the case resolved with one meeting.
 - b. The resolution meeting will not be tape-recorded. The resolution meeting will be a sincere effort by all parties to discuss and resolve the problem.
 - c. Resolution meetings will be conducted by the next highest ranking officer than the officer involved in the complaint.
 - d. All parties involved in the resolution meeting will sign a Form 648A, Acknowledgment of Participation in Resolution Meeting. The document will not refer to any discussion, action, agreement, or other aspect of the resolution meeting. The Form 648A is to be scanned into the computer and attached to the appropriate ETS case folder. The original Form 648A will then be routed through channels with any other original documents.
 - e. The supervisor will concisely summarize the resolution meeting on a Form 648B, Resolution Disposition.
 - f. Failure by a complainant to attend the first scheduled resolution meeting will be excused. If a complainant fails to attend a second scheduled resolution meeting, the complaint/problem will be deemed to have been resolved by the supervisor's inquiry and the file will indicate same.
 - g. Supervisors finishing a CCRP complaint investigation will notify the complainant of the facts of the investigation and the disposition if the citizen declines to attend a resolution meeting.
 - 1) The report should include information indicating that this was done or that a sincere effort was made but was unsuccessful, e.g., complainant could not be located, refused to discuss/listen.
4. Record Keeping
 - a. The investigating supervisor will complete a report of the investigation and its findings using the appropriate forms.
 - b. The investigating supervisor will work-flow all CCRP complaint investigation reports via the chain-of-command to their bureau commander for review and approval. All original documents are to be routed by hand through the chain of command.

- c. The bureau commander will make a final determination of the appropriate complaint closure classification according to Section 9.07 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
- d. The bureau commander will work-flow a copy of the CCRP complaint investigation reports to the IIS Commander for an administrative review and finalizing. IIS will note the date closed in the "Resolution Disposition" tab in the Citizen Complaint form in ETS.
- e. CCRP eligible complaints will be evaluated by district/section/unit commanders for underlying problems. Any problems or needs will be relayed in writing in the form of a recommendation to the Police Chief.
- f. IIS will notify Information Technology Management Section (ITMS) of all complaints closed Unfounded or Exonerated for appropriate adjustment in ETS.

15.105 EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT PROCESS

Reference:

Procedure 15.106, Sexual Harassment
 Procedure 19.107, Family Medical Leave Act (FMLA)
 Manual of Rules and Regulations -- 1.04, 1.06 D, 1.13, 1.23C
 City Manager's Administrative Regulation #25
 City Manager's Administrative Regulation #55
 Title VII of the Civil Rights Act of 1964, As Amended
 Equal Employment Opportunity (EEO) Commission Guidelines (1980)
 The Americans with Disabilities Act of 1990
 The Family and Medical Leave Act of 1993
 The Age Discrimination in Employment Act of 1967
 Ohio Revised Code Chapter 4112, Civil Rights Commission
 Cincinnati Municipal Code 308-79, Protected Employee Actions

Purpose:

Allow all Department employees to work in an environment free from any type of discrimination in the work place.

Establish an Equal Employment Opportunity (EEO) complaint process for reporting complaints of any unlawful discriminatory practice.

Policy:

The establishment and maintenance of good communication between the immediate supervisor and employee is one of the most important responsibilities of management. Each supervisor is expected to operate with an "open ~~mind~~door" and "open ~~door~~mind" to employees who seek assistance in resolving complaints and problems. Each supervisor is delegated the responsibility for ensuring that every effort is made to provide a reasonable and timely answer or solution to employee complaints and problems which may arise on matters related to the terms and conditions of their employment.

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Any form of discrimination is against the law and is a prohibited personnel practice. Employees who violate this policy are subject to the disciplinary process.

Supervisors notified of an Equal Employment Opportunity (EEO) complaint originating within the Department will prepare a Form 17 to the Chief.

Supervisors investigating an EEO complaint that has been filed through the Human Resources Department (HR) will complete the "Department Response to Employee Relations/EEO Complaint" form.

Information:

Completing the Department Response to Employee Relations/EEO Complaint form allows supervisors to document facts and organize thoughts for an accurate response to an EEO complaint. Maintaining records of EEO complaints assists HR and the Law Department in identifying facts associated with the complaint.

Personnel Section is the Department liaison with HR. Personnel Section is responsible for maintaining a file of all EEO complaints. District/section/unit supervisors must insure copies of EEO complaints originating within the Department are forwarded to Personnel Section.

The Police Chief's Office will forward to Personnel Section copies of all EEO complaints filed through HR on behalf of, or involving, Department members. The Police Chief will determine the district/section/unit responsible for the investigation of an EEO complaint. Complaints of sexual harassment will be investigated by the Internal Investigations Section.

Procedure:

A. Reporting EEO Complaints

1. Employees with complaints of any unlawful discriminatory practice may report their complaint to:
 - a. Any supervisor.
 - 1) Notification to a Department supervisor can be done orally or in writing.
 - b. Any EEO counselor.
 - c. The City's EEO Office (Human Resources Department)
Two Centennial Plaza
805 Central Avenue, Suite 200
Cincinnati, Ohio 45202
Telephone number: 352-2400
 - d. The Ohio State Civil Rights Commission
7162 Reading Road, Suite 1001
Cincinnati, Ohio 45237
Telephone number: 852-3344
 - e. The Federal Equal Employment Opportunity Commission
John W. Peck Federal Building
550 Main Street, Suite 10019
Cincinnati, Ohio 45202
Telephone number: 684-2851

B. Supervisor Responsibilities

1. Each supervisor is responsible for preventing acts of sexual harassment and acts which create an intimidating, hostile, or offensive working environment by:
 - a. Monitoring the work environment on a daily basis.
 - b. Counseling all employees on the types of behavior prohibited and the Department's procedure for reporting and resolving EEO complaints.

- c. Stopping any observed acts which may be considered sexual harassment, offensive or derogatory remarks and/or hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
2. When a supervisor is notified of any EEO complaint originating within the Department, the supervisor will prepare a Form 17 to the Chief.
 - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the complaint, and any action taken.
 - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
 - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
 - 1) A copy of the Form 17 will be placed in a sealed envelope and forwarded to Personnel Section.

C. Notification of EEO Complaint Received from within the Department

1. Department employees responsible for investigating an EEO complaint, other than Sexual Harassment, will make every reasonable effort to resolve the complaint.
 - a. Sexual Harassment complaints are investigated by Internal Investigations Section (IIS).

2. Complaints not resolved at the department level will be forwarded to the Human Resources Department along with an explanation as to why it is believed the complaint was not resolved.

D. Internal Investigations Section (IIS) Responsibilities in Sexual Harassment Complaints

1. IIS will investigate a complaint of sexual harassment pursuant to their standard operating procedures (SOP) and Procedure 15.106, Sexual Harassment, Sections C. and D.

E. Notification of an EEO Complaint Received from the Human Resources Department

- ~~1. Upon notification of an EEO complaint received by HR, the assigned district/section/unit supervisor will conduct an investigation, complete the Department Response to Employee Relations/EEO Complaint form, and forward (along with the complaint) to Personnel Section via interdepartmental mail. HR will notify the Chief of a pending EEO Complaint and the Chief will determine how the complaint is investigated.~~

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aa. _____As in any workforce environment where people work closely together, interpersonal issues arise that should be resolved as early as possible. When an employee has a complaint that centers on interpersonal relations issues, the Chief may direct the complaint be resolved through a mediation process. Completing the Department Response to Employee Relations/EEO Complaint form is required only when the complaint has been filed through HR.

F. Interpersonal Relations Issues Mediation Process

1. Upon receipt of a referral of complaint by the Police Chief, complaints centered on interpersonal relations will be resolved through a mediation process facilitated by Police Personnel Section.

a. Personnel Section will contact the affected district/section/unit commander.

1) District/Section/Unit Commanders will identify the complainants and respondents in the complaint as well as clarify all issues regarding the complaint.

b. District/Section/Unit Commanders will identify a mutually acceptable third party mediator of rank equal to or higher than those involved. If no mediator can be identified, contact Police Personnel Section for assistance.

1) Police Personnel Section will train mediators on active listening skills and opening communication channels in the work environment.

c. The assigned Mediator will meet with the Complainant and offer the opportunity to discuss the issues related to the complaint. The meeting should also focus on possible resolutions. Notes should be taken during the meeting but the meeting **will not** be electronically recorded.

d. The assigned Mediator will meet with the Respondent and offer the opportunity to discuss the issues related to the complaint. The meeting should also focus on possible resolutions. Notes should be taken during the meeting but the meeting **will not** be electronically recorded.

e. After meeting with the Complainant and the Respondent, the assigned Mediator must decide if a mediation meeting between the parties will be beneficial and/or will develop a resolution. If so, the mediation meeting should be conducted.

1) The affected District/Section/Unit Commander shall review the Mediator's recommendation and decide on the implementation of the meeting.

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- f. The assigned Mediator will prepare a brief summary of the complaint resolution or lack of resolution on a Form 17 and submit it through the chain of command. Upon approval by the Chief, a copy shall be forwarded to Police Personnel Section for tracking.
- g. Police Personnel Section will advise HR that the complaint has been closed.

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GF. Personnel Section Responsibilities

1. Serve as the Department liaison with HR.
2. Forward a copy of the EEO complaint to the appropriate district/section/unit for investigation by a supervisor.
3. Ensure the copy of the EEO complaint and the Department Response to Employee Relations/EEO Complaint form are forwarded to HR.
4. Maintain a file of all EEO complaints.
5. Notify the Police Chief's Office of the status of all EEO complaints.

HG. Offensive/Derogatory Remarks by a Service Provider

1. Services provided through a service provider under contract with the City are to remain free of any form of offensive or derogatory remarks, hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, HIV status, or Appalachian regional ancestry, or that of his or her relatives, friends, or associates. Personnel who believe they have been subjected to offensive or derogatory remarks or have knowledge of conduct constituting the above, have a responsibility to notify any resource listed in Section A.1.a. through A.1.e.

IH. Retaliation

1. There will be no retaliation against any employee for filing any complaint of unlawful discriminatory or otherwise prohibited behavior, an EEO sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such complaint.

JL. False and Malicious Claims

1. EEO complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.

15.106 SEXUAL HARASSMENT

Reference:

Procedure 15.105, Equal Employment Opportunity (EEO) Complaint Process
 Manual of Rules and Regulations - 1.06 D, 1.13
 City Manager's Administrative Regulation #25
 Cincinnati Municipal Code 308-79, Protected Employee Actions
 Ohio Revised Code Chapter 4112, Civil Rights Commission
 Title VII of the Civil Rights Act of 1964, As Amended
 Equal Employment Opportunity (EEO) Commission Guidelines (1980)

Definitions:

Sexual harassment is defined as:

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

- Submission to such conduct is made either explicitly or implicitly a condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specific behaviors that are prohibited include, but are not limited to:

- Offensive sexual flirtation, advances, or propositions.
- Verbal abuse of a sexual nature.
- Graphic verbal commentaries about an individual's body.
- Offensive comments, jokes, or suggestions about another employee's gender or physical attributes.
- Lewd or obscene jokes or gestures.
- Leering, pinching, patting, and/or swearing, particularly when sexual terms are used.
- The posting of sexually offensive and/or explicit posters, photographs, jokes, calendars, cartoons or related material at the work place.
- Questions or discussions about one's personal sex life.
- Open display and/or discussion of sexual relations between employees (either sworn or non-sworn).

- Social invitations accompanied by discussion of terms or conditions of employment or a performance evaluation.
- Requests or instructions that clothing be worn for sexual effect.
- Suggestive body language.
- Display of sexually suggestive objects.

Purpose:

Allow all Department employees to work in an environment free from unsolicited and unwelcome conduct of a sexual nature.

Establish an Equal Employment Opportunity (EEO) complaint reporting process for sexual harassment complaints.

Policy:

Sexual harassment is against the law and is a prohibited personnel practice. It is the responsibility of every employee to prevent a climate in the workplace that promotes, condones, tolerates, or ignores any form of harassment, including sexual harassment. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Complaints of sexual harassment shall be examined impartially and resolved promptly. Employees who violate this policy are subject to the disciplinary process.

A non-employee who subjects an employee to any form of sexual harassment in the workplace will be informed of the harassment policy by the employee's supervisor or manager. Other action may be taken as appropriate.

Supervisors notified of an EEO complaint originating within the Department will prepare a Form 17 to the Chief.

Complaints of sexual harassment will be investigated by the Internal Investigations Section. Internal Investigations Section supervisors investigating a sexual harassment complaint that has been filed through the Human Resources Department (HR) will complete the "Department Response to Employee Relations/EEO Complaint" form.

Information:

Completing the Department Response to Employee Relations/EEO Complaint form allows supervisors to document facts and organize thoughts for an accurate response to an EEO complaint. Maintaining records of EEO complaints assists HR and the Law Department in identifying facts associated with the complaint.

Personnel Section is the Department liaison with HR. Personnel Section is responsible for maintaining a file of all EEO complaints. District/section/unit supervisors must insure copies of EEO complaints originating within the Department are forwarded to Personnel Section.

The Police Chief's Office will forward to Personnel Section copies of EEO complaints filed through HR on behalf of or involving Department members. The Police Chief will determine the district/section/unit responsible for the investigation of an EEO complaint. Complaints of sexual harassment will be investigated by the Internal Investigations Section.

Procedure:

A. Reporting Sexual Harassment

1. Department employees encountering sexual harassment are encouraged to inform the person their actions are unwelcome and offensive. However, employees are not obligated to do so.
2. Department employees who feel they have been a victim of sexual harassment or have knowledge of conduct constituting sexual harassment may report a complaint to:
 - a. Any supervisor.
 - 1) Notification to a Department supervisor can be done orally or in writing.
 - b. Any EEO counselor.
 - c. The City's EEO Office (Human Resources Department)
Two Centennial Plaza
805 Central Avenue, Suite 200
Cincinnati, OH 45202
Telephone number: 352-2400
 - d. The Ohio State Civil Rights Commission
7162 Reading Road, Suite 1001
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Telephone number: 852-3344
 - e. The Federal Equal Employment Opportunity Commission
John W. Peck Federal Building
550 Main Street, Suite 10019
Cincinnati, OH 45202
Telephone number: 684-2851

B. Supervisor Responsibilities:

1. Each supervisor is responsible for preventing acts of sexual harassment by:
 - a. Monitoring the work environment on a daily basis.
 - b. Counseling all employees on the types of behavior prohibited and the Department's procedure for reporting and resolving complaints of sexual harassment.

- c. Stopping any observed acts that may be considered sexual harassment and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
 - 2. When a Department supervisor is notified of a sexual harassment complaint originating within the Department, the supervisor will prepare a Form 17 to the Chief.
 - a. The Form 17 should include the names of all persons involved, time and location where the alleged incident(s) occurred, the nature of the harassment complaint, and any action taken.
 - b. The supervisor will place the Form 17 in a sealed envelope. Do not route through the chain of command.
 - c. The Form 17 will be sent directly to the Police Chief for determination of an investigation.
 - 1) A copy of the Form 17 will be placed in a sealed envelope and forwarded to Personnel Section.
- C. Internal Investigations Section (IIS) Responsibilities
 - 1. IIS will conduct an investigation of the sexual harassment complaint, pursuant to their standard operating procedures (SOP). All complaints of sexual harassment will be investigated promptly, fairly, and completely. Each case will be handled as discreetly as possible.
 - 2. IIS will immediately report all sexual harassment complaints to HR. All documents and/or evidence relating to the sexual harassment complaint must be forwarded to HR and Personnel Section.
 - a. Upon completion of the investigation, a copy of the IIS report must be submitted to HR and Personnel Section.
 - 3. Complete the Department Response to Employee Relations/EEO Complaint form.
- D. Notification of Sexual Harassment Complaints Received from the Human Resources Department
 - 1. Upon notification of a sexual harassment complaint received by HR, IIS will conduct an investigation and complete the Department Response to Employee Relations/EEO Complaint form. Forward a copy of the IIS report along with the Department Response to Employee Relations/EEO Complaint form to Personnel Section via interdepartmental mail.
 - a. Completing the Department Response to Employee Relations/EEO Complaint form is required **only** when the complaint has been filed through HR.

E. Personnel Section Responsibilities

1. Serve as the Department liaison with HR.
2. Receive and forward a copy of the EEO complaint to the appropriate district/section/unit for investigation by a supervisor.
3. Ensure the copy of the EEO complaint and the Department Response to Employee Relations/EEO Complaint form are forwarded to HR.
4. Maintain a file of all EEO complaints.
5. Notify the Police Chief's Office of the status of all EEO complaints.

F. Harassment by a Service Provider

1. Services provided through a service provider under contract with the City are to remain free of any form of sexual harassment. Personnel who believe they have been subjected to sexual harassment or have knowledge of conduct constituting sexual harassment have a responsibility to notify any resource listed in Section A.1.a. through A.1.e.

G. Retaliation

1. There will be no retaliation against any employee for filing a sexual harassment complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

H. False and Malicious Claims

1. Complaints determined to be false and malicious will be treated in the same manner as other forms of serious misconduct.

15.110 ALCOHOL AND DRUG TESTING OF DEPARTMENT PERSONNEL

Reference:

Administrative Regulation #52 (12/19/97)
Manual of Rules and Regulations – 2.26A/B, 6.01, 6.02, 6.03, 6.04, 11.01, 11.02,
11.03
Public Employees Assistance Program (PEAP)
Supervisor's Guide to Employee Alcohol/Drug Abuse

Definitions:

Abuse: the misuse of.

Alcohol: ethyl alcohol or ethanol.

Drugs: any substance taken into the body other than alcohol, which may impair one's mental faculties and/or physical performance.

Substance: alcohol or drug.

Purpose:

To set uniform guidelines for handling instances where Department personnel are suspected of substance abuse.

To protect the City's interests as well as constitutional rights of individual employees while providing the citizens of the community a safe environment.

Specifically, the policy is designed to:

- Develop a fair and equitable method for administering a random drug-testing program.
- Protect the public, coworkers, and the involved employee from alcohol/drug related accidents.
- Prevent losses in time, productivity, and unnecessary expenses that may result from employees performing their duties under the influence of alcohol/drugs.
- Limit the potential for lawsuits against the City as a result of careless or negligent acts by alcohol/drug involved employees.
- Discourage the use of illicit drugs.

Policy:

The Police Department encourages any member who believes they have a substance abuse problem to seek help through the Public Employees Assistance Program (PEAP) or the police psychologist.

Department employees with a substance abuse problem who voluntarily come forward prior to notification they have been selected for random drug testing will not be subject to the disciplinary process. However, other administrative action may be necessary, i.e., detailing the officer to a non-field assignment, suspension of police powers, etc. The officer will be returned to duty after successfully completing a drug rehabilitation program. The rehabilitation program may include follow-up drug testing.

Incidents involving possession, preparation for sale, or trafficking in illicit, controlled substances will be prosecuted according to State law. The Police Department will not invoke the administrative process (Rule 2.26) in criminal investigations. The investigating supervisor will give the employee the Miranda Warning and follow the rules of evidence.

Procedure:**A. On-Duty**

1. In cases of suspected substance abuse, notify the shift officer in charge (OIC) of the district of occurrence.
2. If the member's unit of assignment is different from the district of occurrence or the incident occurs outside the City limits, notify a supervisor from the member's unit. The suspected member's immediate supervisor will respond and participate in the investigation.
3. The investigating supervisor(s) will conduct a preliminary investigation. At least one supervisor of higher rank than the suspected employee will be involved in the investigation. They will determine if there is reasonable suspicion of substance abuse and to what extent the member is impaired.
 - a. Supervisors will examine bottles, flasks, or other containers they suspect may hold alcohol or drugs.
 - b. A second supervisor must confirm the reasonable suspicion of substance abuse.
4. If the investigating supervisor(s) determines there is reasonable suspicion of substance abuse:
 - a. Remove any firearm from the employee's possession.
 - b. Do not allow a member suspected of substance abuse to operate a motor vehicle.
 - c. Notify the member's district/section/unit commander.

- 1) If on-duty, the commander will respond and participate in the investigation.
 - 2) If off-duty, the commander may request the on-duty command officer to coordinate the investigation. The district/section/unit commander will respond when there is no on-duty command officer available to participate in the investigation.
- d. Notify the on-duty command officer.
- 1) The on-duty command officer will respond and, in the absence of the district/section/unit commander, participate in the investigation.
- e. Contact a member of the Internal Investigations Section (IIS) using the Police Communications Section recall list.
- 1) IIS will respond and conduct the investigation and will personally transport the member to the test site.
 - 2) Investigating unit supervisor(s) will assist IIS in the testing and investigative process if requested.
5. Testing for substance abuse
- a. An IIS investigator will transport the member to the drug testing facility. IIS will advise hospital personnel of the estimated time of arrival and that a drug screen collector is needed to administer the drug test.
 - 1) CONSENTRA Medical Center, located at 4623 Wesley Avenue Suite C, Cincinnati, Ohio 45212, will administer drug tests Monday through Friday, from 0800 hours to 1600 hours
 - 2) The Jewish Hospital, Health Alliance, 4777 E. Galbraith Road, will administer drug tests from 1600 hours to 0800 hours and on weekends.
 - b. The hospital laboratory will obtain and analyze a urine specimen and send the results to the Employee Health Services (EHS) physician. All records pertaining to the test will remain confidential and restricted. Only authorized personnel will have access to the test results.
 - 1) If the test is positive, the member may select a City approved alternative laboratory and have the sample re-tested at their own expense.
 - a) The officer will coordinate with IIS to schedule a retest of the sample.

- b) For chain of custody purposes, the City's medical provider will transfer the specimen directly to the alternative laboratory with appropriate entries made on an Evidence Submission Form.
6. If, upon conclusion of the testing and investigation process, the district/section/unit commander or on-duty command officer concludes a member is impaired due to substance abuse he will:
 - a. Direct the member to submit a Form 17 stating all pertinent information about the incident.
 - b. Relieve the member of duty in accordance with Sections 11.01, 11.02, and 11.03 of the Manual of Rules and Regulations.
7. Duties of the investigating supervisor
 - a. The investigating supervisor will provide transportation home or to a health care facility for a member relieved of duty. Do not permit the member to operate a motor vehicle.
 - b. Make a blotter note at the member's unit of assignment showing the time the member was relieved of duty.
 - c. Secure the member's badge, wreath, firearm, Taser, and official identification in the district/section/unit's property room.
 - d. IIS, the investigating supervisor(s), and district/section/unit commander or on-duty command officer will prepare and submit all required reports containing all pertinent information about the incident. Include the determination of reasonable suspicion and the physical/mental condition of the member at the time of the infraction. Distribute copies to the following:
 - 1) Police Chief.
 - 2) Member's bureau commander.
 - 3) Member's district/section/unit commander.
 - 4) Investigating supervisor's unit.
 - 5) IIS.
8. Duties of the command officer
 - a. The on-duty command officer will notify the Police Chief before the member's next tour of duty. The command officer will recommend the return to duty or the suspension of the member. On weekends or holidays the command officer will notify the Administrative Duty Officer and make his recommendations.

- b. The Police Chief or acting Police Chief will hold a hearing before the member's next tour of duty.
 - 1) IIS will notify the member to attend the hearing.
 - 2) The Police Chief will determine whether to suspend the member pending a disciplinary hearing or return the member to duty.

B. Off-Duty

- 1. Substance abuse by an off-duty Department member acting in the capacity of or with the authority as a police officer is subject to testing.
 - a. Investigating supervisor(s) determining reasonable suspicion of substance abuse which, in their opinion, caused, contributed to, or aggravated an action of misconduct will:
 - 1) Notify the appropriate command personnel and IIS following the same procedure as in Sections A.4.c., A.4.d., and A.4.e.
 - 2) If the command officer agrees, the employee will immediately be ordered to paid, on-duty status.
 - 3) Follow the on-duty procedure as in Section A.
- 2. If the incident is not related to the capacity of or authority as a police officer, handle the instance of substance abuse according to state law.
 - a. Notify the shift OIC of the district of occurrence.
 - 1) The shift OIC will notify the unit commander of the district of occurrence and the on-duty command officer.
 - b. Process off-duty Operating a Vehicle Under the Influence (OVI) offenses according to State law.
 - c. Handle incidents involving the possession, preparation for sale, or trafficking of illicit controlled substances according to State law.

C. Random Drug Testing for Sworn Personnel

- 1. The Police Department designed a random drug urinalysis-screening program to detect the use of dangerous, harmful, and detrimental substances, hallucinogens, and marijuana.
 - a. Sworn personnel should not use prescription medication of a family member or coworker. It could result in a positive test.

2. CONSENTRA will conduct a nine panel urine drug screen for the drugs listed below. Testing for additional drugs may also be done.
 - a. Cannabinoids (Marijuana, Metabolite)
 - b. Benzoyllecgonine (Cocaine, Metabolite)
 - c. Opiates (Codeine, Morphine, Hydrocodone, Hydromorphone, Oxycodone)
 - d. Amphetamines (Amphetamine, Methamphetamine)
 - e. Phencyclidine
 - f. Barbiturates (Phenobarbital, Secobarbital, Pentobarbital, Butalbital, Amobarbital)
 - g. Benzodiazepines (Oxazepam, Nordiazepam, Alpha OH-Alprazolam, Temazepam)
 - h. Propoxyphene
 - i. Methadone
 - j. Ecstasy
3. All sworn personnel are subject to random drug testing.
4. An independent computerized probability sampling process known as "Simple Random Selection with Replacement" will select sworn Department personnel for random drug testing. The program ensures each sworn employee has an equal probability of selection each time the Department initiates a random test.
5. The Police Chief determines the frequency of testing.
6. Sworn members assigned to high risk specialized assignments will be tested more frequently. This includes the Police Chief, all assistant chiefs and captains as well as sworn personnel assigned to the following:
 - a. Central Vice Control Section.
 - b. Court Property Unit.
 - c. DARE Unit.
 - d. District Violent Crime Squads.
 - e. Internal Investigations Section.
 - f. Inspections Section.
 - g. Intelligence Section.

- h. Regional Narcotics Unit.
 - i. SWAT Unit.
 - j. Vortex Unit.
 - 1) All sworn personnel will submit to urinalysis drug testing prior to being assigned or detailed and upon leaving any high risk specialized assignment.
 - 2) The supervisor of an officer entering or leaving a district Violent Crime Squad will notify Inspections Section of the drug test by fax and include where the officer is transferred/detailed from and transferred/detailed to. This will include the officer's name, badge number, and the effective transfer/detail dates to and from the Violent Crime Squad.
7. Inspections Section will notify shift or unit supervisors when the computer selects any of their personnel for testing.
- a. Officers utilizing sick time following the notification of drug testing will be tested on the date returning to work.
 - b. Officers attending training must respond for testing unless training is conducted outside of Hamilton County, Ohio, or Boone County, Kentucky.
8. A supervisor will notify on-duty sworn personnel, randomly selected for drug screening, in writing by placing notification in the blotter.
- a. The Inspections Section Commander will provide personnel selected for drug screening with a Form 96, Random Drug Testing Notification.
 - 1) Inspections Section retains the original copy of the Form 96.
 - 2) The officer will retain a copy of the Form 96.
 - b. Off-duty sworn personnel will not be ordered to on-duty status for the purpose of random drug testing.
9. Officers will comply with the instructions received from screening personnel at the collection site.
- a. The officer must present their driver's license and Department I.D. card to confirm their identity.
 - b. The bathroom facility of the testing area is private and secure.
 - 1) Testing personnel will search the facility before and after the sworn member provides the urine sample to ensure it is free of any foreign substances.

- 2) The testing person will place color dye in the toilet bowl water.
10. The officer being tested will remain at the collection site in full view of laboratory personnel, except while providing the sample, until an acceptable urine sample is produced by the employee (maximum of three hours).
 - a. If the officer is unable to urinate (shy bladder) for the random drug test, the laboratory technician will allow the officer to consume up to 40 ounces of liquid. If the officer leaves without urinating before the three-hour limit, the officer will be deemed as having refused to take the test. The refusal will be seen as a positive drug test and appropriate action taken.
 - b. Officers unable to urinate within the three-hour time limit will immediately be examined by a physician to determine if a health reason exists which prevents the individual from urinating. If the physician determines there is a health reason for not urinating, the test will be classified as indeterminate. The officer must have the problem medically corrected and submit to another drug test. If the physician determines no health reason exists to prevent the officer from urinating, the officer is deemed to have refused to take the test and appropriate action will be taken.
 - 1) If this occurs during normal work hours, the officer should immediately be taken to EHS to see a City physician. If this occurs during other than normal work hours, the officer should be immediately directed to see an emergency medical physician at The Jewish Hospital.
 11. Method of Testing
 - a. The urine sample will be split into two portions for testing purposes.
 - b. The initial drug test will be an Enzyme Multiple Immunoassay Testing (EMIT) procedure performed on one of the specimen portions. This is a Substance Abuse Mental Health Services Administration (SAMHSA) certified method of testing.
 - 1) The second portion will be held for additional testing as outlined in Section C.12.
 - c. If the initial drug screen test indicated a positive result, the laboratory will ensure a confirmation test is completed. The confirmation test will be a Gas Chromatography/Mass Spectrometry (GC/MS) procedure. This is also a SAMHSA certified method of testing.

- d. The Medical Review Officer (MRO) will contact the officer regarding the confirmed positive prescription drug test. The officer will have the opportunity to provide the MRO with a prescription drug container and the identity of the prescribing/dispensing physician or health care provider for confirmation. No other City employee or agent will be informed of the confirmed positive test until the verification is held.
 - 1) The MRO will contact the testing laboratory in an effort to verify that the prescription drug presented by the officer matches the drug identified in the confirmed positive drug screen test.
 - 2) If the prescription drug and the drug identified in the confirmed positive drug screen test match, the drug screen test will be considered a negative drug screen test result.
 - e. All records relating to the negative drug screen test will become part of the officer's medical record and remain confidential and restricted at EHS.
 - f. The testing laboratory will forward all test results only to the EHS physician in an envelope marked "Personal and Confidential".
 - g. The EHS physician will determine the duty status of the officer using the prescription drug.
 - h. EHS will immediately notify Inspections Section who will notify the Police Chief, the affected officer, and the Fraternal Order of Police (FOP) President on all confirmed and verified positive drug screen results.
12. A sworn member whose drug screen test result is confirmed and verified positive may demand the second portion of the split urine specimen be tested by a SAMHSA certified laboratory of the officer's choosing.
- a. The officer must submit a written demand for a second test to the SAMHSA certified laboratory which processed the random drug screen sample and issued the positive test result within ten working days following the date on which the officer received notification of the positive test
 - b. The SAMHSA certified laboratory that issued the positive test result will send the second portion of the split urine sample to the SAMHSA certified laboratory chosen by the employee for the second drug screen test within 72 hours after receiving the written demand.
 - c. Appropriate chain of custody procedures, mutually approved the City and the FOP, will be closely followed in all cases.

- d. The officer will pay the re-testing expenses related to the second drug screen test. If the drug screen test from the laboratory chosen by the employee is negative, the City will fully reimburse the officer for the cost of the second drug screen test.

13. Civilian Employees

- a. Civilian employees are not covered by this random drug testing policy.
- b. Civilian employees are subject to the Substance Abuse Policy approved by the City Manager.

15.112 USE OF CHEMICAL SUBSTANCES

Reference:

Manual of Rules and Regulations – 6.01, 6.02, 6.03, 6.04
Ohio Revised Code Section 2923.15 Using a Weapon While Intoxicated
Standards Manual – 26.1.5

Policy:

It is the policy of the Cincinnati Police Department that the use of chemical substances while on duty is not permitted. This includes the consumption of alcoholic beverages as well as the use of any illegal drug. It is recognized that certain assignments, usually of a covert nature (i.e., vice detail, etc.), require that an officer be permitted to consume alcoholic beverages while on duty in order to carry out a particular case investigation. In no case, however, should an officer ingest an illegal drug while on or off duty.

Procedure:

A. Alcohol Consumption by On-Duty Personnel

1. When an officer plans to conduct an investigation in which the consumption of alcohol will be necessary, the officer's immediate supervisor will be notified.
 - a. Notification may be preset, reported at roll call, or via telephone.
 - 1) Use of the police radio for this notification is not advised.
 - b. If such notification is not possible due to circumstances beyond the control of the investigator (e.g., officer's informant and/or major case may be jeopardized), the investigator is to notify a supervisor as soon as possible after such action is taken.
2. It is the responsibility of the officer involved in an investigation in which alcohol is being consumed to do so in strict moderation.
 - a. Officers are expected to exercise sound judgment at all times.
 - b. Consumption of alcohol will be avoided whenever possible.
 - c. If it becomes necessary, an officer should order a drink consistent with his undercover role that contains the least concentration of alcohol (i.e., low alcohol beer, regular common brand beer, highly diluted mixed drinks, etc.).
 - 1) If at all possible, officers will consume no more than one drink per hour.
 - 2) No more than three drinks should be consumed in an eight hour tour of duty.

- 3) Whenever possible, every effort should be made to dispose of drinks in a surreptitious manner (i.e., flush in toilet, leave drink unconsumed, etc.).
 3. Officers will indicate on their Daily Activity Record (Form 436A) those investigations and locations in which the purchase and/or consumption of alcohol was necessary.
 - a. This would generally be the same information listed on the officer's individual expense record.
 4. If the investigator or other officer notes the ability, judgment, conduct, demeanor, or physical state of any officer has been adversely affected as a result of alcohol, that officer will notify a supervisor at once.
 - a. The supervisor will then take the necessary action required.
 - 1) This may include action such as assigning time off or placement in a noncritical assignment area for the remainder of the tour of duty.
 - a) An impaired officer should never be permitted to operate a vehicle or possess a firearm.
 - b) The officer's safety and well-being should be a main factor in making this determination.
 - b. Each officer will be held accountable for his actions.
- B. Illegal Drug Consumption/Ingestion by Police Personnel
1. Police personnel will not consume an illegal drug to facilitate a successful investigation, or for any other reason.
 - a. Options to consider when presented drugs are:
 - 1) Conduct an immediate arrest, even though longer term investigations may be sacrificed.
 - 2) Make an excuse to leave and continue the investigation at a later time.
 - 3) Take the drug "to go."
 - 4) Accidentally spill the drug.
 - 5) Simply abandon that particular investigation, even if it means that undercover identity is compromised.
 2. Under certain circumstances, simulated use of drugs may be acceptable.

- a. If simulation occurs, the officer must notify his supervisor as soon as possible and document the need for simulation on his Form 436A, including all relevant details.
3. If an officer is accidentally or forcibly caused to ingest or absorb drugs, he must notify his supervisor, who will order a medical examination and treatment.
 - a. The supervisor will complete a Form 91SP (Supervisory Investigation of Employee Injury).
4. Supervisors will remain alert for signs that an employee may be developing a tendency toward chemical substance dependence/abuse.
 - a. If any signs are indicated, intervention and assistance should be provided to the employee.

C. Prescribed Medication

1. When sworn personnel are prescribed medication by a physician or dentist, they will request the status of the medication as either a controlled or a non-controlled substance and its effects on the officer.
 - a. If prescribed a controlled substance medication and are ingesting the substance, sworn personnel will:
 - 1) If unable to report for duty, call in and notify a supervisor. (Follow Procedure 19.105)
 - 2) If able to report for duty, immediately notify a supervisor. The supervisor will place him/her on light duty status until released by the Employee Health Services (EHS) physician.
 - 3) At no time possess a firearm while ingesting or under the influence of a controlled substance. (Reference O.R.C. 2923.15, Using a Weapon While Intoxicated)
 - a) There is no exception to the prohibition – law enforcement officers must not be under the influence of alcohol or controlled substance at the time they carry or use any firearm or dangerous ordnance.
 - b. This information will be kept confidential by the Police Department and maintained in the employee's medical file.
2. It is not necessary to report the use of over-the-counter or non-controlled prescription medications.

15.115 ADMINISTRATIVE INSIGHT

Purpose:

Notify the employee of an investigation's findings.

Increase employee awareness to the causes of an incident to prevent similar situations in the future.

Serve as a record that positive methods have been employed to assist the employee.

Procedure:

A. Administrative Insight Process:

1. When Department employees act contrary to established procedures or rules, or do not fulfill the police mission to the best of their ability, the Integrity Management Section Commander will:
 - a. Advise the Police Chief of the circumstances.
 - b. Notify the employee's bureau commander when the Police Chief determines an Administrative Insight is the proper course of action.
2. The bureau commander will:
 - a. Have the district/section/unit commander and the employee appear for an Administrative Insight interview, or
 - b. Have the district/section/unit commander conduct an interview with the employee's immediate supervisor and the employee.
3. The Administrative Insight interviewer will:
 - a. Review the circumstances of the incident.
 - b. Recommend positive methods the employee can use in the future to prevent a recurrence.
 - 1) Document on a Form 17 and in the employee's Evaluation Supplement Log.
 - a) Forward the Form 17 to the bureau commander.
4. After the interview, the bureau commander will:
 - a. Send the Form 17 to the Police Chief indicating the action taken.
 - b. Send copies to the Personnel Section Director for inclusion in the employee's Personnel Jacket.

15.125 ARREST OR COURT ACTION AGAINST DEPARTMENT MEMBERS/SUSPENSION OF POLICE POWERS

Reference:

Manual of Rules and Regulations, 2.17, 9.28, 12.01
Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming

Purpose:

Ensure the rights of all Police Department members.

Prevent unnecessary financial loss to the member and the City.

Ensure the Department and the City Solicitor's Office receives proper and timely notification of court actions, arrests, or citations involving Department members.

Ensure legal representation, in appropriate cases.

Ensure affected Sections are notified when a police officer's powers are suspended.

Policy:

Members will immediately report to their commanding officer any arrests or court actions instituted against them arising from the scope of their employment, or other legal actions that may affect their employment.

Procedure:

A. Civil Actions Against Department Members

1. Police Department members receiving notification of a civil court action instituted against them, except in matters arising outside the scope of their employment will:
 - a. Notify the Police Chief on a Form 17CS, via the chain of command, prior to the end of the member's current tour of duty. A copy of the lawsuit and all other pertinent documents must be attached to the Form 17CS. Forward a copy of the Form 17CS and the original lawsuit with all attachments to the City Solicitor's Office and a copy of all documents to Planning Section via Interdepartmental Mail.
 - 1) If the member is off duty he must submit the form no later than his next tour of duty.
 - 2) If the member is on extended leave he will immediately notify his immediate supervisor.

- a) The supervisor will obtain copies of court documents and complete and route the Form 17CS as required in Section A.1.a. to the Police Chief, the City Solicitor and Planning Section.
- 3) Members will keep a copy of the lawsuit and all attachments.
- 4) Members will consult with the City Solicitor's Office prior to signing any legal documents.
 - a) Members may sign a certified mail receipt acknowledging acceptance of the lawsuit.
- b. Include in the Form 17CS:
 - 1) A request for legal representation.
 - a) This does not preclude members from seeking private legal counsel of their choice.
 - 2) The name(s) of the plaintiff(s).
 - 3) The case number.
 - 4) The ETS (Employee Tracking Solution) tracking number from the precipitating incident, if applicable.
 - 5) The court in which the suit was filed (e.g. Hamilton County Common Pleas Court, U.S. District Court).
 - 6) The date of service the suit was accepted.
 - 7) A phone number, working hours, district/section/unit of assignment and shift commander, through which the City Solicitor may contact you.

B. Criminal/Traffic Violations By Department Members

- 1. All members will immediately notify their district/section/unit commander or, in his absence, the Police Communications Section supervisor, if they are:
 - a. Physically arrested for any violation.
 - b. Cited for a criminal violation or a minor misdemeanor violation, excluding minor traffic violations.
 - c. Notified of or receive any operator's license suspension from the Bureau of Motor Vehicles.
- 2. The member will provide written notification on a Form 17 and forward it to the Police Chief, via the chain of command, the same day as received or upon return to duty.

- a. The member will attach copies of all related documents.

C. Administrative Responsibilities In Civil Cases

1. The district/section/unit commander, or his designee, will hand deliver the original Form 17CS and a copy of the lawsuit with all attachments to the Police Chief's Office the same day as received.
2. The Police Chief will forward the Form 17CS and attachments to Planning Section the same day as received.
3. Planning Section will:
 - a. Ensure the City Solicitor's Office has received notification of the lawsuit.
 - b. Generate an "Add Civil Suit" case in ETS if precipitating incident has been entered into the ETS system.
 - 1) If no initiating incident has been entered into ETS, create a new case folder in ETS for a civil lawsuit.
 - c. Maintain a file copy.

D. Administrative Responsibilities In Criminal/Traffic Cases

1. The district/section/unit commander or the PCS supervisor will immediately notify the affected division commander who will determine the necessity of notifying other administrative personnel, including the Internal Investigations Section, if necessary.

E. Legal Inquiries/Court Documents Directed To Department Members

1. Any Department member contacted by an attorney requesting comments, statements, or a deposition; or subject to any civil matter directly or indirectly related to their employment; or subject to any civil matter arising outside the scope of their employment will:
 - a. Provide notification as outlined in Section A. before any statement is given when:
 - 1) The matter may influence the member's daily job performance, or
 - 2) The matter may require the Department's or City Solicitor's Office involvement in any form, or
 - 3) The matter may adversely affect the member's standing within the Department, or
 - 4) Considered in total, the civil matter, or the consequences thereof, may be detrimental to, or have an impact upon, the Department, City, or any City employee.

2. Department members will not accept or sign for a certified letter, return receipt requested, from the Postal Service, addressed to another Department member.
 - a. The Postal Service employee will leave a notice that a certified letter is being held at the Post Office.
 - b. Forward the Postal Service notice to the member.
 - 1) Make a blotter entry indicating the notice was forwarded.
 - c. If the member is on extended leave, his immediate supervisor will attempt to contact him, making a blotter entry indicating the results.
 - d. The only exception to Section E.2. is a member will accept a certified letter, return receipt requested, addressed to the Police Chief or the Cincinnati Police Department (if no individual addressee is listed).
 - 1) The accepting member will contact a supervisor who will immediately have the letter hand delivered to the Police Chief's Office or the affected district/section/unit.
3. Department members may accept legal service documents addressed to them personally.
 - a. Failure to accept legal service documents may result in the member's home address being disclosed in order for service to be completed.

F. Notification Process of Suspension of Police Powers

1. Only the Police Chief or Acting Police Chief has the authority to order the suspension of a Department member's police powers.
 - a. Any supervisor is able to temporarily relieve a member from duty based on grounds of unfit for duty or misconduct. The Police Chief or Acting Police Chief will then determine whether or not to suspend the member's powers.
 - b. Once the suspension is ordered, any supervisor can execute the order to suspend a Department member's police powers.
2. Personnel Section will maintain a current database of all suspended Department personnel.
 - a. Upon the suspension of a Department member's police powers, the following information should be immediately forwarded to Personnel Section:
 - 1) Name and current assignment of officer whose powers are suspended

- 2) Any change in officer's assignment or duties
 - 3) Beginning date of suspension
- b. Personnel Section must be notified upon restoration of Department member's police powers.
 - c. Personnel Section is responsible for making the necessary notifications regarding the suspension of a Department member's police powers.

15.130 WAGE GARNISHMENTS

Reference:

Procedure 13.107 - Evaluation Supplement Log
Manual of Rules and Regulations - 1.33
Ohio Revised Code 2716.05 and 3113.213
Public Employees Assistance Program (PEAP)

Definitions:

Garnishment: A stoppage of a specified sum from an individual's wages to satisfy a creditor. It is a result of a judgment obtained against an employee in a court of record.

Creditor: A person or company to whom money or goods are owed.

Purpose:

Ensure integrity in the police operation.

Provide employees with appropriate incentive to deal responsibly with their personal finances.

Policy:

Employees will not undertake any financial debts which they know or should know they cannot meet. Employees will pay all legally enforceable debts when due. The Police Department will make a reasonable effort to enable employees to get help in dealing with financial problems before invoking disciplinary sanctions.

Nothing in this procedure prevents the Police Department from invoking disciplinary sanctions against a garnished employee. The Police Department will not discipline or dismiss an employee garnished for child support or alimony per ORC 3113.213.

The Police Department encourages employees with financial problems to seek help on a voluntary basis through the Public Employees Assistance Program (PEAP).

The Police Department will not discipline or dismiss an employee for only one credit garnishment.

An assignment transfer is appropriate when the employee's current assignment provides an easy opportunity for the employee to be financially compromised because of garnished wages.

Information:

State law requires the Treasurer's Office to withhold up to 25% of the employee's disposable income (gross pay minus deductions required by law) to satisfy the creditor.

The Treasury notice of garnishment includes the number of garnishments received against the employee within the last 12 months. Each separate garnishment is counted, even if they all arose from the same debt.

The City of Cincinnati pays for services provided to City employees by PEAP. Employees may call PEAP for telephone consultation or set up a private meeting for financial counseling. The services provided by PEAP include assessment of current financial crisis, review of past due and current bills, and discussion of options available to resolve immediate and long-term problems. Several referral agencies include The Trusteeship Program, United Way, and Debtors Anonymous.

Procedure:

A. Garnishment Notice

1. The Internal Investigations Section (IIS) is responsible for tracking garnishments. When the Police Department receives notice from the Treasurer, the IIS Commander will forward the garnishment papers along with a cover Form 17 through the chain of command. The division commander will forward the garnishment papers to the affected employee's district/section/unit commander.
 - a. The employee's district/section/unit commander will ensure prompt service of the garnishment papers on the employee.
 - 1) The serving supervisor will indicate service on the cover Form 17 and return the form to IIS through channels.

B. Disciplinary Actions Involving Garnished Employees

1. A first credit garnishment will result in an entry in the employee's Evaluation Supplement Log (ESL). The employee's unit supervisor will refer the employee to PEAP for financial counseling on a voluntary basis.
2. A second garnishment within 36 months will result in a written reprimand. IIS will prepare the written reprimand and send it through channels for service upon the employee. The employee's unit supervisor will prepare and serve a PEAP referral on the employee for mandatory financial counseling.
 - a. A copy of the PEAP referral will be returned to IIS with the other paperwork.
 - b. The unit supervisor issuing the PEAP referral will check with PEAP after thirty days to confirm the employee utilized the referral and attended a financial counseling session. The unit supervisor will request a confirmation letter from PEAP which will be forwarded to IIS.
3. Three or more garnishments within 36 months will result in a Disciplinary Hearing for the employee.

- a. IIS receives wage garnishment paperwork and sends it through proper channels to the employee's unit of assignment.
- b. IIS will prepare a Form 17 requesting appropriate disciplinary action and forward it to the Police Chief for approval.
- c. The employee's supervisor will serve the garnishment papers and a PEAP referral upon the employee and forward the completed forms through the chain of command.

16.100 CASH MONEY: ACCOUNTING AND SECURITY

Purpose:

Provide a system of cash money accountability and security.

Establish a procedure for the acceptance of cash money by the Cincinnati Police Department and the deposit of cash money to the control of the City Finance Department.

Establish a procedure for purchases paid from the petty cash account.

Procedure:

A. Money received by the Cincinnati Police Department for Services, and Sale of Forms:

1. Impound Unit personnel will collect and control monies received for impound and storage fees.
 - a. Impound Unit personnel will deposit these funds, including accounting records and receipts, at the City Treasurer's Office by 0900 hours each morning.
 - 1) Monies collected on Friday and weekends will be held in a secure location and deposited on Monday.
 - b. Make deposit slips in duplicate. Retain one copy at the Impound Unit.
2. Records Section collects money between 0800 and 1700 hours.
 - a. Accumulated money, receipts, and deposit slips will be placed in a bank pouch, locked, and taken to the City Treasurer's Office for daily deposit.
 - 1) Retain one copy of the deposit slip.
 - 2) Send the cash receipt schedule to the City Finance Department.
 - b. A Records Section supervisor, or designee, will make the deposit.

B. Petty Cash Account:

1. The petty cash account is maintained by the Finance Management Section.
2. Petty cash disbursements will not exceed \$25.00 without the approval of the Finance Management Section.

3. Reimbursements to petty cash funds are made on a Form 18S, Petty Cash Reimbursement Voucher, showing each disbursement, and accompanied by receipts.
- C. Petty Cash Purchases:
1. Purchases using petty cash funds are allowable under the following situations:
 - a. The item needed is not stocked or covered by a contract.
 - 1) Contact the Supply Unit prior to purchase to determine if a contract exists and how to proceed with the purchase.
 - b. Emergencies - When the results of an operation would be in jeopardy if the purchase was not made. A brief written explanation of this need must be attached to the receipt.
 2. The district/section/unit commander must sign the receipt. Also include on the receipt the name of the person from the Supply Unit authorizing the purchase. Hand carry the receipt to Finance Management Section for reimbursement.
 - a. Tax on purchases will not be reimbursed. A tax exempt number can be obtained from the Supply Unit.
 - b. Finance Management Section personnel may reject payment if procedure is not followed.
- D. Petty Cash Audit:
1. Finance Management Section will conduct a quarterly audit of petty cash funds. The four auditing periods are:
 - a. January 1 through March 31.
 - b. April 1 through June 30.
 - c. July 1 through September 30.
 - d. October 1 through December 31.

16.105 CORRECTION OF ERRORS ON DEPARTMENT PAY CHECKS

Procedure:

- A. Errors on paychecks
1. When the figures regarding time, overtime, court time, sick and vacation on the check stub do not agree with what the individual employee believes to be correct, the following steps will be taken:
 - a. Unit records will be checked to make sure correct information was submitted. All time records are unit based and must be submitted from the unit to be entered on the payroll register.
 - b. If the unit records indicate that the information was recorded and forwarded correctly, the employee's supervisor will be so advised.
 2. A Form 17 will be prepared to the bureau commander from the section or district commander, giving the name, rank, assignment, employee number, and a resume of the problem. A notation will also be included that unit records were checked and are correct.
 3. The bureau commander will review and forward the complaint to the Fiscal and Budget Section through the Resource Bureau.
 4. The Fiscal and Budget Section will investigate and correct any error detected.
 - a. The complainant will be contacted by telephone explaining the action taken.
 - b. A copy of the Correction Form (changes to vacation, sick leave, and leave without pay), if needed, will be sent to the individual through channels.
 - c. Individuals will not call the Fiscal and Budget Section directly, as it will slow the process.

16.110 PERSONNEL ACCOUNTING AND DISTRIBUTION

Reference:

Cincinnati Police Department Payroll Storage System User Manual

Purpose:

Provide a system of personnel accounting and distribution.

Establish a procedure for the distribution of reports concerning shift assignments and off-day group assignments.

Procedure:

A. Assignment Report Changes

1. All district/section/unit commanders will submit an Assignment Report Changes (Form 17) every 28 days. This report is due on the Thursday **before** the effective date. Personnel Section will publish a list of the "effective dates" by December of each year.
 - a. The Assignment Report Changes will reflect the following information as of the effective date:
 - 1) Changes in shift and/or off-day group assignments.
 - 2) Personnel separated or transferred (note date and reason, e.g., retired, transferred out, etc.).
 - 3) List total number of personnel by rank (sworn and non-sworn) for each district/section/unit.
 - b. If no changes are made, indicate in writing "NO CHANGES."

B. Police Department Assignment Report

1. Personnel Section will maintain control of Police Department Assignment Reports.
 - a. Changes to the master copy of the Police Department Assignment Report are made based upon the information received from the Assignment Report Changes, Form 17.
 - b. By the Thursday following the effective date, Personnel Section will distribute the revised report to all affected districts/sections/units.
 - c. Personnel Section will maintain current information from the Assignment Report in the Regional Computer Center (RCC) CLEAR badge file. This will ensure Department personnel receive court notifies at their unit of assignment.

- 1) Personnel Section will forward the Assignment Report to the Crime Analysis Squad. The Crime Analysis Squad will perform an upload of the Assignment Report to RCC through the File Transfer Protocol (FTP) Connection.

C. Time Book Symbols

1. Use the following symbols when marking Time Books:

CTO - Compensatory Time Other
 CTT - Fair Labor Standards Act (FLSA) time
 HOL - Holiday sworn and non-sworn
 VAC - Vacation
 BDY - Birthday
 ADM - Administrative Leave
 SWP - Sick With Pay
 SAD - Sick Pay Death
 SPF - Sick Pay Family
 SPM - Sick Pay Maternity
 SUI - Sick Use Incentive (Div. 1)
 SWO - Sick Without Pay
 IUF - Injured With Pay sworn
 INU - Injured With Pay non-sworn
 SPI - Sick Pay Injury
 FSK - Family Medical Leave Act (FMLA) Sick
 FHL - FMLA HOL
 FVC - FMLA VAC
 FIU - FMLA IUF sworn
 FIN - FMLA INU non-sworn
 FAM - FMLA Without Pay
 MTL - Military Duty With Pay
 MWO - Military Duty Without Pay
 LWP - Leave Without Pay
 AWL - Absent Without Leave
 SUS - Suspension Without Pay
 DNT - Donated Time
 MDL - Medical Dental Leave
 UNN - Union Release Time
 JUR - Jury Duty
 LLT - Legal Liability Time
 PWP - Personal With Pay
 TDY - Tardy
 LTD - Light Duty – Work Related
 LDN - Light Duty – Non-work Related
 D - Detailed
 O - Off Day
 | - Day Worked
 TRN - Training

2. Place a copy of these symbols in the front of the Time Book as a reference.

16.111 EMPLOYEE TRACKING SOLUTION

Reference:

Memorandum of Agreement between the Cincinnati Police Department and the U.S. Department of Justice
Employee Tracking Solution Protocol

Definitions:

Organizational Group - employees assigned to the same work group within the same district, section, or unit. Example: activity generated by second shift officers assigned to District One is compared to the activity of only those officers assigned to second shift in District One. Bureau commanders will determine the composition and number of groups within their respective bureau.

Personnel Service Record – information in the individual Personnel Information Sheets, Personnel Service Jacket, and the individual personnel file contained within the Employee Tracking Solution (ETS). The Personnel Service Record is just one of several tables within ETS and is used to provide the common dataset, e.g., Employee Identification Number, to link data in the other components of ETS.

Weighted Risk Assessment – all risk activities tracked in ETS are given specific weights to allow for a compilation scoring. This compilation score will be the basis for comparing employees within their organizational group based on variance from the mean. To view a specific weight assigned to a risk activity in ETS, click on the Inspections Section icon, then click on the Activity Assessment icon, and then click on the Activity Assessment Setting Document icon.

Threshold – values individually determined for each organizational group from the weighted aggregate risk activity and each individual activity measured by ETS. When used for analysis, thresholds will be defined in standard deviations above and below the mean. Initially, the threshold will be set at one standard deviation. However, once the system has been in use, thresholds may be modified to make the best use of the analysis capabilities of the system.

Purpose:

The Employee Tracking Solution (ETS) is a tool to assist supervisors and managers in the assessment of overall employee performance and to serve as an early warning system for employees engaged in risk activities.

Policy:

Managing risk is an important factor in the success of an organization. Reviewing risk activities and patterns of risky behavior, as well as recognizing proper and ethical conduct is the responsibility of those supervisors and managers. ETS has been developed to assist supervisors and managers in identifying both high achieving employees and those employees in need of intervention.

When the intervention includes a referral to an outside agency (Public Employees Assistance Program, police psychologist, etc.) only the name of the agency will be listed. The reason for the referral will be outlined in the employee's medical jacket maintained at Personnel Section. Authorized employees may access the medical jacket by contacting Personnel Section.

Information:

ETS will capture and record information on the following areas:

- Uses of force
- Canine bite ratios
- Number of canisters of chemical spray used by officers
- Injuries to prisoners
- Instances in which force is used and a subject is charged with "resisting arrest", "assault on a police officer", "disorderly conduct", or "obstruction of official business"
- Critical firearm discharges, on and off-duty
- Complaints and their dispositions
- Criminal proceedings initiated, civil or administrative claims filed, and all civil lawsuits served upon the City or its officers or agents, resulting from operations or the actions of Department personnel
- Vehicle pursuits
- Disciplinary action imposed on Department personnel
- Individual training information and records
- Injuries to personnel
- Auto accident information
- Court attendance
- Award/commendation information

ETS will compare the performance of employees assigned to similar organizational and/or peer groups. When used in conjunction with regularly scheduled reviews, supervisors will be able to use this system to assist in the evaluation of employee performance in addition to recognizing individual and group patterns which may warrant further review or intervention.

Procedure:

A. Bureau Commander Responsibilities

1. Define the organizational groups within their respective bureau.
2. Review and make recommendations to the Police Chief regarding the quarterly reports submitted by district/section/unit commanders.
3. Compare Inspections Section's quarterly audit to the reports compiled by district/section/unit commanders.

B. District/Section/Unit Commander Responsibilities

1. Ensure each officer is reviewed through ETS at the conclusion of each 28 day work period, or monthly, based on the work schedule of the organizational group and documented in the employee's Evaluation Supplement Log (ESL).

2. Ensure supervisors transferred into their unit perform an ETS review for personnel under their command. Document the review in the supervisor's Evaluation Supplement Log (ESL).
3. Ensure all supervisors in the employee's chain of command perform an ETS review for personnel transferred into their unit. This review should be documented in the transferred employee's Evaluation Supplement Log (ESL).
4. Prepare a report, routed through the bureau commander for presentation at the quarterly Command Review Session, identifying the following:
 - a. Recommended action for those employees under their command identified as being above or below the established thresholds at all required intervals.
 - b. The status of intervention plans initiated for employees in previous quarterly reviews.
5. Initiate appropriate intervention at the earliest possible time where intervention is appropriate based on any individual incident or accumulation of incidents.

C. Supervisor Responsibilities

1. Enter each type of report captured within ETS as a preliminary report except for Form 18NC, Noncompliant Suspect/Arrestee Report, and the Form 18CD, Use of Canine Field Deployment Report.
 - a. Route Form 18NC to Inspections Section for entry. The Form 18CD is entered at the Canine Unit.
2. Complete and "work-flow" all reports through ETS per current procedure.
 - a. Route all original documents using the current use of force jacket and appropriate label.
 - b. Fax Form 91SP, Supervisory Investigation of Employee Injury, to the City's current insurance carrier.
3. Take any intervention or disciplinary action required according to procedure or the Disciplinary Table of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
4. Outside of a procedurally mandated action related to an incident, the first review of an employee's record in ETS will be performed by the first level reviewer who reviews the original incident report unless the incident triggers an automated system alert. This ensures the investigating supervisor is not influenced by information in the system during the incident investigation.

5. All supervisors having line authority over an officer being transferred into an assignment will review the officer's ETS file at the time of transfer and document the review in the Evaluation Supplement Log (ESL).
 - a. Any supervisor transferred to another assignment will review ETS files on all officers assigned under their supervision.
6. Review individual officer activity at the end of each work period. Review activity in each category and the weighed risk assessment for determination of, and comparison with, the average organizational group activity levels.
 - a. During scheduled reviews, supervisors will look at an entire 12 month period of activity.
 - b. Document the review in the Evaluation Supplement Log (ESL) within ETS. If necessary, develop appropriate intervention strategies.
 - c. Initiate appropriate interventions when required by procedure. However, interventions may be initiated at any time if deemed necessary to address actions or behavior.

D. Intervention Processes

1. The following activities are considered interventions and will be documented in the employee's Evaluation Supplement Log (ESL):
 - Review
 - Counseling
 - Training
 - Referral to outside services such as Public Employee Assistance Program (PEAP), Police Psychologist, etc. (list only the agency name)
 - Monitoring plan – documented action plan with set reporting intervals
 - Reassignment
 - Discipline
 - Other, or any combination of the above
2. Intervention is mandated as a result of an officer exceeding established thresholds at any of the following required review intervals.
 - a. Based on current procedures or the Disciplinary Table of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
 - b. The chain of command review process for each incident generated.
 - c. Upon conclusion of supervisory review of individual officer activity for each 28 day or monthly work period.

- d. Upon conclusion of the quarterly Command Review Session.
- e. Upon conclusion of the Inspections Section quarterly audit.
- f. Result of administrative investigations.

E. Quarterly Reports

1. Each district/section/unit commander will prepare a quarterly report after reviewing their employees' activity for the preceding 12 month period ending on the following dates: March 31, June 30, September 30, and December 31. These reports are to be routed to the bureau commander within ten days following each reporting period. The bureau commander will review the reports and forward them to Inspections Section for their quarterly audit. The report must contain analysis and intervention information for each officer identified as exceeding the threshold in any risk category for the period.
 - a. For each quarterly review, an employee is evaluated on eight risk categories. Each risk category is assigned a numerical weight used to figure the standard deviation. The Organizational Group Analysis will display the total numerical weight of all incidents of the specific risk category. The numerical value does not indicate the number of incidents.
 - b. During a review, a risk category exceeding the established threshold will be displayed in green. A review of each risk category in green is required unless the risk category contains only a single incident. To determine whether it is a single incident, consult the Activity Assessment Setting Document in ETS for the specific weights.

Example: If the vast majority of a relief has not been involved in an on-duty Category 1 vehicle crash during the preceding 12 month period, the Vehicle Crash risk category would display a score of 0. An employee involved in one on-duty Category 1 vehicle crash during the preceding 12 month period would display a score of 2 in the Vehicle Crash risk category (weight of two per incident) and would appear in green. This does not require a review of the Vehicle Crash risk category.

 - 1) A review of a risk category appearing in green due to a single incident is not required unless the employee has three or more separate risk categories displayed in green due to single or multiple incidents. This would require a review of all three risk categories exceeding the established threshold.
 - c. Supervisory use of the ETS system includes but is not limited to proper review of each incident, intervention recommendations, intervention follow-up, and transfer reviews.

2. The Command Review Session will be held quarterly at the Police Chief's direction. Employees identified from this report, and any employees determined to have exceeded the established thresholds during the past quarter, will be discussed as well as intervention plans for them. The progress of intervention plans already in place from previous quarters will also be addressed.

F. Corrections to Reports

1. Once reports receive final approval they will be locked in ETS. Any locked report needing changes or correction requires approval from the Police Chief.
 - a. Submit a Form 17 to the Police Chief, through the chain of command, requesting the change or correction.
 - b. Upon approval, the Information Technology Management Section (ITMS) will take the necessary action to correct or change the report.
 - c. Revisions to weights as a result of an unfounded or exonerated finding will be handled according to Internal Investigations Section's Standard Operating Procedure.
 - d. Removal of discipline in the Personnel Module will adhere to current labor agreements.
 - e. If a document has not been finalized, the original author or their supervisor can email ITMS and request a modification such as redirecting the "work-flow" or a deletion.

16.112 MANDATORY OFF DAY DEVIATION & VOLUNTARY SHIFT DEVIATION

Reference:

FOP/City Labor Agreement

Information:

The City of Cincinnati has the right to annually change two of the officer's regularly scheduled off days, upon 72 hours notice to the member, without the payment of overtime compensation. Overtime shall be paid to the member in the event any change in regularly scheduled off days occur on the day(s) on which the events currently known as "Riverfest" or "Ujima" take place.

Training scheduled more than five (5) days in advance, regularly scheduled shift changes, transfers and promotions shall not apply to the consecutive off day provision. Off Day group 8 (Saturday/Sunday) will be considered two consecutive off days.

Procedure:

- A. Mandatory Off Day Change (Form 443)
 1. When changing an officer's scheduled off day, a supervisor will:
 - a. Give 72 hours notice to the officer prior to the change of a regularly scheduled off day.
 - b. Complete the required portion of Form 443 indicating the mandatory regularly scheduled off day change.
 - c. Substitute another off day for the officer within the same work week.
 - 1) Every reasonable effort will be made to allow the officer the opportunity to choose a substitute off day, at the officer's choice, within the same work week.
 - d. Document the off day change in the district/section/unit time book.
 - e. Forward Form 443 through the chain of command to the district/section/unit timekeeper.
 2. District/section/unit timekeeper will:
 - a. Fax a copy of Form 443 to Personnel Section.
 - b. Send the original to Personnel Section on the third Thursday of each month along with the Assignment Reports. Refer to the current Assignment Report Schedule for monthly due dates.

- c. Keep the copy in the district/section/unit files
 3. Personnel Section will:
 - a. Enter the information from the Forms 443 into a computer database programmed for tracking all Division personnel's changed off days.
 - b. Complete a report indicating the amount of mandatory off day changes for each Division member on the fourth Monday of each month.
 - c. Immediately notify the affected officer's Bureau Commander after the officer has received two mandatory off day changes within the same year.
 4. District/section/unit commanders will:
 - a. Immediately notify the affected officer's supervisor(s) when the two annually changed off day limit, without the payment of overtime compensation, has been reached.
 - b. Ensure that every reasonable effort is made by Division supervisors to limit an officer's mandatory changed off days to two occurrences annually.
 - c. Approve all mandatory changed off days (Form 443) beyond two per year for a single officer.
 - d. When officer's are transferred out of a district/section/unit, ensure documentation (Forms 443) of officer's mandatory off day changes are forwarded to officer's new unit of assignment.
- B. Voluntary Off Day Change (Form 443)
1. With the mutual consent of the officer and supervisor for changing a scheduled off day, the supervisor will:
 - a. Complete the required portion of Form 443 indicating the date of the voluntarily scheduled off day change.
 - b. Substitute another off day for the officer within the same work period.
 - c. Document off day change in the district/section/unit time book.
 - d. Forward Form 443 through the chain of command to the district/section/unit timekeeper.

C. Voluntary Shift Deviation (Form 440)

1. With mutual consent of the officer and supervisor for changing a scheduled tour of duty (shift), the supervisor will:
 - a. Complete Form 440 indicating the date of the voluntary shift deviation.
 - b. Document the shift change in the district/section/unit time book.
 - c. District/section/unit will retain the original Form 440.

16.120 SHIFT DIFFERENTIAL: RECORDING AND PROCESSING

Reference:

FOP/City Labor Agreement
AFSCME/City Labor Agreement
Automated Shift Differential System User's Manual
Standards Manual - 12.1.4

Purpose:

Ensure compliance with the labor agreement between the City of Cincinnati and the Fraternal Order of Police, the City of Cincinnati and AFSCME, and the Fair Labor Standards Act.

Enhance accurate recording of shift differential time earned by Police Division employees.

Policy:

The district/section/unit commander will designate the timekeeper or one other person to keep shift differential time for sworn and nonsworn personnel.

Districts/sections/units using the Division's automated shift differential system will record shift differential as outlined in the Automated Shift Differential System User's Manual.

Procedure:

A. Sworn Personnel:

1. Payment of shift differential is determined as follows:
 - a. Officers will receive shift differential for a regular tour ending after 1800 hours up to and including 0800 hours.
 - 1) A regular tour is defined as eight consecutive hours of duty scheduled in advance by a supervisor.
 - 2) Officers will receive shift differential for only those hours worked when compensatory time off is taken.
 - a) Example: An employee is scheduled a regular tour from 1200 - 2000 hours, but the employee takes compensatory time off from 1700 - 2000 hours. The employee receives shift differential from 1200 - 1700 hours.
 - b. The following criteria will determine if shift differential accrues to overtime hours:
 - 1) Overtime in less than eight hour increments:

- a) The overtime must immediately precede or follow a regular tour that ends after 1800 hours up to and including 0800 hours.
 - b) Shift differential is not applicable if there is a non-compensated time break between the overtime and the beginning or end of the regular tour.
- 2) Overtime in eight consecutive hour tours or longer:
- a) The overtime must be scheduled in advance by a supervisor.
 - b) The overtime must end after 1800 hours up to and including 0800 hours, unless the overtime immediately precedes or follows an eligible tour.
- c. The entry on the Daily Shift Differential report (Form 335A) will be a total of the regular hours plus overtime hours computed at their respective shift differential rates. Only overtime hours will be computed at the one and one-half rate for shift differential.
- 1) Example: An employee works a regular tour from 2300 - 0700 hours, and then immediately works overtime from 0700 - 0900 hours. The daily entry on the Form 335A will show 11 hours computed as follows:
- | | | | |
|------------------|-----------------|---|----------|
| 8 Regular Hours | X Straight Rate | = | 8 |
| 2 Overtime Hours | X 1 1/2 Rate | = | 3 |
| | | | TOTAL 11 |
- d. Partial hours worked during regularly scheduled tour.
- 1) Compute partial hours up to 15 minutes as 1/4 hour worked.
 - 2) Compute partial hours over 15 minutes and up to 60 minutes in 15 minute increments.
- B. Sworn Daily Shift Differential Report (Form 335A):
- 1. Complete a Form 335A for each officer eligible to receive shift differential pay.
 - a. Units with less than seven personnel and units without computers will maintain these forms manually.
 - b. All other districts/sections/units will use the automated Form 335A.
 - 2. Compute, as in Section A.1.c.1), and then record the number of hours for which shift differential will be paid.

3. Every two months the officer and his supervisor will review and initial the Form 335A.
 - a. Timekeepers using the automated shift differential system will print a copy of the Form 335A for verification.
 - 1) Maintain this signed copy on file until the next time these forms are verified.
- C. Annual Shift Differential Report (Form 335B):
 1. Submit the Form 335B to the Fiscal and Budget Section as directed each year in the Staff Notes.
 2. List alphabetically on the Form 335B officers who earned shift differential pay for the reporting year. Include on this form the:
 - a. Officer's last and first name.
 - b. Number of shift differential hours worked.
 - 1) The automated shift differential system will automatically compute the time at the proper rate and enter the total amount (\$) earned in the "Comments" column.
- D. Transferred and Separated Officers:
 1. When an officer is transferred, send the officer's Form 335A to the new unit of assignment.
 - a. Districts/sections/units using the automated shift differential system will copy the information to a floppy disk.
 - b. Units using the manual system will send the Form 335A.
 2. When an officer is separated from the Division, forward the officer's Form 335A to Employee Relations.
 - a. Districts/sections/units using the automated shift differential system will copy the information to a floppy disk.
 - b. Units using the manual system will send the Form 335A.
 3. Upon verification of the separation, Employee Relations sends the information from the Form 335A to the Fiscal and Budget Section. Fiscal and Budget Section will take the necessary steps to ensure the officer receives shift differential compensation.

E. Nonsworn Personnel:

1. Nonsworn personnel with shifts ending between 1800 and 1000 hours receive shift differential as follows:
 - a. \$.30 per hour if assigned a shift ending between 1800 and 2400 hours.
 - b. \$.45 per hour if assigned a shift ending after 2400 and before 1000 hours.
 - c. Compute compensation for overtime shift differential hours as in Section A.1.c.2)a).
 - d. Part-time employees do not receive shift differential.
2. Nonsworn Biweekly Shift Differential Report (Form 335C):
 - a. Submit a Form 335C, according to the biweekly schedule, to the Fiscal and Budget Section.
 - 1) Keep all Forms 335C manually.
 - b. List alphabetically on the Form 335C employees who earned shift differential pay for the reporting period. Include on this form the:
 - 1) Employee's last, first, and full middle name.
 - 2) Number of second shift hours (1800-2400)
 - 3) Number of third shift hours (2400-1000)

16.125 TRAVEL ON CITY BUSINESS

Reference:

Procedure 12.817 - Court Management System (CMS)
 Procedure 13.115 - Outside Training Programs/College Attendance
 FOP/City Labor Agreement
 AFSCME/City Labor Agreement
 Cincinnati Organized and Dedicated Employees (CODE) Agreement
 City Finance Bulletin
 City of Cincinnati Frequent Flyer Miles Policy
 Ohio Ethics Commission Advisory Opinion No. 91-010
 Administrative Regulation #13 – Travel Outside of Cincinnati on City Business
 Requiring an Overnight Stay

Definitions:

Out-of-town travel or non-local travel - is any travel outside the City of Cincinnati which requires an overnight stay.

Local travel - is all other travel.

Purpose:

Establish uniformity for obtaining approval to travel on City business.

Facilitate reimbursement of expenditures incurred during travel.

Policy:

The Police Department will avoid overtime expense for travel days, etc., by rescheduling off days if possible. Employees traveling on City business will adhere to their appropriate contract regarding the number of hours they can work in a week. Anytime an employee voluntarily requests training and/or travel on City business, the employee will not receive any overtime compensation in excess of an eight-hour day, or forty-hour work week during the training and/or travel.

Employees are prohibited from earning frequent flier miles.

Officers, who will be out of town on City Business, must review the Court Management System and report the days they will be unavailable for court to their immediate supervisor, who will enter the information into the CMS.

Information:

The Ohio Ethics Commission Advisory Opinion No. 91-010 prohibits the personal use of any frequent flyer miles earned during travel on City business. The purpose of this directive is to establish uniform guidelines related to the accrual and use of frequent flyer miles by City officials and employees while conducting official City business.

Procedure

- A. Out of Town Travel on City Business
 - 1. The Police Chief must approve all out-of-town travel on City business.
 - 2. District or section commanders can give permission for out-of-town travel if it is in conjunction with an investigation that would be jeopardized by further delays.
 - a. Department personnel will complete a Form 70S, Request for Permission to Travel, immediately upon return.
 - 1) Submit one Form 70S for all personnel traveling to the same location for the same reason.
- B. Form 70S, Request for Permission to Travel
 - 1. Police personnel desiring to represent the Department at a conference, training program, or any out-of-town City business will submit a Form 70S. Route the Form 70S through channels with the appropriate documentation according to Procedure 13.115, Outside Training Programs/College Attendance.
 - a. Department personnel anticipating out-of-town travel should submit the Form 70S at least six weeks in advance.
 - 1) Submit one Form 70S for all personnel traveling to the same location for the same reason.
 - b. If a unit coordinates travel for members of various units (e.g., Training Section for a training session), the coordinating unit will forward a copy of the Form 70S to each employee. The employee will review, sign, and return it to the coordinating unit.
 - c. Submit the Form 70S through channels for review by the Finance Management Section and approval by the Police Chief.
 - d. If needed, Department personnel will arrange for a vehicle from within their bureau for out-of-town travel. Before traveling, the employee will have a Municipal Garage mechanic check the vehicle to be sure it is suitable for travel.
 - 2. A Form 70S is not needed for local travel unless reimbursement from Department funds is required. However, a Form 17 should be submitted to the employee's immediate supervisor to notify intent for local travel.
 - 3. The Department requires a Form 70S if the employee anticipates tuition, fees, or other related expenses for reimbursement. Attach a receipt for the above expenses.
 - a. For reimbursement of college tuition, see Procedure 13.115.

- b. If the employee uses a personal vehicle for travel to any location listed above and requests reimbursement, the employee will submit a Form 70S through proper channels for approval prior to the travel.

C. Expenditures

1. Advance funds

- a. The City will, under exceptional circumstances, advance funds for travel on City business.
 - 1) Funds will generally be advanced for travel over an extended period of time (i.e., Southern Police Institute or FBI National Academy).
 - 2) When an employee receives advanced funds, the employee must repay the advance within 10 days of receipt of reimbursement following the travel (see Section C.2., Reimbursement).
- b. If it is necessary to pay for certain items in advance (registration, lodging, airline tickets, etc.), the employee will request direct payment of such items. Take the following steps:
 - 1) Prepare a Form 70S for the total estimated amount of expenses.
 - a) Attach supporting documentation.
 - b) Highlight the item that must be paid in advance.
 - 2) If payment is due by a certain date, highlight this on the front of the Form 70S.
 - a) Submit Form 70S at least six weeks prior to the date needed to allow enough time for processing.
 - 1) If less than six weeks, contact Finance Management Section.
 - 3) Finance Management Section will issue a check to the travel agency, hotel, agency offering training, etc.
 - 4) Request reimbursement for any remaining expenses in the normal manner by completing a Form 71S, Statement of Travel Expense.

2. Reimbursement

- a. The employee will report expenses on a Form 71S and submit the form with original receipts to the Finance Management Section within three working days after returning to duty.

- b. Finance Management Section will notify employee with the approved amount of reimbursement.
- c. The employee will return the notification of the approved amount for reimbursement to the Finance Management Section with the employee's signature, indicating agreed reimbursable amount had been reviewed.
- d. The Finance Management Section will enter the agreed reimbursable amount into the CHRIS payroll system for payment to the employee's next payroll check.
 - 1) Payments will be coded in the CHRIS payroll system to prevent taxation.
- e. For information on reimbursements where an advance was made, contact the Finance Management Section.

D. Reimbursable Items

1. Transportation

- a. Common Carrier – Passenger receipt and boarding passes required upon return.
 - 1) The actual cost, but not in excess of coach tourist airline fare.
 - a) If the flight is cancelled by the employee for reasons other than illness, the employee will pay the cancellation fees and return the airline fare to the City. Verification of the illness is required by means of a doctor's statement.
 - 2) The cost of transportation to and from terminals to begin and complete travel and travel used for commuting between lodging or working locations (bus, shuttle, or taxi).

b. Personal Vehicle

- 1) Restricted to Ohio or a radius of 300 miles from Cincinnati.
 - a) If permitted to exceed the 300 mile limit, the City will limit reimbursement to the lower of either the coach tourist airline fare plus the cost of transportation to and from the airport or the number of miles driven on City business multiplied by the current mileage rate.
- 2) Reimbursement at the current mileage rate as outlined in the Finance Bulletin. The City will also reimburse tolls and parking fees. Original receipts are required.
- 3) Employees may be required to carpool when attending the same out of town training.

- 4) Use of a personal vehicle is not reimbursable if use of a City vehicle was approved on the Form 70S. If extenuating circumstances (i.e., sudden unavailability of a City vehicle) necessitate use of a personal vehicle, send through the channels the documentation and written approval of the district or section commander.

c. City Vehicle

- 1) The City will reimburse tolls and parking fees and the actual cost of gasoline if a Fleet Services gas card is unavailable (receipt required).
- 2) Gasoline should be purchased with a gas card obtained through Fleet Services prior to travel.
- 3) Prudent use of the City vehicle is permitted for private reasons (e.g., dining, shopping, etc.).
- 4) Use of a City vehicle is restricted to Ohio or a radius of 300 miles from the City boundary lines if outside of Ohio. Police personnel are exempt from this requirement for the purpose of returning wanted criminals.

d. Rental Vehicle

- 1) The use of a rental car must be pre-approved by the Finance Manager of Accounts and Audits. A rental car may only be utilized when it is the sole mode of transportation available or when it is the most economical mode of transportation. Evidence of either one of these situations is necessary to authorize the rental car. The rental car is to be an economy or compact model.
- 2) The use of rental cars will not be reimbursed when other transportation is available from a hotel to the conference location.
- 3) The City does not pay for insurance on the rental car.

2. Lodging

- a. Lodging is an allowable expense when the employee is attending a conference or training that lasts longer than one day or requires a travel time not conducive to traveling to and from the destination in the same day.
- b. Lodging is allowable based on single occupancy accommodations in the medium price range for the locale and requires receipt for reimbursement.
 - 1) The government rate for lodging should be requested by the employee. Employees can obtain tax exempt certificates through the Finance Management Section to waive certain lodging taxes.

- 2) If the lodging receipt shows more than single occupancy, the single room rate must be noted. If payment for more than the single occupancy rate is requested, the name of the second City employee must be disclosed.
- 3) When more than one City employee is traveling to the same location, the Department should consider double occupancy, if appropriate, considering the traveling employees.
- 4) When lodging is available at the conference site, the expense will be limited to the conference rate for lodging. The employee will provide conference documentation, which includes the rate for lodging and any meals provided through the conference or the place of lodging. If the employee obtains lodging that is higher than the conference rate, the employee must justify the lodging rate and the Department head must approve the higher rate.

3. Meals and Incidentals

- a. Meals and incidentals will be reimbursed by the City for non-local travel based upon the per diem allowance policy. This will eliminate the need for food receipts and itemized meal expenses.
 - 1) Meals will be reimbursed at the following amounts:

Breakfast - \$ 7.00
Lunch - \$11.00
Dinner-\$18.00
- b. The City will not reimburse for meals already provided through airline fare, registration fees, and lodging expenses. Conference, airline and lodging documentation must be submitted to determine meals provided. If a scheduled banquet is connected with the travel, the actual cost of the banquet will be allowed in place of the dinner, provided the cost can be documented. If an employee requires a meal different from the one provided for health or religious reasons, a different meal should be requested prior to travel from the meal provider. If the meal cannot be changed to comply with the employee's health or religious requirements, the City will reimburse for the meal the employee purchases using the allowance rate above. A statement from the employee's doctor or religious leader is required to support the reimbursement request.
- c. On the day that the employee begins or ends travel, meals are reimbursed based upon the time when travel begins and ends.
 - 1) If travel begins before 6:00 A.M. breakfast, lunch, and dinner are reimbursed. If travel begins between 6:00 A.M. and 1:00 P.M. lunch and dinner are reimbursed. If travel begins after 1:00 P.M. only dinner is reimbursed.

- 2) If travel ends after 9:00 A.M. and before 1:00 P.M. breakfast is reimbursed. If travel ends after 1:00 P.M. and before 7:00 P.M. breakfast and lunch are reimbursed. If travel ends after 7:00 P.M. breakfast, lunch, and dinner are reimbursed.
 - 3) The determination of when travel begins or ends will be based on the required documents submitted and includes the travel time to and from the airport.
- d. Incidental expenses included in the daily allowance are for fees and tips given to porters, baggage carriers, bellhops, hotel maids, and the cost of transportation between places of lodging or business and places where meals are taken.
- 1) An incidental allowance is paid at the rate of \$3 per day.
4. Miscellaneous expenses
- a. Miscellaneous expenses include laundry or dry cleaning expenses and phone calls.
 - 1) Laundry and dry cleaning expenses are reimbursed when the City travel is in excess of seven days. Receipts are required and only the expenses related to the cleaning of clothes required for the days of the trip in excess of seven days are permitted.
 - 2) Travelers will be reimbursed for phone costs up to \$10 per trip unless the trip exceeds 7 days. For trips in excess of 7 days, the reimbursement will be \$10 per week. The Department may purchase a prepaid \$10 phone card for the employee. The cost must be documented with a receipt for a phone card purchase, calls charged to the hotel room, or a cell phone bill. If a City cell phone was used, personal calls do not require reimbursement during the travel period. The use of the City cell phone must be noted on the travel reimbursement form and the qualifying calls must be identified on the traveler's City cell phone bill as "Personal use during City travel" when identifying personal charges. Personal calls on City cell phones while in a travel status are limited to \$10 per week.
 - 3) Conference fees, training fees, tuition and books required, will be reimbursed; with a receipt.

E. Non-reimbursable Items

1. Non-reimbursable non-local travel expenses include but are not limited to the following: airline lost ticket application fees, excess baggage fees for personal luggage, hotel charges associated with cancellation, incremental costs of double over single occupancy rates for an employee's spouse/guest, rental car damage, parking tickets, traffic violations, personal entertainment, recreational items, travel related insurance and cancellation fees due to personal circumstance of the employee.
2. Any personal related vacation expenses when the employee combines vacation with the City travel is non-reimbursable. The cost variance must be clearly identified on the Form 70S.

F. Frequent Flyer Mileage Benefits

1. Employees are prohibited from earning frequent flyer miles while traveling on city business.

17.100 POLICE RECORDS: STORAGE AND MAINTENANCE, AND INITIATING NEW RECORDS AND FORMS

Reference:

Ohio Revised Code § 149 – Ohio Public Records Act

Definitions:

A public record is a record held by a public office. A record is any item that is:

- Stored on a fixed medium (such as paper, computer, film, etc.),
- Created, received, or sent under the jurisdiction of a public office,
- Documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Purpose:

Provide for initiating, safekeeping, and storage of Police Department records and the systematic disposal of those records.

Policy:

The Police Department will comply with all laws governing record retention, storage, and disposal.

Information:

The Police Department is entrusted, by the public, with the care, custody, and control of records generated by its activities. The Police Department is not the sole proprietor of the records it generates. The right of ownership resides with the public.

All of the records addressed in the Records Retention Schedule have been reviewed and the retention/destruction schedule for original records has been approved by the City of Cincinnati Records Commission, the Ohio Historical Society, and the State of Ohio Auditor's Office.

The Records Retention Schedule will be maintained on the Department Intranet.

Procedure:

- A. The bureaus, districts, sections, and units mentioned herein will maintain the records specified in the Records Retention Schedule for the minimum/maximum period as indicated.

1. At the discretion of bureau, district, section, and unit commanders, original records may be retained beyond maximum periods via a Form 17 request. The Form 17 must include extenuating circumstances surrounding the extension request and must be submitted at least two weeks prior to the destruction date. Other than these exigent circumstances, original records must be destroyed as soon as possible after the retention period has expired.
2. In October of each calendar year the Records Section Director will send a Form 17 requesting each district/section/unit which maintains any record to have those records inspected to determine if they are properly maintained according to the Records Retention Schedule.
 - a. If any record is scheduled to expire in the upcoming year, as indicated by its retention period, already expired, or is an unauthorized record or copy, the district/section/unit commander will forward a Form 17 to the appropriate bureau commander including:
 - 1) Type of record(s).
 - 2) Inclusive dates.
 - 3) Number of boxes to be destroyed.
 - 4) A request for proper disposal.
 - b. After review by the affected bureau commander, the request for disposal will be forwarded to the Records Section Director.
 - 1) The Records Section Director will approve/disapprove the request according to the Schedule of Record Retention and Destruction contained in the Records Retention Schedule and have any additional measures taken, if necessary, to comply with State Law and City Ordinances.
 - 2) After approval for destruction, the Records Section Director will arrange the date and time for proper destruction of the records with the involved unit.
3. If storage space is required in addition to the storage space in the unit facility, the location of such space will be determined by the Records Section Director.
 - a. A representative of the Records Section Director will inspect these additional storage facilities during October of each year.
 - 1) After inspection and notification by the Records Section, district/section/unit commanders will request disposal of their expired record(s) located in storage.

- b. All boxes must be clearly marked with the type of records, the year of the records and the name of the district/section/unit the records belong to.
4. Any bureau, district, section, or unit commander who desires to utilize any record or form not listed in the Records Retention Schedule must submit a prototype and a Form 17 through channels to the Police Chief.
 - a. Upon approval, the Planning Section will assign the form a number. The Records Section will then take the necessary steps to establish a retention schedule, and then the Information Technology Management Section will revise the Records Retention Schedule on the Intranet.
5. Any bureau, district, section, or unit commander who desires to discontinue the use of any form or record established by the Records Retention Schedule will so request via Form 17 through channels to the Police Chief.
6. Requests for disposal of any original or copy of any record not specifically listed in the Records Retention Schedule will also be documented on a Form 17.
 - a. The Records Section Director will then submit a request for destruction to the City Records Commission.
 - 1) Upon approval, the Records Section will advise the affected unit as to the proper method of destruction.
7. The Records Retention Schedule contains three separate columns of reports, records, files, etc., maintained within the Department.
 - a. The first column is a listing of all documents organized by the name of the document.
 - b. The second column indicates the minimum retention period for the original form or record.
 - c. The third column indicates the minimum retention period for copies of these forms or records.
 - 1) If the third column is marked "None", no copy is to be made or maintained by this unit.
 - d. If not listed, no original or copy is maintained by the Department.
 - e. Clarification - "Current year" and "Current month" refer to calendar year/month, respectively, that the report is dated. "Years" listed are calendar years.

17.110 REQUISITION AND INVENTORY CONTROL: EQUIPMENT, SUPPLIES, AND SERVICE

Procedure:

- A. Form 10, Monthly Supply Requisition
 - 1. Use Form 10 to order in-stock supplies.
 - a. Enter the amount needed in the "Quantity" column.
 - b. The person completing the inventory and the unit commander will initial the Form 10 on the "Requesting Unit" line behind the unit's name.
 - c. Send the Form 10 to the Supply Unit by the 25th day of each month.
 - d. Supply Unit personnel will deliver filled monthly requisition orders to the individual districts, sections, and units.
- B. Form 630, Equipment/Supply/Service Order Form
 - 1. Include the following information when completing a Form 630:
 - a. Name, badge, unit, organization code, and phone number.
 - b. Quantity of item.
 - c. Model, catalog, or item number.
 - d. Description of item.
 - e. Vendor name (if in question whether it is a contract item, please contact Supply Unit).
 - f. Price of item.
 - g. Vendor address with phone number, if not a contract item.
 - h. Shipping charges; if no shipping charges, please state this on Form 630.
 - 2. District, section, and unit commanders will review, approve, and initial all Form 630s. Submit approved Form 630s through the Division Commander to the Evidence/Property Management Section. The Finance Management Section will begin one of the following:
 - a. Stock Items: Determine if the requisition is for a stock item(s) in supply at 800 Evans and/or City Stores.
 - 1) The district, section, or unit will pick up requisition orders at the Supply Unit.

- b. Local Contracts for Equipment/Supplies: Process requisitions for equipment and supplies that are not stock items but can be purchased from local suppliers who have a blanket contract with the City's Purchasing Department.
 - 1) Blanket contracts are arranged by the Purchasing Department and are subject to change without notice. Contact the Finance Management Section to determine if the local company is still contracted to do business with the City before preparing a Form 630.
 - 2) Respond to the Supply Unit for a Term Purchase Release.
 - c. Services: The Finance Management Section will process a requisition for services provided by Department personnel and/or other City Departments (moving office equipment, electrical wiring, plumbing, etc.) that is less than \$100.00.
 - d. \$100.00 Limit: Route directly to the Patrol/Resource Division Commander requisitions for services and/or supplies listed in Sections B.1.b. and B.1.c. that require spending more than \$100.00.
3. Equipment/Supplies and Services not provided by the Police Department or other City Departments: Requisitions for equipment/supplies and services not provided by the Police Department or other City Departments, except Information Technology Management Unit (ITMU), will be routed to the Finance Management Section.
- a. The Finance Management Section will review the requisition and authorize the spending of funds or refer the request to the Department's Resource Allocation Committee for approval or disapproval. Members of this committee are bureau commanders.
4. Submit a Form 630 for unforeseen emergency needs.
- a. A Form 17 fully describing and justifying the unforeseen emergency must accompany the Form 630.
5. Order items or services paid for with grant funds on a Form 630.
6. Supply Unit will accept delivery of items, apply inventory numbers, and update inventory records before delivery to requesting units.
- a. The Finance Management Section will determine which items should be delivered directly to the requesting unit because installation is required or the item is too heavy for police transportation and will provide the necessary delivery instructions.

C. Inventory - Office and Technical Equipment

1. The Supply Unit Commander will maintain an inventory record of all Police Department office and technical equipment of substantial value or readily susceptible to loss or theft. (ITMU will maintain the inventory within their unit.)
 - a. The Supply Unit Commander will determine which articles to record on the inventory, following Supply Unit SOP.
 - b. Articles will be identified by a four or five digit tag attached to each item.
2. Supply Unit will provide each district, section, and unit commander with an inventory of equipment assigned to their unit.
3. The OIC of each district, section, or unit will be responsible for all office and technical equipment under his control. He will:
 - a. Conduct an inventory and inspection of equipment by January 15 of each year. Submit results to the Supply Unit within 30 days.
 - b. Conduct an inventory and inspection of equipment within 30 days upon change of district, section, or unit commander. Submit results to the Supply Unit.
4. The OIC of each district, section, and unit will submit a Form 630 through channels requesting the transfer of equipment between districts, sections, and units.
 - a. A representative of the Supply Unit will sign the completed Form 630.
 - 1) A district, section, or unit representative will sign the Form 630 showing receipt of the equipment transferred.
 - b. When necessary Supply Unit will help with the transfer by providing personnel and equipment for the move. The Supply Unit records once the transfer is completed.
5. The unit OIC will, via a Form 630, request Supply Unit to pick up and return to stock any large equipment no longer needed in that unit.
 - a. Units will transport, along with a Form 630, small pieces of equipment to the Supply Unit.
 - b. A representative of the Supply Unit will sign the Form 630s as having received such equipment.
6. Return broken, worn-out equipment, etc., to the Supply Unit for disposal according to City Purchasing rules. Such items, even though only scrap, are sold and money returned to the City Treasurer.

- a. Document the return of these items on a Form 630. A representative of the Supply Unit will sign the Form 630 as a receipt for the equipment.
 7. Unit commanders will be alert for equipment without identifying tags or tags which have been defaced or removed. Bring such conditions to the attention of the Supply Unit so the condition can be corrected.
 8. To ensure unit inventory books are current, complete, and correct, Inspections Section will conduct periodic random audits of unit inventory books.
- D. Inventory - Consumer Supplies
1. District, section, and unit commanders will keep consumable supplies (paper, pencils, film, paper clips, flares, etc.) under the control of designated personnel. Maintain a perpetual inventory to prevent the need for a total monthly recount.
 - a. Access to such supplies should be available whenever a unit is open for business, yet still under the control of designated personnel.
 2. District, section, and unit commanders will develop a Standard Operating Procedure (SOP) to meet individual unit needs and help personnel obtain supplies from unit stock. The SOP should:
 - a. State the location of various supplies.
 - b. Identify personnel authorized to dispense supplies.
 - c. Establish a simple method for keeping a perpetual inventory.
- E. Master Inventory
1. The Master Inventory spreadsheets are located on the Department computers. They contain all the shotguns, laptops, pagers, cell phones, pepperball guns, Tasers, beanbag shotguns, and radios that are currently in use by the Department. Each district/section/unit is responsible to review all equipment that is identified as being in their possession. Inventories of all equipment will be conducted bi-weekly to coincide with the scheduled vehicle inspections.
 - a. A Form 17 will be prepared and emailed to Inspections Section addressing whether the inventories are accurate or listing any discrepancies or changes.

F. Weapons Inventory

1. At intervals designated by the Police Chief, each district/section/unit will conduct an inspection and inventory of all weapons including shotguns, bean bag shotguns, pepper ball guns, and Tasers.
 - a. Districts/sections/units will account for all assigned items.
 - b. All changes in the inventory list for the above items will be forwarded to Supply Unit.
 - 1) Supply Unit will update and maintain the weapons inventory database kept at Supply.
 - c. Whenever a weapon is permanently taken out of service by the Firearms Training Unit or Tactical Planning Section, a Form 630 will be completed by Firearms Training Unit or Tactical Planning Section and forwarded to Supply Unit for updating of the weapons inventory database.
 - d. The Target Range and/or Tactical Planning Section will forward to the Supply Unit all information regarding newly purchased weapons received at those units. When a new weapon is placed in service, the unit of assignment information will be forwarded by the Target Range or Tactical Planning Section to the Supply Unit. Supply Unit will update the weapons inventory database.
 - e. The Target Range and/or Tactical Planning Section will forward to the Supply Unit on a Form 630 all information regarding weapons that are transferred to another unit. Supply Unit will update the weapons inventory database.

G. Information Technology Management Unit (ITMU)

1. Information systems will be requested and purchased in accordance with Procedure 14.200, Information Systems.
2. The ITMU Commander will maintain an inventory record of all Police Department information technology.

17.115 MATERIAL SAFETY DATA SHEETS

Reference:

Hazardous Chemicals Inventory
Administrative Regulation #60

Purpose:

Provide Police Department employees a safe and healthy work environment.
Provide important, immediate information in case of an accident.

Comply with the Occupational Safety and Health Act (OSHA)

Procedure:

- A. Hazardous Chemicals Inventory
 - 1. Equipment Section will maintain a Hazardous Chemicals Inventory.
- B. Material Safety Data Sheets (MSDS)
 - 1. Equipment Section will keep MSDS for each substance listed on the Hazardous Chemicals Inventory.
 - a. The manufacturer and/or distributor supplies the MSDS. Any purchase order or supply contract must require delivery of the MSDS with the product.
 - 2. Equipment Section will assure MSDS are received with the products.
 - a. Equipment Section will copy the MSDS and maintain a master file.
 - b. Equipment Section will forward a copy of each MSDS to the receiving work unit.
 - 3. All districts/sections will maintain MSDS at the same worksite as the product. Make sure they are easily accessible to all employees that may come in contact with a hazardous product.
 - 4. If a dangerous contact with a hazardous material occurs, refer to the specific MSDS for signs, symptoms, and first aid measures.

18.100 CIVILIAN ADULT SCHOOL CROSSING GUARDS

Procedure:

- A. School Crossing Guard Coordinator:
1. The School Crossing Guard Coordinator is assigned to the Traffic Unit.
 2. The School Crossing Guard Coordinator is responsible for all functions concerning the adult crossing guards, including supervision.
 - a. First shift supervisors and beat officers should know all school crossing guard locations in their district and assist in checking on the guards' attendance and actions.
 - 1) Each district will maintain a file card index of all school crossings in their district. The School Crossing Guard Coordinator will furnish the file card.
 - 2) The file card will include the:
 - a) Crossing guard's name.
 - b) Crossing location.
 - c) Hours of work.
 - d) School affected by the crossing.
 - b. Each crossing guard must notify the school and the coordinator whenever he will not be in attendance at his assigned times.
 - c. Report absenteeism or any improper actions to the School Crossing Guard Coordinator.
 3. Forward any information concerning adult school crossing guards to the School Crossing Guard Coordinator at the Traffic Unit.

18.103 COMMUNICATION WITH PEOPLE WHO ARE DEAF OR HARD OF HEARING AND USE OF FOREIGN LANGUAGE INTERPRETERS

Reference:

Procedure 18.104 – Civilian Volunteers
Title II of the Americans with Disabilities Act of 1990
CPD Policy Statement Regarding Effective Communication with People Who Are Deaf or Hard of Hearing
Cincinnati Police Department Training Bulletin - #2006-03

Purpose:

To provide officers with the resources for effectively communicating with citizens who are deaf or hard of hearing, or who have speech impairments.

Policy:

Officers encountering any individuals who are deaf or hard of hearing will take all appropriate steps to ensure they communicate effectively with these individuals. The input of people who are deaf or hard of hearing is just as important to the law enforcement process as the input of others. Officers will not draw conclusions about incidents unless they fully understand, and are understood by, all those involved.

In situations when a non-disabled person would have access to a telephone, officers must provide a person who is deaf or hard of hearing the opportunity to place calls using a text telephone (TTY), telecommunications device for the deaf (TDD), or a phone with volume control if that will be effective for the caller. Officers must also accept telephone calls placed by a person who is deaf or hard of hearing through the Telecommunications Relay Service. The Telecommunications Relay Service is an operator based service that a hearing impaired person may use to contact a person or business not equipped with TTY/TDD technology.

Officers will give primary consideration to the type of communication aid requested by the person who is deaf or hard of hearing unless there is an equally effective means of communication available.

Information:

Police Communications Section (PCS) has installed Superprint 4425 Teletypewriters (TTYs or TDDs) in each of the five police districts, Criminal Investigation Section, and the PCS back-up site located at the Spinney Complex. Department personnel have been trained on the proper use of these

machines to communicate with the hearing impaired. PCS is responsible for the annual inventory and inspection of the equipment. PCS will provide ongoing and additional training on the use of the machines when requested. Calls from the hearing impaired may come directly to the TTY/TDD line number, or to the district/CIS desk line number.

There are several ways of communicating effectively with people who are deaf or hard of hearing. In some instances, a qualified sign language or oral interpreter is required to assist with communication. In other circumstances, use of gestures or visual aids to supplement speech, an exchange of written notes, use of computer or typewriter, or the use of assistive listening devices (to amplify sound for people who are hard of hearing) will be effective. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.

The Department utilizes the services of the Cincinnati Speech and Hearing Center for qualified sign language and oral interpreter services for people who are deaf or hard of hearing. When there is a request for a sign language or oral interpreter, officers and other personnel must contact a PCS supervisor, who is responsible for contacting the center to request interpreter services to assist the officer in the field. Sign language and oral interpreters will be made available 24 hours a day, 7 days a week.

"Oral interpreters" are not foreign language interpreters; they usually facilitate communication with people who were deafened later in life and do not use sign language.

The "Latino Beeper" is a project involving Spanish speaking volunteers, trained by the Department, who assist officers in basic translation. The volunteers are trained to gather facts at an officer's initial response to a call for service. The "Latino Beeper" will be used only for victims and witnesses, not suspects.

Procedure:

- A. Recognizing and Accepting Calls from a TTY/TDD Machine
 1. When a hearing impaired person using a TTY/TDD dials a district or the CIS desk line number, the call may be recognized by:
 - a. A warbling or chirping sound when the caller presses the space bar.
 - b. The caller ID indicating the caller is deaf.

- c. A voice activated TTY/TDD announcer indicating the caller is using a TTY or TDD machine.
 - d. Silence – any silent call should be treated as a potential TTY/TDD call.
 2. When the call is a TTY or TDD call, the recipient must transfer the call to the TTY/TDD machine in the following manner:
 - a. Transfer the call from the desk line number to the TTY/TDD line number using the same process as any call being transferred.
 - b. Keep background noise to a minimum. The TTY/TDD machine may interpret background noise as communication and distort the message.
 - c. Turn on the TTY/TDD machine.
 - d. Hit the control key and the number “4”. This sends a greeting specific to the receiving location.
 - e. Handle the call using the TTY/TDD keyboard.
 - f. Obtain the caller’s location, TTY/TDD callback number, and name. If the call is an emergency, do not attempt to transfer the call to PCS. Relay the information via the radio or call the PCS supervisor at line 263-8119 for further instructions.
 - g. Once the call is complete, turn off the TTY/TDD machine.
 3. When a hearing impaired person using a TTY/TDD dials the direct TTY/TDD line number, the “ring” light on the machine will flash to indicate an incoming call. Turn the TTY/TDD machine on and follow the same procedure as outlined above.
- B. Sign Language and Oral Interpreters for People who are Deaf or Hard of Hearing.
 1. If an officer has reason to believe that an individual with whom he is attempting to communicate has a hearing impairment, the officer will:
 - a. Determine whether the individual has a hearing impairment.
 - b. Notify the individual through the use of auxiliary aids (pen and paper) that a qualified sign language or oral interpreter will be provided at no charge, if desired.

- 1) If the individual requests a qualified sign language interpreter, determine whether the individual uses American Sign Language (ASL) or Signed English (SE) to communicate and relay the information to PCS.
 - 2) Face the deaf or hard of hearing individual and do not turn away while speaking. The officer should not cover his or her mouth while talking to the individual. Only one person should speak at a time and it may be necessary to speak more slowly.
- c. An officer will remove handcuffs from a non-violent arrestee who is deaf or hearing impaired, or will secure the arrestee in such a manner which permits communication, as safely as possible, after arrival at a secure facility. Officer safety and the safety of citizens must take precedence.
- 1) The immediate priority in any emergency is for the officer to stabilize the situation. If the deaf person is in immediate danger, exhibiting violent behavior, or if the officer has probable cause to make an arrest, the officer can request an interpreter respond to the location to which the subject is being transported.
 - 2) Officers should refrain from using family members or friends of the deaf individual, unless it is urgent to communicate immediately and that is the only option. However, if the deaf person requests that arrangement, the other person agrees, and the circumstances suggest that the relationship is not coercive or otherwise inappropriate, the officer may proceed.

C. Foreign Language Interpreters

1. When an officer comes in contact with an individual in need of a foreign language interpreter, notify PCS of the location and the need for an interpreter. PCS maintains a list of foreign language interpreters.
 - a. PCS will attempt to locate an on-duty officer fluent in the necessary language before contacting a person not employed by the Department.
2. When an officer is unable to communicate with a Spanish speaking victim or witness, the officer will request PCS to activate the "Latino Beeper".

18.104 CIVILIAN VOLUNTEERS

Reference:

Procedure 19.105 – Sick/Injured With Pay And Special Leaves

Definitions:

Civilian Volunteer is a non-salaried individual who willingly offers services for a limited time, acting in a specific capacity. A volunteer with the Cincinnati Police Department has no salary, benefits or labor rights of a city employee and serves “at the will” of the Police Chief.

Citizens on Patrol Program (COPP) are citizens registered with the City of Cincinnati as volunteers.

Any citizen, who is at least 18 years of age, is of good moral character and free of felony or violent criminal conviction can apply as a volunteer in COPP. They must successfully complete the application, background investigation and training processes and be approved by the Police Chief.

Neighborhood Citizens on Patrol Unit are civilian volunteers that make up a watch group for a designated neighborhood. They function as a team reporting to the Police Department criminal activity detected while on patrol in their neighborhood.

Purpose:

To establish guidelines for Department personnel to use when citizens request information regarding volunteer programs.

To establish a Department-wide policy for handling and processing citizen volunteer injury reports in an efficient and effective manner.

Policy:

All injuries to volunteers while volunteering their services will be properly reported to the Division of Risk Management through the chain-of-command.

Information:

The large number of persons now involved in the Citizens on Patrol Program has increased the potential for volunteer injuries.

The COPP members are covered under the city worker’s compensation insurance and are entitled to those benefits if injured on duty.

Procedure:

A. Citizens on Patrol Program

1. Citizens can volunteer for COPP in the following ways:

- a. Contact the Police Department's Citizens on Patrol Program Coordinator directly through the Community Oriented Policing Coordinator's office. (352-2989)
 - b. Contact any district neighborhood officer for information and application.
 - c. Respond to any police district and contact the desk officer who will refer them to any neighborhood officer.
2. Neighborhood Officers will:
- a. Verify that the person wanting to become a COPP volunteer is 18 years of age.
 - b. Give the requesting person an application (Form 580A).
 - c. Advise the citizen that they are to fill out the Form 580A in its entirety and mail it to the COPP Coordinator.
3. The COPP Coordinator will:
- a. Review all applications for the volunteer positions with COPP.
 - b. Conduct a background check on qualified applicants.
 - c. Schedule those applicants who have been approved by the Police Chief for training at the Police Academy.
 - d. Assign the citizen volunteers to their respective neighborhoods.
 - e. Receive and retain reports on the number of hours worked by each volunteer group.
 - 1) Compile a monthly report on the total number of hours worked by all volunteers.
 - 2) Report monthly, via a Form 17 to the Risk Manager of the Risk Management/Employee Health Service, the total number of hours worked by each volunteer.
 - 3) Report monthly, via a Form 17 to the Police Chief, all activities of the volunteers and the number of hours worked in each neighborhood.
 - f. Maintain a file on each volunteer, containing the following information:
 - 1) Personnel jacket containing application and background information.
 - 2) Spreadsheets containing all hours worked by each volunteer.

- g. Investigate all complaints on COPP volunteers and report to the Police Chief via Form 17 all information obtained and a recommendation on action to be taken.
- 4. Citizen volunteers will:
 - a. Complete the application Form 580A truthfully and accurately.
 - b. Participate in the program activities as requested by the civilian coordinator.
 - c. Follow the “rules of conduct” outlined in the COPP operations manual.
 - d. Adhere to the Mission Statement of the Cincinnati Police Department and the neighborhood Citizens on Patrol Unit.
 - 5. Neighborhood Citizens On Patrol Unit Personnel will:
 - a. Select a volunteer to serve as civilian volunteer coordinator with the approval of the Police Chief.
 - b. Select a second volunteer to serve as administrative coordinator with the approval of the Police Chief.
 - c. Select a third volunteer to serve as a personnel coordinator with the approval of the Police Chief.
 - d. Attend one patrol session per month as well as one unit meeting per month (or as otherwise directed).
- B. Volunteer Personnel Injured On Duty
- 1. Volunteer personnel injured on duty will be provided with an employee injury packet, which will be completed at the initial care facility.
 - 2. When a volunteer is injured, a district/section/unit supervisor will prepare an original and one copy of the Supervisory Investigation of Employee Injury report (Form 91SP).
 - a. The Form 91SP will contain the volunteer’s social security number (SSN) and identification (ID) number as shown on the Citizens on Patrol ID badge. It will also contain the volunteer’s home address.
 - b. Fax a copy of the Form 91SP to the City’s current insurance provider and to the Risk Management Office.
 - 1) Fax a copy of the Form 91SP to the COPP coordinator.
 - c. Forward the original Form 91SP to the Police Chief through the chain-of-command.

- d. Complete a Form 91SP even if the volunteer refuses treatment for a non-visible injury.

18.105 CIVILIAN OBSERVERS

Reference:

Procedure 12.021 - Visitor Identification in Police Facilities
Procedure 12.700 - Search Warrants/Consent to Search
Procedure 18.106 - Police Clergy Program

Purpose:

To develop an open relationship of integrity and trust with the citizens of the community by providing individuals an opportunity to observe the daily patrol operations of the Police Department.

Policy:

Civilian participation in Department programs is subject to certain provisions.

All civilian observers will participate in a uniform Patrol Bureau assignment. All requests by civilians to ride in an undercover assignment (Street Corner, General Vice Enforcement, etc.) must be approved by the Police Chief.

All persons observing police activities will sign a Release of All Claims (Form 612), except as noted in Section A.1.

Police Clergy Program members and nonsworn Police Department employees may ride at any time without prior scheduling provided space is available.

Civilians will not become actively involved in police incidents while accompanying a police officer. Their activity should be restricted to that of an observer.

Information:

All civilian observers (except Clergy and nonsworn employees) must have written permission from one of the following:

Police Chief

Bureau commander

Affected district/section commander

Community Oriented Policing (COP) Coordinator

Refer to Procedure 12.700, SEARCH WARRANTS/CONSENT TO SEARCH, Information and Policy sections regarding restrictions and guidelines for civilians, media, and third parties during the execution of a search warrant.

Procedure:**A. Processing Release of All Claims (Form 612):**

1. The assigned officer will ensure a Form 612 has been completed for each observer before participation.
 - a. Nonsworn Police Department employees are not required to complete a Form 612, as long as they are observing in the performance of their job.
 - b. The police clergy's original Form 612 remains in force as long as they remain a Police Clergy Program member.
2. Processing Form 612 includes a records check which will be made using the Clerk of Courts web site (<http://www.courtclerk.org/>).
3. Note on the Form 612 the signature of the person performing the record check.
 - a. Civilians will not be permitted to ride if they have:
 - 1) Been convicted of any offense of violence.
 - 2) Been convicted of any serious misdemeanor.
 - 3) Any felony convictions.
 - 4) Any outstanding warrants or capiases.
4. Observers will be advised of the instructions on the Form 612.
5. All persons under 18 years old must have their parent(s) sign the parental consent portion of the Form 612.
 - a. The COP Coordinator or the district/section commander granting permission must verify parental consent.
6. File the original Form 612 at the district/section where the participant observes.
 - a. Forward a copy to the COP coordinator for his file.
 - b. Give the civilian a copy.

B. Scheduling Observers:

1. The COP Coordinator will process and schedule all observers except those directly approved by the bureau/district/section commander.
 - a. The COP Coordinator will schedule individual and organized groups referred by the police administration.

- b. The COP Coordinator will not grant civilians permission to ride if they rode within the last six months, unless they are participating in the University of Cincinnati Internship Program or the Cincinnati Police Explorer Program.

C. Supervisory Responsibilities:

1. Determine the observer's assignment within the unit.
 - a. An insufficient number of field units may prevent observers from participating in a department program.
2. Determine if a radio is available for the observer's use.
3. List civilians participating as observers on the lineup.
 - a. The entry will indicate the identity of the observer, the police officer to whom assigned, radio number (if provided), and the hours.

D. Assigned Officer Responsibilities:

1. Instruct the observer on the rules of conduct listed on the Form 612.
2. Familiarize the observer with the operation of the police radio.
3. Instruct the observer not to view the Mobile Data Terminal (MDT) while in use.
 - a. Advise the observer that it is a violation of the Law Enforcement Automated Data System (LEADS) rules and regulations and can result in sanctions against the department.
4. Indicate the assignment of an observer on his Daily Activity Record (Form 436A).

E. Observer Responsibilities:

1. Present a completed Form 612 to the supervisor where the observer will ride.
2. Wear identification while in police facilities and while riding.
3. Refrain from looking at the MDT screen while in the vehicle.

F. Reporting Incidents:

1. Department employees will promptly report to a supervisor all cases of improper behavior or unusual occurrences involving a civilian observer.

- a. Supervisors may refuse/terminate the observer's participation for:
 - 1) Improper dress.
 - 2) Improper conduct.
 - b. Document the refusal/termination on a Form 17.
 - 1) Route a copy to the COP Coordinator for filing.
2. If an observer is injured while participating in a Department program, a supervisor will document the details on a Form 17.
 - a. Route a copy to the COP Coordinator for filing.

18.106 POLICE CLERGY PROGRAM

Introduction:

The Police Clergy Program assists Department personnel in handling a variety of crisis situations. It provides our citizens with the best service in times of personal crisis or tragedy.

Assigned chaplains are on call 24 hours a day for each of the five police districts.

Each chaplain has completed a comprehensive Crisis Ministry Course at the Cincinnati Training Section. Each carries an official ID card issued by the Hamilton County Police Association.

Chaplains can aid police in handling crisis situations. These include death or serious injury notifications, attempted or contemplated suicides, aggravated domestic problems, police-related shootings, SWAT call ups, or any other situation in which the officer feels a chaplain could calm or aid persons.

Purpose:

To familiarize police personnel with the services, duties, and responsibilities of the Police Clergy Program.

To promote a better understanding of the program between officers and chaplains.

Procedure:

- A. Officers will notify the district when they have a crisis situation where the presence of a chaplain would help resolve a problem.
 1. The desk officer will page a chaplain and request their assistance. When the chaplain responds to the page, information conveyed should include the nature of the situation, names of persons involved, and the location where the chaplain is to respond.
 - a. Each district will have a roster of available chaplains. The Police Clergy Program supplies this roster which contains complete paging directions.
 - b. If the chaplain does not answer the page within five minutes, the desk officer will page the Police Clergy Program Supervisor.
 2. Chaplains will refer all news media requests to the on scene police supervisor.
- B. On occasion chaplains will accompany police officers on patrol to observe and discuss police operations. This will acquaint them with police personnel and the community, and make them available for assistance should the need arise.

1. Upon entering the program, each chaplain completes a Release of All Claims (Form 612). The Form 612 is in force for the duration of membership in the program.
 2. When a chaplain accompanies an officer on patrol, the officer will notify Police Communications Section (PCS). The officer will give the chaplain's name and the assigned officer's radio call number.
 - a) If a spare radio is available at the district, the chaplain may use it while riding on patrol. Advise PCS of the radio number and record in the blotter before leaving the district.
 3. Each district will have bulletproof vests for use by Police Clergy Program members. Make a blotter entry when a vest is used.
- C. Refer all inquiries concerning the Police Clergy Program to the Public Information Office.

18.107 PEER SUPPORT PROGRAM

Reference:

Procedure 19.106 - Post Shooting Trauma

Purpose:

Provide all Department employees and their families with the opportunity for peer support in times of personal or professional crisis.

This program is not intended to provide officers or civilians who may have violated the law with a method of relieving themselves of real or perceived guilt, nor is it to be construed that a penitent/confessor relationship exists any time a crime is revealed.

Policy:

Communication between a peer support team member and a person in need is considered privileged by the Department except for matters which involve threat to self or others, violations of law, or serious misconduct. If concerns arise, peer support team members will contact the Police Psychologist's Office for guidance and assistance.

Nothing in this procedure negates your duties and responsibilities as a member of the Police Department.

Procedure:

A. Objectives:

1. Provide assistance to any Department employee or family member in time of need.
 - a. Peer support team members are not a resource for the general public.
2. Provide follow up support as long as necessary.
3. Maintain program credibility and integrity.
4. Develop a referral system for persons in need.
5. Maintain an awareness program.
6. Provide periodic training sessions.

B. Program Regulations and Guidelines:

1. Any Department employee or family member may seek assistance from a peer support team member at any time by:

- a. Obtaining names and phone numbers, which are posted in all districts/sections/units.
 - b. Calling Police Communications Section (PCS) to have a team member contacted.
 - 1) If PCS cannot reach a team member, they will assist in locating the Police Psychologist, during and after normal business hours.
 2. It is essential to the continued success of the program that strict confidentiality be maintained between the peer support team member and the person in need, except as noted in the Purpose and Policy sections of this procedure.
 - a. Individual participation in the program is strictly voluntary.
 - 1) Referrals made to the program by any concerned person will prompt a discreet and tactful inquiry by a peer support team member into the problem.
 - b. Nothing discussed, except those matters mentioned in the Policy section, will be divulged to any other Department personnel without written consent of the person in need.
 - c. Discussions between a peer support team member and a person in need will not be recorded for use in administrative or disciplinary proceedings or discussed with Department personnel.
- C. Staffing:
1. The Peer Support Program is and will continue to be staffed by Police Department employees.
 - a. Interested employees should submit membership requests to the Peer Support Coordinator.
 - 1) Selections are made after reviewing these requests and conducting interviews by the Police Psychologist. The Police Chief approves the final selections.
- D. Training:
1. All peer support team members receive in-service training in basic and proper support techniques.
 - a. Additional in-service training is conducted periodically.
- E. Peer Support Team Member Responsibilities:
1. Attend all in-service training.
 2. Render support on a volunteer basis, on or off duty.

3. Develop a sincere rapport with the individual.
4. Maintain confidentiality as adopted by the Peer Support Steering Committee.
5. Agree to be on a Department wide 24 hour availability list.
6. Help individuals identify their own concerns and assist or direct them toward self help or other referral needs.
7. Offer long term support to the individual, as necessary.
8. Follow up on referrals.
9. Consult with the Police Psychologist, as needed.
10. Immediately refer to the Police Psychologist any incidents of threat, violation of law, or serious misconduct.
11. Have specially trained post shooting peer support team members respond to shootings, as specified in Procedure 19.106, Post Shooting Trauma.

18.110 DEPARTMENT RECOGNITION

Reference:

Standards Manual 26.1.4

Purpose:

Establish a procedure in which Department members, citizens, groups, or agencies may bring a member's outstanding performance to the Department's attention.

Bring special recognition to police officers who suffer a gunshot wound from hostile action in the line of duty.

Establish a central awards nomination system so Department members have equal exposure for recognition of outstanding achievement.

Ensure complete and accurate listings of commendations and award nominations.

Procedure:

A. Commendation From the Police Chief:

1. When a Department member performs in an exceptional manner, the district/section/unit commander will prepare, for the Police Chief's signature, a letter of commendation detailing the incident.
2. Upon approval the Police Chief's Office will:
 - a. Return the original letter of commendation through the bureau commander to the affected district/section/unit commander.
 - 1) A supervisor will read the letter at roll call and give it to the member.
 - 2) A notation will be made in the Commendations section of the member's Personnel Information Sheet.
 - b. Forward one copy to PIO (Public Information Office) for its Central Awards file.
 - 1) PIO will review for possible media release.
 - c. Forward a copy to Personnel Section for noting on Page 11-1 of the member's original Personnel Jacket.
3. When the incident involves more than one member, prepare separate letters for each member involved.

B. Citation for Personal Sacrifice:

1. When a sworn Department member is wounded by gunfire resulting from the criminal action of another person, the district/section/unit commander will prepare a Form 17 to the Police Chief detailing the incident.
 - a. The Police Chief determines eligibility for the Citation for Personal Sacrifice.
2. After review and approval, the Police Chief's Office will forward the Form 17 to PIO for coordination of the awards program on Police Memorial Day. PIO will:
 - a. Compile a list of candidates 14 days before Police Memorial Day.
 - b. Notify candidates to be present for the award.
 - c. Prepare a news release.
3. A notation will be made on Page 11-1 of the recipient's original Personnel Jacket and Personnel Information Sheet. PIO will maintain the original Form 17 in a separate file.
4. The Citation for Personal Sacrifice is a scarlet ribbon with a gold 1-3/8" x 3/8" border.
 - a. Recipients will wear the ribbon centered directly above the right blouse pocket.
 - b. A framed certificate signed by the Police Chief will accompany the ribbon when awarded.

C. Bureau/District/Section/Unit Citation:

1. When a bureau/district/section/unit commander feels a Department member performed in a manner that should be commended, the commander will prepare a Form 17 detailing the incident.
2. Any Department member may request a citation for another member. Prepare a Form 17 to the affected member's bureau/district/section/unit commander detailing the incident.
 - a. A supervisor will read the citation at roll call and give it to the member.
 - 1) Make a notation in the Commendations section of the member's Personnel Information Sheet.
 - b. Forward copies to:
 - 1) PIO for its Central Awards file.

- a) PIO will review for possible media release.
 - 2) Personnel Section for noting on Page 11-1 of the member's original Personnel Jacket.
 3. When the incident involves more than one member, prepare separate letters for each member involved.
- D. Letter of Recognition:
1. Members who receive a letter of recognition from a citizen or group will forward the original letter to the Police Chief's receptionist for logging and a "Thank You" response prepared in the Police Chief's name.
 - a. The Police Chief's receptionist will then forward:
 - 1) The original letter back to the commended officer's district/section/unit.
 - 2) A copy to Personnel Section for notation on Page 11-1 of the commended officer's original Personnel Jacket.
 - 3) A copy to PIO.
 - a) PIO will review for possible media release.
 - b. A supervisor will read the letter at roll call and give the commended officer the original for his personal use.
 - 1) Note receipt of the letter in the Commendations section of the member's Personnel Information Sheet.
 2. If a member is not identified, send the original letter to the district/section/unit to determine the member's identity. After identifying the member, return the letter to the Police Chief's receptionist. She will write a "Thank You" response and process the letter as above.
- E. Certificate of Award:
1. When a citizen or group presents an officer with an award not previously mentioned, the officer will prepare a Form 17 advising his supervisor of all facts.
 2. The officer's supervisor will summarize on a Form 17 the facts given by the officer. Distribute copies as follows:
 - a. District/section/unit commander - for a notation in the Commendations section of the commended officer's Personnel Information Sheet.
 - 1) A supervisor will read the award at roll call and give the commended officer the original for his personal use.

- b. Personnel Section - for notation on Page 11-1 of the commended officer's original Personnel Jacket.
- c. PIO - for Central Awards file
 - 1) PIO will review for possible media release.

F. Central Awards File:

- 1. PIO will maintain a Central Awards file. Contents will be examined upon an award nomination request.

18.120 RELEASE OF INFORMATION AND PUBLIC RECORDS

Reference:

Procedure 12.225 - Vehicular Crash Reporting
Procedure 12.700 - Search Warrants/Consent to Search
Procedure 12.900 - Processing Juvenile Offenders
State v. Keller, 85 Ohio St.3d 279
Kallstrom v. City of Columbus, 136 F.3d 1055
State ex rel. Plain Dealer Publishing Company v. Cleveland, 106 Ohio St. 3d 70
State ex rel. Dispatch Printing Company v. Johnson, 106 Ohio St.3d 160
Ohio Revised Code Section 149.43, Availability of Public Records

Definitions:

Infrastructure Record –

- Any record which discloses the configuration of critical systems, including, but not limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems.
- Any record which discloses security codes used by the Department, as well as records which reveal the infrastructure or structural configuration of any Department building. A simple floor plan limited to showing the spatial relationship of components of the building is not protected from disclosure.

Security Record –

- A record containing information used for protecting or maintaining the security of the Department against attack, interference, or sabotage;
- A record prepared by the Department to prevent, mitigate, or respond to acts of terrorism, including any of the following:
 - Vulnerability assessments or response plans intended to prevent, respond to, or mitigate acts of terrorism;
 - Communication codes for deployment plans of law enforcement or emergency response teams;
 - Specific intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement agencies and public safety agencies; and
 - National security records classified under a federal executive order and not subject to public disclosure under federal law that are shared by federal agencies and other records related to national security briefings to assist state and local government with domestic preparedness.

Information:

The Public Information Office (PIO) aids Department personnel in releasing information to the media and prepares and distributes daily formal media releases about Police Department activities.

Refer media personnel requesting information concerning newsworthy events to PIO, Monday through Friday, 0800 to 1700 hours. After hours or if PIO is unavailable, the officer-in-charge (OIC) of the incident is responsible for handling basic media requests for information concerning the incident.

Personnel who have factual information from an offense report, auto accident report, traffic ticket, or other document, excluding Form 311 investigate reports, or as otherwise directed herein, will, upon request, release that information.

Computer printout information in NCIC, LEADS, CLEAR, or RCIC is not released except to criminal justice personnel for criminal justice purposes (as defined in the LEADS User Manual).

This procedure is a guide for police personnel to use when dealing with news media personnel to ensure cooperation and to control the access of news media representatives, including photographers, to the scene of major fires, natural disasters, other catastrophic events, and crime scenes.

Ohio Supreme Court decisions in the *Plain Dealer* and *Dispatch Printing Company* cases state public employees' home addresses and photographs are not considered public records under Ohio law and should not be released pursuant to a Public Records request. Court ordered requests for employees' personal information will be handled as outlined in Section I.

Policy:

The Police Chief is ultimately responsible for the maintenance and release of all Department records. The Records Section Director (RSD) has been granted the authority to maintain and release all Department Records on behalf of the Police Chief.

Records Section will take requests and release documents and records during normal business hours Monday through Friday, 0800 to 1700 hours excluding holidays. All requests for records made to the Police Department must be referred to Records Section for processing and release. Advise individuals requesting records they may make their request by appearing in person at Records Section, phoning or faxing Records Section, or via email. If appearing in person at Records Section or contacting Records Section via telephone, a written request is not necessary for release of records under the Public Records Act.

Refer written or electronic requests for records and documents occurring outside of normal business hours to Records Section on the next business day. When on-site records requests are made in person at a district/section/unit outside of normal business hours, request the individual complete a Form 29, Request for Public Records. If the individual completes the Request for Public Information form, fax the form to Records Section for review on the next business day. All records requests via subpoena will be handled by Records Section.

Records Section will notify Planning Section if the records released were the result of a civil case involving Department members. Planning Section will make the appropriate notifications to the Law Department. Refer requests for records by the City Solicitor and Prosecutor's Office concerning civil cases involving Department members to Planning Section.

The Cincinnati Police Department will readily cooperate with any request for release of information or to view information maintained by the Department in accordance with State or Federal law.

Records Section personnel will contact the Solicitor's Office whenever there is a question about whether to release a record.

Procedure:

- A. Requests for Release of Records and Reports
1. Forward all written or electronic requests for records received to Records Section.
 2. Records Section will release records and reports pursuant to ORC 149.43 within a reasonable time. As soon as the requested records are available, Records Section will immediately notify the requester to respond to the Records Section for pick-up and payment.
 - a. Records Section will investigate requests of records that may not be subject to release.
 - 1) Records Section will consult the Solicitor's Office if there is any question regarding release of requested information.
 - 2) If records being requested contain personal information that may be protected under the 14th Amendment rights to privacy and bodily integrity, Records Section will initiate the process outlined in Section H.
 3. Records Section will contact districts/sections/units holding requested public records and obtain a copy or make arrangements for the viewing or collection of those records permitted to be released.
 - a. The affected district/section/unit will:
 - 1) Make the requested number of copies of the requested record.
 - 2) Redact all information as required in Sections D.1. and H.1.
 - 3) Send the requested number of copies of the requested records to Records Section for release.

- 4) If the records are requested pursuant to a subpoena, two copies of Form 30, Authentication of Records, must be completed, notarized, and submitted with two copies of the requested records.
 - 5) If necessary, prepare a Form 17 documenting why the records are missing or incomplete.
- b. Records Section will notify the requesting party.
4. Records Section will edit information that would endanger the life or safety of law enforcement personnel or any information that is confidential as defined by law.
 5. Records Section will collect fees before releasing public records. The charge will be 5 cents per page, except in the case of large requests that must be copied off-site, in which case Records Section may charge actual costs.
 - a. Records Section will bill for any public records released under the authority of PIO.
- B. On-Site Requests for Public Records
1. Individuals who respond to a district/section/unit, other than Records Section, during normal business hours and request the release of records will be referred to Records Section in person, by telephone, fax, or email.
 2. Individuals who respond to a district/section/unit after normal business hours and request the release of records will be requested to complete a Form 29, Request for Public Records. If the individual completes the Request for Public Information form, fax the form to Records Section for review on the next business day.
 - a. If an individual does not want to complete a Form 29, refer the individual to Records Section in person, by telephone, fax, or email the next business day.
 3. When responding to on-site requests for records for incidents that have just occurred, i.e. OH-1 from an auto accident, Department personnel should advise the requesting individual that it usually takes seven to ten business days for the requested document to arrive at Records Section.
 - a. Personnel who have factual information from an offense report, auto accident report, traffic ticket, or other document, excluding Form 311 investigate reports, or as otherwise directed herein, will, upon request, release that information.

4. Under exigent circumstances and after consultation with the lead investigator or investigation OIC, the Public Information Officer, a bureau commander, the Night Chief, or a district/section commander in the absence of PIO, may authorize the on-site release of records, including Police Communications Section tapes and dispatch logs, to the media.

C. Investigations - Arrests

1. From the initial stage of a criminal investigation until the completion of a trial or disposition without a trial, police personnel will direct all media requests for information to the supervisor responsible for the investigation. The supervisor or their designee, or PIO will release the information following the listed guidelines:
2. Before issuance of an arrest warrant or the filing of any complaint, information, or indictment, the identity of a suspect is confidential and will not be disclosed.
 - a. This does not apply to 911 tapes in which a potential suspect is named.
 - b. Do not expose persons in custody to the media for pictures or interviews.
3. From the time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment of any person 18 years of age or older, the following information will be released upon request:
 - a. A factual statement of the accused's name, sex, race, age, residence, occupation, and family status.
 - b. The facts of arrest, the time and place of arrest, pursuit, and use of weapons.
 - c. Charges placed, including a brief description of the elements necessary to constitute the charge.
 - d. The identity of the investigating and arresting officers or agency and the duration of the investigation.
 - 1) Do not reveal the identity of covert officers.
 - 2) Do not reveal the home address or telephone number of any officer.

4. Prior to an official court disposition, Department personnel **will not** release or authorize the release without the Police Chief's approval, any statement concerning:
 - a. The prior criminal record, including arrests, indictments, or other charges of crime, character, or reputation of the accused.
 - b. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement.
 - c. The performance or results of any examination or test, or the accused's refusal to submit to such examination or test.
 - d. The identity, testimony, or credibility of prospective witnesses.
 - e. The possibility of a guilty plea to an offense charged.
 - f. An opinion about the accused's guilt, innocence, mental competency, or to the merits or evidence in the case.
5. Withhold critical information from the public if and until a danger to a victim no longer exists, e.g., a kidnapping victim not yet returned, in accordance with Kallstrom.
6. Releasing photographs:
 - a. Requests for photographs of arrested persons will be referred to the Hamilton County Sheriff's Office Warrant/Identification Unit.
 - b. Do not release photographs of victims or witnesses.

D. Reports

1. The responsibility to redact information contained in reports that are forwarded to Records Section for release pursuant to a public records request remains with the personnel forwarding the report, i.e., Personnel Section, Homicide Unit, Internal Investigations Section, etc. Records Section is only responsible for redacting information on records kept in Records Section. The following information **must** be redacted prior to the release:
 - a. Social Security numbers.
 - b. Uncharged suspect information.
 - c. The identity of a confidential source.
 - d. Information that would endanger the safety of law enforcement personnel, crime victims, witness or a confidential source.

- e. Confidential investigative techniques, procedures or work product.
 - 1). The narrative portion of a Form 301S, Incident Supplement, Form 311DV, Domestic Violence Investigation Report, or Form 526, Vice Activity Report, where the reporting officer states their theory of the case may be edited.
 - 2. The morning report summaries from the five police districts will be used on the Press Release Board located at Records Section.
 - a. The unit initiating or holding a report will release, upon request, information contained in the report, except contents of the Form 301S, Form 526, or any Form 311 investigative report.
 - b. The Department will not release information from reports involving the abuse or neglect of a child in accordance with ORC 2151.421(H)(1) and (H)(2).
 - 3. Requests for copies of all fatal, unusual, or serious injury crash reports should be referred to Traffic Section.
 - 4. Release upon request information in a Form 316, Minor Accident/Aided Case/Mental Health Reponse Report (excluding confidential health information), or Form 301, Incident Report, filed at the district of occurrence.
 - 5. In cases of death or serious injury, the police will request the media not release the identity of a deceased or seriously injured person until next of kin is notified.
- E. Use of the Voice Mailbox System (VMBS)
- 1. The following personnel will provide, via the VMBS, information concerning significant or noteworthy events, events affecting public safety, or major news stories which affect the Department:
 - a. District/section/unit commanders.
 - b. PCS supervisors.
 - c. Night Chief.
 - d. Relief commanders or designees.
 - e. Public Information Office.

2. The following information will be provided:
 - a. Name, title, and assignment of the Department representative providing the information.
 - b. Type of incident.
 - c. Date, time, location, and names (spell out the names on the phone).
 - d. A brief description of the incident or offense.
3. End the VMBS message indicating this is only preliminary information. Further information will be provided when it is available.

F. Incidents Involving Police Officers

1. Command officers, district/section commanders, or the Officer-in-Charge of an investigation has the authority to release the names of police personnel involved in an incident as soon as possible.
 - a. Before release, ensure the accuracy of the information.
 - b. Allow the officer the opportunity to notify family members before releasing the information if the report of an incident would cause them concern.
 - c. The timely release of the name of police participants in a major incident adds to the credibility of the Department and forestalls the possibility of the media adversely commenting on the incident because information was withheld.
2. Notify the Police Chief immediately upon receipt of court ordered request for pictures of Department personnel in connection with an event which will reflect unfavorably upon the individual officer or the Department.

G. Statistical Data - Criminal Reports

1. PIO will verbally provide information from Police Department administrative reports.
2. Refer requests for copies of Police Department administrative reports to Planning Section.

H. Kallstrom Process, Plain Dealer, and Dispatch Printing Company cases

1. Pursuant to the following case law:
 - Kallstrom v. City of Columbus, 136 F.3d 1055;
 - State v. Keller, 85 Ohio St. 3d 279;
 - State ex rel. Plain Dealer Publishing Co. v. Cleveland, 106 Ohio St. 3d 70;
 - and State ex rel. Dispatch Printing Co. v. Johnson, 106 Ohio St. 3d 160, the Police Department is NOT permitted to release and will **NOT** release any of the following records of Department employees:
 - Home address.
 - Home telephone number.
 - Photographs.
 - Information regarding family members.
 - Beneficiaries.
 - Social security number.
 - Medical information or psychological reports.
 - Banking or account information.
 - Information obtained from driver's licenses or NCIC/LEADS/RCIC sources.
2. The district/section/unit responsible for forwarding documents containing any of the above information pursuant to a records request is responsible for reviewing and redacting any of the above information prior to sending the documents to Records Section.
3. If any record requested under the Public Records Act contains any information that, if released, may violate a person's 14th Amendment right to privacy and/or bodily integrity, Records Section will notify the focus of the request that a records request has been made.
4. If the focus of the request presents a reasonable objection based specifically on the rights afforded in the 14th Amendment, the request will be denied or the subject data will be edited from the record before release. Records Section personnel will consult with the Solicitor's Office prior to withholding such information.

I. Process for Notification – Court Ordered Requests Involving Department Employees' Personal Address Information

1. In the event the City of Cincinnati, including its employees, agents or officials, receives a court ordered request for release of Department employees' personal addresses the following process will be followed:
 - a. If the City receives the request, it will be forwarded to the Police Department for action.

- b. Upon receipt of a request for Department employee addresses, the Department will direct all district/section/unit commanders to notify all members. District/section/unit commanders will be provided with the specific request.
- c. District/section/unit commanders will insure each member is notified that the request has been received.
- d. District/section/unit commanders will generate check-off lists, which will include the names of all members in their command. The list will have the specific records request attached and each member will be personally advised of the request by a supervisor and the date of the notification will be noted on the check-off list. Members will be provided an opportunity to express their objection to the release of their personal address on the check-off list.
- e. The check-off notification process will allow up to three days insuring members that are on off days are notified. Members who are not notified pursuant to the procedure set forth above will be personally notified by a supervisor in their district, section, or unit. Upon completion, the district/section/unit commander will report in writing to the Police Chief that the notifications have occurred.
- f. The Fraternal Order of Police, Queen City Lodge 69, will be provided the request for release of sworn members' personal addresses at the same time the district/section/unit commanders are provided the request.
- g. Records Section will maintain records documenting the notification process. Objections to release of addresses will be forwarded to the City Solicitor and the Human Resources Department. Release of addresses by the City pursuant to a public records request will be governed by existing law.
- h. The Police Department will publish the records request in the Department's weekly Staff Notes, as an additional and redundant notification to all members.

J. Media Access

1. Media personnel have the right to the same access at crime and incident scenes as the public and no more.
2. The incident OIC should establish a media staging area and assign an officer to coordinate the media staging area until PIO arrives. The incident OIC should then notify PCS of the location of the staging area and the name of the officer assigned to it.
 - a. The media staging area should be established outside of, but within close proximity to, the outer perimeter of an incident to satisfy both safety concerns and the media's right to cover newsworthy events.
3. Media representatives should not be staged in, or permitted access to, locations where they would be able to transmit live images of incidents such as SWAT operations involving hostages or barricaded persons.
4. Media personnel must have the approval of a district/section/unit supervisor or the Public Information Officer before entering non-public areas of a police facility. While in non-public areas of a police facility, media personnel will be accompanied by police personnel and will wear a Visitor ID Pass.
5. Refer to Procedure 12.700, Search Warrants/Consent to Search, regarding restrictions and guidelines for civilians, media, and third parties during the execution of a search warrant.

18.121 CITIZEN OBSERVER

Reference:

Procedure 18.120 - Release of Information and Public Records

Purpose:

To share information on police investigations, general crime prevention and neighborhood information with businesses and citizens through the Citizen Observer website (www.citizenobserver.com) in an accurate and timely manner.

Information:

The Citizen Observer website brings law enforcement agencies, citizens and businesses together in a united crime prevention partnership. The need and ability to share accurate information quickly is paramount. The Citizen Observer website has developed a highly effective means of connecting citizens with local law enforcement that assists in addressing and inhibiting crime within local communities and neighborhoods.

Definitions:

Wanted Fugitive Alert – entered when all identifying data is known for a suspect who has a warrant or indictment for a felony or serious misdemeanor and preliminary attempts to apprehend have been unsuccessful.

Unsolved Crime Alert – entered when a suspect's identity is not known, or there is insufficient evidence to swear a complaint for a felony or serious misdemeanor and preliminary follow-up investigation has been unsuccessful in that regard.

Citizen Alert – entered for felonies and serious misdemeanors that just occurred and exigent circumstances indicate immediate notification of the citizenry at large, including but not limited to, all murders and robberies of financial institutions where the offense is not immediately cleared or there is no reason for a press release.

Business Alert – entered for felonies or serious misdemeanors that just occurred or exigent circumstances justify immediate notification of specific businesses including banks, auto shops, pawnshops, etc.

Press Release – entered when enlisting the aid of newspapers, radio or television media to help solve a crime or when it is desirable to inform the media of an apprehension or resolution to a crime.

School Alert – entered when information would be beneficial for parents, students and school personnel on activity concerning their school.

Procedure:

A. Entry of Alerts

1. Each district/section/unit will maintain at least two data entry personnel, assigned by the district/section/unit commander and trained by the Citizens on Patrol Coordinator, for the purpose of entering community information.
 - a. Only trained personnel or supervisors assigned to the neighborhood units may enter, edit or delete community or neighborhood information.
 - b. The Community Oriented Policing (COP) Coordinator will review entries daily.
2. Each district/section/unit will maintain at least two data entry personnel, assigned by the district/section/unit commander and trained by the Crimestoppers Coordinator, for the purpose of entering criminal investigation information.
 - a. Only trained personnel or supervisors of the investigative unit responsible for the case investigation may enter, edit or delete information relating to criminal investigations or activity.
3. Only the Public Information Officer may enter media releases regarding general crime conditions, crime statistics, policies regarding crime and enforcement, unit or investigation successes, etc.
4. All commanders and supervisors assigned to district investigative units, Criminal Investigations Section, COP, Central Vice Control Section, and Youth Services Unit will be trained to enter Citizen Observer data.
 - a. Only trained personnel may enter information to the Citizen Observer website.
 - b. The COP Coordinator is responsible for the entry, maintenance and deletion of community information.
 - c. The Major Offenders Unit is responsible for the entry, maintenance and deletion of information regarding criminals, criminal activity and criminal investigations.

d. The Crime Stoppers Coordinator will review all entries daily.

B. Responsibility for Maintenance of Alerts

1. Crime Stoppers personnel will review and edit all entries for wanted fugitives, unsolved crimes, citizen alerts, business alerts and media releases referencing wanted persons, criminal investigations and apprehensions.
2. Personal Crimes Unit personnel will review and edit, when appropriate, all entries for missing persons and media releases referencing missing and found persons and Amber Alerts.
3. Youth Services Unit personnel will review and edit all entries of school alerts and media releases referencing same.
4. The Citizens on Patrol Coordinator will enter all neighborhood watch groups, neighborhood watch captains and neighborhood watch alerts, as well as review and edit all information entered by watch groups and captains.

18.125 MILITARY COURTESY

A. Procedure:

1. Rendering the Hand Salute:
 - a. Hand salutes will be exchanged between supervisors and police officers, when in uniform, upon every occasion of their meeting; upon being addressed by a superior officer and when the conversation is terminated, with the following exceptions:
 - 1) While in military formation; the O.I.C. will call "Attention" and salute.
 - 2) When such action interferes with the performance of some particular police duty.
 - 3) When both hands are full.
 - 4) While operating a motor vehicle; unless stopped.
 - 5) While riding a public conveyance.
 - 6) Generally, a hand salute will not be rendered indoors.
 - b. Uniform members of the Department will salute the Mayor, City Manager and the Director of Safety, upon all occasions of their meeting, consistent with the above exceptions.
 - c. All hand salutes will be rendered in a military manner. It is the duty of the subordinate to offer first the prescribed salute, and of the superior to return it smartly and promptly. The hand salute will be given when the subordinate arrives within six paces of the officer to be saluted.
2. The Call to Attention:
 - a. When two or more subordinates are present, the first man to see an officer of the rank of captain or higher approaching, will call "Attention" and will remain at attention until the officer gives the command "At Ease" or leaves the area.
 - 1) This applies to all places where members of the Department are assembled or gathered, in uniform, with the following exceptions:
 - a) When the command officer remains in the immediate vicinity.
 - b) When an officer of an equal or higher rank is present.

3. Other Courtesies:
 - a. Members of the Department upon entering the private office of a superior officer, when the officer is present, will uncover and stand at attention, whether the officer is in uniform or civilian clothes. This includes the offices of the Mayor, City Manager, and Director of Safety.
 - b. Members of the Department upon entering a house of Worship will remove their headgear and remain uncovered until they leave the premises.
 - c. Supervisory and command officers will be addressed by their correct title and name at all times.
4. Showing Respect to the National Colors:
 - a. The national Flag will be flown daily from police buildings.
 - 1) The flag shall be placed at half-mast on police buildings as directed by teletype order.
 - b. When the flag is passing in parade, being hoisted or lowered, all present should face it, stand at attention and salute; with right hand, or with baton "Present Arms."
 - 1) If the flag is not flown during the playing of the National Anthem, all present stand and face the music. Persons in uniform salute at the first note, holding it until the last note. Others (not in uniform) stand at attention, men removing their hats. If the flag is displayed, all present should salute.
 - 2) The Pledge of Allegiance should be recited at attention; police personnel will salute when in uniform, uncover if in civilian clothes.
 - 3) Members of the Department carrying the National Flag shall not dip them to any person, nor upon any occasion.
 - c. When the flag is so worn or soiled that it is no longer suitable for display, it should be returned to the Equipment Section where it will be destroyed in a dignified manner, preferably by burning.

18.135 PUBLIC APPEARANCES

Reference:

Manual of Rules and Regulations - 1.10

Policy:

Members representing the Police Department at public functions must have prior Department approval. This includes appearances at public gatherings, on radio or television, in articles for publication, or as correspondents to newspapers or periodicals.

Purpose:

Provide qualified members for public appearances in response to citizen requests for speakers.

Provide guidelines for granting permission of public appearances.

Provide for a centralized file of public appearance data, necessary for budget preparation and planning purposes.

Procedure:

A. Approval and Compliance:

1. District or section commanders may appoint a qualified member of their command to speak at public or private gatherings. District or section commanders may designate an individual to select public speakers. Speakers will address routine district or section functions only. District or section commanders will obtain permission from their bureau commander when the request is unusual, exceptional, or the subject is controversial.
2. Districts will handle public appearance requests sent directly to them provided a qualified speaker is available and the event is within the district.
 - a. Districts unable to provide a qualified speaker will forward requests to the Public Information Office (PIO) on a Form 17.
 - 1) PIO will refer the request to a qualified Department speaker and notify the requesting person by phone or letter.
3. Bureaus or sections will handle requests sent directly to them provided they have a qualified speaker available and the subject relates to their functions.
 - a. Bureaus or sections unable to provide a qualified speaker will forward requests to PIO on a Form 17.

- 1) PIO will refer the request to a qualified Department speaker and notify the requesting person by phone or letter.
4. Requests sent to the Chief's Office are forwarded to PIO for assignment to the proper bureau.
 - a. PIO will:
 - 1) Assign a control number.
 - 2) Maintain a log of assignments.
 - 3) Ensure the return of a Public Appearance Report (Form 628) after completion of public appearances.
- B. Reporting:
1. Immediately upon completing the public appearance, the member will complete two copies of Form 628.
 - a. Forward the original Form 628 to PIO.
 - b. Retain the duplicate Form 628 in the unit file.
 2. Form 628 divides public appearances into three classes: community meetings, speaker requests, and special projects.
 - a. A community meeting is a group of public or private citizens living or working in a particular community. This group meets periodically with police officers, normally the district or beat officers.
 - b. A speaker request is any public or private group requesting an officer to speak on a specific police related subject. The request may be verbal or in writing. Speaker requests include media appearances and guided tours of police facilities.
 - c. A special project is any demonstration or display of police related activities before the public. Examples are canine demonstrations, touring the mobile command center, crime prevention displays, booths at the Convention Center, bicycle safety-lane, etc. This also includes paid requests.
 3. Public Appearances do not include:
 - a. Meetings with private or city officials to plan police details.
 - b. Attendance at regularly scheduled meetings of local and state crime prevention officer associations, etc.
 4. When more than one officer attends a particular function, submit only one Form 628 to PIO. Preparation is the responsibility of the officer assigned to the district where the appearance occurred.

5. The PIO Commander will provide the Police Chief with a monthly summary of all public appearances by Department personnel from the previous month.
 - a. The report will list appearances by assignment with a breakdown by each of the three public appearance classes. It will compare the number of appearances from the current period with the same period in previous years.

19.105 SICK/INJURED WITH PAY AND SPECIAL LEAVES

References:

Procedure 12.817 - Court Management System (CMS)
 Procedure 12.830 - Donated Time
 Procedure 19.107 - Family Medical Leave Act
 Procedure 19.130 - Limited Duty Personnel
 Procedure 19.140 – Outside Employment
 Fraternal Order of Police/City Labor Agreement
 American Federation of State, County and Municipal Employees (AFSCME)/City
 Labor Agreement
 City of Cincinnati Human Resources Policies and Procedure
 Training Bulletin #142

Definitions:

Bloodborne contaminant - any blood, any body fluid (semen, saliva, vaginal fluids, etc.) which visibly contain blood, or any body fluid in which it is difficult or impossible to tell if it contains blood.

Active exposure - an exposure to an active bloodborne infectious disease specifically to the eye, mouth, interior of the nose, intact/non-intact skin, or other mucous membrane, from blood or other potentially infectious materials.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Passive exposure - an exposure to an airborne or bloodborne life-threatening infectious disease, generally considered to be viral hepatitis or human immunodeficiency virus (HIV), but not to an area classified as an active exposure. Mere presence at a scene or contact with a body or other body fluid is not necessarily an exposure. Even contact with blood or other body fluids is not necessarily an exposure; the contact must be within the categories outlined in the Information Section.

Methods of bloodborne infectious disease exposure:

- A puncture, laceration, or abrasion of the skin.
- A splash or spitting into the eye, mouth, or interior of the nose.
- Contact with broken skin including rashes, chapped skin, open wounds, or healing wounds with scabs.
- A human bite.
- Contact with intact skin in excess of three minutes.

Purpose:

Provide Employee Health Service (EHS) with each employee's health history, enhancing their ability to provide the employee with proper medical care.

Ensure necessary documentation of sickness and injury cases.

Establish a uniform Department procedure for recording and reporting personnel injured or exposed to infectious disease in the line of duty.
Establish guidelines for requesting a special leave of absence.

Policy:

City primary care physicians may examine and diagnose Department employees when EHS is closed. Employees must follow all medical directives concerning duty status established by the treating physician.

Sick With Pay (SWP) should not be approved unless the employee has properly reported and justified the absence.

Medical information is considered confidential and will not be discussed with anyone who does not have a legitimate need for the information. This includes the reason an individual calls off sick, injured, or FMLA related status.

Officers may not work a police-related detail while on light duty, in an off-duty injured with pay status, in **any** off-duty sick status, or off-duty due to any Family Medical Leave Act (FMLA) approved time.

Officers must physically report for work after being off duty while injured, sick, or taking FMLA approved time before working a police-related detail.

Officers who call their workplace and report themselves ready for duty are not eligible to work an outside employment extension of police service detail prior to reporting for their next scheduled tour of duty.

Officers who will be unable to attend court due to illness or injury must report the days they will be unavailable for court to their immediate supervisor, who will enter the information into the CMS.

Information:

Injured With Pay (IWP) benefits may be initially approved for payment by the EHS Physician or by the Police Department, subject to final recommendation and approval by the EHS Physician.

District/section/unit commanders will approve or disapprove Sick With Pay (SWP) benefits.

Personnel Section may request the EHS Physician's opinion in considering the decision to approve or disapprove SWP benefits.

Department employees may also refer to the Human Resources Policies and Procedures, Chapter III - Employees Benefits, for additional information.

Disagreements with the determination of IWP, SWP, or FMLA status are handled according to current City/Department policy and procedure and/or current union contract stipulations.

The Form 91SP, Supervisory Investigation of Employee Injury, and checklist for completion is available on the Intranet.

Procedure:

- A. Responsibilities of Department Employees Unable to Appear for Duty Due to Sickness or Injury
1. As soon as possible before the start of the next tour of duty, notify a supervisor from the assigned unit (Refer to Procedure 19.107 for leaves falling under the provisions of the Family Medical Leave Act).
 - a. Provide the supervisor with:
 - 1) The specific nature of the illness or injury.
 - 2) How long you expect to be off duty.
 - 3) Whether you called or will call a physician or dentist.
 - 4) The telephone number where you can be reached.
 - 5) Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
 - b. Contact EHS when directed by a supervisor.
 - c. Comply with any request from the Police Department or the EHS physician to respond to the EHS.
 - d. EHS will provide Personnel Section with the original Form 96 and a copy to the affected officer following the medical examination. The Form 96 will list any duty restrictions determined by the EHS Physician. EHS will contact the affected officer's unit of assignment with any change in duty status.
 - 1) Personnel Section will compare the employee's duties to the Classification of Physical Demands of Work listed on the reverse side of the form, complete the bottom portion of the form, and fax a completed copy to EHS within 24 hours.
 2. When the condition improves allowing a return to duty, notify a unit supervisor as soon as possible.
 3. If EHS approval is required, a sick or injured employee may not return to duty without approval.
 4. Civilian employees are also governed by current City/union contracts or Human Resources Policies and Procedures.

- B. Supervisory Duties When an Employee is Unable to Appear for Duty
1. Upon receiving a call that an employee is sick or injured:
 - a. Document the information provided by the employee on a Form 25S, Application for Leave of Absence, or a Form 91SP, Supervisory Investigation of Employee Injury, as appropriate.
 - 1) In the "Reason" section of the Form 25S, explain in detail why the person is off sick or injured.
 - 2) On the Form 25S, indicate your recommendation to the district/section/unit commander to approve or disapprove use of SWP or IWP.
 - a) Recommend the approval of SWP when the employee has properly reported and justified the request.
 - 3) Forward the form through the chain of command to the district/section/unit commander.
 - b. Record that the employee called off sick or injured in the unit blotter.
 - c. Ensure Personnel Section is notified when an employee is admitted to a hospital as result of an on or off-duty injury or illness.
 - 1) If after normal business hours or on weekends, the information can be left on Personnel Section's voice mailbox system.
 2. When an employee calls in sick and a supervisor has reason to believe the employee is improperly using sick time, or if a physician's or dentist's verification is necessary per the American Federation of State, County, and Municipal Employees (AFSCME) contract, the supervisor will:
 - a. Direct the employee to produce a physician's or dentist's statement within three working days justifying the absence.
 - 1) Employees failing to bring in a physician's or dentist's statement may be subject to disciplinary action and should be carried in a Leave Without Pay (LWOP) status.
 - b. Prepare a Form 25S
 - 1) Check the "Medical certificate requested" block.
 - 2) Enter the reason for requiring the physician's or dentist's statement.

- 3) Route the form through the chain of command to the district/section/unit commander.
3. When an off-duty employee calls off with an on-duty injury or a recurrence of an on-duty injury:
 - a. Complete Form 91SP.
 - 1) Include the date of the original injury and date of recurrence (if applicable), a brief description of the original injury, and a thorough description of the current problem.
 - a) Mark "recurrence" at the top of the Form 91SP, if applicable.
 - b. Carry sworn employees as IWP in the time book unless IWP benefits were denied by EHS.
 - c. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of the injury, unless they are hospitalized for one or more days as a result of the on-the-job injury.
 - 1) Non-sworn employees will not be carried IWP until a final decision is made by EHS Physician, except as outlined in B.3.c.
 - a) In those cases, the employee must identify the type of leave to be initially used, i.e., vacation, comp., SWP.
 - 2) If IWP is approved by the Risk Management Office, the payroll reports and time book will be adjusted to reflect prior balances.
 - d. Direct the employee to contact EHS as soon as possible but no later than the end of the next business day and note this on the Form 91SP.
 - e. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - 1) When work-flowing the 91SP, "Add Notification" to Personnel Section.
- C. Duties of District/Section/Unit Commander When an Employee is Unable to Appear for Duty Due to Illness or Injury
 1. Upon receipt of Form 25S for SWP benefits:
 - a. Review and sign indicating approval or disapproval of the use of SWP benefits.

- b. Forward the original daily to Personnel Section via the chain of command.
 - c. Maintain a copy in the district/section/unit tickler file.
 - 1) When an employee returns to duty, note the date of return on the unit copy. Send a copy to Personnel Section and transfer the unit copy to the employee's unit Medical Jacket.
2. Upon receipt of a Form 91SP for IWP benefits:
- a. Review and initial.
 - b. Notify Personnel Section as soon as possible of the illness/injury and date in cases of:
 - 1) On-duty injury or a recurrence of an on-duty injury.
 - 2) A hospitalized employee.
 - 3) Exposure to an infectious disease.
 - c. Make a blotter entry, when appropriate, indicating Personnel Section was notified.
 - d. Work-flow the Form 91SP directly to Personnel Section.
3. Inform the bureau commander of cases involving serious injury, illness, or extended illness.
- D. Sickness While on Duty
- 1. An employee becoming ill on duty will report the illness to a supervisor. The supervisor will assist or make arrangements to transport the employee home, to EHS, to a private physician, or a hospital, as conditions determine. The supervisor will prepare a Form 25S as outlined in Section B.1.a.
 - 2. Employees becoming ill while on duty are carried on the Payroll Attendance Report (PAR) and time book as sick for the portion of the day they are absent from their regular tour of duty. Record the off-duty sick time in 15 minute increments.
- E. Personnel Injured on Duty
- 1. Personnel injured on duty will be provided with an employee injury packet to be completed at the initial care facility.
 - a. A packet is not required when treatment is received from EHS.
 - 2. Investigating supervisors will review the treating physician's medical evaluations prior to granting an employee IWP.

3. When a Department employee is injured on duty, a supervisor will:
 - a. Scan and attach the following documents to the appropriate ETS case folder:
 - 1) Bureau of Worker's Compensation form.
 - 2) Applicable release form, i.e., Employee Health Service, hospital, or individual doctor.
 - b. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander. When work-flowing the 91SP, "Add Notification" to Personnel Section.
 - c. Print a copy of the Form 91SP from ETS and **fax** the copy to:
 - 1) City's current insurance provider.
 - 2) Risk Management Office.
 - 3) Employee Health Service.
 - d. Advise the employee to contact EHS as soon as possible.
 - 1) An employee unable to respond to EHS at the time of injury must notify EHS on the next EHS business day.
 - 2) If an employee is unable to respond or contact EHS due to the seriousness of the injury, Personnel Section will notify EHS of the employee's injury and status.
 - e. Carry sworn employees as IWP for the disability period subject to final recommendation and approval by EHS.
 - 1) The day of the injury is considered a working day. Do not charge to IWP.
 - f. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of injury, unless they are hospitalized for one day or more.
 - 1) The day of the injury is considered a working day. Do not charge to SWP or IWP.
 - g. Carry other full-time non-sworn employees as mandated by Human Resources Policies and Procedures.
 - h. Complete Form 91SP even if the employee refuses treatment for a non-visible injury.

F. On-duty Exposure to Life-Threatening Infectious Diseases

1. Life-threatening infectious diseases are generally considered to be viral hepatitis (HAV, HBV, HCV) and human immunodeficiency virus (HIV), which are bloodborne, and tuberculosis (TB), which is airborne.
 - a. Assume all contaminants are infectious. If the source is not clearly known not to be infected, treat as if infected.
 - b. If an employee has contact with a known source of an infectious disease as listed in Section F.1. but not an exposure as listed in "Definitions" section, the employee's supervisor should complete a Form 91SP for a "passive exposure".
 - 1) The employee receives a copy of the Form 91SP.
 - 2) A Form 91SP for a "passive exposure" does not generate a Workers' Compensation number.
2. Treatment
 - a. All exposures:
 - 1) Immediately wash the affected area thoroughly with the antiseptic gel and/or soap with hot water.
 - 2) Rinse eyes, mouth, and the interior of the nose thoroughly with plenty of warm water. Expel the water.
 - b. Passive exposures:
 - 1) Do not go to a hospital or other medical care facility for testing or treatment solely for a suspected exposure.
 - a) Medical costs of testing for infectious diseases are not covered by Workers' Compensation. EHS will provide all necessary testing and associated treatment without cost. Should you choose to seek private testing you will be personally responsible for the associated costs.
 - c. Active exposures:
 - 1) If an active exposure or a suspected active exposure exists, respond to University Hospital for testing and treatment.
 - a) Follow-up treatment is handled by EHS.
3. Employee responsibilities:
 - a. Immediately report the incident to a supervisor.

- b. Indicate on the Form 527, Arrest and Investigation Report, "Arresting employee exposed to blood/body fluids - court ordered test required".
 - c. Call EHS and speak with a nurse or a doctor, not just the receptionist. If EHS is closed, contact them as soon as the office opens for regular hours. Holidays and weekends will not adversely affect treatment. EHS will determine if there is a possible exposure and if an office visit is needed.
4. Supervisor responsibilities:
- a. Request the subject submit to a test for infectious diseases if a suspected exposure occurs. This should be done at University Hospital. Get a signed medical release from the subject so the hospital will release the test results to EHS or the Police Department.
 - 1) Notify EHS of a refusal.
 - 2) If for any reason a test is not performed on the subject at the hospital:
 - a) Notify a Hamilton County Justice Center (HCJC) intake supervisor of the exposure and the need for a court ordered blood test.
 - 1] HCJC personnel will obtain the necessary court order on behalf of the Police Department. The arrested will be held until the necessary test can be administered.
 - a] HCJC will notify EHS of the test results, who will in turn notify the member.
 - b. Complete the Form 91SP.
 - 1) Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - a) When work-flowing the 91SP, "Add Notification" to Personnel Section.
 - 2) Fax a copy to Employee Health Service.
 - a) Scan the medical release into the computer and attach to the the appropriate ETS case folder. Route the original medical release through channels.
 - c. The unit supervisor will contact EHS to be sure the affected employee has notified EHS of the possible exposure and is following the directives of EHS. Notify EHS where and when the subject was tested for infectious diseases, and whether there is a medical release.

5. Personnel Section, when notified by EHS of known exposures involving deceased individuals, will notify the affected employee's district/section/unit commander. Employees will follow the protocol as outlined above.
 - a. Personnel Section will be available to answer questions related to exposures.

G. Notification in Cases of Serious Illness or Injury

1. Each unit will maintain an updated Form 438, Personnel Index Card, for each employee.
 - a. The reverse side of the Form 438 contains the following information:
 - 1) Names, addresses, and phone numbers of individuals to be notified in case of an emergency.
 - 2) Name of clergy member if desired.
 - 3) Special instructions by the employee.
 - b. Changes to the Form 438 are the employee's responsibility.
2. The employee, if conscious, should make the decision whether any personal notifies are to be made.
 - a. If possible, the employee will personally make the call.
3. If the employee is unconscious or unable, a supervisor will contact person(s) the employee designated on the Form 438.
 - a. In-person notification will be made.
 - b. Provide transportation of the notified person(s), if needed.
 - c. Consider using a member of the Police Clergy Crisis Team or a Peer Support member to assist with the notification.
 - d. Notify Police Communications Section (PCS) by telephone of the following:
 - 1) Nature and extent of the injury or illness.
 - 2) Location or destination of the injured or ill employee.
 - 3) Whether the person(s) listed for emergency notification were able to be contacted.
 - e. PCS will make the appropriate notifications according to the Situational Occurrences Notification List.

H. Special Leaves

1. The Personnel Section Commander has authority to approve the following special leaves in compliance with City/Department policy and procedure and/or current union contract:
 - a. Sick Pay Family (SPF).
 - b. Sick Pay Death (SAD).
 - c. Sick Pay Maternity (SPM).
 - d. Military Training (MT).
 - e. Leave Without Pay (LWP).
 - 1) The Department will follow the current City guidelines as outlined in the Human Resources Policies and Procedures, Department procedures, and/or current union contract.
2. Employees requesting special leave will complete a Form 25S as soon as the need for the leave becomes known.
 - a. The original is routed through the chain of command to Personnel Section.
 - b. The employee's unit of assignment retains a copy in the employee's Medical Jacket.
 - c. The time book and PAR will reflect the time granted.

I. Responsibilities of Personnel Section

1. Serve as the Department liaison with EHS.
2. Maintain an annual file of Forms 25S pertaining to sick leave.
3. Maintain a list of personnel confined to a hospital.
 - a. Notify the Police Chief's Office and the Fraternal Order of Police (FOP) of those employees admitted to a hospital.
4. Advise EHS of:
 - a. Hospitalized employees.
 - b. Employees exposed to an infectious disease.
 - c. Other serious or unusual cases of sick or injured employees.
5. Send a copy of the sick and injured leave report to EHS weekly containing the information of personnel currently carried as IWP, light duty, and on extended sick leave.

6. Under special circumstances, and when advised by EHS, notify an employee's unit of assignment of an employee's current duty status. Under normal circumstances, EHS notifies the employee's unit of assignment of duty status and gives the employee a copy of the Form 96 to give to the employee's supervisor.
 7. Receive copies of Forms 25S for special leaves.
 8. Receive and process Form 91SP via ETS for personnel injured on duty.
 - a. Place copies of the Form 91SP in the employee's Medical Jacket.
 - b. Complete a Form 74S, Injured with Pay Recommendation, on all approved IWP leaves.
 9. Finalize the case in ETS.
- J. Tracking Personnel on Extended Sick or IWP Leave, or on Extended Light Duty
1. The district/section/unit commander, who has an employee in an off-duty sick status for seven or more consecutive days (counting off days), or in an extended IWP or light duty status will call or email Personnel Section on Monday between 0800 and 1200 hours and provide the employee's name and the nature of the illness or injury.
 2. Personnel Section will provide the Police Chief with a list of Department employees on extended sick or IWP leave, or on extended light duty. Personnel Section will update the list weekly.
 3. Personnel Section will function as the liaison with EHS to ensure EHS is aware of employees who are on extended sick or IWP leave, or on extended light duty in the event further medical evaluation is in order.

19.106 POST CRITICAL INCIDENT TRAUMA

Reference:

Procedure 18.107 - Peer Support Program

Procedure 19.110 - Peer Support Crisis Intervention Team

Policy:

This procedure addresses the physical and emotional welfare of an officer involved in an incident resulting in death or serious injury to another.

An officer whose actions result in the death or serious injury of a person will be temporarily removed from line duty assignment pending administrative review.

This procedure is not intended to question the officer's conduct at the time of the incident or subsequent actions arising from the incident. It addresses an administrative concern for the well being of the officer involved.

Procedure:

A. After Shots Fired Take Effect:

1. Police Communications Section (PCS) will contact two on-duty Post Shooting Peer Support Team members. If on-duty team members are not available, PCS will contact off-duty team members via the Post Shooting Peer Support Team list.
2. Police Communications Section will contact the Police Psychologist, who will consult with supervisors to determine whether he should arrange to meet with the involved officer at that time. In the event that the Psychologist cannot be contacted, one of his staff members will be called.
3. If shots do not take effect, call only one Post Shooting Peer Support Team member.
4. Post Shooting Peer Support Team members officially called out by PCS will sign a Form 608 (Peer Support Program Policy) before talking with an officer involved in the shooting incident.
 - a. The responding Peer Support Team member's name will be included in the Department's official report of the incident.
5. After completing the required initial investigative process, detail the involved officer the remainder of the day to assist in the investigation.

6. The involved officer will immediately be placed on administrative leave for a period of time determined by the Police Chief. Sometime during this administrative leave the involved officer is to respond to the Police Psychologist. The nature of this consultation will be held in strict confidence. It is not an evaluation.
 - a. The Police Psychologist will call Police Personnel Section when the officer responds and follow up the call with a written communication stating the same.
 - b. Officers may see an outside or private psychologist/psychiatrist or the Public Employees Assistance Program (PEAP), but must assume the expense of such a consultation.
 - 1) Send documentation of this visit to Police Personnel Section.
 7. When the police or private psychologist/ psychiatrist recommends an officer be taken off the track, the Personnel Section Director will direct the affected district/section/unit to complete a Form 25S (Application for Leave of Absence).
 - a. Personnel Section will handle the administrative paperwork (Form 25S) and notify the officer's district/section/ unit as to changes in the officer's work status.
- B. Administrative Actions:
1. If the incident immediately precedes the involved officer's normal off days, carry the officer as "detailed" for the remainder of his tour of duty and on administrative leave for a period of time determined by the Police Chief.
 - a. Any normal off day(s) will be taken immediately following the administrative leave.
 2. Officers placed on administrative leave will not work any type of outside employment.
 3. Additional protective administrative actions may be taken by the Police Chief.

19.107 FAMILY MEDICAL LEAVE ACT (FMLA)

References:

Procedure 16.110, Personnel Accounting and Distribution
 Procedure 19.105, Sick/Injured With Pay and Special Leaves
 Family Medical Leave Act (FMLA)
 Section 585 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008
 FOP/City Labor Agreement
 AFSCME/City Labor Agreement
 Cincinnati Organized and Dedicated Employees (CODE)/City Labor Agreement
 City of Cincinnati Human Resources Policies and Procedures, Section 4.3

Definitions:

Family Medical Leave Act (FMLA) Eligible Employee:

- An employee who has worked at least 1250 hours and 52 weeks during the past 12-month period. Only time actually worked counts toward the 1,250 hours, paid leave such as vacation or holiday does not count toward the 1,250 hours.

Serious Health Condition:

- Inpatient care (admitted) in a hospital, hospice or medical care facility, to include any period of incapacity following inpatient care; or
- Incapacity Plus Treatment
 - Incapacity lasting for more than three consecutive days that also requires;
 - Treatment 2 or more times by a health care provider, within 30 days of the first day of incapacity; or
 - Treatment on at least one occasion, within 7 days of the first day of incapacity which results in a continuing regimen of care; or
- Any period of incapacity due to pregnancy or prenatal care. Generally six weeks Sick with Pay-Maternity is an approved recovery time. Additional SWP-M time will be approved if the employee's physician decides additional time is needed for recovery; or
- Any period of incapacity due to a chronic serious health condition defined as one which requires periodic visits (two or more per year),to a qualifying health care provider for treatment or continues over an extended period of time for treatment (e.g., asthma, diabetes, epilepsy)
- A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (Alzheimer's, severe stroke, terminal stages of a disease)

- Any absence to receive multiple treatments for a condition that would likely result in incapacity of more than 3 consecutive days if left untreated (chemotherapy, radiation or dialysis treatment, etc.).
- Absence for **treatment** of substance abuse is eligible for FMLA leave.
 - Absence due to an employee's **use** of alcohol or drugs is not covered under FMLA

A medical or health related condition, including but not limited to; cosmetic surgery, common cold, flu, earache or upset stomach is not generally considered to be a serious health condition, unless the condition develops into the circumstances outlined above.

Form WH-380E and Form WH-380F, Certification of Health Care Provider:

- These forms contain statements of medical facts to support certification for FMLA leave. It is to be completed by the treating health care provider. A Form WH-380E is for employees and the WH-380F is for qualified family members. A completed WH-380E or WH-380F or equivalent is required for FMLA approved leave.

Military Service

- Allows Up to 26 weeks of FMLA leave for members of the Armed Forces injured in the line of duty resulting in a serious health condition.
- Qualifying Exigency allows up to 12 weeks of FMLA leave for employees or family members who must react to a service members call to active duty, they include; short notice deployment, military related events or activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, or any activity mutually agreed upon between the employee and employer.

Covered Service Member:

- A member of the Armed Forces of the United States, including a member of the National Guard or Reserve, who is undergoing medical treatment recuperation or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list for a serious illness or injury.

Serious Injury or Illness:

- In the case of a member of the Armed Forces, including a member of the National Guard or Reserve, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Purpose:

Ensure necessary documentation of FMLA leave requests.

Establish a uniform Department procedure for requesting, recording and reporting personnel using the provisions of FMLA.

Policy:

It is City policy to provide up to 12 weeks of family and medical leave during a 12-month period to eligible employees in accordance with the provisions of FMLA. Under qualifying circumstances, eligible employees who are the spouse, child, parent, or next-of-kin of a covered service member may be entitled to 26 weeks of military family leave during a 12-month period, under FMLA law.

The use of FMLA leave can result in the loss of any employment benefit , e.g., sick time sell back, sick usage incentive, etc.

The employee's private physician will evaluate the medical condition of an employee and authorize the clearance for return to duty following FMLA leave. The Employee Health Service (EHS) physician will not be contacted for non-duty related illness/injury medical evaluations prior to the return to duty for FMLA approved leave. A supervisor can contact the EHS physician for clarification of medical terminology contained in the WH-380E or F.

When FMLA leave is requested by the employee or is determined to be FMLA leave by the supervisor, the supervisor will assist the employee in completing a Form 25S, Request for Leave of Absence. Both page one and page two of Form 25S must be completed when FMLA leave is requested. The supervisor will advise the employee a Form WH-380E or F or equivalent must be submitted for the time off to be approved as FMLA leave. A Form WH-380E or F or equivalent must be submitted by the employee whenever the FMLA leave request is the first instance of this type of illness or injury.

An employee may be required to furnish re-certification (Form WH-380E or F) of an illness relating to a previous FMLA leave. If this occurs, the supervisor will advise the employee to submit another Form WH-380E or F. A supervisor cannot request a re-certification more often than the minimum period specified in the employee's medical certification or every 30 days for the same illness whichever is greater, and only in connection with an absence.

A Form WH-380E or F or equivalent may be required for pregnancy or prenatal care related situations. An employee's entitlement to FMLA leave for a birth expires at the end of the 12-month period beginning on the date of the birth.

When the employee has a serious health condition that renders the employee unable to perform the functions of his/her position or is caring for a qualifying family member who has a serious health condition, the supervisor may require a physician's statement. If that occurs, a Form WH-380E or F or equivalent must be submitted within 15 days to receive approval for FMLA leave.

A member of EHS, Human Resources Administration or leave Administrator may contact the employee's Health Care Provider for purposes of authentication or clarification of the Form WH-380E or F, with the employee's permission only. If the employee denies permission, the FMLA leave may be denied and the employee

may be subject to corrective action.

Information:

Personnel Unit can be contacted for assistance in the determination or interpretation of FMLA requests. Additional information is available in Human Resources Policies and Procedures, Section 4.3.

FMLA provides eligible employees the right to take paid/unpaid leave for the conditions listed below:

1. Birth of an employee's child and to care for that child and/or any period of incapacity due to pregnancy or prenatal care.
2. Placement of a child with the employee for adoption or foster care.
3. Care for an employee's spouse, child, or parent with a serious health condition.
4. A serious health condition that prevents the employee from performing the functions of his/her position.
5. Any qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active military duty status, or has been notified of an impending call to active military duty status, in support of a contingency operation of the United States Armed Forces.
6. Care for a covered military service member who is the spouse, child, parent or next-of-kin, recovering from a serious illness or injury sustained in the line of duty on active military duty status in the United States Armed Forces.

FMLA enables an employee to take up to 12 weeks of leave (or 26 weeks of military family leave in qualifying situations) within a 12 month period of time, starting from the date of the first FMLA incident.

If both husband and wife work for the City and each spouse qualifies to take family leave for conditions **1-3** above, they may take a combined (aggregate) total of 12 weeks leave (not 12 weeks each). FMLA leave taken for the birth, adoption or placement of a child must be taken during the first 12 months after the arrival of the child.

- Example: Following the birth of their child, in which both spouses work for the City, each spouse uses six weeks FMLA. They have reached their aggregate limit of 12 weeks total. Each spouse will still have six weeks of FMLA leave available to them for qualifying reasons **other** than childbirth.

There are more specific time frames listed under this section.

If both husband and wife work for the City and each spouse qualifies to take family leave for condition **6** above, they may take a combined (aggregate) total of up to 26 weeks leave (not 26 weeks each).

Intermittent leave or reduced scheduled leave is authorized if medically necessary for a serious health condition of the employee, their spouse, child or parent. The leave may be taken in 12 consecutive weeks (26 weeks when applicable) or used

intermittently (take a day when needed over the year). It may, in some cases, be used to reduce the workload or workday, resulting in a reduced hour schedule. In all cases leave can not exceed 12 weeks (26 weeks when applicable) over a 12-month time period. Employees may only use qualifiable leave described in their current labor contract. Otherwise, the leave is unpaid FMLA leave.

Intermittent or reduced work week leave taken for a serious health condition should be scheduled with a supervisor prior to taking the leave. If this is not possible, the employee must provide a completed Form WH-380E or F or equivalent indicating intermittent or reduced leave is necessary. The employer reserves the right to place an employee in less than full-time status where the reduced work schedule is expected to continue indefinitely. This may result in a reduction of benefits but at no time will the employee lose his or her eligibility for healthcare.

Intermittent or reduced work week leave taken for the birth, adoption or placement of a foster child must be agreed to by the employee and the employer. This shall occur as soon as practical.

Procedure:

A. Family Medical Leave Act (FMLA)

1. The Department will follow the current City guidelines as outlined in Human Resources Policies and Procedures Section 4.3, Police Department procedures, and/or current labor agreements.
2. Final FMLA approval occurs when the employee submits a Form WH-380E or F or equivalent completed by their health care provider and it is reviewed by Personnel Unit. A Form WH-380E or F or equivalent must be submitted by the employee whenever the FMLA leave request is the first instance of this type of illness or injury. Supervisors requiring interpretation of statements or medical terminology on the Form WH-380E or F should contact the City physician. The employee's personal information will not be released.
 - a. Supervisors will notify the employee of FMLA eligibility by providing a copy of page two of the completed Form 25S.
 - 1) For phone requests, mail a copy of the Form 25S page two to the employee.
 - b. Personnel Unit will review all Forms 25S requesting FMLA leave. Notify the employee's district/section/unit when FMLA leave is approved, does not meet FMLA guidelines, or when FMLA entitlement has been exhausted.
3. Leave not taken as FMLA but assumed to qualify for FMLA during the employee's time off can still be counted as FMLA if:
 - a. The employee advises his/her immediate supervisor while on leave or within two days after returning to work.
 - 1) The employee must provide a Form WH-380E or F or equivalent verifying that the leave was an FMLA qualified

leave. An employee must submit a completed Form WH-380E or F or equivalent within 15 days of returning to work.

4. Unpaid FMLA leave

- a. Employees may be required to use vacation or compensatory time in lieu of unpaid FMLA leave.
- b. Refer to the employee's current labor contract to determine which types of leave may be used for FMLA once their sick leave balance has been depleted or the employee's absence is no longer eligible under applicable sick leave policy.

B. Employee Responsibilities: FMLA Requests

1. If the need for leave is not foreseeable, then notify a supervisor from the assigned unit within 2 business days or as soon as practicable. If the need for leave is foreseeable, then notify supervisor at least 30 days in advance or as soon as practicable. Submit a Form 25S detailing the reason for the FMLA leave request. For phone requests, the supervisor will complete the Form 25S in detail, including the top portion of page two. Include the following information:
 - a. The specific nature of the illness, injury, or in cases of military family leave, the qualifying exigency.
 - 1) The employee should advise the supervisor if the illness, injury, or qualifying exigency is believed to be or is FMLA leave eligible.
 - b. How long you expect to be off duty.
 - c. Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
2. Provide a completed Form WH-380E or F or equivalent when required.
3. Department employees will be governed by their current labor contract and the Human Resources Policies and Procedures.

C. Supervisor Responsibilities

1. Upon receiving notice an employee is requesting FMLA:
 - a. Document the information provided by the employee on a Form 25S and designate if the requested leave is FMLA eligible. Process the Form 25S, both page one & page two, immediately.
 - 1) Assist the employee as necessary in filling out the Form 25S, including page two. Give or send a copy of the Form 25S to the employee. This provides the employee with immediate approval of FMLA leave.
 - 2) In the "Reason" section of the Form 25S explain in detail why

the employee is requesting FMLA leave.

- 3) Indicate the recommendation of approval or disapproval of the use of FMLA leave on the Form 25S.
 - a] If unable to determine if the leave is FMLA eligible but it is believed to be, approve the leave as FMLA and provide the employee with a copy of the completed Form 25S. This gives the employee immediate approval of FMLA leave pending the receipt of a Form WH-380E or F or equivalent.
 - 1] The supervisor must list specific details indicating why the leave is FMLA eligible.
- 4) Forward the Form 25S and Form WH-380E or F or equivalent through the chain of command to the district/section/unit commander.
- 5) The supervisor will notify the employee if the time off does not meet FMLA guidelines as determined by Personnel Unit.

D. Responsibilities of the District/Section Commander

1. Upon receipt of a Form 25S for FMLA leave:
 - a. Review and sign indicating approval or disapproval of the use of FMLA leave.
 - 1) The district/section commander will ensure the required notification of approval or disapproval is made within the time specifications established by FMLA.
 - b. Forward the original to Personnel Unit daily. Ensure the employee submits a completed Form WH-380E or F or equivalent to receive final FMLA approved leave.
 - 1) Maintain a copy in the employee's Medical Jacket.
2. Note the date of return on the unit copy when an employee returns to duty. Send a copy to Personnel Unit.
3. Ensure the district/section/unit timekeeper tracks all FMLA leave so no employee is carried on FMLA leave more than 12 weeks in a 12-month period.
 - a. For cases in which the employee is entitled to military family leave as a caregiver for a covered service member, ensure that FMLA leave does not exceed 26 weeks in a 12-month period.
4. Ensure the appropriate Time Book Symbols are used to reflect FMLA time taken.

E. Responsibilities of Personnel Unit.

1. Receive copies of Form 25S for FMLA.
2. Review requests for FMLA to ensure Department compliance. FMLA time off cannot receive final approval without the required Form WH-380E or F or equivalent.
 - a. Personnel Unit reviews all FMLA requests as the Police Chief's designee.
 - 1) If the request does not meet FMLA guidelines, Personnel Unit will complete and forward a Form WH-382 to the employee.
3. File the Form WH-380E or F or equivalent with the corresponding Form 25S
4. Maintain an updated list of employees who have taken leave under the provisions of FMLA.
5. Provide the Police Chief with a list of Department employees on FMLA leave through the weekly leave report.
6. Serve as the Department liaison with EHS.

19.109 AUTOMATED EXTERNAL DEFIBRILLATOR

References:

American Heart Association – Healthcare Provider (CPR/AED)
 Ohio Revised Code Chapter 2305.235 – Immunity of Person Involved with
 Providing Automated External
 Defibrillation
 Ohio Revised Code Chapter 3701.85 – Automated External Defibrillator –
 Requirements for Use
 House Bill 717 -122nd General Assembly
 Federal Occupational Health – Public Access Defibrillation Guidelines

Definitions:

Automated External Defibrillator (AED) - An automated computerized medical device programmed to analyze and interpret the heart rhythm of a person in cardiac arrest. The device will advise through voice instructions if an electrical shock is appropriate and will prompt the user to push the shock button to deliver an electrical shock.

Cardiopulmonary Resuscitation (CPR) - Rescue breathing and external cardiac compression applied to a victim in respiratory and/or sudden cardiac arrest.

Sudden Cardiac Arrest (SCA) - A significant life-threatening event which occurs when a person's heart stops or fails to produce a pulse due to ventricular fibrillation or ventricular tachycardia (unorganized electrical activity or arrhythmia of the heart).

Public Access Defibrillation (PAD) Medical Director - A supervising physician who provides medical direction and oversight of the Department's PAD program.

Automated External Defibrillator (AED) Program Coordinator - A Training Section supervisor responsible for the training, application, and oversight of the Department's AED program. The supervisor is responsible for notifying the PAD medical director when an AED is used in an SCA incident.

Automated External Defibrillator (AED) Site Coordinator - A district/section/unit sworn/non-sworn supervisor designated to ensure the completion of forms which document the use of the AED for a SCA. The supervisor will complete monthly maintenance checks of the AED.

Purpose:

Familiarize Department employees with guidelines for training, application, location, maintenance and the notification process in the use of the AED.

Policy:

All employees of the Cincinnati Police Department who are certified as Healthcare Providers in CPR/AEDs will provide aid to anyone who is in sudden cardiac arrest (SCA) by following the early defibrillation response procedure. Training Section will maintain a list of all certified employees. Only personnel certified in the use of the AED will operate the device.

The Training Section commander will designate a Training Section supervisor to coordinate the AED program.

The AED program coordinator is designated as the Department's liaison regarding all matters on the Department's PAD program. The AED program coordinator will insure a Form 17, Notification of Intent to Renew CPR/AED Certification, is forwarded to non-sworn employees within 30 days of expiration of their certification.

District/section/unit commanders will designate a sworn/non-sworn supervisor certified in CPR/AED training as the AED site coordinator to maintain the AED(s) within their facility.

AEDs must be tested and maintained as required by the manufacturer's guidelines. The periodic testing and maintenance of AEDs outlined in this procedure complies with the manufacturer's routine maintenance guidelines as indicated in the owner's manual and supplied with each AED.

Information:

Millions of Americans suffer from cardiovascular disease. One-third of cardiovascular deaths are a result of cardiac arrest, the sudden and unexpected loss of heart function. Most often, cardiac arrest is due to chaotic beating of the heart (ventricular fibrillation) which can be restored to a normal rhythm if treated early with electric shock (defibrillation). For every minute that passes between the cardiac arrest and defibrillation, the probability of survival decreases by 7 to 10 percent. After 10 minutes, the probability of survival is extremely low.

The American Heart Association (AHA) advocates establishing a Public Access Defibrillation (PAD) program that places AEDs close to the victim to ensure the people most likely to arrive first at a medical emergency are equipped to provide the proper help. "Public Access", should not be interpreted as any citizen having the right to use an AED; the term only refers to the accessibility of the device by persons who have been certified in the use of AEDs. The AHA recommends, when practical, AEDs be placed in locations throughout a workplace that will permit the use of AEDs within three to five minutes of a recognized cardiac arrest. The AED automatically assesses the victim's heart rhythm and if necessary, will prompt the user to push the shock button to deliver an electrical shock. The AED will not deliver a shock (even if the shock button is depressed by the user) unless the heart rhythm is determined to be shockable.

All sworn employees receive mandatory training and certification in CPR and the use of the AED every two years as approved by and in accordance with AHA guidelines for the Healthcare Provider.

Non-sworn employees may volunteer to receive approved AHA training to acquire CPR/AED certification.

AEDs are prescription devices. Plans and procedures must be approved by the PAD medical director before authorization is given for a prescription for the procurement of the device(s).

All Cincinnati Police Department facilities are equipped with the Phillips HeartStart FRx defibrillator which is easily identified in its bright red carry case and is mounted next to the AED wall sign for quick reference.

AEDs are typically placed in common areas. Personnel should familiarize themselves with the location of the AED within their facility.

The AED comes with a battery installed, a carrying case with a quick reference guide, a spare battery, two sets of defibrillation pads, and an Infant/Child Key (when treating an infant or child less than 55 pounds). Attached to the AED is a personal protection kit containing scissors, razor, gloves, hand towel and pocket breathing mask. Excess hair on the subject's chest should be removed with the supplied razor; a smooth shave is not required. Place used items and potentially hazardous materials in a biohazard bag.

Upon the use of an AED for a SCA, supervisors must ensure the proper reports are completed to document the incident for medical review and to evaluate the medical response. The AED Incident Report form is part of the patient care record and is confidential to both the victim of an SCA and the Cincinnati Police Department. To comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) laws, the personal information of a victim of a SCA will not be released.

Supervisors will complete a Form 91SP, Supervisory Investigation of Employee Injury, for injuries to employees occurring as a result of a SCA. Contact Personnel Section when unable to determine if a Form 91SP must be completed.

The Employee Health Service (EHS) physician will not be contacted when an employee is the victim of a SCA which does not result in the employee sustaining injuries.

Procedure

- A. Medical Emergency Response requiring the Use of the AED
1. Personnel on the scene who become aware of a medical emergency will immediately contact PCS via radio or by dialing 911 and provide the location of the emergency and necessary medical information for responding Fire Department personnel.
 - a. If a department member is the victim of a SCA or when circumstances are warranted, consider requesting a Peer Support Crisis Intervention Team member respond.
 2. Request a supervisor respond to the scene.
 3. Only personnel certified in the use of the AED will operate the device.
 4. The AED will be applied only to subjects who are unresponsive and not breathing.
 5. The AED should be used only on dry surfaces.
 - a. If the victim of an SCA is lying on a wet surface, remove the victim to a dry surface. If victim is wet, dry the victim before applying the pads.
 6. Turn on the defibrillator and follow its prompts.
 7. Insert the Infant/Child key when the victim of a SCA is less than 55 pounds.
 - a. The defibrillator automatically reduces the defibrillation energy and provides specific voice and CPR coaching for the treatment of infants/children.
 8. Defibrillation shocks are to be delivered only in accordance with Training Section's early defibrillation response procedure. If the device advises **no shock**, follow the approved AHA protocols for patient care and CPR as indicated below.
 - a. If subject is not breathing and there are no signs of circulation, administer CPR until:
 - 1) Subject regains signs of circulation.
 - 2) The defibrillator prompts the user to stop CPR so it can perform analysis.
 - 3) Fire Department personnel arrive and assume care of subject.

9. The AED can be used on persons with an implantable pacemaker or internal defibrillator; however, the pads should not be placed directly over the implanted device. Place the defibrillation pads as close to the recommended pad placement area as possible.
 10. Do not remove the pads or turn off the device unless prompted by Fire Department personnel.
 11. Care of the subject will transfer to Fire Department personnel upon their arrival.
 12. Place all potentially hazardous material in a biohazard bag to be transported to a fire station or a hospital for disposal.
- B. Reporting the Use, Maintenance, and Annual Review of the AED
1. Upon notification of the use of an AED for a SCA, the responding supervisor will:
 - a. Ensure an AED Incident Report form is completed.
 - 1) Complete Part 1 and Part 2.
 - b. Forward a copy of the AED Incident Report form to the AED site coordinator.
 - c. Forward the original AED Incident Report form to the AED program coordinator.
 - d. Complete Form 91SP, Supervisory Investigation of Employee Injury, for an injury to an employee which occurs as a result a SCA, e.g., an employee receives a head injury as a result of a fall before, during or after a sudden cardiac arrest incident.
 - 1) An employee suffering a SCA without reported injuries does not require the completion of Form 91SP.
 - e. Complete Form 18I, Injury to Prisoner, when a prisoner is the victim of a SCA not the result of the use of force, while under or just prior to police control, requiring the use of an AED.
 - 1) If the arrested is seriously injured or is admitted to a hospital including for observation purposes only, immediately notify the district/section/unit commander of the facility where the incident occurred, the affected bureau commander and the Night Chief/Duty Officer, if on duty.
 - 2) The on-duty command officer will determine whether CIS will be notified.
 - f. Make a blotter entry describing the incident and action taken.

- 1) To comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) laws, the subject's name and other personal information will not be released.
2. The AED Site Coordinator will:
- a. Upon review and approval, forward the copy of the AED Incident Report form to the AED program coordinator.
 - b. Immediately complete a post-use safety check of the AED.
 - 1) Inspect the defibrillator for damage, missing parts, and for the presence of biohazard material.
 - a) Use a soft cloth dampened in soapy water; or two (2) tablespoons of chlorine bleach per quart of water; or 70% isopropyl (rubbing) alcohol to clean biohazard material located on the device. Do not use solvents or abrasive materials.
 - b) Immediately report damaged, missing or used parts to the AED program coordinator.
 - c. Ensure a new set of SMART Pads II is connected into the cable connector.
 - 1) Spare pads are located in the carry case
 - 2) If the pads are not connected or are not seated properly, the defibrillator will begin to chirp and the "i"-button will flash.
 - d. Perform a battery insertion test by removing the battery for five seconds and reinstalling it, replace the battery if indicated.
 - 1) A spare battery is located in the carry case.
 - 2) Upon completion of the self-test, the green "Ready" light will blink indicating the battery and defibrillator are ready for operation.
 - e. Check accessories and spare supplies for damage and expiration dates.
 - f. Perform a monthly inspection of the AED(s) and complete the AED Monthly Maintenance Checklist form by the 10th of each month.
 - 1) Forward a copy of the AED Monthly Maintenance Checklist form to the AED program coordinator, list any problems or concerns with the defibrillator.

3. The AED Program Coordinator will:
 - a. Forward the AED Incident Report form to the PAD medical director.
 - b. Ensure the incident data stored in the AED's internal memory is downloaded within twenty-four hours after a SCA incident.
 - 1) The downloaded data will be forwarded to the PAD medical director.
 - 2) A printed copy of the data retrieved from the data card will be maintained by the AED program coordinator.
 - c. Ensure replacement of the necessary supplies for each of the AEDs e.g., personal protection kit, battery pack, defibrillator pads, etc.
 - d. Conduct a debriefing with the defibrillator operator and other personnel at the scene within 3 days to evaluate any deficiencies in the response and application of the AED.
 - e. Maintain a file of the AED Incident Report forms and the AED Monthly Maintenance Checklist forms.
 - 1) If the victim of a SCA is a Department employee, file the AED Incident Report in the employee's medical jacket.
 - 2) If the victim of a SCA is someone other than a department employee, a separate file must be maintained.
 - f. Forward Form 17, Notification of Intent to Renew CPR/AED Certification, to non-sworn employees within 30 days of expiration of certification, verifying the employees intent to re-certify.
 - g. Annually review the PAD program with the PAD medical director for updates on information and recommendations for implementation based upon current scientific literature.
 - 1) Revisions require a new or renewed prescription and must be authorized by the PAD medical director.

19.110 PEER SUPPORT CRISIS INTERVENTION TEAM

Reference:

Procedure 18.107 - Peer Support Program
Procedure 19.106 - Post Shooting Trauma
CALEA Standard 1.3.8

Definition:

Crisis - Traumatic event, whether on or off duty, that affects a department employee. The employee may show the following signs of being traumatized after being victimized or experiencing the event(s):

1. Obvious physical signs of emotional trauma (e.g., crying, shaking, shock)
2. Heightened sense of danger
3. Sleep difficulties/nightmares
4. Flashbacks/intruding thoughts
5. Emotional numbing
6. New depression
7. Guilt/sorrow/remorse
8. Suicidal thoughts
9. Feeling loss of control - panic/anxiety attacks
10. Other behaviors not characteristic of the person, based upon past knowledge

Policy:

Ensure a department employee's mental and emotional well being after experiencing a traumatic event. The employee may receive assistance from the peer support program, assessment and counseling by the Police Psychologist, and/or administrative leave.

This procedure is not intended to question the employee's conduct at the time of the incident or subsequent actions arising from the incident. It addresses the administration's concern for the employee involved.

This policy applies to situations in which an employee has faced the clear and immediate threat of death or has been involved in an incident where death occurs. This may include, but is not limited to, the following:

1. A person takes control of an officer's weapon and attempts to kill or wound the officer or someone else.
2. An officer is fired upon or attacked to the extent that his life was in serious peril.
3. A person dies while in the custody of an officer.

4. An employee is unsuccessful in preventing a person from dying (e.g., suicide, attempting to save a child in a fire, or someone taking the life of another).
5. Any traumatic incident where the employee could benefit from peer support/psychological counseling.

Procedure:

A. Selection Criteria:

1. Current peer support team members will be selected for the Peer Support Crisis Intervention Team based on:
 - a. Their level of maturity and life experiences.
 - b. Having already experienced a traumatic event.
 - c. Their ability to relate to people empathetically (good listener).
 - d. A minimum of four years of police experience or equivalency.
 - e. Their willingness to volunteer their time (respond whenever called).
 - f. Successful completion of specialized training.

B. Peer Support Crisis Intervention Team Member Role:

1. Provide assistance to any department employee or family member in identifying their own concerns and assist or direct them toward self help or other referral needs.
2. Provide follow-up support as long as needed.

C. Traumatic Event or Crisis:

1. When an employee is experiencing any of the symptoms listed above:
 - a. A supervisor can recommend, request, or order an employee to make an appointment with the Police Psychologist.
 - b. An employee can:
 - 1) Request an appointment on his own with the Police Psychologist,
or
 - 2) Seek out a Peer Support Crisis Intervention Team member.

2. When an employee is involved in a traumatic event or crisis:
 - a. Police Communications Section (PCS) will contact an on-duty Peer Support Crisis Intervention Team member. If an on-duty team member is not available, PCS will contact an off-duty team member, via the Peer Support Crisis Intervention Team list, to provide assistance to the employee.
 - 1) Peer Support Crisis Intervention Team members officially called out by PCS will sign a Peer Support Program Policy (Form 608) before talking with an employee involved in a traumatic event or crisis.
 - a) The responding Peer Support Crisis Intervention Team member's name will be included in the Department's official report of the incident.
 - b. PCS will also contact the Police Psychologist, who will consult with personnel familiar with the incident.
 - 1) The psychologist will then determine whether it is necessary to meet with the employee at that time.
3. The employee will be placed on administrative leave. During this time, the employee will meet with the Police Psychologist for debriefing, support, and guidance. The Police Psychologist will determine if additional psychological intervention is needed. If the Police Psychologist decides time off is necessary, he will contact Police Personnel Section.
 - a. Administrative leave, sick with pay (SWP), or injured with pay (INU or IUF) may be granted upon approval of the Personnel Section Director.
 - 1) The Personnel Section Director will direct the affected district/section/unit to complete an Application for Leave of Absence (Form 25-S).
 - a) Personnel Section will handle the administrative paperwork and notify the employee's district/section/unit as to changes in the employee's work status.
 - b. Employees may see an outside or private psychologist/psychiatrist while on administrative leave, but must assume the expense of such a consultation. Employees may also contact the Public Employees Assistance Program (PEAP).
 - 1) Send documentation of this visit to Personnel Section.

19.130 LIMITED DUTY PERSONNEL

Reference:

Americans with Disabilities Act (ADA)

Procedure: 19.140, Outside Employment

Procedure: 13.110, Assignment, Rotation and Transfer of Personnel

Policy:

The Police Department recognizes its responsibility in retaining personnel, who have performed satisfactorily, but have become temporarily or permanently incapacitated.

The Department may, under certain circumstances, retain permanently limited duty employees.

When an employee is injured or ill to the extent they can no longer perform the usual work of their job classification responsibilities in the foreseeable future, the employee's district/section commander will request a medical evaluation and prognosis from the City Physician. If the City Physician determines the employee will not be able to return to full duty, either the medical separation process will begin or the employee may be placed in a permanent limited duty position.

Procedure:

A. Temporary Limited-Duty Assignments:

1. The Personnel Section Director will assign all personnel placed on temporary limited duty based upon the needs of the Department.
 - a. District/section commanders or acting commanders will advise the Personnel Section Director if temporary limited duty personnel can be utilized in their current unit of assignment.
 - b. Appeals of the Personnel Section Director's decision will be to the Director's Bureau Commander or the Police Chief.

B. Outside Employment While on Limited Duty:

1. Outside Employment Extension of Police Service Details

- a. While Police Department members are on limited duty status, they are prohibited from engaging in outside employment as an extension of police service, whether in uniform or civilian clothes. Since limited duty officers are unable to provide a full range of services while on duty, they could not be expected to do so if engaged by a private employer.

2. Outside Employment Not Police Related

- a. This type of employment will be permitted as long as it does not exceed the individual's capabilities and does not conflict with his/her limited duty status. The work restrictions and/or limitations noted on the City Physician's report will be considered in determining an individual's capabilities. If an individual's outside employment activity exceeds his/her restrictions and/or limitations, the employee should be referred to EHS for re-evaluation. If restrictions are lifted, he/she will be returned to full duty. If restrictions affirmed, he/she will be on restricted duty and be restricted from outside employment.

C. Medical Separations:

1. A letter from the Police Chief and countersigned by the Human Resources Department Director will be given to the affected employee advising him/her that due to his medical status and prognosis, he/she will be medically separated. The letter will contain:
 - a. The specific date of separation, which will usually be the Sunday closest to 60 days from the date of the letter.
 - b. A statement regarding the Civil Service appeal for reinstatement after separation, when appropriate.
 - c. A due date for a written response to the Police Chief if the employee believes the injury/illness is covered by the Americans with Disabilities Act (ADA), and the employee is requesting accommodation under ADA. This due date will be 10 days from the date of the notification letter. The employee must complete an ADA request for accommodation form, which is attached to the medical separation letter and include a letter from their physician stating their specific limitations.
2. The Department will ensure any request for an ADA accommodation will be immediately reviewed by the Police Department ADA review team which is coordinated by the Personnel Section Director.

- a. Within 5 days after the decision by the review team and following approval by the Police Chief, a written decision will be provided to the employee.
 3. If the request for accommodation can be handled within the Police Department, Police Personnel Section will coordinate the process including the necessary paperwork.
 4. If a request for accommodation cannot be handled within the Police Department, the Personnel Section Director will forward the request to the City ADA coordinator. That coordinator will review the request and search for possible accommodations on a city-wide basis in an attempt to accommodate the employee.
 - a. The City ADA coordinator will remain in contact with the Personnel Section Director and the affected member.
 - b. A written decision will be sent to the affected member as quickly as possible.
 - c. The employee will have 10 days to notify the Police Chief of his intent to accept or decline the accommodation.
 5. If the employee's request does not meet the requirements for an accommodation under the ADA law, he/she will be notified in writing within 5 days after the decision by the review team and following approval by the Police Chief.
 6. Appeal of either the Police Department or the City ADA Coordinators' written decision can be made to the Human Resources Department Director with 10 days of receiving the decision.
 7. If the employee is not successful in the appeal process, the medical separation date will be reinstated.
- D. Permanent Limited Duty Sworn Employees
1. Any sworn employee who is placed in a permanent limited duty ADA accommodation status will be relieved of his/her Department issued firearm and powers of arrest. By doing so, the employee will have no authority or responsibility to take police action which could further aggravate his/her injury.
 - a. All police equipment will be surrendered immediately upon notification of permanent limited duty status.

- b. ID card will be reissued with stamp of permanent limited duty status.

19.131 EMPLOYEE PREGNANCIES

References:

Procedure 19.130 - Limited Duty Personnel

Procedure:

A. Guidelines on Employee Pregnancies:

1. When an employee advises her supervisor she is pregnant, yet requests to remain in a regular duty status:
 - a. Her supervisor will advise her of the risks involved in her current duty assignment.
 - b. She will submit a Form 17 advising of her condition, recognizing the risks involved in remaining in her present assignment, and acknowledging that, at the present time, she declines reassignment to a limited duty status.
 - c. The Personnel Section Commander will make the final decision.
2. Pregnant employees will remain on unrestricted duty until:
 - a. The employee requests to be placed in a limited duty status.
 - 1) Immediately place the employee on limited duty status. She has three working days to present a physician's certificate to Employee Health Service (EHS) verifying her condition.
 - b. The employee and her private physician determine she should be placed in limited duty status.
 - 1) Immediately place the employee on limited duty status. She has three working days to present a physician's certificate to EHS verifying her condition.
 - c. The employee's ability to perform her required duties is impaired as determined by:
 - 1) The employee's immediate supervisor.
 - 2) The employee's inability to wear proper uniform attire. Larger uniform parts will be supplied from stock upon request.
 - 3) In such cases, the employee will have appeal rights through the chain of command to her bureau commander.
 - a) The employee may be required to respond to EHS for evaluation.

- b) The Personnel Section Commander will confer with the EHS physician before final determination.
- 3. An employee will be returned to full duty status upon presenting a certificate of clearance to EHS from the attending physician.
 - a. Certification presented to EHS from the employee's private physician will be sufficient for both verification of pregnancy and clearance to return to regular duty.
 - 1) After presenting this certificate, EHS will perform no exams.
 - b. If any question exists, EHS may consult the attending physician.
 - c. The Police Chief or designate will decide any unresolved issues.
- 4. Every effort will be made to return the employee to her previous assignment upon return to full duty status.

19.135 ANNUAL VACATION POLICY

Reference:

Procedure 12.817 – Court Management System (CMS)
City of Cincinnati Administrative Regulations
Human Resource Policies and Procedures
Current Fraternal Order of Police (FOP) Labor Agreement
Current American Federation of State, County, and Municipal Employees
(AFSCME) Labor Agreement

Purpose:

Ensure compliance with Human Resource Policies and Procedures and current City/FOP and City/AFSCME labor agreements.

Provide a timely and fair way of selecting and taking vacations.

Enable bureau commanders to project staffing levels.

Procedure:

A. Annual Vacation

1. District/section/unit commanders will manage vacation selections of personnel to ensure an adequate staffing level.
2. Each sworn employee and permanent non-sworn Division 1 employee receives annual vacation leave according to the current labor agreement.
3. Each permanent non-sworn Division 0 employee receives annual vacation leave according to Human Resource Policies and Procedures.
4. An employee does not have to take an annual vacation. An employee may accumulate vacation time according to the maximum accumulation schedule.
 - a. Each employee is responsible to ensure accrued vacation does not exceed the maximum accumulation stated in the current labor agreement or Human Resource Policies and Procedures.

B. Vacation Selection

1. Bureau, district, section, and unit commanders will appoint acting commanders during their vacation absence.
2. The vacation year consists of 26 two week blocks beginning with the first Sunday of the pay period on or after January 1st of each year.
 - a. Employees may pick one week or one consecutive two week vacation in each round of selection. The number of rounds will be determined by the amount of vacation time an employee has accrued in one year.
 - b. A vacation week begins on Sunday and ends the following Saturday.
3. Units must have the vacation schedule completed and posted by the first Monday in March.
4. Employees transferred after vacation selection will not have to change previously approved vacation time.
5. Police officers and specialists selecting together will pick vacations by seniority within established work groups (shift, unit, office, etc.).
 - a. Selections within the work group are by seniority determined by date of appointment as a police recruit.
 - 1) If two or more officers were appointed recruits on the same day, vacation selection seniority is determined by the employee's numerical grade on the overall entrance level eligibility list.
6. Vacation selection in the sworn ranks above police specialist is by seniority within the work group determined by date of appointment to the current rank.
 - a. If two or more employees in the same work group were promoted on the same day to the same rank from the same overall promotional eligibility list, vacation seniority is determined by final overall numerical promotional examination ranking.
7. Non-sworn employees will select vacations within the work group by classification and then seniority determined by the employee's appointment date to that classification.

- a. Exception: When two employees with separate but equal (according to pay scale) classifications operate in the same work group, their vacation selection will be combined. Seniority in either classification will be the determining factor.
 - b. If two or more employees in the same work group were promoted on the same day from the same or equal (according to pay scale) overall promotional eligibility list, vacation selection seniority is determined by their final overall numerical promotional examination ranking.
8. Employees restored from military service, layoff, retirement, or a retiree hired for a different job with no break in service keep their original seniority date.

C. Vacation Time

1. Supervisors may grant non-preselected vacation time in any time increments provided enough personnel are on duty to meet service demands.
2. Supervisors must enter preselected vacation into the CMS. Prior to approval of non-preselected vacation, supervisors must review the CMS for scheduled court.
3. Employees will document use of vacation time by submitting a Form 25S, Request for Leave of Absence, to the unit commander.
4. When a non-sworn employee requests vacation time supervisors are required by the AFSCME contract to respond to the non-sworn employee's request within a specified amount of time.
 - a. Non-sworn personnel requesting vacation time off must personally hand their Form 25S to their supervisor.
 - b. The supervisor will record the date and time the request was received and sign in the "Supervisory Action" section of the Form 25S.
 - 1) The supervisor will provide the employee with a copy of the Form 25S as a receipt.
 - 2) The supervisor has five days (120 hours) to respond to the non-sworn employee's request for time off.

- 3) The non-sworn employee will follow up with the supervisor prior to the five day deadline with the date and time of the follow up noted on the Form 25S.
 - a) The supervisor must notify the employee the time is approved or denied prior to the expiration of the fifth day (120 hours).
- 4) If the non-sworn employee has followed up with the supervisor but does not have an answer by the deadline, the request will be deemed to have been approved.

D. Special Provisions

1. An employee hospitalized while on vacation will have his status changed from "Vacation" to "Sick with Pay" for the actual days hospitalized.
2. A sworn employee on injured-with-pay (IWP) status will earn vacation time at the normal rate.
3. A sworn employee on vacation and called in for emergency duty may choose:
 - a. Pay at time and one half instead of regular vacation, or
 - b. Regular pay plus another day of vacation.
4. A non-sworn employee on injured-with-pay (IWP) status does not earn vacation time at the normal rate.
5. A Division 1 non-sworn employee on vacation and called in for emergency duty may choose:
 - a. Pay at double time plus regular pay for the vacation, or
 - b. Pay at double time and take the vacation later.
6. Most Division 0, 5 and 8 employees are not eligible for overtime compensation. Police Personnel Section has a list of those classifications eligible for overtime compensation.

19.140 OUTSIDE EMPLOYMENT

Reference:

FOP/City Labor Agreement
Manual of Rules and Regulations - 1.05, 1.08, 1.12
Personnel Policies and Procedures 2.3
Procedure 19.105 - Sick/Injured With Pay and Special Leaves
Procedure 19.107 - Family Medical Leave Act
Procedure 19.130 - Limited Duty Personnel
City of Cincinnati Special Events Policies and Procedures
Fair Labor Standards Act

Definitions:

Outside Employment: Any employment, whether or not in exchange for a fee or other service. Outside employment does not include military duty or volunteer charity work unless the volunteer charity work is an extension of police services.

Outside Employment Extension of Police Service Details: The off-duty use of enforcement powers and training as provided to Department members by the City. In the case of extension of police service employment, the employer hires not the individual, but the uniform, badge, gun, and authority of the officer. This activity must remain closely regulated. All rules, regulations, policies, procedures, and directives applicable to officers in an on-duty status also apply to officers engaged in extension of police service outside employment.

Outside Employment Not Police-Related: Any employment not requiring the use of law enforcement powers, training, or equipment by an off-duty officer.

District Detail Coordinator: A member of the Department, assigned by the district commander in each of the five districts, who will be responsible for processing all open/blanket permit outside employment extension of police service details within that district.

Private Detail Coordinator: A member of the Department who is responsible for closed private employer outside employment extension of police service details. This coordinator will be the highest-ranking officer in charge of the outside employment extension of police service detail.

Policy:

The Department prohibits employment that presents a potential conflict of interest, or reflects an abuse of official position that could give rise to illegal or unethical practices.

The FLSA (Fair Labor Standards Act) forbids officers to volunteer extension of police services. If an officer desires to perform police-related services for a charitable or religious institution, a work permit must still be obtained and payment for services provided must be tendered, based on the hourly amount currently in effect. If the officer wishes to donate the proceeds earned back to the charitable or religious organization it is solely the decision of the affected officer. Officers desiring to follow this course of action must consider the tax consequences involved.

Personnel are expected to perform all lawful and reasonable duties and tasks related to their detail assignment. Any disputed duties or tasks must be brought to the attention of a supervisor as soon as practical for resolution. Substantiated complaints of unsatisfactory performance may result in disciplinary action and/or detail suspension as deemed necessary by the Police Chief.

Prohibitions include, but are not limited to, the following:

1. Department members are not permitted to sign up for, or otherwise indicate they are available to work, any more than one outside employment detail scheduled for a specific date and time. Department members are not permitted to sign up for, or otherwise indicate they are available to work, outside employment details if the working hours of the details overlap.
2. Sworn personnel, whether on duty or working a detail, may not handle currency or deposit bags. Sworn personnel are limited to escorting a responsible business employee.
3. Employment or interest in any vending machine company or service. This does not prohibit sworn or non-sworn personnel from purchasing, renting, or leasing vending machines from vending machine companies.
4. Employment of sworn or non-sworn personnel by a business to investigate or collect accounts, including repossession of automobiles and collection of debts.
5. Pre-employment investigations by sworn or non-sworn personnel for private industry. For this procedure, pre-employment polygraph examinations are not considered pre-employment investigations.
6. Any type of work by sworn or non-sworn personnel related to bail bonding.
7. Work by sworn personnel as a chauffeur for a limousine for hire company.
8. Any employment of sworn or non-sworn personnel which assists, in any manner, the case preparation for the defense in any criminal action or proceeding.

9. Any type of work by sworn personnel for, interest in, or ownership of a liquor permit premise where alcoholic beverages are sold by the glass. In the interest of public safety, the Police Chief may approve blanket permits for liquor permit premises on a case by case basis.
10. Plainclothes shoplifting details by sworn personnel. Exceptions may be made by the Police Chief for extenuating circumstances on a case by case basis.
11. Personnel in covert, undercover assignments may work uniformed, police-related outside employment details with prior authorization from the requesting officer's bureau commander. All officers working these detail assignments will comply with Department uniform and grooming standards.

Procedure:

A. Outside Employment Approval

1. All employees must obtain the Police Chief's written approval before engaging in outside employment. The employee requesting permission to work outside employment must verify via Detail Coordination Unit (DCU) that their request has been approved prior to working the outside employment.
 - a. Employees will complete a Form 668, Outside Employment Work Permit, for all outside employment requests and submit them through their district/section/unit commander.
 - 1) Forms 668 must include the employer's state workers' compensation number.
 - a) The only exception is outside employment, not police-related, where the Department employee is a sole proprietor or partner. Sole proprietors and partners without employees have the option of carrying workers' compensation insurance.
2. A Form 668A, Acknowledgment by the Secondary Employer, must be completed or renewed:
 - a. Annually, on or about January 1, for permanent secondary employers.
 - b. Once per calendar year for temporary secondary employers.

3. After review and approval, the district/section/unit commander will forward the Form 668, and Form 668A when necessary, through the bureau commander to DCU.
 - a. If a detail is in a district other than the unit of assignment, the requesting officer will obtain his unit commander's approval and then the affected district commander's approval before obtaining his bureau commander's approval.
 - b. If police-related services are to be rendered in another police jurisdiction, the requesting officer must obtain a letter of approval from the "chief law enforcement official" of that agency. Submit the letter to the Police Chief with the work permit. The Police Chief will consider each request on a case by case basis.
 - c. A unit/shift OIC (officer in charge) may approve requests for police-related outside employment of an urgent nature pending the immediate processing of the necessary forms.
4. DCU will review all outside employment forms for completeness and compliance with procedure. After review, DCU will forward the forms to the Police Chief.
5. Once approved, DCU will file the original Forms 668 and 668A in the master work permit file.
 - a. DCU will make additional copies and route them, if necessary.
 - b. Officers must submit any changes to the Form 668 by completing a new Form 668 and sending it to DCU.
 - 1) DCU will forward the new Form 668 to the Police Chief for approval.
6. Employees or detail coordinators may cancel an outside employment work permit by submitting a Form 17 through channels to DCU.

B. Blanket Permits

1. Blanket permit details require the completion of Forms 668 and 668A. These forms will cover all assigned personnel who work the detail.
 - a. The district/section/unit responsible for administering blanket detail permits will complete Forms 668, 668A, and 668B, Detail Assignment Roster.

- b. DCU will complete Forms 668, 668A, and 668B for the blanket detail permits under their control.
 2. A monthly negative report listing all inactive permits is required for each reporting period, or permits will be canceled.
- C. Position Vacancy Overtime (PVO)
 1. Districts/sections/units will provide DCU with a copy of the report listing all PVO worked during a calendar month. Submit the report to DCU by the 5th of the following month.
- D. Detail Coordinators
 1. Each police-related outside employer detail must have a detail coordinator. If only one officer works the detail, that officer is the detail coordinator.
 - a. District Detail Coordinator Job Responsibilities: Each district detail coordinator will follow the district SOP for their position. Processing will include, but is not limited to, receiving, posting, selecting, scheduling, assigning officers, and entering each outside employment extension of police service detail into the DCU database prior to the detail being worked by the assigned officer. The district detail coordinator will complete an accurate, typed Form 668B for all blanket permit details, whether worked or not, and submit to DCU by the 5th of the following month.
 - b. Private Detail Coordinator Job Responsibilities: The private detail coordinator's responsibility will consist of scheduling and assigning officers to work the outside employment extension of police service detail. The private detail coordinator will provide DCU with a monthly schedule of the dates, times, location and the names of the officers assigned to the outside employment detail by the first of the month. The private detail coordinator will complete an accurate, typed Form 668B, in chronological order, listing the names of personnel who actually worked the detail and indicate the number of hours paid. This also includes the detail coordinator's hours. Submit the 668B to DCU by the 5th of the following month.
 - c. The highest ranking officer working the detail must be the coordinator.

- 1) No detail coordinator may assign an employee of a higher rank to work a detail. Specialists and police officers will be considered equal in rank for purposes of this requirement.
 - d. Officers scheduled to work details are responsible for notifying the detail coordinator of changes to the scheduled detail hours. Detail coordinators will ensure the accurate recording of hours on the monthly Form 668B that is submitted to DCU.
 2. Employees working outside employment extension of police service details are under the supervision of the on-duty district OIC.
 3. Employees will immediately notify the detail supervisor, if one is working, or the on-duty supervisor of the district of occurrence or closest district, and report on a Form 17 any incidents arising from their outside employment which might adversely affect the Department or its personnel.
- E. Probationary Officers
1. The district commander may grant a probationary officer permission to work an outside employment extension of police service detail once the probationary officer receives approval to operate as a single patrol unit.
 - a. The probationary officer may only work details requiring two or more officers. One of the officers must be a non-probationary officer.
- F. Assignment and Scheduling of Outside Employment Extension of Police Service Details
1. DCU is responsible for assigning personnel for all overtime details paid on the City check, except PVO. Detail coordinators are responsible for assigning and scheduling all other details.
 2. For scheduling purposes, each district/section/unit, needing no more than 20 personnel on an overtime basis, will notify DCU of the number needed at least two weeks in advance. Any detail requiring more than 20 personnel will notify DCU of the number needed at least one month in advance.
 - a. The district/section/unit OIC may choose, with the affected bureau commander's approval, specific personnel due to the nature of the detail (e.g., knowledge of a specific geographical area).

3. Department personnel who want to work overtime details will submit a completed Form 668C, Overtime Availability Form, to DCU.
 - a. Submit a new Form 668C any time the information on a previously completed Form 668C changes.
4. DCU will assign details to personnel according to the total hours previously worked. If officers work an equal number of hours, seniority will be the deciding factor.
5. The Form 17DC, Change in Detail Assignment, must be filled out each time a change in detail occurs. It is the responsibility of the officer who was assigned the detail and is requesting a change to complete the Form 17DC. The receiving detail officer will sign the form accepting responsibility for the detail.
 - a. The Form 17DC will be used only for legitimate reasons, which include illness/injury, emergency or scheduling conflict. Emergency and scheduling conflicts will need an explanation. A supervisor will sign and date the form after reviewing it for legitimacy.
 - b. Immediately fax the Form 17DC to DCU and submit to the detail coordinator. The Form 17DC will be filed at DCU by the date of the detail.
6. Personnel who are unable to work a scheduled detail due to illness/injury, emergency, or other legitimate reason will find a replacement officer. If a replacement officer cannot be found the assigned officer will:
 - a. Notify an on-duty supervisor, an on-duty detail coordinator in the affected district, or a representative of DCU, if during regular business hours. The supervisor, detail coordinator, or DCU representative will select a replacement and document, via Form 17DC, listing the detail name, date, time, person originally assigned, and the person who worked the detail.
 - b. Immediately fax the Form 17DC to DCU prior to the detail being worked.
7. Officers are not permitted to change a detail in order to work another detail.

8. Upon completion of a City time and a half detail, personnel will have an authorized representative of the company employing the detail sign a completed Form 68P, Overtime and Court Appearance Report.
 - a. Officers are to immediately fax a copy of Form 68P to the DCU office and route the original through the chain of command to their respective timekeepers.
 - 1) DCU will complete a Form 435, Paid Overtime Report, listing all the hours worked by the officer.

G. Compensation

1. The Police Chief will set the minimum outside employment hourly pay rate.
 - a. Pay rates apply except as provided by ordinance, statute, or agreement entered into by the City.
 - b. Department employees may not work an outside employment extension of police service detail for less than the scheduled rank pay.
 - 1) Except with the Police Chief's permission, new detail requests reserved for supervisors will require payment at the supervisory rate.
 - c. A higher pay rate must be approved via the permit process and submitted through the chain of command for review and approval.
2. A district commander may determine the number of officers, equipment, and supplies necessary to perform police-related outside employment details.
3. An agency must hire and pay a supervisor when more than three specialists or officers simultaneously work a detail at one location.
 - a. Supervisors do not have to be compensated at the supervisor's rate if filling a position intended for a specialist/police officer.
 - 1) Supervisors will be compensated at the supervisory rate if filling a position intended for a supervisor.
 - b. Supervisors may not work at the specialist/police officer rate of pay when specialists/police officers are assigned to the detail.

- c. In instances where details involve multiple supervisors working in lieu of specialists/police officers, only the ranking supervisor needs to be compensated at the supervisory rate, following the manpower standards listed above, except as indicated in Section G.1.b.1).
 - d. Supervisors may continue to work those private single officer details which are currently paid at the specialist/police officer rate if supervision of subordinate personnel does not become a factor.
 - 1) New requests of this nature will be considered on a case by case basis.
 - e. Blanket, single officer details that are paid at the specialist/police officer rate may be filled by supervisors as a last resort, provided no specialist/police officer is available to work and when the detail would otherwise go unfilled (24 hours or less).
4. Officers working outside employment extension of police service details will receive a minimum of two hours pay for outside employment of less than two hours duration.
- a. Employers who cancel during the detail will pay for a minimum of two hours or for the time actually worked, whichever is greater.
 - b. An employer who cancels a detail must notify the detail officer at least two hours before the start of the detail. If the employer fails to provide the officer two hours notice, the detail officer will receive a minimum of two hours pay, paid by the employer.
 - c. If the detail is a City time and a half detail, the officer must be off duty for the full time of the actual payment.
5. Court time compensation resulting from outside employment extension of police service details is the responsibility of the outside employer.
- a. If an officer takes enforcement action due to his status as a police officer, and in circumstances which do not directly benefit the outside employer, the officer, with permission of a supervisor, may be compensated by the City.

- 1) Examples:
 - a) An officer is working a detail and takes enforcement action off the premises of the outside employer in an incident not related to the employer.
 - b) An officer is working an outdoor detail and assists with or disregards an on-duty unit on a radio run where enforcement action is taken and that action is unrelated to the outside employer (e.g., Highway Maintenance, church festival, etc.).
 - c) Anytime a police officer takes enforcement action completely unrelated to the detail.
- b. The supervisor approving the City paid compensation will note on the arrest slip or citation the action was not related to the detail.
- c. The officer will present a copy of the arrest slip or citation and the supervisor's notation to Court Control Unit personnel when checking in for court.
- d. The Court Control Unit supervisor will document perceived inconsistencies on the Court Control Unit supervisor's daily report.
6. No sworn employee will receive lump sum payments for disbursement to officers working outside employment extension of police service details. The outside employer must pay each detail officer directly or through the City payroll.
7. Secondary employers are required to document cash payments to officers working outside employment extension of police service details. An officer receiving a cash payment must sign for the cash payment.
8. Payment for outside employment from more than one employer for the same date and time, regardless of circumstances, is prohibited.
9. It is City policy to recover Department expenses incurred for providing services to other City departments.

10. For City agency or City sponsored/co-sponsored events (Octoberfest, Taste of Cincinnati, etc.), or work done by an outside employer for the City, County, or State (expressway repair) the following guidelines apply:
 - a. Officers will complete a Form 68P. The pay rate is time and one-half on the regular City payroll.
 - b. Finance Management Section will bill the affected City agency unless specifically exempt by the City Manager or City Council. The billing will include:
 - 1) Time and a half the officer's salary
 - 2) Fringe benefits
 - a) Retirement
 - b) Accrued liability
 - c) Workers' compensation
 - d) Unemployment compensation
 - c. Complete a Form 55, Letter of Understanding, or Form 56, Police Escort Letter of Understanding, and forward it to the Finance Management Section for billing. Copies of the memorandum are available at DCU.
11. Outside agencies
 - a. Complete a Form 55 whenever an outside employer performs work for the City where contracts or permits require a police detail. The overtime rate will apply.
 - 1) If an outside employer performs work for the City and wishes to hire a police detail at his own option, he may pay the officer directly, at the current outside employment rate.
 - a) If an outside employer hires a police detail at his own option and wishes to pay for services rendered through the City payroll, the overtime rate will apply. Complete a Form 55 or Form 56.

- 2) Complete a Form 56 whenever an employer requests an on-duty police escort of minimal duration, normally one to two hours. Use on-duty personnel only for these escorts. Direct requests for this type of escort to DCU.
 - 3) If the outside employer's work is not performed for the City (e.g., convenience store security, church festivals, etc.), the outside employer will pay the outside employment hourly rate directly to the officer(s).
12. Police vehicles used on outside employment extension of police service details require vehicle compensation paid to the City at the current hourly rate.
- a. Complete a Form 55 covering vehicle compensation and forward the completed paperwork to the Finance Management Section for billing.
 - b. Any waiver of fees requires the Police Chief's or bureau commander's written approval.

H. Work Hours

1. Employees will ensure there is at least a 15-minute separation between their tour of duty and outside employment, and between successive outside employment details if the starting location for the next detail is different from the ending location of the previous detail.
 - a. The 15-minute separation period is not necessary if the outside employment detail starts in the same location the on-duty work stopped.
2. The Police Department may review the on-duty work performance of any officer who works greater than 64 combined hours of work for the City and work in outside employment extension of police service details within a regular work week (Sunday through Saturday). The purpose of this review is to determine whether the officer's outside employment has had an adverse effect on the officer's performance of his official police duties. Working combined hours greater than 16 hours in any 24-hour period is prohibited.

- a. Exception to the 16-hour rule: An officer works a scheduled detail and due to an extraordinary circumstance beyond the officer's control (e.g., rain delay at a baseball game) the detail is extended. The officer is required to obtain verbal permission from a supervisor to continue working the detail.
 - 3. Employees may not engage in any type of outside employment while working in an on-duty assignment.
- I. Exterior or Parking Lot Details at Liquor Permit Premises
 - 1. District commanders may submit a blanket permit for an exterior or parking lot detail at a liquor permit premise where the primary business is the sale of liquor for consumption on the premises.
 - a. Each detail is open to all sworn personnel, except probationary officers.
 - b. The Department prohibits private work permits for parking lot details at a liquor permit premise.
 - 2. DCU schedules all exterior or parking lot details.
 - a. DCU will forward sign-up sheets to the districts on the fourth Tuesday of the month for the second coming month.

Example: On March 23, DCU will send out sign-up sheets for May. The sign-up sheets will be due by the second Tuesday of the following month.
 - b. The final detail roster of selected personnel will be posted in districts by Friday of the second week. A posting date and due date will be noted on each sign-up sheet. Once the sign-up sheets are recalled from the districts, DCU will not accept late sign up requests over the phone. DCU will not release the names of selected personnel until the lists are posted in the districts. Once the final picks have been posted in the districts, any officer interested in filling a vacant detail slot must contact DCU to sign up for the detail.
 - c. Personnel assigned to the district where the bar is located will receive first preference for parking lot details at liquor permit premises. DCU will select officers from other districts/sections/units for any remaining dates.

- d. Personnel who sign up for exterior or parking lot details at liquor permit premises must include their name, badge number, and unit of assignment. If any of the information is missing, the officer may not be selected for the detail.
 - e. It is a violation of Department policy to sign up for more than one detail at the same time. Officers who violate this policy will not be selected by DCU to work either detail. This is in addition to any other necessary corrective action.
3. District commanders may cancel or deny an exterior or parking lot detail at a liquor permit premise when they:
 - a. Recommend a liquor license not be renewed.
 - b. Determine a potential conflict of interest could arise between officers working the blanket permit detail and officers enforcing liquor violations.
 4. Officers are not permitted to enter the liquor permit premise except for emergency situations. Officers will not check identification or act as bouncers.
 5. Officers will enforce all laws, preserve public order, and provide necessary police service in and around their area of assignment.

J. Strikes

1. Employees holding outside employment work permits with a company affected by a strike will suspend employment with that company during the strike.
 - a. The detail coordinator must report this action on a Form 17 to the Police Chief.
 - b. Upon termination of the strike, the affected detail coordinator will request, via Form 17, reinstatement of the permit by the Police Chief.

K. Detail Notification

1. The officer working an outside employment extension of police service detail is responsible to ensure the detail is:

- a. Properly entered in the Computer Aided Dispatch (CAD) system. This information includes the officer's name, badge number, radio number, date, detail name, address of the detail, hours of the detail, number of officers assigned and whether uniform or non-uniform.
 - b. Logged off the CAD system at the end of the detail.
 - 1) Details will not be entered or secured from the CAD system by radio.
 2. Police Communications Section (PCS) is not responsible for the accuracy of detail entries or for logging off such entries.
 3. The officer working the detail may go in person to the CAD terminal or contact the district desk officer to enter or log off the detail. Detail information will not be relayed by radio.
 4. The Mobile Data Computer (MDC) may be utilized to enter detail information and to log the detail off CAD.
 5. Shift supervisors will review, via MDC or CAD terminal, details worked during their tour of duty. They are responsible for ensuring details are properly secured in a timely manner.
 6. PCS will broadcast information when details will have city-wide impact (road closures, etc.).
- L. Prisoners
1. Officers who make an original arrest while working a police-related detail will:
 - a. Accompany the prisoner to the appropriate facility for processing.
 - 1) A district supervisor may make exceptions if a detail officer cannot leave a post.
 - b. Call for an on-duty officer for transportation back to the detail site upon completion of processing.
 2. If the arrest process and necessary Departmental reports (i.e., use of force, chemical irritant, etc.) are not completed by the scheduled ending time of the detail, the officer(s) involved will:

- a. Be compensated by the Department at the time and a half rate from the scheduled ending time of the detail until the reports are completed.
 - 1) Be compensated at the normal pay rate for completion of the reports for any period of time that extends into the officer's regular duty hours.
- M. Outside Employment While on Light Duty, Injured With Pay Status, or Off-Duty Sick Status
1. Officers may not work a police-related detail while on light duty, in an off-duty injured with pay status, in **any** off-duty sick status, or off-duty due to any Family Medical Leave Act (FMLA) approved time.
 2. Officers may engage in outside employment, not police-related, while on light duty or in an off-duty injured with pay status, if the work does not exceed the officer's light duty or injured with pay limitations.
 3. Employees will not work any other employment while on sick with pay status with the City.
 4. Officers must physically report for work after being off duty while injured, sick, or taking FMLA approved time before working a police-related detail.
 - a. Officers who call their workplace and report themselves on track are not eligible to work an outside employment extension of police service detail prior to reporting for their next scheduled tour of duty.
- N. Mounted and Canine Squads
1. Outside employment requests for the Mounted Squad will be directed to the Special Events Unit. Special Events Unit personnel will coordinate these details with the affected district commander.
 2. Outside employment requests for the Canine Squad will be directed to the Special Services Section. Special Services Section personnel will coordinate these details with the affected district commander.
 3. The hourly rate for use of the animal is \$25.00 per hour, with a four hour minimum. Detail time will include sufficient time to prepare, transport, and secure the animal after the detail.

- a. The hourly rate for the officer will be in addition to the cost of the animal and equipment, and will correspond with the current compensation schedule.
 4. Police vehicles used for transporting the animals are billed at the current rate.
 5. Any waiver of fees will require the Police Chief's or bureau commander's written approval.
 6. Department guidelines for canine and mounted use apply to all outside employment details.
- O. Detail Inspections
1. The DCU Commander will conduct random inspections of outside employment extension of police service details and will report the results of those inspections to the bureau commander.
 2. Field supervisors inspecting details can access a continuous seven day listing of scheduled details throughout the City via the "Outside Employment" link on the Department computer desktop.
 3. All on-duty shift supervisors, as part of their regular duties, will inspect a minimum of one outside employment detail per shift. Document any violation of Department rules, regulations, or procedures, including Procedure 19.140 on a Form 669, Report of Inspection. The inspection will include attention to the following:
 - a. Officer's appearance and fitness for duty.
 - b. Whether the officer(s) is attending to required duties.
 - c. Whether the officer(s) who signed up for the outside employment extension of police service detail is working the detail.
 - d. Whether the officer is logged on with Police Communications Section.
 4. The supervisor will forward the Form 669 to Inspections Section through the chain of command.
 5. District supervisors are responsible for inspection of DCU details and details scheduled and coordinated by district/section/unit coordinators.
 6. If there are no details worked during a supervisor's shift, no Form 669 is required.

P. Corrective/Disciplinary Action and Suspension from Details

1. Personnel are subject to progressive corrective/disciplinary action and/or suspension from all outside employment extension of police service details for the following:
 - a. Violation of any provision of this procedure.
 - b. Failure to report for an assigned outside employment detail.
 - c. Tardiness.
 - d. Lack of proper equipment.
 - e. Unacceptable appearance, performance, or conduct.
2. DCU will be the central repository for all employee records relating to corrective/disciplinary action and suspension from outside employment extension of police service details.
 - a. Supervisors will report all instances of absenteeism, tardiness and/or any violations of Procedure 19.140 to DCU via a Form 17DP.
 - b. DCU will forward all disciplinary recommendations through the bureau commander to the Police Chief for approval.
3. PVO and department overtime will not be affected by outside employment extension of police service detail suspensions. Officers may work PVO and department overtime while on a detail suspension.

Q. Detail Audit

1. Upon notification of a detail violation (100 hours rule, conflicting times, etc.) a supervisor will complete a Form 17DA, Report of Detail Audit.
2. The Form 17DA will be routed to Inspections Section through the chain of command.
3. Inspections Section will conduct an audit of the Forms 17DA on January 15th and July 15th of each year.

19.145 EMPLOYEE PERSONNEL JACKETS

References:

Procedure 18.120 – Release of Information and Public Records
Manual of Rules and Regulations – 9.26(B)

Purpose:

To maintain accurate records of the performance of each Department employee to be utilized as a resource for career development and management of personnel.

Policy:

Personnel jackets, medical jackets, and personnel information sheets will be created and maintained for all sworn and civilian Police Department employees.

Procedure:

A. Personnel Jackets

1. Personnel Section will create all Personnel Jackets.
 - a. Personnel Jackets will be stored and maintained at the Personnel Section.
2. The Personnel Jacket will contain the following:
 - a. Personal history including previous employment and formal education of the employee.
 - b. Current photo of employee
 - c. Promotional information
 - d. Current and previous assignments
 - e. Auto accident information
 - f. Commendations
 - g. Performance ratings
 - h. Disciplinary actions

B. Personnel Information Sheet

1. Training Section will create the Personnel Information Sheets for Police Recruits.
2. Personnel Section will create the Personnel Information Sheets for civilian employees.

3. Personnel Information Sheets will include the following:
 - a. Name
 - b. Rank
 - c. SSN
 - d. DOB
 - e. Badge #
 - f. Employee ID number
 - g. Continuous Service Record
4. District/Section/Unit Responsibilities:
 - a. District/section/unit commanders will keep the Personnel Information Sheet in a binder in a secure location.
 - b. Districts/sections/units will complete the following sections on the Personnel Information Sheet:
 - 1) Firearm #
 - 2) Handcuff(s) #
 - 3) PR-24 #
 - 4) CDOP Helmet #
 - 5) Performance Ratings
 - a) The year and score will be completed only when notified by Personnel Section staff because an employee may have several separate ratings that require an average to calculate a final score.
 - 6) Auto Accident Record
 - a) Complete when the original reports of the incident are concluded.
 - 7) Commendations
 - a) When a district/section/unit receives a commendation for an employee, use the date of the commendation to fill in the year. Document cumulative commendations for that year with slashes (/). For example, /// would mean three commendations received in 2003.

- 8) Disciplinary Action
- a) Enter the year disciplinary action is given to an employee. Disciplinary actions are described in Rule 9.26(B) of the Manual of Rules and Regulations and Disciplinary Process.
 - b) Circle "Y" for Yes. Regardless of the number of disciplinary actions on file in any given year, the only indication will be a circled "Y." This means there is some form of disciplinary action on file in the original Personnel Jacket located at Personnel Section.
 - 1] Purge disciplinary files only when directed by the Personnel Section, in accordance with the terms of the current labor agreements.

- 9) Miscellaneous
- a) Use this section to indicate:
 - 1] SWAT member
 - 2] Sign language skills
 - 3] An employee has been granted an exemption to grooming standards.
 - 4] Other information considered valuable for quick retrieval about the employee.
 - c. Do not indicate an officer qualified during the year at the Firearms Training Unit, or attended various training programs. This information is on file at the Training Section.
 - d. Do not keep other papers in the Personnel Information Sheet binder.

5. Transfer of Personnel

- a. Upon transfer of an employee, the district/section/unit commander will forward the Personnel Information Sheet and the duplicate Medical Jacket to the Personnel Section.
 - 1) Personnel Section will examine all jackets for accuracy and forward the Personnel Information Sheet and the duplicate Medical Jacket to the employee's next district/section/ unit commander.

C. Medical Jackets

- 1. Personnel Section will create and maintain all original Medical Jackets.

2. All districts/sections/units will receive a duplicate Medical Jacket from Personnel Section and maintain the duplicate Medical Jacket for each employee.
 3. Medical Jackets are considered confidential and are subject to viewing only under the following circumstances when:
 - a. Supervisors may be told about necessary restrictions or accommodations on the work or duties of the employee.
 - b. First aid and safety personnel may be told, when appropriate, if the disability might require emergency treatment.
 - c. Needed for the management of sick leave benefits.
 - d. Government officials investigating compliance with the Americans With Disabilities Act (ADA) must be given relevant information on request.
 - e. The employee who is the subject of the jacket requests to view it.
 4. Refer anyone requesting information from the Medical Jacket for any other reason to Personnel Section.
- D. Recording Change in Residence, Telephone Number, or Marital Status
1. The bureau/district/section/unit will record any of the above changes on a Change in Personal Information report (Form 31P).
 2. Employee and supervisor signatures are required on all Forms 31P.
 3. The employee's unit of assignment will make the necessary changes in its own records.
 4. Route the completed Form 31P to the Personnel Section, via the chain of command, for data entry and filing.

19.145 EMPLOYEE PERSONNEL JACKETS

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 3. The employee's unit of assignment will make the necessary changes in its own records.
 4. Route the completed Form 31P to the Personnel Section, via the chain of command, for data entry and filing.

19.150 SEPARATION FROM DEPARTMENT SERVICE: RESIGNATION/RETIREMENT

Reference:

Collective Bargaining Agreement Between the City of Cincinnati and FOP Queen City Lodge 69

Purpose:

Establish resignation and retirement guidelines for Department personnel to follow.

Establish a process for the Police Department to retrieve Department property from separating personnel.

Allow the Police Department to obtain information concerning the reason an employee terminates employment.

Establish a procedure for retiring personnel to buy their issued handgun.

Policy:

A sworn employee selecting Retirement Option 1, as defined in the current labor agreement, relinquishes all police authority and the position held by the officer will be declared vacant.

Procedure:

A. Voluntary Resignation

1. All employees contemplating voluntary resignation will:
 - a. Contact the Employee Relations Unit to coordinate the exiting process.
 - 1) Employee Relations Unit will:
 - a) Explain benefits to sworn employees.
 - b) Refer non-sworn employees to City Retirement.
 - c) Provide employees with a Form 17, Resignation Form.
 - 2) After employees complete and sign the Form 17, Resignation Form, Employee Relations Unit will immediately fax a copy to the Police Chief's Office.
 - a) Route original Form 17, Resignation Form, through channels.

2. Sworn employees are requested to notify their district/section/unit commander at least two weeks before their effective day of resignation.
 - a. The Form 17, Resignation Form, must state the last day the member will work. Resignation will be effective the first day after the employee's last day on the City payroll.
3. Employee Relations Unit will contact the police psychologist to schedule a voluntary exit interview for all employees.
 - a. The exit interview will become part of the confidential file maintained by the police psychologist.
 - 1) The results of the exit interviews are compiled by the police psychologist and periodically forwarded to the Police Chief.
 - b. Off-duty personnel will be compensated according to the provision of the current labor agreements.
4. A sworn employee desiring return of pension fund contributions must complete an Application for Refund of Accumulated Contributions form available from the Ohio Police and Fire Pension Fund.

B. Retirement

1. Sworn employees anticipating retirement will:
 - a. Contact the Employee Relations Unit to coordinate the retirement process.
 - b. Sworn employees are requested to notify their district/section/unit commander via Form 17, Retirement Form, at least two weeks before their effective day of retirement. The form must state the last day the member will work. Retirement will be effective the first day after the employee's last day on the City payroll.
 - 1) The district/section/unit commander will sign and forward the Form 17, Retirement Form, to the affected bureau commander. The bureau commander will sign and forward the form to the Police Chief who will forward it to Personnel Section.
 - c. Complete and sign all forms requested by the Employee Relations Unit.
2. Employee Relations Unit will explain pension benefits, hospital insurance, etc.

3. A lump-sum payment will be made for accumulated sick time, compensatory time, vacation time, shift differential, and prorated longevity pay in accordance with the current labor agreement.

C. District/Section/Unit Responsibilities

1. District/section/unit commanders will ensure all time records (computer printouts of Holiday, Compensatory Time, and Fair Labor Standards Act balances, shift differential forms, and Forms 25s and 68P) and the employee's Personnel Information Sheet are hand-delivered to Employee Relations Unit by the end of the next business day following the separation.
 - a. The district/section/unit commander will verify the balances, shift differential total, and clothing allowance.
 - b. The timekeeper will conduct an audit of overtime for time earned during the employee's last 36 months of employment and forward it to the Employee Relations Unit.

D. Return of Department Owned Equipment

1. The separating employee's district/section/unit commander is responsible for the return of Department owned equipment.
 - a. An employee separated from service for any reason will:
 - 1) Obtain Form 624, Police Department Uniforms and Equipment, from Employee Relations Unit or Supply Unit.
 - 2) Return all equipment listed on Form 624 to the Supply Unit. Return radios, pagers, etc., to Police Communications Section.
 - a) The district/section/unit of assignment is responsible for collecting MUTT, CPI, and NTA books.
2. Supply Unit will check all records and returned equipment against the Form 624 and verify all Department property was returned.
 - a. If the Form 624 is incomplete or there is a discrepancy, Supply Unit will send a copy of the Form 624 to the separated employee's district/section/unit commander for resolution.
 - 1) If Department property is not returned, the employee being separated must either replace the missing item or pay the current cash value for replacement of the item.
 - a) Failure to follow this directive will result in the holding of future paychecks until the Department is compensated.
 - b. Supply Unit will retain the original Form 624 and forward a copy to Finance Management Section.

- E. Sale of Service Handgun to Retired Personnel
1. Upon retirement, sworn members shall be afforded the opportunity to purchase the issued handgun.
 2. In accordance with the current FOP labor contract, the FOP will pay a \$1.00 fee for the handgun.
 3. Retiring personnel wishing to buy their handgun will bring the issued handgun to Employee Relations Unit at least two weeks before retirement.
 - a. Employee Relations Unit will check the handgun for the correct serial number and complete a Form 17. After the retiring employee signs the Form 17, Employee Relations Unit will forward the Form 17 to the Police Chief for his signature.
 - 1) The original Form 17 will be forwarded to the Supply Unit and a copy will be placed in the retiring employee's personnel jacket.
 - b. Handguns will not be released without written approval from the Police Chief.
- F. Recognition of Service Upon Retirement
1. After retirement, Personnel Section will provide retirees with a certificate indicating their honorable retirement and a copy of their personnel jacket. Retirees will also receive a badge for each rank held throughout their career. Supply Unit will notify retirees when the badge(s) are ready to be picked up.