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BRADNER POLICE DEPARTMENT POLICY AND PROCEDURE MANUAL



**130 NORTH MAIN STREET
BRADNER, OHIO 43406
419-288-2222**

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FORWARD

This Policy and Procedures Manual serves as a standard of conduct for all personnel. The department manual consists of the rules, policies, procedures and standard operating guidelines, which are necessary in the daily operation of the Bradner Police Department.

This department is constantly adapting to meet the needs of a changing society. The information contained herein reflects the department's ability to effectively respond to changing needs.

This manual is an important resource and all personnel shall be held accountable for its contents. It is up to each individual to assist in accomplishing the Department's goals and objectives. In doing so the Bradner Police Department will continue to be a truly outstanding organization.

MISSION STATEMENT

The mission of the Bradner Police Department is to enhance the quality of life in the Village of Bradner by working in partnership with the community to preserve life, enforce the law, provide quality services and promote joint problem-solving for a safe, secure neighborhood.

OATH OF OFFICE

I do solemnly swear or affirm that I will support the Constitution and Laws of the United States of America, the Constitution and Laws of the State of Ohio, and Laws and Ordinances of the Village of Bradner to which I have been appointed and to the best of my ability will discharge the duties of this office.

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THE LAW ENFORCEMENT CODE OF ETHICS

The Law Enforcement Code of Ethics is adopted as a general standard of conduct for officers of The Bradner Police Department.

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

“I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.”

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

“I recognize the badge of my office as a symbol of public faith and I accept it as a public trust to be held as long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession....Law Enforcement.”

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**BRADNER POLICE DEPARTMENT
ORGANIZATIONAL CHART**

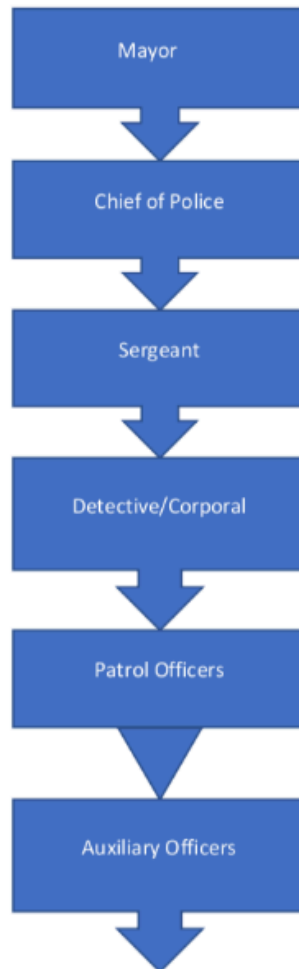


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AP 01

Policy & Procedures Manual

01.01 Basis:

The policies and procedures of the Bradner Police Department are established to provide guidelines for the operation of the department. They are based upon the applicable provisions of the Ohio Revised Code, the United States Code, and the Ordinances of the Village of Bradner, and such executive, legislative or judicial orders which may be properly applied to the operation of the department.

01.02 Purpose:

The purpose of these policies are to provide general guidelines for the operation of the department and the standards expected of its personnel; they cannot be comprehensive nor are they intended to be. In the absence of a specific authorization or prohibition contained herein, the officer is expected to act, as a responsible person would act in and under the circumstances present at the time and place applicable thereto.

These policies may be revised from time to time as needed. In the event a policy is revised, it shall normally take effect thirty days after the Chief of Police approves it. Policy change may, however, be effective immediately in order to comply with applicable federal, state, or municipal guidelines.

THESE POLICIES ARE ISSUED BY ORDER OF THE CHIEF OF POLICE OF THE VILLAGE OF BRADNER, STATE OF OHIO AND UNDER THE AUTHORITY GRANTED TO THE CHIEF OF POLICE BY THE OHIO REVISED CODE AND SHALL SUPERSEDE AND REPLACE ALL OTHER POLICIES AND PROCEDURES HERETOFORE PUBLISHED AND INCONSISTENT THEREWITH.

**REVISED FEBRUARY 2021
EFFECTIVE MARCH 1, 2021**

SO ORDERED,

Charles Broshious
Chief of Police

AP 02 Revision of Policy and Procedure Issuance

02.01 Issuance of Policy and Procedure

Policy and procedure notices will be issued as required by any change in the basis for those items, or as required by any change in the method of operations within the police department.

Unless issued as an emergency, a copy of these notices will be distributed to each officer and a copy posted in the office at least 30 days prior to the effective date. Emergency issuance will be distributed in the same manner, except the effective date may be less than one day, if required.

The Chief, or his/her designee, due to the nature of the emergency, may make oral advisement of any emergency policy.

Policy and Procedure notices will remain posted for a period of 30 days and placed in the Policy and Procedure book for future reference.

POLICY AND PROCEDURE WILL REMAIN IN EFFECT PERMANENTLY UNLESS REVISED OR RESCINDED AS PROVIDED BELOW.

02.02 Revision

A notice such as this may be revised as required by law, or administrative order, at any time. The revision procedure previously noted is superseded. If in doubt about any notice, THE NOTICE BEARING THE MOST RECENT DATE SHALL BE CONSIDERED THE CORRECT ORDER.

Any member of this department may request a review of a policy or procedure notice for the purpose of revision or rescission. The request must be made in writing.

The policy will be reviewed and the requesting member will receive a decision as soon as possible.

02.03 Compliance

All members of the Bradner Police Department are required to comply with all policies and procedures, memos, notices, etc. In addition, all members are required to comply with all Federal, State, and Local Laws/Ordinances while on or off duty.

02.04 Failure to Comply

Any member of the Bradner Police Department who fails to comply with the items outlined in section 1 may, at the option of the Chief and/or Mayor, be disciplined in accordance with Policy A-10 and/or the Ohio Revised Code, Chapter 737.

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02.05 Acknowledgement of Understanding

Each officer will be required to read and understand the Policies and Procedures of the Bradner Police Department, and will sign a statement to attest to this fact which shall become a permanent part of his/her file.

AP-03

LAW ENFORCEMENT AUTHORITY

03.01 Purpose and Scope

Law enforcement officers are granted the authority to perform their function based on established legal authority. This department does not tolerate abuse of law enforcement authority.

03.02 Peace Officer Powers

Officers of this department are entitled to exercise the authority of a peace officer pursuant to O.R.C. 737.16. The authority of a peace officer and the scope of that authority extends to any place for which his/her commission is valid and assigns the scope of his/her duty to preserving the peace within the jurisdiction in accordance with statutory limits and through all lawful means.

03.03 Authority Within Jurisdiction

The arrest authority within the jurisdiction of the Bradner Police Department includes: (a) The officer is in compliance with an arrest warrant. (b) An offense has been committed in the officer's presence. If the arrest is for a misdemeanor, it must be made immediately or on close pursuit. (c) The person to be arrested has committed a felony, although not in the presence of the officer. (d) The officer has reasonable cause to believe that the person to be arrested has committed an offense, although not in the presence of the officer. (e) The officer has received positive and reliable information that a peace officer from this state, another state or the United States holds an arrest warrant for a felony offense

03.04 Geographic Jurisdictional Boundaries

Bradner Police Department provides law enforcement services within and adjacent to the lands under the jurisdiction and control of the Bradner Village Council. Current maps illustrating the boundaries and limits of The Village of Bradner are maintained within the Bradner Village Clerk's Office. For any emergency situation, the supervisor-in-charge is contacted regarding any boundary question.

03.05 Authority Outside of Jurisdiction

The authority of a peace officer extends to any place in the state of Ohio, as follows: (a) The officer is in close pursuit of the person arrested. (b) The officer is responding to a mutual aid request in another jurisdiction pursuant to mutual aid request. (see Mutual Aid and Outside Agency Jurisdiction Policy).

03.06 Jurisdiction Enforcement (Border Streets)

The Ohio Revised Code, 2935.03(F)(3) allows the enforcement of certain laws on roadways where the jurisdictions are shared.

- A. It is the policy of the Bradner Police Department to enact ORC 2935.03 and issue traffic and misdemeanor citations to enforce the law when serious violations are observed on streets where jurisdiction is shared. It is not the intent of this Department to begin active patrol enforcement outside our jurisdiction.

- B. When an officer observes a grossly negligent violation on joining jurisdiction, the officer shall issue a citation in the following manor:
 - 1. Magistrates Court or Bowling Green Municipal Court Citation.
 - 2. Description of offense.
 - 3. Write the ORC number 2935.03 giving the officer the authority to issue the citation.
 - 4. ORC number of the Offense or Village Code.
 - 5. Statement of fact report to be submitted with a copy of the citation.

AP-04 Mutual Aid Response

04.01 Policy

The Village of Bradner is a member of a mutual aid agreement among all Villages and township police departments in Wood County plus the Wood County Sheriff's Department. This agreement does not extend to any agency outside Wood County, to any state agency or any federal agency. However, it is the policy of this department to provide assistance to requesting agencies whenever reasonably possible.

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the Bradner Police Department that are not part of a mutual aid request shall notify the Supervisor as soon as practicable. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction, shall notify the Supervisor as soon as reasonably practicable.

Assistance shall be consistent with the applicable laws and policies of this department when another law enforcement agency requests mutual aid or outside agency assistance. While providing mutual aid, officers of this department shall work under the direction and supervision of the requesting agency and have the same law enforcement authority as the personnel of the requesting agency. The officer shall work under the confines of this policy and procedure and the confines of the law.

04.02 Agreement

The agreement provides that our agency is to respond to a mutual aid request if it is within our capacity to provide such assistance. When responding to another jurisdiction, we are deemed to be acting within the scope of our employment and have the authority as if we were acting in our own jurisdiction. We are subject to the supervision of the requesting department.

The Village of Bradner has entered into a mutual police aid contract with all the political subdivisions in Wood County. The following will govern our response:

- A. Wait for the call. Do not offer to assist unless it is a life threatening and/or a potentially violent situation.
- B. Respond only if specifically requested to do so and you can get the back up there in a reasonable amount of time.
- C. Break off if it is not necessary for you to be there.
- D. Be sure to inform the Communications Center of your "Mutual Aid Response".
- E. Responses shall be with due regard for safety. Not all mutual aid requests are emergencies and the nature and scope of the request must be

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considered when responding.

F. If advised to cancel your response, your authority ends and you shall return to your regular duties forthwith.

Remember: Not all agencies are members of the agreement.

04.03 Mutual Aid Request: Our department is entitled to call for assistance when the situation is such that our department cannot handle the problem.

1. In emergencies or short term situations, the most senior duty officer shall.
 - a. determine what assistance is needed and shall call for the same via radio, or telephone.
 - b. or other communication for assistance.
2. This call should describe the type of emergency or situation requiring assistance.
3. The number of units or type of assistance needed.
4. Advisories as to the direction of entry to the area, hazard, and special equipment needed etc.
5. **Do not hesitate** to request assistance for yourself if you feel the need.
6. Always think of your safety and the safety of others when responding.

Please note that in a combined emergency situation, where fire and EMS units are on scene, the fire or EMS chief is generally in command of the entire scene and shall direct the calling for any assistance other than police services.

If the assistance of other law enforcement agencies is required (i.e. BCI, FBI, ATF, Postal inspectors), the Chief of Police, or designee, should be notified and will authorize the request. Other assistance required, such as other government agencies (Human Services, Mental Health, Streets, etc.) for routine requests may be contacted by the duty officer as necessary.

It is the policy of this department to request the closest available department on duty for its assistance.

AP 05

Department Organization

05.01 Organization

The Bradner Police Department has three (3) authorized positions as approved by the Bradner Council.

1. Chief of Police – Marshal in the Ohio Revised Code (ORC 737.15)
2. Patrol Officer(s) - Deputy Marshal(s) in the (ORC 737.16)
3. Auxiliary Patrol Officer(s)

05.02 Definitions:

Chief of Police- executive head of the police department under such rules as the Mayor prescribes (1 position-part time) with the powers and duties of a Marshal under Section 737.15 of the Ohio Revised Code.

Patrol Officer- six (6) positions authorized, each with the power to arrest and carry a firearm and having the duties set forth by the Ohio Revised Code. One such Patrol Officer shall be designated as Sergeant for the purpose of substituting for the Chief of Police in the event of his/her absence. In the absence of the Sergeant, the Senior Patrol Officer/TAC Officer shall be in command. Such Patrol Officers shall be paid hourly at the rate established by Council and each position shall be deemed part time only.

Auxiliary Officer- four (4) positions authorized, such person shall serve as an assistant to the Chief or Officer on duty and shall have no power to arrest nor shall they carry or use any type of weapon at any time while on or off duty.

05.03 Chain of Command

A. The chain of command will be as follows:

1. Mayor
2. Chief of Police
3. Sergeant
4. Corporal
5. Detective
6. Patrol Officers
7. Auxiliary Patrol Officer(s)

B. The chain of command shall be based on appointment by the Chief of Police NOT based on seniority from the date of the Officers respective appointment.

AP-06

ACCREDITATION

The Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Accreditation Process is a proven modern management model. Once implemented, it presents an agency's Chief Executive Officer (CEO), on a continuing basis, with a blueprint that promotes the efficient use of resources and improves service delivery—regardless of the size, geographic location, or functional responsibilities of the agency. The OCLEAC accreditation process enables law enforcement agencies to voluntarily demonstrate that they meet professionally-recognized criteria for excellence in management and service delivery. The 484 professional standards address nine major law enforcement subjects: role, responsibilities, and relationships with other agencies; organization, management and administration; personnel structure; personnel process; operations; operational support; traffic operations; prisoner and court-related activities; and auxiliary and technical service.

Complying with these standards helps law enforcement agencies: strengthen crime prevention and control capabilities; formalize essential management procedures; establish fair and nondiscriminatory personnel practices; improve service-delivery; solidify interagency cooperation and coordination; and boost citizen and staff confidence in the agency.

06.01 Policy:

The Bradner Police Department shall seek to achieve and to maintain law enforcement agency accreditation from the Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) . Reaccreditation shall remain an annual priority.

06.02 Procedures:

A. Accreditation Manager

The Accreditation Officer shall be appointed by the Chief of Police, shall be accountable directly to the Chief of Police on all issues related to accreditation & shall be responsible for directing the process of accreditation.

B. Compliance with OCLEAC standards

The department shall comply with all OCLEAC standards, both mandatory and optional, unless determined to be not applicable, waived by the commission, or in the case of optional standards, determined to be impractical by the Chief of Police.

C. Accreditation Training

1. The Accreditation Officer shall provide accreditation training, during the self-assessment phase associated with achieving initial accreditation.
2. New employees shall receive accreditation training, during their Field Training or initial orientation training.

AP 07

Personnel Administration

07.01 Hiring

When a vacancy occurs in the department or, if there are authorized positions unfilled, the Chief may submit to the Mayor for appointment those persons meeting the criteria set forth herein.

- Persons meeting the requirements for the position and selected from the pool of applicants by the Chief of Police shall be recommended for appointment to the respective position by the Mayor.
- Only the Mayor has appointing authority under the ORC.
- All hiring is done on this level.

07.02 Discrimination

The Village of Bradner, as a matter of policy, does not discriminate in employment, promotion, discipline, training, or any phase of employment relationships which is contrary to the Civil Rights Act or any applicable federal regulations or rules pertaining thereto.

07.03 Recruitment and Selection

In accordance with applicable federal, state and local law, the Bradner Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. The Department does not show partiality or grant any special status to any applicant, employee or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

A. RECRUITMENT

The Chief of Police should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

1. (a) Identification of racially and culturally diverse target markets.
2. (b) Use of marketing strategies to target diverse applicant pools.
3. (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

4. (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
5. (e) Employee referral and recruitment incentive programs.
6. (f) Consideration of shared or collaborative regional testing processes.

The Operations Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Bradner Police Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

B. SELECTION PROCESS

The Bradner Police Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Bradner Police Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

1. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
2. Driving record
3. Reference checks
4. Citizenship verification, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents
5. Information obtained from public Internet sites
6. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
7. Local, state and federal criminal history record checks
8. Polygraph or computer voice stress analyzer (CVSA) examination (when legally permissible)
9. Medical and psychological examination (may only be given after a conditional offer of employment)
10. Review board or selection committee assessment

C. BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of

the candidate's unsuitability to perform duties relevant to the operation of the Bradner Police Department.

D. NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in according to the requirements of the FCRA (15 USC § 1681d).

E. REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Chief of Police shall not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Chief of Police should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

1. The legal rights of candidates are protected.
2. Material and information to be considered are verified, accurate and validated.
3. The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Chief of Police should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

F. DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

G. RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

H. DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the circumstances framework.

I. EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Department should maintain validated standards for all positions.

J. STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by the Ohio Peace Officer Training Academy:

- (a) Citizen of the United States
- (b) At least 21 years of age
- (c) High school graduate or possess an equivalent achievement
- (d) Not have been convicted of a crime for which the candidate could be punished by imprisonment
- (e) Demonstrate good moral character as determined through a background investigation.

A candidate shall be considered to be of good moral character if he/she has not engaged in conduct that would violate State or Federal law

(f) Be free of any physical, emotional or mental condition that might adversely affect the performance of the candidate's duties as a peace officer

(g) Criminal background check of local, state and national criminal history files

(h) Not prohibited from possessing a firearm under state or federal law

In addition to the standards established by OPOTA, the department may establish additional standards concerning peace officer candidates.

07.04 Appointments:

- A. All persons so appointed to one of the authorized positions shall serve a probationary period of six (6) calendar months from date of appointment until final permanent appointment is made by the Chief of Police as provided by the Ohio Revised Code.
- B. A probationary period of six (6) calendar months will follow the permanent appointment of the Officer.
- C. Probationary officers must successfully complete the Field Training Program.
- D. The Chief of Police or the Mayor may terminate an appointment during the probationary period without cause.
- E. Department members who have successfully completed their probationary period and their FTO training program will be subject to disciplinary proceedings within the scope of this policy as well as ORC section 737.19.
- F. Time served as an Auxiliary Officer shall not count as probationary time if an Auxiliary Officer is appointed as a regular part time Officer.

07.05 Pay

Bradner Village Council determines pay.

07.06 Scheduling and Attendance:

A. The Chief of Police, or his/her designee based on the demands for services and budget restraints, will formulate:

- 1. Scheduling for part-time officers.
- 2. All Officers must work at least 8 hours/ month INCLUDING ensuring availability one weekend (Friday or Saturday) shift, unless otherwise specified by the Chief of Police or his/her designee.

B. Attendance: Officers who are scheduled for a shift are expected to report for duty.

C. An officer becomes ill or needs to call off from a scheduled shift, he/she must notify the Chief of Police or Sergeant at least two hours before the beginning of the scheduled shift.

If the officer fails to attend his/her shift, unless excused, or unless prior arrangements are made with the chief of police or the Sergeant, disciplinary action may be taken.

D. All officers will provide their availability for the next month, in writing or via google

calendar, to the Chief of Police no later than the 21st day of each month.

E. All officers will be expected to work or be available to work at least 1 weekend per month (weekend being Friday night, Saturday, and Sunday, evenings/nights). In addition to any normal availability during the week.

- The only exception to this rule will be if the Officer's full-time employment restricts their availability for weekend work. It will be up to the discretion of the Chief of Police and that particular officer to make other arrangements as necessary.

F. The schedule will be completed and posted on google calendar or handed out during the last week of the preceding month.

07.07 Use of Discretion:

Discretionary power is the power of free decision or latitude of choice within certain legal, professional, and ethical bounds. Bradner Police Department employees, by the nature of their profession, are required to exercise discretion in the performance of their duties.

A. When making decisions which call for the use of discretion, Bradner Police Department employees should consider the following:

- Applicable Federal and State of Ohio Laws and Procedures;
- Bradner Police Department Rules and Regulations,
- General Orders,
- written directives,
- goals and objectives;
- Professional experience and training;
- Totality of circumstances (i.e. pertinent factors of the situation such as legal aspects, mitigating circumstances, volatility of situation, etc.). Canons of Law Enforcement Code of Ethics.

B. Generally, Bradner Police Officers may exercise discretion when considering alternatives to arrest in misdemeanor offenses where a warrant has not yet been issued. However, the preferred course of action in any of the following situations is to arrest and detain (O.R.C. 2935.03):

- an offense of violence;
- criminal child enticement;
- public indecency;
- domestic violence;
- violating a protection order or consent agreement;

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- menacing by stalking;
- aggravated trespassing;
- theft;
- felony drug abuse.

C. In cases of suspected felony drug abuse, the preferred course of action is to arrest. Should an arrest not be made at the time of the incident, all items of evidentiary value will be properly collected, in accordance with OP 28 Collection of Evidence, with charges pending laboratory results.

Bradner Police Officers shall not exercise discretion in instances which allow a violation of law to continue, felony drug abuse offenses defined in O.R.C. 2925.01, and/or felony cases where sufficient evidence exists to sustain prosecution.

Bradner Police Officers who need guidance should immediately contact a supervisor for assistance.

07.08 Assigned Equipment:

An employee is responsible for all assigned equipment. All equipment must be returned to the department upon termination of employment.

- A. An officer may be held financially responsible for any damaged equipment.
- B. Upon termination or resignation the officer will have seven (7) days to return all issued equipment and any property belonging to the Village of Bradner.

07.09 Employee Performance Reviews:

Performance appraisal is a recognized method for evaluating employees; civilian, sworn and mid-management, within the Bradner Police Department. A performance appraisal is the measurement of the worker's on-the-job performance of assigned duties by the employee's supervisor. The purpose of performance appraisal is to constructively serve both management and the individual employee.

I. OBJECTIVES OF PERFORMANCE APPRAISAL

A. The objectives of employee performance appraisal within the Bradner Police Department are:

1. Allow fair and impartial personnel decisions
2. Maintain and improve performance
3. Provide a medium for personnel counseling
4. Facilitate decisions regarding probationary employees
5. Provide an objective and fair means for recognition and measurement of

individual performance in accordance with prescribed guidelines

6. Identify training needs

B. PERFORMANCE APPRAISAL FORMS

1. This form is designed to assist the supervisor in measuring seven areas or criteria of employee work performance.

- a. Job knowledge
- b. Quality of Work
- c. Quantity of Work
- d. Communication Skills (Non-supervisory employees)
- e. Supervisory Skills (Supervisory employees)
- f. Safety/Maintenance
- g. Attendance

II. PERFORMANCE STANDARDS

Employees are required to meet certain standards of performance, which will be the basis for fair and objective performance appraisals.

A. When an employee fails to meet performance expectations, supervisors will counsel the employee or utilize a Performance Improvement Plan.

- 1. Supervisors will document their counseling of the employee to meet performance standards in the employees file.
- 2. A Performance Improvement Plan can be done any time during the year when a supervisor observes an employee consistently performing below standard in any performance area.
- 3. A supervisor must give an employee a reasonable time frame to correct below standard performance, which will be judged on a case-by-case basis.

B. Performance standards must be applied equally to all personnel in a supervisor's work unit and will be detailed in the training manual.

1. Performance Improvement Plans will establish the following details:

- a. Inform the employee of minimum performance standards
- b. Inform the employee of the performance they have delivered
- c. Establish time deadlines for improvement
- d. Explain rewards and consequences of meeting/not meeting performance Standards

2. If a skill or training deficiency is the cause of the performance inadequacy, then training will be arranged to correct the problem.

C. Further failures in meeting performance standards may result in discipline.

D. Performance Improvement Plans are not to take the place of the disciplinary process. A Performance Improvement Plan should be completed by the supervisor in addition to any discipline stemming from policy or procedural violations that would normally warrant the employee receiving discipline.

E. Once completed, the Performance Improvement Plan will be submitted to the Chief of Police for approval and upon return, the Sergeant will have the employee sign and date the Performance Improvement Plan (signature is mandatory). (1) Copy will go to the employee and the original will go to the employee's Personnel file after being served upon the employee. The original will be retained in the employee's human resource file for (2) years after the date of issuance.

III. ISSUANCE OF EMPLOYEE COUNSELING FORMS (Employee Written Warnings and Write ups)

A. The Employee Counseling Form is used to document minor infractions of the Policy and Procedures, Rules of Conduct and other substandard performance issues that would not be a violation of policy. The Write up will be completed by the investigating supervisor to include the following:

1. Officer's name, date and time of incident or concern;
2. Name of complainant if involved;
3. Whether or not an administrative investigation was submitted;
4. Details of the counseling including the following:
 - a. A brief description of the facts and circumstances giving rise to the counseling action;
 - b. A specific description of the standard(s) of conduct and performance violated by the employee (Rule of Conduct, Policy Number, etc.), citing the rule or Policy number;
 - c. A review of the employee's pertinent performance history by contacting the Field Training Officer. The FTO must recommend that Employee Counseling is appropriate for the incident.

B. Once completed, the form will be submitted to the Chief of Police for approval and upon return, the Sergeant will counsel the employee on the violation and have them sign and date the form (signature is mandatory). (1) Copy will go to the employee and the original will go to the employee's human resource file after being served upon the employee. The original will be retained in the work unit for (2) years after the date of issuance.

AP-08

Personal Conduct Regulations

08.01 Personal Conduct Policy:

The Bradner Police Department has established certain regulations which its members shall comply with in order to preserve the safety and security of the community as well as provide for efficiency and discipline in the organization.

A. Rules of Conduct: The following rules of personal conduct are required for each officer.

1. Loyalty: In the performance of his/her duty to serve society, an officer is often called upon to make difficult decisions. He/she must exercise discretion in situations where his/her rights and liabilities and those of the department hinge upon his/her conduct and judgment. An officer's decisions are not easily made and occasionally they involve a choice that may cause him/her hardship or discomfort. An officer must be faithful to his/her oath of office, the principles of professional police service, and the objectives of the department, and in the discharge of his/her duty he must not allow personal motives to govern his/her decisions and conduct.

2. Conduct Unbecoming An Officer: An officer is the most conspicuous representative of government, and to the majority of the people, he/she is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when his/her actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of an officer on or off duty may reflect directly upon the department, an officer must at all times conduct him/herself in a manner which does not bring discredit upon him/herself, the department or the Village.

The officer will conduct him/herself in a courteous manner at all times and shall maintain high standards of professional conduct. The use of profane, indecent or derogatory language and gestures is considered conduct unbecoming an officer. At no time while on duty shall comments be made in public concerning the status of the administration and the officer's feelings about any or all Bradner officials and/or employees.

3. Integrity: Society demands that the integrity of its law enforcement be above reproach, and the dishonesty of a single officer may impair public confidence and cast suspicion upon the entire department. Succumbing to even minor temptation can ultimately destroy an individual's effectiveness and may contribute to the corruption of others. An officer must avoid any conduct that would compromise the integrity of him/herself, his/her

fellow officers, or the department. An officer who has personal knowledge of serious misconduct of a fellow officer has a responsibility to report such conduct to his/her superior officers and may rest assured that he may do so free of reprisals, reprimands, repercussions and retaliation.

Officers shall not report for duty while under the influence of alcohol, nor shall he/she consume alcohol within a twelve-hour period prior to reporting for duty. It shall be prima-facie evidence of being under the influence of alcohol if a blood alcohol reading of .02% by weight is found if taken within two hours of the time the probable cause to believe the officer is under the influence is established. An inability to perform divided attention skills tests shall be evidence of being under the influence of alcohol or any substance and may warrant immediate administrative leave. Any consumption of alcohol or drugs of abuse while on duty is strictly prohibited, as is any consumption while in the prescribed uniform, either on or off duty. Use of illegal drugs is forbidden at any time.

4. Courtesy: Effective law enforcement depends upon a high degree of cooperation between the department and the citizenry it serves. The practice of courtesy in all public contacts encourages understanding and appreciation; discourtesy breeds contempt and resistance. The majority of the public are law-abiding citizens who rightfully expect fair and courteous treatment by department employees. The practice of courtesy by an officer is not a manifestation of weakness; it is, on the contrary, entirely consistent with the firmness and impartiality that characterizes a professional police officer.

5. Attention to Duty: As most police work is necessarily performed without close supervision, the responsibility for the proper performance of an officer's duty lies primarily with the officer himself/herself. An officer carries with him/her a responsibility for the safety of the community and his/her fellow officers. He/She discharges that responsibility by the faithful and diligent performance of his/her assigned duty. Anything less violates the trust placed in him/her by the people, and nothing less qualifies as professional conduct.

Officers shall be attentive to duty and shall;

- Respond to all calls for service within the most safe and timely manner.
- Complete all reports and documents necessary to the completion of the assigned task during their shift including, but not limited to;
- Attendance at all court hearings, trials, pretrial conferences, or subpoenaed matters.

6. Compliance with lawful orders

- A. Officers must be citizens of the United States and shall furnish proof.
- B. Confidential or sensitive matters shall not be discussed with the public.
- C. No member of the police department shall:
 - 1. Disseminate confidential police related information to any person.
 - 2. Disclose confidential matters, falling outside the scope of the Ohio Public Records Act (ORC 149.43), to any person except as necessary to the conduct of official business.
- D. The chain of command shall be utilized to resolve grievances of any member.
 - 1. Any matter may be referred directly to the Chief of Police for disposition.
 - 2. The matter shall be handled as set forth in the Personnel Administration policy.
- E. Disposition of grievances shall be handled solely by the Chief of Police and/or Mayor.
- F. All officers shall carry out legal orders of higher authority and or origination.
- G. Officers generally shall not accept any money on behalf of the Village of Bradner except as expressly authorized as part of their duties, such as in connection with Magistrate Court. At no time shall any gratuity be accepted.
- H. All officers are required to follow all memos, policies, and directives as issued.
- I. No officer shall use his/her position as a member of the Bradner Police Department, influence, position, or power of officer to solicit, coerce or effect any sort of personal gain or advantage, or obtain privileges not otherwise available to them except in the performance of duty, or in an attempt to avoid consequences of illegal acts.
- J. Members of the Police Department shall avoid regular or continuous associations or dealings with persons and/or organizations whom they know are persons;
 - 1. Under criminal investigation or indictment.
 - 2. Who have a reputation in the department or the community for present involvement in felonious or criminal behavior.
- K. Officers are prohibited from engaging in conduct that is meant to assist or hinder a candidate for office in the Village of Bradner. Officers are forbidden to get involved in political campaigns which involve candidates for elected office in the Village of Bradner, Montgomery Township, or the Elmwood School District.
- L. Members of the police department shall have telephones in their residence or a personal cellular phone at all times and shall immediately report any changes in telephone numbers or addresses to the Chief of Police or designee.
- M. Officers shall not interfere with cases being handled by other officers of the

department or by any other governmental agency unless;

1. They are ordered to intervene by a superior officer.
2. The officer handling the case requests the officer's help.

N. Members of the police department shall submit all necessary reports on time and in accordance with established departmental procedures.

1. Reports submitted by members shall be truthful and complete;
2. No member shall knowingly enter or cause to be entered any;
 - a. Inaccurate, false, or cause to be entered any inaccurate, false, or improper information.
 - b. Alter, remove, or destroy any report once filed for the purpose of obstructing justice, misleading superior officers, or altering the natural order of information.

O. Officers shall not intentionally make false accusations of a criminal or traffic charge.

P. Members of the police department shall utilize department equipment only for its intended purpose in accordance with established departmental procedures and shall not abuse, damage, or lose any equipment belonging to the Village of Bradner.

Q. Members of the department shall complete and execute all time reports as set forth from time to time by the Chief of Police, Clerk or Mayor and shall submit and subscribe all forms necessary for compliance with tax, retirement, or other deductions required by law.

R. Members of the police department shall operate official vehicles;

1. In a prudent and careful manner.
2. Shall obey all laws and departmental procedures pertaining to such operation.
3. Loss or suspension of any driving privileges shall be reported to the Chief of Police immediately.
4. Officers are required to obey the policy governing the use of safety belts when in police vehicles.
5. Shall be maintained and cared for by the officers in a manner consistent with its intended purpose.
6. Any negligent or intentional misuse, misappropriation, conversion, improper use or use for personal gain shall be prohibited.

S. Officers shall carry firearms in accordance with the law and established departmental procedures.

T. Upon order of the Chief of Police or the Chief's designee, members of the police department shall fully and truthfully answer all questions that may be asked of them, specifically directed and narrowly relating to the performance of official duties or fitness for office.

U. Members of the police department shall not mistreat persons who are in their custody.

V. Members shall handle such persons in accordance with the law and department

procedures.

W. Members of the police department shall not conspire or knowingly engage in any activity which deprives any person of their civil rights, due process, equal opportunity for employment, advancement, job opportunities, or any constitutionally or statutorily guaranteed right.

X. Members of the police department shall not commit any acts that are expressly forbidden or omit any acts that are specifically required by the laws of; this State, and the ordinances of the Village of Bradner, these Rules of Conduct, any other orders, policies, procedures, or directives of the police department. Members shall not engage in any activity or personal business that could cause them to neglect or be inattentive to duty.

Y. Members of the police department shall not fake illness or injury, falsely report themselves injured or ill, or otherwise deceive any official of the department as to the condition of their health.

Z. Members of the police department shall remain awake while on duty. If unable to do so, they shall report to their superior officer who shall determine the proper course of action.

AA. Members of the police department shall not leave their assigned duty post during a tour of duty, except when authorized by proper authority. Officers are not permitted to patrol outside the corporate limits of the Village of Bradner. This limitation on outside of the Village patrols shall not apply when the officer is requested for service by another municipality or entity with which the Village of Bradner has a mutual aid agreement in effect.

BB. Officers shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with the highest standards of the law enforcement profession. Officers shall not participate in any incident involving moral turpitude that impairs their ability to perform as law enforcement officers or causes the police department to be brought into disrepute.

CC. Officers shall carry out the legal and proper orders of higher authority and shall enforce the ordinances of the Village of Bradner and the statutes of the State of Ohio in a consistent manner and within guidelines set forth herein at all times and shall do so without permitting race, creed, gender, economic status, perceived heritage, or place of residence being a factor in determining what action shall be taken. Each officer is expected to exercise certain discretion, giving due regard for the totality of the circumstances and objective facts, with respect to the action to be taken in certain offenses, particularly those of a minor misdemeanor nature.

DD. Officers are expected to engage in a community oriented policing philosophy and hence, are required to make foot patrols and attend community events and a program as is practicable to do so. However, officers shall not loiter in any place of business or residence within the community.

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EE. Officers shall know and obey all rules, regulations, policies, procedures and any similar ruling which affects their position, authority or ability to act and shall maintain proficiency in the oral and written use of the English language, proficiency in the areas of law enforcement procedures and rules, and shall receive such training as mandated by the department.

FF. Officers shall, during each calendar year and thereafter complete at least forty (40) classroom hours of training and education on topics related to the law enforcement field. Relevant college level courses or other courses specifically approved by the Chief of Police, such as E-OPOTA online training courses etc, may qualify to complete this requirement. Each officer shall be responsible for selecting the training courses desired, except in the case of mandatory training which the Chief of Police shall specify, register and complete the course. All officers shall meet this requirement and shall present proof of the same to the Chief of Police or designee for inclusion in the departmental officer file.

AP 09 Sexual Harassment Policy

09.01 Administrative Policy

It is the policy of the Village of Bradner Police Department to guard against any improper conduct so as to maintain a quality working environment for all of the employees of the Village of Bradner. This policy reaffirms the Village of Bradner Police Department's commitment to providing a working environment free from intimidation, humiliation, insult, or offensive physical or verbal abuse or actions of a sexual nature or any other form of harassment or discrimination including anything that creates a stressful working environment.

09.02 Two types of Sexual Harassment:

A. Quid Pro Quo: standard definition of sexual harassment

1. Violations Section 703 of Title VII United States Code
2. "Unwelcome sexual advances" is defined as requests for sexual favors, and other verbal or physical conduct of a sexual nature" when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment."

B. Examples include but are not limited too the following:

- Pressure for sexual activity, asking about a person's sexual fantasies, preferences, or activities, unwelcome patting, hugging, or touching of a person's body, hair or clothing.
- Repeatedly asking for a date after the person has expressed disinterest sexual innuendos, jokes, or comments
- Making sexual gestures with hands or through body movements disparaging remarks to a person about his/her gender or body making suggestive facial expressions such as licking lips or wiggling tongue sexual graffiti or visuals.
- Hostile Work Environment: When any form of harassment interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though the harassment may not result in tangible or economic job consequences, that is the person may not lose pay or a promotion.

09.03 Definition of Other Prohibited Forms of Harassment

Federal and state law and this Department's Policy also prohibit derogatory racial, ethnic, religious, age, or other inappropriate remarks, slurs or jokes that have a tendency to offend or intimidate employees and/or interfere with the workplace productivity and cohesiveness. Such conduct is prohibited, whether it be in the form of physical, verbal or written harassment, and regardless of whether committed by supervisory or non supervisory personnel.

- A. Examples of behaviors that could be defined as racial ethnic, religious, or age harassment are (but are not limited to) as follows:
 - 1. Use of derogatory terms that denote a particular racial, ethnic, religious or age groups.
 - 2. Jokes, slurs or other remarks that disparage racial, ethnic, religious or age groups.
 - 3. Verbal abuse or insults of a racial, ethnic, religious or age-related nature.
 - 4. The display in the workplace of objects, pictures, posters, magazines, cartoons, or other materials that negatively portray any particular racial, ethnic, religious or age group.
- B. Any employee who believes that they have been subjected to sexual harassment or any other form of harassment or discrimination shall IMMEDIATELY REPORT the incident or alleged occurrence to the Chief of Police or any senior officer. In order for the Police Department and/or the Village to take appropriate actions, the incident must first and foremost be reported.
- C. The Chief of Police and/or the Mayor shall promptly investigate a complaint of sexual harassment or other such complaint falling under this policy's provisions. Every effort will be made to handle all such complaints in a fair, impartial, and efficient manner. In order to protect both the person making the complaint and the person(s) against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confident and discreet manner. If an employee is not satisfied with the way a complaint is handled, he or she should bring this to the attention of the Mayor or the assigned designee. In all cases the employee will be advised of the conclusion of the investigation.
- D. No employee shall willfully bring forth or threaten to bring forth a false accusation of sexual harassment or other form of harassment or discrimination contemplated solely to damage, harm, “get even with”, or otherwise intimidate a co-worker/supervisor. False accusations will result in disciplinary action up to and including termination. In addition, failure to notify the Village of a complaint of sexual harassment or other forms of

harassment or discrimination, then subsequently bringing suit against the Village, will result in disciplinary action up to and including termination.

E. It is a violation of this department's policy to retaliate in any way against an employee of the Village of Bradner Police Department who complains of sexual harassment. Retaliatory action or conduct of any kind taken by any member of the Bradner Police Department or the Village of Bradner against an employee who files a complaint of sexual harassment or other forms of harassment or discrimination and/or an employee who is a witness to the alleged conduct is strictly prohibited. Retaliatory actions shall be regarded as a separate and distinct violation of the Department's Policies. Any employee who violates this section is subject to disciplinary actions, up to and including termination.

F. The Chief of Police and/or Mayor is responsible for the dissemination of this policy within the department. **The Chief of Police is responsible for ensuring all employees observe and follow this policy and procedure.**

09.04 Procedure

It shall be the responsibility of the Chief of Police and/or Mayor to take positive action to prevent offensive physical and verbal harassing conduct from occurring and to deal with all such reported incidents in a fair, confidential, impartial, and speedy manner. The Chief of Police and/or Mayor shall take affirmative action to investigate and resolve any allegations whether a male or female initiates these actions. If the facts of the investigation substantiate that the allegation of sexual harassment did occur, then the harasser is subject to disciplinary action for violations of this policy and action shall be taken to remedy the situation to prevent any re-occurrence.

No employee of the Village of Bradner Police Department shall initiate, engage in alone, or with others, or encourage another to violate any portion of this policy. The Chief of Police and all supervisors shall be accountable to prevent personal harassment incidents from occurring within their work jurisdiction and to report such incidents coming to their attention to the Mayor. Nothing in this policy prevents an employee from directly contacting the Equal Employment Opportunity Commission or the Bradner Solicitor to file a complaint in addition to or in lieu of contacting the Chief of Police.

AP-10

INVESTIGATION OF EMPLOYEE MISCONDUCT

A. Purpose

The Purpose of this Policy is to establish general procedures in addition to those provided in the Ohio Revised Code for reviewing citizen complaints, conducting internal affairs investigations and initiating corrective and/or disciplinary actions against department personnel.

B. Supervisors Responsibility

Nothing in this policy is meant to take away from a supervisor the responsibility of correcting, admonishing, or reprimanding subordinate personnel whenever it is warranted. Final disciplinary action rests with the Chief of Police.

C. Complaint Investigation Policy

It is the policy of this department that all allegations of employee misconduct be appropriately investigated and promptly adjudicated. All reports or accusations made against employees of this department, from all sources, shall be completely investigated in order to ensure the integrity of the Department and its employees. Anonymous complaints can be difficult to investigate; however, the department will carefully review each complaint for validation before disregarding it for lack of a credible complainant.

The

department has the responsibility to protect the rights of all persons within its jurisdiction. This includes protecting its officers and employees from false allegations of misconduct. In this context, complainants should be made aware of the following sections of the Ohio Criminal Code.

- Section 2917.32(A)(3) No person shall report to any law enforcement Department an alleged offense or other incident within its concern, knowing that such offense did not occur.
- Section 2921.13(A) No person shall knowingly make a false statement, or knowing swear or affirm the truth of a false statement previously made when any of the following apply:
 - The Statement is made with the purpose to mislead a public official in performing his or her official duties/functions.

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- Section 2921.15(B) No Person shall Knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

*(These crimes are Misdemeanors of the first degree punishable upon conviction by a fine not more than \$1000 and/or imprisonment not more than 6 months.)

D. Records Maintenance and Security

Every internal affairs or citizen complaint investigation report shall be assigned a case reference number. The numbering system will be sequential in nature and will start over each January. Example, the first case of 2018 would be numbered as 18-01; the next case would be 18-02, then 18-03 etc. The original case file will be maintained by the Chief of Police until the case is closed. At the conclusion of the case, the file will be stored in a locked file cabinet in the Chief's office. Only the Chief of Police and the Sergeant will have access. The case file will remain in the file cabinet until disposed of under the rules of the Records Retention Schedule.

E. Direct Accessibility to the Chief of Police

The Chief of Police or the Sergeant is responsible for the Internal Affairs function. The Sergeant reports directly to the Chief. Generally the Sergeant will be assigned, through the Chain of Command, to conduct the investigation. The Chief may determine it necessary to assign another individual to serve as the Internal Affairs investigator due to extenuating circumstances. In such cases, the investigator may be directed by the Chief to report directly to the Chief regarding matters concerning the internal affairs investigation. Any and all personnel have the ability to report directly to the Chief of Police when investigating an internal affairs case.

F. Complaint Registering Procedures

The Department makes information available to the public on procedures to be followed in registering complaints against the Department and or its employees. The complaint process is outlined on the Department website and available in pamphlet form. Complaints shall be accepted in person, by telephone, email or Department complaint form. Commendations shall be made available to the public in the same manner.

G. Annual Summaries – Public Availability

The Chief of Police or his/her designee will compile an annual statistical summary of all internal investigations that will be made available to the public and all Department employees.

H. Complaint Procedures

Generally there are two types of complaints, criminal misconduct or non-criminal misconduct. Supervisors receiving a complaint regarding officer or civilian employee behavior shall review the complaint and determine which of the following categories it falls. If, after preliminary review, the supervisor determines that the complaint does not fit either category, he/she should document the complaint in their supervisor notes.

1. A complaint against a member which alleges criminal misconduct is considered to be a criminal complaint and is subject to the formal internal affairs function. Criminal misconduct is defined as any action in violation of the Ohio Revised Code.
2. Non-criminal misconduct is defined as behavior which is either unethical or immoral, and has the potential for reflecting negatively upon the reputation and image of the Police Department's Office, but does not constitute a violation of the Ohio Revised Code. A complaint which alleges such behavior is considered a noncriminal misconduct complaint. An investigation of this type of complaint is considered formal, is subject to the formal internal affairs function and the affected employee is advised of his Garrity rights (an employee being questioned as part of an official internal investigation, must answer all questions or face Department disciplinary action, and that no statements can be used against him in any subsequent criminal proceeding) and Piper rights (any police officer or employee who is under investigation by internal affairs, shall be permitted to have an attorney present during questioning).
3. Complaints of a non-serious nature will be taken by the supervisor on duty. An informal inquiry will be conducted which may result in no further investigation or in a request for a formal internal affairs investigation. In informal inquiries, the accused employee will be informed of the complaint.
4. Investigation of complaints of employee misconduct should be conducted by the employee's immediate supervisor. The following types of complaints are examples of those that can be investigated by the immediate supervisor:
 - ☐ Non-criminal complaints;
 - ☐ A complaint that does not involve violence; and
 - ☐ Policy violations.

5. The results of all informal inquiries will be reduced to writing and documented in supervisory notes with the final disposition noted. The supervisor should advise their superior officer of the inquiry

I. Notification to the Chief of Police

Whenever the incident allegedly committed by the person is a criminal offense, and the evidence is such that had the crime been committed by a private citizen it would have generated an arrest, the Chief of Police shall be advised of the circumstances and render a decision as to whether personnel should be arrested forthwith; or criminal action should be delayed pending further investigation. The Chief of Police shall be informed as soon as practical of investigations of a lesser nature.

J. Investigation Time Limits

All complaints against the Police Department's Office, or any of its employees, shall be completely investigated within sixty days from the date of the filing of the complaint. The Chief may, on a case-by-case basis, grant an extension to this time limit, at his discretion based on extenuating circumstances.

K. Collective bargaining

Nothing in this policy shall interfere with rights or procedures outlined for officers covered by collective bargaining agreement between the employer and the Union.

L. Informing Complainants

When an individual wishes to make a complaint the on duty supervisor will review the complaint process with them and answer any questions that they may have. This process is outlined on the department website: www.police.Bradnerohio.org
Once the investigation is completed the complainant(s) shall be advised of the findings and whether or not any corrective and/or disciplinary action resulted.

M. Statement of Allegations/Rights

When employees are notified that they have become the subject of an internal affairs investigation, the Police Department's Office shall issue the employee a written statement

of the allegation(s) and the employee's rights and responsibilities relative to the investigation.

N. Cooperation and Truthfulness

Department personnel shall fully cooperate during internal affairs and citizen complaint investigations. All personnel are required to truthfully answer questions, render relevant statements, material, and evidence in connection with such investigations. Personnel who fail to cooperate, or who are not truthful, shall be subject to disciplinary action up to and including termination from the Department.

O. Dissemination of Findings

Department personnel who are the subject of an internal affairs or citizen complaint investigation shall be informed in writing of the findings and, when appropriate, any corrective and/or disciplinary action. The complainant(s) of any internal affairs or citizen complaint investigation shall be advised of the findings and whether or not any corrective and/or disciplinary action resulted.

P. Appeal

Notwithstanding the provisions of this Chapter, any Department personnel who are the subject of disciplinary action shall be afforded the right to appeal.

Q. Submission to Tests, Procedures

During an internal affairs investigation, specific questions may arise that can be answered through specific testing or procedures. The following guidelines shall be used in such cases:

1. An employee may be required to submit to a medical or laboratory examination, at the Department's expense, when the examination is specifically directed and narrowly related to a particular internal affairs investigation being conducted by the Department. An example is when there are indications that Department personnel are physically or mentally impaired due to the consumption of alcoholic beverage and/or habit forming drugs or addicting narcotics, the person shall submit to a breath, blood, or urinalysis examination when directed by a supervisor.

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2. An employee may be required to be photographed and the photos used in an internal affairs investigation being conducted by the Department.
3. An employee may be required to participate in a line-up when such action is material to a particular formal internal affairs investigation being conducted by the Department.
4. An employee may be required to submit financial disclosure statements when such requirement is material to a particular internal affairs investigation.
5. A polygraph examination may be used as an investigative aid.
6. No law enforcement officer who is subject to criminal prosecution shall be ordered or coerced to waive any right granted by law. If there is the potential for criminal prosecution, officers who are ordered to provide statements during an internal investigation are protected under the Garrity Rule.

R. Relieved from Duty

1. Upon notification of an incident of alleged misconduct, or personal knowledge of misconduct by Department personnel, a command officer or supervisor may immediately place the person on emergency administrative leave, and direct him or her to report to the Chief of Police before returning to duty. The command officer or supervisor may order this emergency administrative leave when the action of the person is, for example, grossly immoral, indecent, brutal, involved the physical mistreatment of another person; or when the accused personnel is intoxicated, refused to obey a lawful order of a superior officer or refused to comply with law(s) and/or Department rules, orders, or regulations; or is otherwise unfit for duty. When an accused is placed on emergency administrative leave, the command officer or supervisor shall, as soon as is practical, notify the Chief of Police.
2. Corrective Action and Involuntary Termination authorizes administrative leave in circumstances when the health or safety of any staff member or of any person or property entrusted to the staff member's care could be adversely affected, or during an administrative investigation

S. Conclusion of Fact

All investigations into allegations of misconduct shall result in a "CONCLUSION OF FACT" which will be designated as follows;

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- **Unfounded:** The investigation conclusively proved that the act(s) complained of did not occur. This finding also applies when the individual personnel was not involved in the act(s) which may have occurred.
- **Exonerated:** The act(s) which provided the basis for the complaint or allegation occurred; however, investigation revealed it was justified, lawful and proper.
- **Sustained:** The investigation disclosed sufficient evidence to clearly prove the allegation(s) made in the complaint.
- **Not sustained:** Insufficient evidence to either prove or disprove allegation(s).

T. Corrective and/or Disciplinary Action

When a finding of Sustained is included in a final summary report of investigation, the Chief of Police will determine whether immediate corrective and/or disciplinary action will be initiated in conformity with the findings in the report. When disciplinary action is indicated by the findings, one or more of the following actions may be taken by the Chief of Police, or the appointing authority, subject to the provisions of Department policies:

- ☐ Informal counseling
- ☐ Oral reprimand
- ☐ Written reprimand
- ☐ Denial or delay of promotion
- ☐ Suspension
- ☐ Demotion
- ☐ Termination
- ☐ Corrective Action and Involuntary Termination:

AP 11 Training Policy

11.01 Policy

It is the policy of this department to administer a training program that will meet Department and State or nationally recognized standards and provide for the professional growth and continued development of its personnel. By doing so, the Department seeks to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

11.02 Certification Standards

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standard: 12.2016.4

See <https://www.ocjs.ohio.gov/ohiocollaborative/links/cjs0201.docx>

11.03 Philosophy

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, departmental needs and legal mandates. Whenever reasonably possible, the Department will use courses approved for Continuing Professional Training (CPT) credit or recognized by other regulatory or nationally recognized entities. Examples of these entities may be, but are not limited to, the Ohio Peace Officers Training Council and the Bureau of Criminal Justice.

11.04 Objectives

The objectives of the training program are to:

- Enhance the level of law enforcement service to the public.
- Increase the technical expertise and overall effectiveness of Department personnel.
- Provide for continued professional development of Department personnel.
- Assist in compliance with statutory requirements.

11.05 Training Plan

It is the responsibility of the Sergeant to ensure that mandated basic, in-service and Department required training is completed by all employees. The Sergeant shall include a systematic and detailed method for recording and logging of all training for all personnel.

The Sergeant is responsible for ensuring members of the Department have been trained as required.

The Sergeant shall send out a quarterly update on training for officers. The update will advise officers if they have completed the necessary training for the year.

11.06 State-Mandated Training

State training requirements include, but are not limited to:

- A. Peace officer basic training program pursuant to OAC § 109:2-1-13 and OAC § 109:2-1-16, including training in:
 - 1. Handling of missing children, missing persons, child abuse and neglect cases (ORC § 109.741).
 - 2. Crisis intervention (ORC § 109.742).
 - 3. Domestic violence-related cases and incidents (ORC § 109.744).
- B. Continuing professional training, as directed by the Ohio Peace Officer Training Commission (ORC § 109.803).
- C. Annual firearms requalification (ORC § 109.801).

11.07 Training Needs Assessment

The department will conduct a training needs assessment. Upon review and approval by the Chief of Police, the needs assessment will form the basis for a training plan for the department.

11.08 Training Procedures

- Members should request specific additional training classes through their supervisor, the assigned training supervisor, or the Chief.
- No member may attend specific training without departmental approval.
- When an employee is unable to attend mandatory training, that employee shall:
- Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
- Document his/her absence in a memorandum to his/her supervisor.
- Make arrangements through his/her supervisor and the assigned supervisor to attend the required training on an alternate date.

11.09 Training Records

The Training Officer is responsible for the creation, filing and storage of all training records. Training records shall be retained in compliance with the current Records Retention Schedule.

AP-12

Disciplinary Procedure

12.01 Policy

A disciplinary process is necessary to encourage the achievement of goals of the department and to ensure compliance with rules, orders, policies, and procedures. Compliance with rules and regulations by its members creates a strong, professional and respected department to serve the public.

12.02 Notification and Officers Defense of Disciplinary Action

Violation of any policy, procedure, order, ordinance, statute, or regulation may subject the officer to disciplinary action. The usual procedure would be to notify the officer of the infraction in writing of the allegations and the proposed sanction, if any. The member would have a right to a conference with the Chief concerning the infraction and the right to present the officer's position on the claimed infraction. ORC 737.19 shall be followed in conjunction with these policies describing the steps to be taken in determining discipline, in any, to be imposed.

12.03 Administrative leave

An offense of any of the following may result in the Chief of Police removing an Officer from the schedule and/or placing same on administrative leave until such time as the matter is adjudicated:

1. Any use of deadly force by an officer in the line of duty or failure to qualify with authorized weapons.
2. Any on-duty traffic accident resulting in death, injury, or property damage in excess of \$500 to any person, place, or thing.
3. Any charge, arrest, indictment, or formal action by a prosecutor or other public official for an offense allegedly committed by the officer which is defined as a felony or first or second degree misdemeanor under the Ohio law, a substantially equivalent municipal ordinance, or substantially equivalent state or federal statute.
4. Any offense that the officer is charged with and given specific and articulated reason by the Chief of Police in writing which justifies an administrative leave for the greater good of the department or community.

12.04 Disciplinary Procedure:

Each case of inappropriate action or behavior by an Officer shall be reviewed by the Chief of Police and or with his/her designee to determine appropriate disciplinary action to be taken.

1. The Chief of Police may take any of the following disciplinary actions, in accordance with the law, against a member found to be in violation of any section of this manual.

1st Offense: Oral Reprimand, recorded in personnel file.

2nd Offense: Written Warning, recorded in personnel file.

3rd Offense: Suspension or Termination Use of procedures outlined in ORC Section 737 at the discretion of the Chief of Police.

2. Any of the above steps may be bypassed depending on the severity of the infraction.

12.05 Unsatisfactory performance: Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced: an unwillingness or inability to perform assigned tasks: the failure to conform to work standards established for the position or rank: the failure to take appropriate action on the occasion of a crime, disorder, or to other conditions deserving an Officer's attention; or absence without leave, excessive absenteeism, or excessive tardiness.

- A. The Chief of Police reserves the right to designate Unsatisfactory Performance as any one of the above offenses.
- B. The standard for the first written reprimand for any unexcused absenteeism, tardiness or leaving the job early shall be any of the two (2) by themselves or in any combination thereof within one (1) calendar year.

12.06 Disciplinary Infractions:

The Following Offenses, in addition to all orders, sections, and procedures of this manual, shall be adequate justification for disciplinary action. The list of items below is not the only infractions that may cause an Officer to be disciplined.

- 1) Willful violation of any law, ordinance, rule, or regulation.
- 2) Any action or conduct which impedes the Department's efforts to achieve its goals or brings discredit to the department.
- 3) Any conduct or action taken to use the official position for personal gain or influence.
- 4) Failure to perform a duty required of an officer.
- 5) Disobedience of an order or directive, written or oral.
- 6) Disrespect to or willful mistreatment of any person.
- 7) Inattention to duty.
- 8) Incompetence or inefficiency in the performance of duty.
- 9) Failure of officer to wear the uniform as prescribed.
- 10) Failure to adequately secure or care for the Department's property.
- 11) Making a false report, oral or written.
- 12) Intoxication on duty.
- 13) Consumption of any alcoholic beverage within 12 hours before any shift.

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- 14) Drinking alcoholic beverages while on duty or in uniform: or transporting alcoholic beverages on or in department property except in the performance of a duty.
- 15) Illegal drug use.
- 16) Failure to assist another member or citizen in distress.
- 17) Failure to immediately submit a written report that any member, including self, is under investigation by any law enforcement agency.
- 18) Failure to report to this Department, any information concerning any crime or unlawful action, violations of any rules or regulations or any improper conduct by any member.
- 19) Failure to report damage to any Departmental equipment.
- 20) Failure to report any anticipated absence for duty.
- 21) Being absent from duty without proper authorization.
- 22) Failure to be prompt for duty assignments or court appearance.
- 23) Leaving duty assignment without proper authorization.
- 24) Engaging in any activity, conversation, deliberation, or discussion which is derogatory to this Department, or any other member or policy of this department.
- 25) Publicly criticizing the official actions of another member of this Department.
- 26) Permitting any person not on official police business to ride in a Department vehicle unless specifically authorized.
- 27) Unlawful or unnecessary use or display of a weapon.
- 28) Off-duty members will not expose firearms or other police equipment to the general public.
- 29) Failure to inventory and process recovered property in conformance with Departments procedures.
- 30) Disseminating, releasing, altering, defacing, or removing any Department record or information concerning police matters except as provided by law or Department procedures.
- 31) Participating while on duty in any partisan political campaign, activity, or demonstration.
- 32) Giving an opinion as to a fine or penalty.
- 33) Soliciting or accepting any gratuity, or soliciting or accepting a gift, present, reward, or anything of value for any service rendered as a Department member, or as a condition for the rendering of such service, or as a condition for not performing sworn duties.
- 34) Seeking or soliciting contributions of any kind from anyone, by any means, for any purpose, under any circumstances, except as specifically authorized by the Chief of Police.
- 35) Excessive absenteeism.
- 36) Failure to give evidence before a Grand Jury in any court or before any

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governmental administrative body when properly called upon to do so.

37) Neglect of duty.

38) Conviction of a felony.

39) Abuse of authority when dealing with the public.

40) Malfeasance, misfeasance, or nonfeasance in office.

41) Cowardice in the line of duty.

42) Sleeping while on duty.

43) Use of tobacco products while on duty in the presence of, and while dealing with the public.

44) Unnecessary Response to Resistance or violence in the performance of duty.

45) Gross ignorance of the manual, orders, or procedures governing this Department.

46) Unsatisfactory performance.

47) Altering Departmental equipment without proper authorization.

48) Officers violating any section of the USC 1941 Civil Rights Act may be liable for Criminal or Civil Charges by the FBI.

AP 13 Communicable Diseases and Contamination

13.01 Policy

The officer shall ensure that certain precautionary and hygienic procedures are followed to decrease the probability of exposure to, and therefore the contraction of, an infectious communicable disease.

13.02 Definitions

SIGNIFICANT EXPOSURE – A significant exposure to a communicable disease is a transfer of blood or other body fluids from an infected person to another.

13.03 Procedures

A. SIGNIFICANT EXPOSURE PRECAUTIONS

A Significant exposure may occur if a person with open sores, abrasions or other openings in the skin comes into contact with contaminated body fluids such as blood, tears, vomit, semen, urine, feces or saliva or the fluids are deposited in/on eyes, ears, nose or mouth of another. Significant exposures can occur through

- Needle sticks
- Puncture wounds
- Cuts
- Scratches
- Human bites
- Other injuries caused by contaminated objects

*NOTE: Any of the above instances constitute a significant exposure and shall be reported as such following the procedures as stated in this policy (see section c below).

B. REDUCING EXPOSURE TO COMMUNICABLE DISEASE

1. The method of preventing exposure to a communicable disease is to limit contact with body fluids.
2. All body fluids should be considered a potential disease carrier.
3. In addition to limiting contact, officers can reduce vulnerability to all infections through the use of hand-washing facilities and generally accepted personal hygiene practices.
 - a. Officers should always wash their hands prior to eating or touching food items.
 - b. Use disposable latex gloves when handling any wet or dried body fluids or objects that are contaminated with body fluids.
 - c. Always wash your hands after removing gloves

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- d. Use a bandage to cover any open wound or break in your skin
- e. Always change your bandage if it becomes wet or soiled.
- f. Use care when conducting searches.
- g. Never blindly place or sweep your hands in areas that you cannot see.
- h. Use puncture resistant containers to process evidence such as needles and fixed blade knives.
- i. Other objects that may not be conducive to packaging in containers should be handled and processed in a manner that reduces the potential for injury to others who may come into contact with the object.
- j. Use Bio-Hazard labels, available from the office, or clearly mark containers or packages with the words “Bio-Hazard” whenever body fluids are present or when the item is believed to be contaminated.
- k. Use extra care when responding to a location or incident where you believe that contact with body fluids is probable.
- l. Always put on nitrile gloves prior to handling any potentially contaminated object.

C. SIGNIFICANT EXPOSURE TO THE OFFICER

- 1. In the event a significant exposure to a communicable disease occurs to an officer, the following procedure shall be followed.
 - a. If necessary, seek immediate medical treatment. Officers who believe they have been exposed shall report the incident immediately to the Chief of Police for his/her recommendations and follow the procedures for personal decontamination below.
- 2. Officers shall complete an Incident Report documenting the details and circumstances leading to the exposure.
- 3. The officer may be required to change clothing and other items of equipment prior to returning to duty.

D. PERSONAL DECONTAMINATION

- 1. Personal decontamination of officers and their equipment is an individual responsibility.
- 2. Washing hands and other exposed body areas with soap and water or instant antibacterial hand gel is an excellent decontamination activity and affords protection against acquiring infections.
- 3. Uniforms and some equipment items can be effectively cleaned with a bleach solution made by combining one part of chlorine bleach with nine parts water.

4. Uniform and equipment items that would not be compatible with cleaning with bleach, or those items which are soiled beyond the capability of the individual to clean, shall be placed in sealed plastic bags.
 - a. A tag shall be placed on the bag that identifies the officer who the equipment belongs to and the type of contamination, apparent or suspected.
 - b. The bag will then be turned in to the Chief of Police who will then attempt to have the items professionally cleaned or see that it is replaced.

E. CONTAMINATION OF FACILITIES OR EQUIPMENT

In the event of a police facility or other department owned property becoming contaminated with body fluids (office/cruiser, etc) or other infectious organisms, it is the responsibility of the officer to notify the Chief of Police and arrange for the immediate decontamination of the property.

1. If a room or area within a department controlled facility becomes contaminated, the officer on duty shall immediately secure the area, ensuring that the contaminated area stays isolated until it can be cleaned.
 - Notify the Chief of Police who will decide how to proceed and if it will be necessary to contact a specialized clean up crew to decontaminate the space.
 - Hang signs to warn all any visitors, employees, new arrivals to the scene that it is closed due to contamination and is a hazard to their safety and health.

2. INCIDENT REPORT REQUIRED

The officer on duty at the time of the decontamination shall submit an Incident Report documenting the actions taken and or problems encountered in decontaminating the area.

F. CONTAMINATION OF DEPARTMENT VEHICLE(S):

In the case of a contaminated department owned vehicle, the officer having the responsibility for operating the vehicle at the time it became contaminated shall evaluate the situation, notify the Chief of Police, take the car immediately out of service until the unit has been decontaminated.

G. CONTAMINATED EVIDENCE:

1. Contaminated evidence shall be handled in a manner that reduces the opportunity of infection for its handlers.

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2. The destruction of contaminated evidence must be performed in accordance with prevailing legal requirements or as directed by the courts.
3. Other property in the custody of the department shall be cleaned or disposed of by direction of the Chief of Police.

AP 14 Emergency Management Plan

14.01 Purpose and Scope

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

14.02 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

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

14.03 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Bradner Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized Designee. Failure to promptly respond to an order to report for duty may result in discipline.

14.04 PLAN REVIEW

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

AP 15

MAGISTRATES COURT

15.01 Scope & Effective Date

All rules are effective as of January 1, 2021 and govern all proceeding files subsequent to that date and supersede any previously promulgated court rules that are inconsistent herewith. These rules may be amended from time to time by orders of the Mayor or Magistrate.

15.02 Appointment of Clerk of Court

The Mayor shall, in writing, after the final approval of the Chief of Police or his/her designee, appoint such clerks and deputy clerks as are authorized by Village Council.

1. The clerk shall, before entering upon the duties of the office,
 - A. Submit a FBI Background check and BCI Fingerprint Check, the original report is for personnel file and a copy for police chief.
 - B. Submit a bond. The cost of the bond will be paid by the Village. Bond shall be filed with the Village Clerk.
 - C. Take the oath. Oath shall be filed with the Village Clerk.
 - D. Attend any mandatory training and sign all confidentiality agreements.
 - E. Complete drug screening. The original report is for a personnel file and a copy for police chief.

15.03 Loyalty and Communication

1. The Primary responsibility of the clerk of court is to the Magistrate.
2. The clerk should ensure that the magistrate and solicitor receive all mail sent to him or her in a timely manner.
3. The clerk of court must be careful to maintain the appearance of fairness and should avoid discussing the substance of specific cases with anyone, including the Magistrate.
4. The clerk of court should help the Magistrate to avoid ex parte communications.
5. The clerk of court should review each unresolved case periodically and bring it to the attention of the Magistrate, prosecuting attorney, or whomever necessary to get a disposition.
6. The clerk of court should be able to communicate with the public to convey a professional image for him/herself and the court.

15.04 Clerk of Court Duties

1. The Mayor's Court Clerk shall be responsible for supervising the processing of all documents filed with the Mayor's Court, maintaining the docket of the court, administering the traffic violations collecting and distributing to the proper sources all fines, costs and fees imposed by the court.

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2. The Clerk of Court shall submit all documents of court record and other information required by the Ohio Bureau of Motor Vehicles in a timely manner and according to the point schedule recommended.
3. The Clerk's office shall receive and time-stamp all motions including but not limited to: not guilty pleas, continuances, appearances of counsel, discovery requests and all other legal motions to transfer, dismiss, and suppress. The clerk shall schedule all matters for trial by coordinating necessary evidence, notifying the officers, witnesses, interpreters, or any other relevant persons.
4. The clerk shall in the absence of the Mayor or Magistrate and by the authority of the Mayor or the Magistrate have the authority to sign or use the signature stamp on any court related paperwork. This is including but is not limited to: Jail commitments and releases, warrant blocks, license forfeitures and release forms, warrants, limited driving privileges forms, and any BMV entries.
5. The clerk shall prepare and maintain an index/docket and other records that the Mayor's Court requires, all of which shall be the public record of the Court.
6. The clerk and all staff shall follow guidelines set forth by the LEADS Steering Committee as published for non-terminal agencies.
7. The clerk shall follow guidelines set forth by the Mayor's Court Accounting Manual as published by the Auditor of State and recommendations made by the Mayor of the Village of Bradner. The clerk shall deposit any fines, costs, bonds and fees collected into the Mayor's Court account "on the first business day that follows the day on which the public monies are received" in accordance with HB 220, enacted by the 123rd General Assembly and effective on November 2, 1999.
8. The clerk shall be considerate and courteous to all parties and spectators.
 - a. Use proper titles of respect in court and when on official duty. The Magistrate shall be addressed as "Your Honor" or "Magistrate" and police officers shall be addressed as "officer".
 - b. Avoid familiarity. Do NOT use first names in court.
9. Be conscious of the fact that you represent the judiciary. Not only must the court be satisfied that justice is being done and that the court is acting in an appropriate and ethical manner, it must also appear so to all observers.
10. Be independent. Avoid being pressured by segments of the community, police or members of the village council.
11. Be impartial. Avoid bringing personal issues to work. Avoid gossip and the appearance of impropriety at all times.
12. Remember that most people appearing in Mayor's court have never been in any court before. Your conduct will create a lasting impression on them regarding our system of justice. It is critical that you treat people fairly and with respect.

15.05 Mandatory Education

Mayor's court clerks shall participate in a program of continuing education as required by the Supreme Court.

1. Each Magistrate shall designate a minimum of one Mayor's court clerk to attend the annual Mayor's Court Clerk Seminar once every two years for updated training.
2. The clerk shall read the legislative bulletins issued by the Supreme Court of Ohio, particularly those regarding changes in traffic laws.
3. The clerk must keep up his/her LEADS certification requirements. A copy of the certification shall be placed in personnel file and a copy for the police department TAC officer.

15.06 Resources to Provide at Court

1. A current copy of the Ohio Revised Code
2. A current copy of the Village of Bradner ordinances
3. A current copy of the Village of Bradner Fee schedule
4. A current copy of the Magistrates court calendar for the year.
5. Any and all paperwork related to court proceedings.

15.07 Other Court Requirements

1. The clerk shall be able to assist the Village Clerk &/or the Magistrate in preparing the yearly budget and work within the budget.
2. The clerk should order office supplies, postage, office equipment, etc. and stay within the yearly budget.
3. The clerk shall maintain yearly caseload statistics and be able to present/submit them upon demand.
4. The clerk will provide the chief of police monthly caseload statistics.
5. The clerk shall keep and maintain the mayor's court records and adhere to the record retention policy. Records will be purged in a timely manner according to the records retention policy. Proper documentation shall be sent to the Ohio Historical Society asking for permission prior to destruction.
6. Destruction of records shall be thorough using a destruction process that prevents someone from reassembling the documents. A secured service may be used that is bonded for destruction or a shredding machine using a cross cut pattern.

15.08 Use of Electronically Produced Ticket

The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Village of Bradner's Mayor's Court. The electronically produced ticket shall

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conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an (alleged) offense, the issuing officer shall provide a paper copy of the ticket to the defendant.

15.09 Facsimile Filing Rules

Pleadings and other papers may be filed with the Clerk of Courts by facsimile transmission to 419-288-0053 (criminal/traffic) subject to the following conditions: The following documents are the only ones accepted via facsimile for cases: entry of appearance, Motion for continuances, Motion for request to transfer to Bowling Green Municipal Court. Exhibits will NOT be accepted for fax filing.

Each Facsimile cover page shall include the following information:

Sending Party Name	Case Number
Sender's supreme court registration number	Name on Case
Sender's Office name, address, phone number	Title of the document being faxed
Sender's fax number	Date of fax
Sender's email address	Number of Pages

AP 16 Access to Criminal Justice Information Policy

16.01 Purpose

To ensure the proper documentation, protection, dissemination, and destruction of Criminal Justice Information, including FCIC/NCIC criminal history, Drivers and Vehicle Information Databases (DAVID), and personally identifiable information until the information is: released to the public via authorized dissemination (e.g. within a court system; presented in crime reports data; released in the interests of public safety); purged, or destroyed in accordance with applicable records retention rules. This policy is intended to supplement the CJIS Security policy.

16.02 Policy

It is the policy of the Bradner Police Department to use criminal justice information, criminal histories, and personally identifiable information in accordance with CJIS Security Policy, Ohio law, and Federal law. Criminal histories and criminal justice information shall only be used for authorized purposes. Persons violating this policy may be subject to administrative, civil, and/or criminal penalties.

16.03 Definitions

1. Criminal Justice Information (CJI) - Criminal Justice Information is the abstract term used to refer to all of the FBI CJIS provided data necessary for law enforcement agencies to perform their mission and enforce the laws, including but not limited to: biometric, identity history, person, organization, property (when accompanied by any personally identifiable information), and case/incident history data. In addition, CJI refers to the FBI CJIS-provided data necessary for civil agencies to perform their mission; including, but not limited to data used to make hiring decisions. The following types of data are exempt from the protection levels required for CJI: transaction control type numbers (e.g. ORI, NIC, FNU, etc.) when not accompanied by information that reveals CJI or PII.
2. Criminal Justice Information Services Department (FBI CJIS or CJIS) - The FBI Department responsible for the collection, warehousing, and timely dissemination of relevant CJI to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment, and licensing agencies.
3. Personally Identifiable Information (PII) – For the purposes of this policy, PII is information extracted from CJI which can be used to distinguish or trace an individual's identity such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name.

16.04 Procedure

1. CRIMINAL JUSTICE INFORMATION

The following procedure will be followed with respect to CJI:

- a. Information obtained from the CJI systems, must only be used for authorized criminal justice or noncriminal justice purposes as allowed by federal or state law. Personnel must follow all CJIS Security Policy, state and federal rules and regulations regarding CJI information. All personnel with access to CJI, shall receive the proper training within 90 days of hire or within 90 days from requiring the need to access such data.
- b. Dissemination of CJI containing criminal history is only permitted to authorized personnel, after validating the requester as an employee and/or contractor of a law enforcement agency or civil agency requiring the CJI to perform their mission or a member of the public receiving CJI via authorized dissemination.
- c. Access to physical and digital media in all forms is restricted to authorized individuals only.
- d. Providing access to electronic media is for authorized individuals only and requires an account established according to policy.
- e. Physical media (i.e. physical documents) shall only be stored for case file and validation purposes. When not in use the documents will be stored in a physically secure area in cabinets preventing viewing or access by visitors or unauthorized personnel. Documents will only be removed from filing cabinets when needed for operational purposes, and will not be left out where they can be viewed by visitors or unauthorized personnel.
- f. All servers containing CJI shall be maintained in a physically secured building inaccessible to non-authorized individuals. All entrances to the building shall have key or card locks that are only accessible to Agency employees. Any servers outside of a physically secure location shall be encrypted with FIPS 140-2 certified encryption in order to secure the criminal justice data stored on them. Any documents shall be secured in the records Department with access to only authorized personnel. When documents containing CJI are physically removed, the individual shall sign for the documents in the dissemination log maintained by the Records Unit.
- g. Physical media that contains CJI data that needs to be transported to another location shall be sealed in an envelope and driven directly to its final destination by authorized

personnel only, where it will be handed over to an authorized individual. No additional stops are permitted during the transportation of CJI data.

h. All computer screens will be oriented to prevent unauthorized viewing or “shoulder surfing”.

i. CJI shall not be transmitted via unsecured email.

j. CJI transmitted as a facsimile via a single or multi-function device over a standard telephone line is exempt from encryption requirements. CJI transmitted external to a physically secure location using a facsimile server, application, or service which implements email-like technology, shall meet the agency encryption requirements.

k. CJI transported on digital media will adhere to the department's Digital Media Encryption Policy.

l. Physical media (print-outs and other hardcopy physical media) that contains CJI data shall be disposed of according to the agency physical media destruction policy.

2. CRIMINAL HISTORY

The following procedure will be followed with respect to Criminal History:

- A. A criminal history log will be kept in the Records Teletype. This log will trace criminal history requests, their dissemination, and also function as a secondary dissemination log. The TAC/ATAC will also maintain a secondary dissemination log with other law enforcement agencies. These logs will be maintained for five (5) years as required by Ohio Department of Law Enforcement and the Federal Bureau of Investigation guidelines
- B. Any person accessing a criminal history will contact TAC/ATAC and provide the following information for placement in the criminal history log:

- (1). Date of access to information;
- (2). The name of the individual(s) whose criminal history was run;
- (3). To whom the information was released;
- (4). Who released the information;
- (5). The State Identification (SID) and/or FBI numbers;
- (6). The purpose for which the information was requested;
- (7). Case number; The information above will be used to validate the requester is an authorized recipient of the criminal history. Any criminal

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histories released outside of the Department to another criminal justice jurisdiction must be logged on a Secondary Dissemination Log. Secondary dissemination logs will be maintained in the TAC files and Records.

- C. Once a criminal history has exhausted its administrative value, it will be disposed of according to State/Village Records disposition requirements.
- D. Access to the Ohio Law Enforcement Gateway (OHLEG), Ohio Law Enforcement Automated Data System (LEADS) Northwest Ohio Regional Information System (NORIS) and Federal Bureau of Investigations (FBI) Criminal Justice Information Systems (CJIS) shall follow all guidelines as stated in the current PII Security Policy.

3. PERSONALLY IDENTIFIABLE INFORMATION (PII)

The following procedure will be followed with respect to PII extracted from CJI:

- A. PII may be extracted from criminal justice information (CJI), but only for official purposes.
- B. PII will be protected in the same manner as CJI, as specified in D.1 above.
- C. Once PII has exhausted its administrative value, it will be disposed of according to the agency physical media destruction policy.

4. DRIVERS AND VEHICLE INFORMATION DATABASE (NORIS/LEADS)

The Bradner Police Department has access to LEADS in accordance with a Memorandum of Understanding (MOU) with the Northwest Ohio Regional Information System (NORIS)

- A. Information obtained from LEADS may only be disclosed to persons to whom disclosure is authorized pursuant to Ohio law.
- B. Unauthorized disclosure of information from LEADS is a violation of this policy, and may subject the violator to criminal and civil sanctions.
- C. Department members are reminded that emergency contact information listed in LEADS is to be used only in emergency situations. These situations are identified as notifying the emergency contact of the death or serious injury of the subject due to an accident or natural disaster, or if the subject is believed to be missing.
- D. Accessing any individual's LEADS records for any other purpose other than an ongoing law enforcement incident, investigation, or other law enforcement purpose is strictly prohibited.

5. PHYSICAL MEDIA DESTRUCTION

Physical media containing CJI or PII will be Shredded using the Bradner Police Department issued micro cut shredders by agency personnel.

16.05 LEADS/NORRIS

1. ORC 4501:2-10-06 Dissemination and record keeping.

- A. LEADS access shall be limited to certified operators. Each operator is accountable for all transactions occurring while their assigned account is logged on to a terminal accessing LEADS. Formal information exchange agreements shall be required between agencies exchanging criminal justice information (CJI) obtained through LEADS.
 - (1) Information exchange agreements for agencies sharing CJI data that is sent to and/or received from LEADS shall specify security controls and conditions.
 - (2) Information exchange agreements shall be supported by documentation committing both parties to the terms of information exchange.
 - (3) If CJI is released to another authorized agency, and that agency was not part of the releasing agency's primary information exchange agreement(s), the releasing agency shall log such dissemination.
- B. Messages and/or throughput of any kind accessed through LEADS shall be restricted to the use of duly authorized law enforcement and/or criminal justice agencies for the administration of criminal justice. Access to and dissemination of LEADS throughput is governed by the LEADS security policy (11/1/2016), LEADS manual (10/1/2016) and NCIC operating manual (8/11/2015) available at <http://leads.ohio.gov/Manuals>.
- C. Fatal crash data, when properly designated, is available to the media with the approval of the Chief of Police. Hazardous material files and data are to be available to fire department and emergency management personnel.
- D. Administrative messages identified by LEADS as information pertaining to homeland security when determined by the CSO or designated agent will contain additional dissemination instructions. These messages may be released outside the criminal justice system as designated.
- E. All terminal, quadrant and out-of-state messages shall be limited to those relating to formal criminal justice duties. Messages prohibited on the NLETS pursuant to rule 4501:2-10-08 of the Administrative Code are also prohibited on LEADS.
- F. Administrative messages may be directed to specific criminal justice agencies for the

purpose of local criminal record checks to complete criminal background investigations for governmental, non-criminal justice agencies, following the same application and approval outlined in rule 4501:2-10-08 of the Administrative Code. This rule does not supersede any existing laws or rules as to access to NCIC, NLETS, III or CCH.

- G. Each terminal user shall make every reasonable effort to assure the accuracy, completeness, conciseness, and timeliness of all data transmitted.
- H. Each terminal user shall respond as promptly as possible to all incoming messages that require a reply. Priority "U" (urgent) hit confirmations must be answered within ten minutes, and priority "R" (routine) hit confirmations requests must be answered within one hour; both with an indication of the current status of any wants. If the current status cannot be verified within the time limit, a message shall be sent within the time limit advising when the record will be verified.
 - (1) A hit request shall not be sent if the person is outside of the pick-up radius.
 - (2) A locate shall not be placed unless the record is confirmed.
- I. Notice of criminal justice training offered by the Ohio peace officer's training council approved academies and training offered by a criminal justice agency may be transmitted over LEADS. Notice of training offered by private concerns is not permitted over LEADS.
- J. Hard-copy printouts of information obtained through LEADS must be rendered unreadable when no longer needed.
- K. Source documentation shall be retained either in hard copy or electronic form (in compliance with the LEADS security policy) to substantiate all information entered into LEADS and/or NCIC for the life of the entered record.
- L. Employee training records shall be kept as follows:
 - (1) Training and maintenance of training records for the TAC and the NTAC are the responsibility of LEADS.
 - (2) Training and maintenance of training records for terminal agencies are the responsibility of the agency TAC.
 - (3) Training and maintenance of training records for non-terminal agency practitioners are the responsibility of the agency NTAC.
 - (4) Training and maintenance of training records for intrastate regional systems are the responsibility of the intrastate regional system.
 - (5) Training and maintenance of training records for mobile access only agencies are the responsibility of the agency TAC.

AP 17 AGREEMENTS INVOLVING PERSONALLY IDENTIFIABLE INFORMATION (PII)

17.01 Summary

The Bradner Police Department (BPD) is required by law to collect and store public and employee records and takes seriously its obligations to secure information systems and protect the privacy of data collected, used, shared and stored by the Department. BPD's commitment to secure and protect data privacy includes the development of guidelines and a review process for agreements that involve the sharing of personally identifiable information (PII) between units within the Department and with external entities.

PLEASE NOTE: Law Enforcement Agencies (LEA's), which are typically Sheriff's departments, police departments, Parole agents, Child Welfare agents, Courts and court employees routinely provide BPD data, some of which includes PII. A formal agreement is not required in this instance because LEA's are required to report this data under state statute.

This section contains the guidelines and documents that make up the review process. This includes

- PII definitions & Review Processes
- Approval Process: Agreements involving PII
- Data Request Form
- Interoffice PII Agreement
- Checklists for Agreements involving PII

As a rule, BPD does not share PII. However, under federal and state law there are specific circumstances in which the sharing of PII is allowable and, in some cases, required. (See the Access to criminal Justice Information Privacy Policy AP 08 for more information.) Within the parameters of federal and state statute there are several different types of agreements that could involve the sharing of PII the Department has collected. Generally, these fall into three categories: data sharing agreements with other state agencies, contracts with vendors for particular services, and providing data to institutions and individuals for research purposes. The review/approval process for these different types of agreements involving PII differ according to the type of agreement. These agreements and the review process for each are described in detail in the PII definition and Review processes and the Approval Process: Agreements involving PII documents.

All Agreements in which PII is to be shared must be approved through the review process before

being signed by the TAC or his/her designee. This document will be reviewed and updated regularly.

17.02 Definitions

1. All agreements involving PII undergo rigorous review at BPD. This section is a reference to define types of agreements that might involve PII, defines what “Use of PII” means, and describes the review processes for each agreement type.
2. (PII) Personally Identifiable Information - includes, but is not limited to the person’s name (or any member of their family); the person’s address, any personal identifier such as date of birth, social security number, place of birth, mother’s maiden name or any other information that alone or in combination, is linked or linkable to a specific person that would allow a reasonable person in the community, who does not have personal knowledge of the relevant circumstances, to identify the person with reasonable certainty before such information is required to be released by law and made public.
3. PII also means a dataset that is linked to a specific individual and that would allow a reasonable person in a community, who does not have knowledge of the relevant circumstances, to identify the individual with reasonable certainty.
4. Data Sharing Agreements (DSA’s) - Agreements that are created between BPD and another state agency (for example the Bowling Green Police Department/Wood County Common Pleas Court) for the purpose of sharing data to fill a statutory requirement, perform cross-departmental research, or produce court reports.
5. Research Agreements - Agreements between BPD and individuals and institutions who wish to conduct research using LEADS data already collected by BPD. This includes The Mayor, neighboring Police Departments, independent researchers, private and public agencies.
6. Contracts are legally binding agreements with specific terms between two or more persons or entities in which there is a promise to do something in return for a valuable benefit known as “consideration”.
7. Defining the use of PII - Any agreements that involve the disclosure of PII are thoroughly examined through BPD’s review and approval process. Specific directions and obligations pertaining to PII are explicitly articulated in every individual agreement and contract.

17.03 Review Processes

1. Data Sharing Agreements
 - a. Agreement submitted to BPD’s PII Review Team.
 - b. Requirements in the “Checklist for Agreements Involving PII” are met so that the

agreement is in compliance with BPD policy.

- c. Data privacy language is added to all agreements involving disclosure of PII.
2. Research Agreements
 - a. Proposal submitted to BPD's Review Team.
 - b. Once approved, sent to BPD's Review Team.
 - c. Requirements in the "Checklist for Agreements Involving PII" are met so that the agreement is in compliance with BPD policy.
 - d. Data privacy language is added to all agreements involving disclosure of PII.
3. Contracts
 - a. All contracts are based on a template which has been approved by the BPD Review Team.
 - b. Data privacy procedures are included in all contracts involving disclosure of PII.
 - c. Contracts are negotiated to ensure PII is protected in accordance with both BPD and LEADS Data Security and Privacy Policies and the BPD "Checklist for Agreements Involving PII".
 - d. The Chief of Police will be notified of any concerns about contractual issues relating to PII which cannot be resolved during negotiations.
 - e. The Chief approves all contracts before they are executed.

17.04 Approval Process: Agreements Involving PII

PURPOSE: This document is used by BPD staff when developing and reviewing agreements involving the disclosure of PII.

PLEASE NOTE that when data is shared between offices or units within BPD rather than to outside entities BPD staff members need not apply the following review process and are instead required to complete the "BPD Inter-Office Agreements Involving PII" document. (AP 09-05)

1. DETERMINING THE NEED FOR REVIEW - Any agreements that involve the disclosure of PII are thoroughly examined through BPD's review and approval process. Specific directions and obligations pertaining to PII are explicitly articulated in every individual agreement and contract. The process varies depending on the type of agreement/document. This includes agreements:
 - a. Data Sharing Agreements (DSA's)
 - b. Research Agreements
 - c. Contract Agreements
2. BPD INTERNAL REVIEW PROCESS - Before having an agreement involving PII reviewed, utilize the BPD "Checklist for Agreements Involving PII". to ensure the agreement meets all requirements listed. NOTE: The BPD staff member who submits the agreement is referenced below as "submitter".

3. After the checklist requirements are met:
 - a. Send the agreement to LEADS TAC Officer Hoffmann at JHoffmann@bradnerohio.org and let her know if there is a requested deadline for the agreement to obtain signatures and to be submitted. She will forward the agreement to the BPD PII Review Team. Please note that the review process can take from one to several weeks depending on the nature and content of the agreement. Allow as much time as possible for review.
 - b. Tac will then log the agreement in a central database to track progress of the review.
 - c. TAC will submit the agreement to the Chief for final approval.
 - d. TAC is the main point of contact regarding progress updates.
 - e. If there are no changes after review: The submitter will be notified by a member of the PII Review Team that the agreement has been approved (cc: TAC)
 - i. The Officer that is to sign the approved agreement will be copied on the email.
 - ii. Once signed, an electronic copy will be sent to the submitter and TAC who will share it with the PII Review Team and electronically file the signed agreement. Signed agreements need to also be filed with the BPD office involved with the agreement. The original document will be returned to the submitter. It is up to the submitter's pii policy whether a hard copy or electronic copy must be kept on file.
 - iii. Once the agreement is approved and signed, it is the submitter's responsibility to share the final agreement with the outside entity.
 - iv. Once fully signed, the agreement will be filed in the PII Agreement Binder.
 - f. If there are any necessary changes after review:
 - i. A member of the PII Review Team will contact the staff member who submitted the agreement to discuss. (cc: TAC)
 - ii. The submitter will work with the outside entities involved to make the necessary changes, then re-submit the document to the member of the PII Review Team (and cc: TAC) for final approval. Once approved, see section e: if there are no changes after review.
4. BPD REVIEW TEAM
 - a. All data sharing agreements involving PII will be reviewed by the following team:
 - i. Review Team Leader - Chief Broshious
 - ii. Senior Policy Officer - TAC Officer Hoffmann
 - iii. Senior Police Officer - Sergeant Moore
 - b. Depending on the type and contents of the agreement, additional reviewers may be necessary.

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- i. LEADS - Paul Hickey
- ii. NORIS - Greg Wojokowski
- iii. Prosecutor - Corey Speweik
- iv. Other content specialists, as needed

17.05 Data Request Form

PURPOSE: This form must be filled out for any type of data request. This includes both requests that do and requests that do not involve PII.

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Bradner Police Department Data Request Form

Person Requesting Information _____ DATE: _____

Affiliation and Address: _____

Phone Number: _____ Email address: _____

Requested Information: (if the information you are requesting is available on the BPD website or facebook page the department will ask you to use the data located there. Please refer to the end of this document for a list of web locations which may contain the data you are requesting).

Note: BPD will blank out data on all data requests to ensure pii is protected and confidentiality is maintained. When making your request, please keep this in mind.

Information to be included in the data request _____

Time frame of data requested _____

Purpose of data request (why do you need this data?) _____

Level of detail: (numbers or percentage, demographic variables etc) _____

How _____

would you like this information: | Electronic copy by email to _____

| Hard copy mailed to _____

In what format would you like your analysis | PDF | WORD | Excel spreadsheet

Date by which information is needed: _____

Have you checked the BPD website and/or Facebook page for the information:

| Yes | NO

If not please visit www.bradnerohio.org and/or <https://www.facebook.com/bradnerpolice/> for the information you are requesting may be found on the website.

NOTE: If your request involves disclosure of PII to another BPD office or outside entity, additional information is required. PII is a dataset that is linked to a specific individual and that would allow a reasonable person in a community, who does not have knowledge of the relevant circumstances, to identify the individual with reasonable certainty.

- If you are a Bradner office you must fill out an Inter-Office Agreement Involving PII.
- If you have a question as to whether you are requesting PII, contact JHoffmann@bradnerohio.org
- It is recommended that you use individual but de-identified data, instead of PII, for your

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request if at all possible.

===== To Be Completed by BPD

Staff:=====

Authorization: _____ Priority level: | High | Low

Format of analysis: _____

Date information was released: _____

How released: _____

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BRADNER POLICE DEPARTMENT INTEROFFICE AGREEMENT INVOLVING PII

This form must be signed any time an office at The Village of Bradner is requesting PII from Bradner Police Department. This is NOT necessary for data requests that do not disclose PII or for data that is available on the facebook page or website. The data may only be used for the purpose(s) stated in this document. Both offices should keep the signed agreement on file. Also send a signed copy to JHoffmann@Bradnerohio.org.

Note: This agreement is to be reviewed annually if this is an ongoing request. The original agreement is valid until there is a request for it to be changed.

Date:

Contact name/Office Requesting Data:

Contact name/Office sharing Data:

Contact name/Office data owner:

What data is being requested?

Explain how the data will be used by the requesting office:

Explain how the data will be securely stored or destroyed before, during and after use by the requesting office:

Will the data be shared with any staff outside of the requesting office: Please verify that the data will not be shared outside of The Village of Bradner offices / The Bradner Police Department.

| YES | NO

I authorize the requesting office to have access to the data requested above.

_____	_____	_____	_____
TAC officer	date	Chief of Police	date
_____	_____	_____	_____
printed name		printed name	

AP 18 INTERNET SITES/WEB PAGES/SOCIAL MEDIA

18.01 Introduction

Professionalism, ethics, and integrity are of paramount importance in the law enforcement community. To achieve and maintain the public's highest level of respect, we must place reasonable restrictions on our conduct and appearance, and hold to these standards of conduct whether on or off duty. An employee's actions must never bring the department into disrepute, nor should conduct be detrimental to its efficient operation.

18.02 Purpose

The departmental policy concerning personal web pages or internet sites, when referencing the Bradner Police Department, is to ensure employees use appropriate discretion in the use of references to the Bradner Police Department so as not to discredit or disrespect the department, to ensure that the release, either directly or indirectly, of information concerning crimes, accidents, or violations of ordinances or statutes is not disseminated to persons outside the department, and that all employees treat as confidential the official business of the department.

18.03 Policy

Employees of the Bradner Police Department have a right to have personal web pages or sites. When a reference is made to or about the Bradner Police Department, a review of that reference is needed to ensure that such reference does not compromise our integrity and thus, undercut the public confidence in this agency or this profession. Therefore, it shall be the policy of the Bradner Police Department that employees of the department are prohibited from posting, transmitting and/or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Bradner Police Department, on any personal or social networking website or web page, without the express written permission of the Chief of Police. No employee shall represent themselves, directly or indirectly, in any public forum as a member of the Bradner Police Department, either by text, photograph, or image depicting the uniform, badge, or patch, in any manner that reflects a lack of good moral character. No employee will represent themselves in any public forum as an employee of the Bradner Police Department with other information, opinion, or posture that would bring unfavorable criticism or embarrassment upon the department.

18.04 Procedures

1. Employees having personal web pages or other types of internet postings which can be accessed by the public, shall not place or allow photographs or depictions of themselves dressed in uniform and/or displaying official identification, patches or badges, or in any other way, either directly or indirectly, identify themselves as an employee of the Bradner Police Department for any reason, without approval as indicated in this directive.

2. Photographs or other depictions of department uniforms, badges, patches, or marked units shall not be posted on internet sites without the approval of the Chief of Police.
3. Photographs of the inside of the police building as well as any crime or accident scene shall not be posted.
4. Employees are prohibited from posting, transmitting, and/or disseminating any pictures or videos of official department training, activities, or work-related assignments without the express written permission of the Chief of Police.
5. Employees wishing to use photographs, depictions, or references to the Bradner Police Department must receive approval of the Chief of Police.
6. Employees who post photos, comments, etc. of other department employees must inform and seek approval from the employee(s) and their Chief of Police before posting the same.
7. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provisions of this policy shall notify his/her supervisor immediately for follow-up action.
8. Sites deemed inappropriate, whether an employment association or not, bringing discredit to this department or to a department employee, or promoting misconduct, whether on or off duty, may be investigated through a criminal or administrative investigation.
9. All employees shall treat as confidential the official business of the department.
10. No employee shall release, either directly or indirectly, information concerning crimes, accidents, or violations of ordinances or statutes to persons outside the department.
11. No employee shall reveal any unauthorized information to any person not a member of the department or authorized to receive such information.
12. No employee shall gossip about the affairs of the department with persons outside of the department.
13. If an employee indicates in any public forum any opinion on a police related issue, then that employee shall state that the views and opinions expressed are the employee's personal ones, and not those of the Bradner Police Department.

18.05 Approval Process

1. An employee seeking approval to use references to the Bradner Police Department on a personal website, web page, or other public forum, shall submit a request for approval to the Chief of Police via the chain of command.
2. The request shall describe the proposed reference and purpose.
3. A list of the reference(s) and any media to be used shall be provided.
4. A printed layout of the entire web page, posting, or site shall be provided.
5. The employee will receive an approval or denial of the request.
6. Any changes made to a previously approved posting must be submitted for

reconsideration.

18.06 Limitations

1. No sexual, violent, racial, ethnically derogatory material, comments, pictures, artwork, video or other reference may be posted along with any department approved reference.
2. Employees shall not post any material on the internet that brings discredit to or may adversely affect the efficiency or integrity of the Bradner Police Department.
3. Employees should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases, and public as well as private embarrassment.
4. Employees are reminded to exercise good judgment and demonstrate personal accountability when choosing to participate on social-networking sites.

AP 19 RECORDS AND PROPERTY MANAGEMENT

19.01 Property Handling

- A. Any employee who first comes into possession of any property, shall retain such property in his/ her possession until it is returned to the police department, properly tagged and placed in the designated property locker or storage room, along with the property label as soon as reasonably possible. Care shall be taken to maintain the chain of custody for all evidence. Any property seized by an officer with or without a warrant, shall be safely kept for as long as necessary for the purpose of being produced as evidence or for any other lawful purpose (ORC § 2981.11(A)(1)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ORC § 2981.12 and ORC § 2981.13). Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.
- B. All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:
 - (a) Complete the property label describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
 - (b) The officer shall mark each item of evidence with initials and date.
 - (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
 - (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
 - (e) Place the case number in the upper right corner or in the appropriate field of the evidence/ property tag.
 - (f) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
 - (g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property

locker indicating the location of the property.

- C. **NARCOTICS AND DANGEROUS DRUGS** All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately. The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by a copy of the form for the Records Property custodian. The original will be detached and submitted with the case report.
- D. **EXPLOSIVES** Officers who encounter a suspected explosive device shall promptly notify the Sergeant or the chief of Police. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The evidence room custodian is responsible for disposing of any fireworks or signaling devices that are not retained as evidence according to current procedures for disposing of such materials.
- E. **EXCEPTIONAL HANDLING** Certain property items require a separate process. The following items shall be processed in the described manner:
 - (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking and placed in a paper evidence bag.
 - (b) License plates found not to be stolen or connected with a known crime should be released directly to the evidence room custodian or placed in the designated container for return to the Ohio Bureau of Motor Vehicles. No formal property booking process is required.
 - (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the bicycle storage area and information added to the bicycle log maintained by the communications center.
 - (d) All cash shall be counted in the presence of another officer while being recorded on body camera and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.
 - (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property label.
 - (f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

- F. Village property, unless connected to a known criminal case, should be released directly to the appropriate Village department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.
- G. TESTING OF BIOLOGICAL EVIDENCE The Property Room supervisor shall ensure that department records are reviewed and that all biological evidence that relates to specific homicide and sex offenses is sent to the BCI or another crime laboratory for DNA analysis (ORC § 2933.82).
- H. PACKAGING OF PROPERTY Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:
 - (a) Controlled substances.
 - (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition).
 - (c) Property with more than one known owner.
 - (d) Drug paraphernalia.
 - (e) Fireworks.
 - (f) Contraband.
 - (g) Biohazards.
- I. PACKAGING CONTAINER Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles. Syringes and needles that have no evidentiary value and are contraband only, may be directly disposed of by taking them to The Bradner Fire Department and placing the items in the sharps container. A property tag shall be securely attached to the outside of all items or group of items packaged together.
- J. PACKAGING CONTROLLED SUBSTANCES The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report. Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the report room. The booking officer shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property. The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. After

packaging and sealing as required, the entire package will be weighed and the gross package weight will be written on the outside of the package, initialed and dated by the packaging officer. The gross package weight will be verified every time the package is checked in or out of the Property Room. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Chief of Police. A completed property tag shall be attached to the outside of the container. The chain of custody shall be recorded on the back of this tag.

- K. **RIGHT OF REFUSAL** The evidence room custodian has the right to refuse any piece of property that is hazardous or that has not properly documented or packaged. Should the evidence room custodian refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.
- L. **RECORDING OF PROPERTY** The evidence room custodian receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be the permanent record of the property in the Property Room. The evidence room custodian will record his/her signature, gross package weight if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property control card (ORC § 2981.11(B)(1)(a)). A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card. Any changes in the location of property held by the Bradner Police Department shall be noted in the property logbook.
- M. **PROPERTY CONTROL** Each time the evidence room custodian receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the evidence room custodian at least one day prior to the court day.
- N. **RESPONSIBILITIES OF OTHER PERSONNEL** Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the evidence room custodian. This request may be filled out anytime after booking of the property or evidence.

19.02 Transfer of evidence to Crime Laboratory

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis. The evidence room custodian releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining

laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records for filing with the case.

- A. **STATUS OF PROPERTY** Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released. The evidence room custodian shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property Room or released to another authorized person or entity. The return of the property should be recorded on the property control card, indicating date, time and the person who returned it.
- B. **AUTHORITY TO RELEASE PROPERTY** The evidence room custodian shall not release any property without a signed authorization from an appropriate authorized member of the Department. The Chief of Police or his/her designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department. For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, an evidence room custodian shall, upon the request of the owner:
 - (a) Provide a list describing the property, unless such release would seriously impede an investigation.
 - (b) Return the property expeditiously, unless the property is contraband or required as evidence. Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.
- C. **RELEASE OF PROPERTY** All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available. Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented. An evidence room custodian shall release the property to the owner or finder upon valid identification and proper documentation presented by the owner or finder for which an authorized release has been received. The owner or finder shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the

property control card, the card shall be forwarded to the case file. If some items of property have not been released, the property card will remain with the Property Room. Release of unclaimed or forfeited property to an authorized finder shall be released in compliance with existing laws and as deemed appropriate by a court (ORC § 2981.12(B)). Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs (ORC § 2981.11(B)(1)(b)).

- D. **STOLEN OR EMBEZZLED PROPERTY** Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be released to the legal owner. Such property may be released from law enforcement custody when the following are satisfied:
- (a) Photographs of the property are filed and retained by the Property Room.
 - (b) Satisfactory proof of ownership is shown by the owner.
 - (c) A declaration of legal ownership is signed under penalty of perjury.
 - (d) A receipt for the property is obtained from the owner upon delivery.
- E. **DISPUTED CLAIMS TO PROPERTY** Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property. All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.
- F. **RELEASE AND DISPOSAL OF FIREARMS** A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or ORC § 2923.13. The Department shall make best efforts to identify the owner and shall retain the firearm for at least 90 days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to ORC § 2981.12(B). The Department shall properly destroy all other firearms and dangerous ordnance or send them to the Bureau of Criminal Identification and Investigation (BCI) (ORC § 2981.12(A)(2)).
- G. **FIREARMS RECEIVED FROM CORONER'S OFFICE** When a firearm is delivered to this department by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Chief of Police or the authorized designee shall give the firearm to the deceased person's next of kin or other relative, upon request, and if the person is lawfully allowed to possess the firearm. The Chief of Police or the authorized designee shall keep a record

of the person to whom the firearm is given, the date of delivery and a description of the firearm. If a next of kin or other relative does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Chief of Police (ORC § 313.14).

19.03 Disposition of Property

The Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it shall be described in a local newspaper or approved social media form, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)). The evidence room custodian shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective. All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13). Upon any release or disposal of any property, the proper notation shall be made on the property control card and in the property logbook to include the final disposition, date of disposition, financial recordings and expenditures related to the property if it was sold, and the name of any person who received the property. However, the record shall not identify or enable identification of the individual employee who seized any item of property or the specific expenditure related to the property in an ongoing investigation (ORC § 2981.11(B)(1)(b)).

A. EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction (ORC § 2981.12):

- Firearms and dangerous ordnance
- Obscene materials
- Beer, intoxicating liquor or alcohol
- Vehicles, watercraft, aircraft or parts thereof
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Computers, computer networks, systems, or software

B. UNCLAIMED MONEY If found or seized money is no longer required as evidence and remains unclaimed after any applicable statutory period, the money is presumed unclaimed property and may be retained as allowed by law (ORC § 2981.12).

C. RETENTION OF BIOLOGICAL EVIDENCE The Property Room Supervisor shall

ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable (ORC § 2933.82):

- (a) The defendant
- (b) The defendant's attorney
- (c) The state public defender
- (d) The appropriate prosecutor
- (e) The Attorney General
- (f) Any sexual assault victim
- (g) The Investigation Department Supervisor

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Property Room Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail, return receipt requested, and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion for retesting or a written request for retention is filed and served on the Department within one year of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Chief of Police. Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

D. UNCLAIMED/LOST & FOUND PROPERTY HELD BY POLICE DEPARTMENT

1. Property record to be kept by the chief of police.

All property or money taken from persons under arrest, or taken under suspicion or with knowledge of its having been stolen or feloniously obtained, all property or money constituting evidence or proceeds of crime, or taken from intoxicated or insane persons, or other persons incapable of taking care of themselves, and all property or money lost or abandoned that may come into the possession of any member of the police department shall be delivered to the chief of police, who shall enter or cause to be entered in a record to be kept by him/her for that purpose a detailed description of the same, together with the name of the person, or persons from whom received, the names of any claimants thereto, the time of the seizure and the final disposition thereof.

2. Disposition of property taken from an arrested or accused person.

When any person arrested is adjudged innocent of the offense charged by a court of competent jurisdiction, which shall adjudge that the property or money belongs to such person, the chief of police shall thereupon deliver such property or money to him/her personally, and not to his/her attorney or agent, and take his/her receipt therefor. If the

accused is held for trial or examination, such money or property shall remain in the custody of the chief of police until the discharge or conviction of the person accused, unless prior thereto he/she has delivered the same to a state or county officer, as provided by law.

3. Disposition of unclaimed property.

All unclaimed property that has been in the possession of the police not otherwise disposed of or required to be held and is no longer needed as evidence shall be disposed of by the chief of police or his/her designee in one of the following ways:

a. It shall be destroyed, if so directed by federal, state or city laws and may be destroyed if authorized by the laws;

b. All guns or firearms which are not required or authorized to be destroyed by federal or state laws may be destroyed or may be sold to a local gun store. A receipt shall be kept by the Chief of Police.

c. If the use of any such property is requested by any department of the Village and the property so requested is not subject to destruction under applicable federal, state or city laws, or as provided herein, the property shall be turned over to the Mayor, who shall sign a receipt therefor, for distribution to the department making the request;

d. All such property which is not disposed of as herein above provided in subsections A, B and C shall be sold at public auction to the highest bidder. Such public auction sale shall be held at least once each year at a time and place to be fixed by the chief of police or his/her designee of the Village. The chief of police shall give notice of the auction sale at least five days before the time fixed therefor by publication once on the village website or placed on a Govdeals website. The notice shall state the day and hour when such sale shall commence, the place at which it is to be held, and shall contain a general description of the property to be sold, or shall refer to a list thereof on file with the city clerk. The notice shall be signed by the chief of police. The proceeds of such sale shall, together with all moneys unclaimed for a period of six months, be paid into the city treasury;

e . Any property advertised and offered for sale but not sold and not suitable for appropriation to the use of the village shall be deemed to be of no value and shall be disposed of in such manner as the Chief of Police directs;

f. Unclaimed Bicycles – Charitable Donations.

1. In addition to subsections A through E of this section, the village council declares that any bicycles in the possession of the police department which have been unclaimed for a period of at least 60 days may be turned over to any charitable or nonprofit organization which is authorized under its articles of incorporation to participate in a program or activity designed to prevent juvenile delinquency and which is exempt from income taxation under federal or state law, or both, for use in any program or activity designed to prevent juvenile delinquency.
2. Any charitable or nonprofit organization that the village determines qualifies to receive bicycles under this section and which the village approves to receive said bicycles shall enter into an agreement with the village to indemnify and hold the city harmless from any actions against it arising out of the village's donation.
3. Sold at auction or on Govdeals.
4. Storage and holding period of unclaimed property.

Except as otherwise provided in this chapter, all unclaimed property in the possession of the police department shall be held and stored by the chief of police for the following periods:

 - a. Unclaimed bicycles for a period of at least two months;
 - b. All other unclaimed property for a period of at least four months.
5. Restitution of unclaimed property to the owner.

The chief of police shall restore unclaimed property in the possession of the police department to its legal owner, upon proof of such ownership satisfactory to him/her and upon the payment of all reasonably necessary costs incurred in the care and protection thereof, and cost of publication, if any. Where any such property may be needed or required as evidence in any criminal proceeding, the chief of police shall delay the restoration of such property to its legal owner until the conclusion of such proceedings. If such property is introduced as evidence in a criminal case, it shall be disposed of only upon order of the proper court. If the legal owner is a person prohibited by law from possessing such property, restitution shall not be made.

6. Return of lost property to finder.

Where lost money or other lost personal property is found or saved by a person other than in the course of employment as an employee of any public agency and is turned over to the police department and no owner appears and proves his ownership of such property within 90 days thereafter, the police department shall, if such property is of a value of \$10.00 or more, cause to be published at least once in a newspaper of general circulation, notice of the found or saved property. If, after seven days following the first publication of the notice, no owner appears and proves his ownership of the property, the property shall be returned to the finder on payment of all reasonable charges, including cost of publication. The police department may require the finder to deposit with it an amount sufficient to cover the cost of publication before so proceeding. Where such property is of a value of less than \$10.00, it may be returned to the finder without publication of notice after expiration of the minimum applicable holding period specified in this chapter, if no owner appears and proves his ownership of the property. The provisions of this section shall not apply where the finder is a person prohibited by law from possessing such property.

7. Quick sale of unclaimed property in danger of perishing, etc.

Notwithstanding the foregoing provisions, when any unclaimed property in the possession of the police department is in danger of perishing, or of losing the greater part of its value, or when the reasonably necessary costs incurred in the care and protection of any such property amount to two-thirds of its value, the police department may sell such property by public auction in the manner and upon the notice of sale of personal property under execution, if it is a thing which is commonly the subject of sale, when the owner cannot, with reasonable diligence, be found, or, being found, refuses upon demand to pay the reasonably necessary costs incurred in the care and protection thereof.

8. Vehicles abandoned or forfeited by Court.

- A. Vehicles left in the impound lot more than three (3) months a vin search shall be done with the state of Ohio. After locating the proper owner a certified letter shall be mailed explaining the whereabouts of the vehicle and the current costs to be released.
- B. Vehicles forfeited by the court shall be sold at auction or Govdeals. The proceeds will be given to the village treasury. A salvage title will be obtained prior to the vehicle auction.
- C. Vehicles left unclaimed on public or private property for at least 30 days will have a BMV form 4204 issued to the BMV in Columbus.
- D. Upon return of the affidavit the officer shall notify any owner and lienholder by certified mail, return receipt requested stating the location of the vehicle and the

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current balance owed on said vehicle if any. If the owner or lienholder does not respond within 10 days, ownership shall be forfeited and the lien shall become invalid.

- E. Once the ten (10) days have passed the officer can bring the affidavit to the Title Bureau and obtain a salvage title in the police department's name at no charge. The Title Bureau will need an application for title and the officer must complete an odometer statement.
- F. The department can also assign the affidavit if the vehicle is sold at auction or they can assign the affidavit to a salvage dealer, scrap metal processor or other facility under contract with the village or council for disposal. Salvage dealers or scrap metal processors need not obtain a salvage title in their name if the vehicle is dismantled or destroyed within ten (10) days. When the affidavit is assigned and a salvage title is to be issued, the application for title, and the applicant's mileage affidavit will be needed.

19.04 Reports

If the Department has any seized or forfeited property in its custody, including amounts distributed under ORC § 2981.13, a report covering the calendar year shall be sent to the Attorney General not later than the first day of March in the following calendar year (ORC § 2981.11(B)(2)).

A. PUBLIC ACCESS

This policy and records kept under this policy shall be open to public inspection during regular business hours as allowed or required by law (ORC § 2981.11(B)(3))

B. INSPECTIONS OF THE PROPERTY ROOM

On a yearly basis, the Sergeant and Chief of Police shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a supervisor who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Property Room, an inventory of all evidence/property shall be made by an individual not associated with the Property Room or function to ensure that records are correct and all evidence property is accounted for.

AP 20 Records and Property Management

20.01 Policy

The Bradner Police Department is committed to providing public access to records in a manner that is consistent with the Ohio Public Records Act (ORC § 149.43).

A. CUSTODIAN OF RECORDS The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to (ORC § 149.43):

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule, including:

1. Identifying the minimum length of time the Department must keep records.

2. Identifying the department Department responsible for the original record.

3. Making a copy of the current retention schedule readily available to the public.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

1. The Custodian of Records may limit the number of records requested by a person that the Department will physically deliver via mail or by another delivery service to 10 records per month unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or information contained in the records, for commercial purposes.

2. Records in digital format that are publicly available on the internet may be limited as set forth in ORC § 149.43.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring the availability of a schedule of fees for public records.

(g) Preparing a notice that incorporates this policy and ensuring that it is displayed in conspicuous places in all locations where department records are available to the public.

(h) Maintaining current information on the department website that relates to

public records release.

(i) Ensuring that records are organized and maintained in such a manner as to make them available for inspection or copying.

(j) Selecting appropriate public records, if any, to publish on the department website.

B. PROCESSING REQUESTS FOR PUBLIC RECORDS Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

C. REQUESTS FOR RECORDS The processing of requests for any record is subject to the following (ORC § 149.43):

(a) The Department is not required to create records that do not exist.

(b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

2. The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.

(c) If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied. The requester shall be provided with an opportunity to revise the request and shall be informed by the Custodian of Records of the manner in which records are maintained by the Department and how the records are accessed in the ordinary course of business.

(d) A person requesting records may be asked to make a request for records in writing to expedite processing of the request and may be asked for his/her identity. Prior to such a request, the person shall be told that:

1. There is no requirement to provide a written request.

2. There is no requirement to provide his/her identity.

3. There is no requirement to disclose the intended use of the records.

4. The purpose of the written request or disclosure of the person's identity or intended use would benefit the person making the request by enhancing

the ability of the Custodian of Records to identify, locate or deliver the records requested.

(e) Fees for copies or the cost of delivery of the records to the requester via mail should be paid in advance.

(f) If a request is denied, either in whole or in part, the Custodian of Records shall provide the requester with an explanation setting forth the reason(s) for the denial, including the legal authority relied upon in making the determination. If the initial request was in writing, the explanation shall also be provided in writing.

D. RELEASE RESTRICTIONS Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; ORC § 4501.27; ORC § 149.45).

(b) Victim information that may be protected by statutes (ORC § 2907.11).

(c) Juvenile-related information that may be protected by statutes (ORC § 149.435).

(d) Confidential investigatory records of the Department that pertain to a law enforcement matter of criminal, quasi-criminal, civil or administrative nature if release would create a high probability of disclosure of any of the following (ORC § 149.43):

1. Identity of a suspect not yet charged with an offense to which the record pertains.
2. Identity of an information source or witness to whom confidentiality has been reasonably assured. This also includes information provided by an information source or witness if the release would tend to disclose his/her identity.
3. Confidential investigatory techniques, procedures or specific investigatory work product.
4. Information that would endanger the life or physical safety of a member, crime victim, witness or confidential information source.

(e) Certain types of reports involving, but not limited to, child abuse and molestation (ORC § 2151.421) and adult abuse (ORC § 5101.61).

(f) Records pertaining to the residential or family information of peace officers

(ORC § 149.43).

(g) Personally identifiable information of a program participant of the Ohio Secretary of State's address confidentiality program (ORC § 149.43).

(h) Any other information that may be appropriately denied by ORC § 149.43(A)(1).

E. ENHANCED RECORDS ACCESS BY JOURNALISTS

(a) Journalists, as defined in ORC § 149.43, are entitled to enhanced access to certain records not available to the general public provided:

1. The request is in writing.
2. The journalist identifies himself/herself by name, title and employer's name and address.
3. The journalist establishes and signs a request that the information sought is in the public interest.

(b) Records available to journalists but not the general public include:

1. Personal residential addresses of an officer of this department (ORC § 149.43).
2. The business name and address of a spouse, former spouse or child of an officer of this department, only if employed by a public office (ORC § 149.43).
3. Coroner records pursuant to ORC § 313.10.
4. The name, county of residence and date of birth of a person for whom the sheriff issued, suspended or revoked a permit for a concealed weapon (ORC § 2923.129).
5. Addresses and telephone numbers of workers' compensation claimants (ORC § 4123.88).

20.02 Subpoenas and Discovery Requests

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information. Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the Village Prosecutor or the courts. All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

A. RELEASED RECORDS TO BE MARKED Each page of any written record released

pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released. Each audio/video recording released should include the department name and to whom the record was released.

- B. **SEALED RECORDS OR EXPUNGEMENT** Expungement orders or an order to seal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once expunged or sealed, members shall respond to any inquiry as though the record did not exist. 801.9 **TRAINING** The Custodian of Records and any member who may be responsible for access or release of public records shall attend training approved by the Ohio Attorney General, such as that provided by the Ohio Association of Chiefs of Police (OACP). The Custodian of Records and all department members shall acknowledge and sign that they have read and received a copy of this policy (ORC § 149.43).
- C. **SECURITY BREACHES** Members who become aware that any Bradner Police Department system containing personal information may have been breached should notify the Administrative Assistant as soon as practicable. The Administrative Assistant shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (ORC § 1347.12). Notice shall be given in the most expedient time possible but not later than 45 days following its discovery or notice of the breach consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired and to restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security but notice shall be made once it is determined that disclosure or notification will not compromise the investigation or jeopardize homeland or national security (ORC § 1347.12). For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (ORC § 1347.12):
- (a) Social Security number
 - (b) Driver's license number or State identification card number
 - (c) Full account number, credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Administrative Assistant should promptly notify the appropriate member designated to oversee the security of protected information (see the

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Protected Information Policy).

Bradner Police Departments Records Retention Schedule

MAYOR'S COURT RECORDS

(Multiple media types)

Annual Statement and Yearly Report

Permanent

Audio of Trials

1 year

Case Files:

Criminal

5 years provided audited

OMVI

7 years provided audited

Traffic

5 years provided audited

Case Transfers

Transfer all relevant records per 1905.032 ORC 08030

Cash Payment Records

4 years provided audited

Citations, Parking

Until paid and audited

Citations, Traffic

3 years if maintained separately

Complaints and Warrants

In case files

Docket, Index, Journal

Permanent

Expungement Order

Permanent

Expungement Records

per Expungement Orders Seal then
destroy as Case Files

Fine and Fee Record

3 years, provided audited

Monthly Statements and Reports

3 years, provided audited

Receipt Books

4 years, provided audited

POLICE DEPARTMENT RECORDS

(Multiple media types)

Accident Reports and Photos, Property Damage,
Bodily Injury, and Traffic Crashes
Activity Reports

10 years if no action pending
Keep as Directed

Animal Complaints
Assignment Schedules \ Sheets

2 years
3 years

Bicycle Theft Log
Block Watch Records
BMV form 2255

3 years
1 year
until no longer administratively
necessary

Body Worn Camera Footage

90 days unless retained as evidence
and no longer administratively
necessary

Car Video Camera
Child Abuse Case Records
Citizen Complaints
Compliance Reports
Copies of Misdemeanor Citation Summons
Criminal Case Files, Felonies
(except Homicide & Burglaries)

90 days unless retained as evidence
7 years after case closed
5 years, provided no action pending
5 years, provided no action pending
3 years
20 years, provided no action pending

D.V. Criminal Case files, Misdemeanors

20 years, provided no action pending

Expunged Personnel Disciplinary Records
(Including I.A. records)
Expunged Police Officer's Personnel Record

2 years after expungement and no
longer administratively necessary
2 years after separation and no
Longer administratively necessary

Extra Duty Employment Records
Expungement Order
Expunged Records

3 years
Permanent
per Expungement Orders

Destroy all files, records and computer references when Expungement Order received from a
court

FBI \ BCI Investigation

Reports 3 years

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Firearm Records and Inventories	3 years, provided audited
GPS Records of Vehicle Locations	3 years
Homicide Reports & Evidence (Closed cases)	30 years after all appeals exhausted
Homicide and Rape, including evidence (Pending)	Permanent
Homicide, including evidence (Closed)	Permanent
Identification Photographs	10 years, unless felony, death
Incident Log \ Reports	5 years
Investigations, All:	
I.A. investigations not resulting in discipline	2 years after decision and no longer administratively necessary
I.A. investigations of employees separated longer administratively necessary	2 years after separation and no
Junk Vehicle Records	2 years after sale or other disposition
Juvenile Records	Until person turns 18 year old or an Expungement order is received from a Court
Law Enforcement Automated Data System Records Logs	2 years, destroy printouts when no longer administratively necessary
Asset Forfeiture Record	Law Enforcement Trust / State and Federal 10 years
Liquor Permit Records	3 years (permission to serve liquor)
Missing Person Reports	20 years, or until found
Offense Reports, Felonies except Homicide	10 years, provided no action pending
O & I Offense Reports, Misdemeanors	10 years, provided no action pending
Parking Citations \ Infractions	5 years
Patrol Car Logs	3 years

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Probationary Employment Records	5 years, if not retained beyond probationary period
Property Room: Log	25 years
Protection Orders	Until no longer administratively necessary
Records (Former Personnel)	5 years
Telephone Log	5 years
Recovered Property Record	2 years after disposal of property
Ride Along Forms	3 years
Seizure Log \ Record	6 years
Solicitor's or Peddler's Permit	1 year after expiration
State of Ohio Traffic Crash Reports (OH-1)	3 years
Subpoenas, Summonses, or Warrants or withdrawn	Until served, discharged, answered
Tow logs / forms	3 years after paid, provided audited
Traffic Citations	5 years, provided audited
Vehicle Lockout Unlock Waivers	1 year
Vacation House Check Records	30 days after owners return
Warning Citations	1 year from date of issue
Recording / Security Videos	30 days then reuse, provided no action pending

AP-21

Uniforms and Equipment

21.01 Policy:

Members of the Bradner Police Department shall clean and launder their uniform and equipment at their own expense. Items issued by the Chief of Police such as but not limited to keys, radios, badges, uniforms and identification cards shall at all times remain the property of the Village. Uniforms shall be worn while on regular duty unless otherwise directed by the Chief of Police or his or her designee. Appearance before the Magistrate Court or any other Court shall be in Class A uniform unless otherwise directed by the Chief of Police, his or her designee or the Prosecutor. In cases where uniforms are not appropriate, the correct dress shall be standard business attire. The Chief of Police or his or her designee shall specify dress for undercover or plain-clothes assignments.

Only sworn members of the Police Department shall possess, use or wear the specified uniform, badge(s) or display the identification card.

21.02 Seasonal dates:

1. October 15th through May 15th:
 - a) Long sleeve shirt with tie, (mock) turtle neck, dickie or pull over sweater shall be worn.
2. May 16th through October 14th:
 - a) Short sleeve shirts with lay-flat collars with no tie shall be worn.
3. Thirty days before or after the respective change over dates, officers may select which uniform is most comfortable for the weather conditions predicted for the work shift scheduled. However, for court appearances the proper uniform for the specific time frame shall be worn.

21.03 Uniforms:

Officers are responsible for wearing the proper and complete uniform in the prescribed manner, except when working an assignment that requires them to be out of uniform.

- Shirt - either a navy blue long-sleeved or short-sleeved (depending on season) A white or black crew neck T-shirt shall be worn with short sleeves.
- Pants - navy blue dress style uniform pants or dress cargo/bdu style pants.
- Tie - navy blue tie is to be worn with the long-sleeve shirt. (You may wear a navy blue turtleneck instead of a tie) and tie tack or bar maybe worn, or a pull over sweater with a tie may be worn.
- Shoes or Boots - black uniform style, must be kept polished.
- Collar brass - silver PD.

- Badge - is to be worn on the left breast above the pocket.
- Name tag - silver, to be worn just above the right pocket.
- Whistle Chain - silver, to be worn on the right side off shoulder and into shirt pocket.
- Coat - navy blue uniform coat, reflective “POLICE” on the back
- Ballistic vest - carriers can be used for over the shirt or under the shirt.

21.04 Uniform Definitions:

1. **Class-A Dress** - Dress uniform shall consist of a navy blue dress hat and badge, navy dress pants, navy long-sleeve shirt, navy blue tie, black shoes and navy or black overcoat and shall only be worn as directed by the Chief of Police or his or her designee. No external carriers for the ballistic vest are permitted. Name plate, badge, silver whistle chain, silver collar brass, and a flag may be worn above the nameplate.
2. **Regular Patrol Dress**- Navy blue dress pants or BDU style, navy blue shirt (long or short depending on weather) with shoulder patches, or navy blue polo shirt with shoulder patches and the word “POLICE” on the back reflective, black boots or black shoes, baseball or winter hat. Ballistic vests must be worn at all times during the shift, and an external carrier is acceptable. Name plate, badge, collar brass, and a flag above the nameplate are acceptable.
3. **Ball Cap** - A navy blue or black ball cap with Police written on the face of the cap may be worn with all uniforms, except the Class-A dress attire. Cap shall be worn forward facing.
4. **Winter Cap** - a plain navy blue or black stocking cap or other winter cap with Police written on the face may be worn.
5. **Court Appearance** - Dress will be Class-A uniform with the exception no hat will be worn. Males shall wear a tie. Females may wear a tie or mock turtleneck.

21.05 Regular Patrol:

1. Shirt - navy blue polo type shirt with shoulder patches, and a badge and the word “POLICE” across the back. A Class-A short sleeve or long sleeve navy blue shirt are acceptable.
2. Pants - navy blue dress pants or BDU style pants.
3. Shoes - black boots or black shoes.
4. Coat - navy blue with shoulder patches, badge and reflective “POLICE” on the back.
5. Ballistic vest - shall be worn at all times on patrol. Navy blue exterior carriers are acceptable.
6. Name Plate - worn in the center over the right pocket. Flag may be worn over the

nameplate.

7. Badge - worn over the left pocket. Badge may be sewn on.

21.06 Bike Patrol Uniform:

1. Shirt - navy blue polo type shirt with shoulder patches, and a badge and the word "POLICE" across the back.
2. Shorts - shall be either navy blue or black BDU type.
3. Pants - for cooler weather navy or black BDU can be worn, or as approved by the Chief of Police.
4. Shoes - all black tennis shoes or black bicycling shoes.
5. Helmet - must be worn while on bike patrol.
6. Jacket - black or navy blue with badge and the word "POLICE" in reflective lettering across the back.
7. Ballistic vest - shall be worn at all times on Bike Patrol.

21.07 Directive Patrol and Identification:

When an officer works out of uniform, or in plain cloths, he/she must be able to display some kind of police marking such as a hat, jacket, badge, I.D. tag, etc. that can be seen. Handgun and one intermediate weapon (taser, pepper spray or ASP) must be carried as well as handcuffs.

21.08 Rank:

The Chief, Sergeant, Corporal and Detective will wear navy blue shirts and pants according to Class-A standards for council meetings and meetings with the public. Gold collar brass shall be worn to designate their respective rank. All ranks will be displayed on the collar brass location only. Gold chest badge shall be worn. While on routine patrol, regular patrol clothing is acceptable. Detectives may wear plain clothes that are business attire. Detectives must wear a badge on the belt or neck chain.

21.09 Appearance:

The reputation of this Department and first impression to the public relies solely upon the appearance, attitudes, and conduct of its officers. The first impression the public has of an officer is governed by the appearance of the officer and his/her equipment and reflects back upon the Department as a whole.

Employees will maintain a neat and clean appearance while on duty. They will keep their uniforms/clothing clean, pressed and in good condition. They will keep their hair neat, clean and cut in the prescribed manner. With the exception of mustaches worn in the prescribed manner, male employees will keep themselves clean shaven or short beards.

Poor grooming or improper wearing of the uniform or its accessories will be grounds for progressive disciplinary action.

21.10 Guidelines:

Except when acting under proper and specific orders from a supervisor, officers on duty shall maintain a neat, well-groomed appearance and shall style their hair according to the following guidelines.

A. Males:

1. Hair must be clean, neat, and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture.
2. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
3. Hair color will be a color that is naturally occurring and/or acceptable to current community business standards.
4. Sideburns will be neatly trimmed and shall not extend below the middle of the ear.
5. Officers shall be clean-shaven except that they may have mustaches or short beards that do not extend below the upper lip line (no handle bar style mustaches).
- 6. Jewelry shall not be permitted with the exception of wedding bands and a watch.**

B. Females:

1. Hair must be neat, clean and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. This may be accomplished by wearing the hair up. Cutting the hair to this length is not required.
2. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
3. Hair color will be a color that is naturally occurring and/or acceptable to current community business standards.
4. No officer shall be permitted to wear earrings while on duty except female officers. If they have pierced ears, they will be permitted to wear small stud-type earrings in either gold or silver. No earrings which dangle or hang down will be permitted.
5. Fingernails will not extend $\frac{1}{4}$ inch beyond the tip of the finger.

Tattoos:

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1. Tattoos, body art, brands, intentional scarring, and/or mutilation on the following body areas are prohibited from view while on duty and shall be covered up at all times: neck, head, face, ears, hands and fingers. Tattoos on the arms are acceptable as long as there is no profanity or immoral phrases, images, or gestures visible to the public.

AP-22

Drug Free Workplace

22.02 Policy

The Bradner Police Department prohibits the use of marijuana. Federal Law and State of Ohio policy prohibit employees whose job requires them to carry, transport, or otherwise possess firearm(s) and/or ammunition from using, ingesting, or consuming marijuana, including medical marijuana.

A. State laws allowing such use do not protect department members against employment related sanctions. Similarly, employees using marijuana for “medical” reasons are not protected from such sanctions under the Americans with Disabilities Act (ADA) or this state’s disability discrimination laws requiring reasonable accommodation of disabling medical conditions.

B. Drug tests can be ordered at any time at the discretion of the Chief of Police. The presence of marijuana in a drug test, even if used in accordance with Ohio law or medical prescription, will be a positive drug test, which could result in discipline up to and including removal from your position.

1. Employees shall not, on or off the job, ingest, use or otherwise consume marijuana or THC as defined in the Ohio Revised Code. This prohibition applies to use of any form of such drugs, including but not limited to smoking, injecting or eating, by itself or in combination with other products.
2. The presence of any detectable amount of marijuana or THC in the employee's system while at work, while on the premises of the department, or municipal property, or while conducting or performing department business is prohibited.
3. Employees under the influence of marijuana or THC, Employees shall not:
 - a. Operate any department equipment, including but not limited to motor vehicles, computers, or breathalyzer machines;
 - b. Perform any law enforcement function, including but not limited to making arrests, stopping motor vehicles, interrogating suspects, booking prisoners, taking fingerprints, accessing files, performing background checks, and interacting with the public.
 - c. Possess or use any firearm, electronic weapon (e.g., TASER), baton, OC Spray (or similar device), handcuffs or any weapon or device capable of inflicting pain on a subject.
 - d. Employees shall not apply for, possess or use a medical marijuana registration card for themselves or others.

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e. Employees shall not apply for or serve as a caregiver for a person in possession of a medical marijuana certificate or registration card.

f. Employees are not permitted to own, operate, manage, invest or be financially involved in, or be otherwise involved in the operation or management in any way of any marijuana cooperative, dispensary, business or location that is used to manufacture, grow, process, use, sell or dispense marijuana for any reason, including but not limited to so-called medical purposes, or any location that is involved in the sale or distribution of any paraphernalia that can be used for any of the above.

1. Trading stock(s) in the Stock Market Exchange is permitted

OP-01

COMMUNICATIONS

01.01 RADIO COMMUNICATIONS

A. It is the Policy of the Bradner Police Department that for all radio communications the members of this department adhere to the Buckeye Sheriff's Association code and signal list. The list is as follows:

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Signals

- 1 - Contact Sheriff or Chief
- 3 - Contact Chief Deputy or Supervisor
- 5 - Contact HQ/Comm Center
- 7 - Registration check
- 7A - Stolen file check
- 9 - Investigate complaint
- 11 - Arrest record check
- 11A - Wants/Warrants check
- 13 - Special detail
- 15 - Civil process
- 15F - Felony warrant
- 15M - Misdemeanor warrant
- 17 - Meet in person
- 19 - Contact by phone
- 19A - Contact mobile phone
- 21 - Prisoner
- 23 - Off air to eat
- 25 - Return to HQ
- 27 - Emergency run
- 29 - Emergency squad needed
- 29A - Air ambulance needed
- 29B - Fire department needed
- 31 - Tow truck
- 33 - In service
- 35 - On patrol
- 37 - Out of service
- 39 - Location
- 41 - One unit in radio contact
- 43 - Home/At home
- 45 - Contact news media
- 47 - Get report
- 49 - Radio repair
- 51 - Unable to answer
- 55 - Civil Defense/EMA alert
- 57 - Escort or parade detail
- 57A - VIP detail
- 59 - LEADS out of service

Codes

- 2 - Property damage accident
- 2A - Property damage hit-skip
- 4 - Injury accident
- 4A - Injury hit-skip
- 6 - Aircraft crash
- 8 - Assault
- 10 - Assist other unit
- 12 - Burglary
- 12A - Burglary in progress
- 14 - Bad check/forgery
- 16 - DOA
- 18 - Dog bite
- 18A - Animal complaint
- 20 - Domestic complaint
- 20A - Neighbor complaint
- 22 - Drowning
- 24 - Drunk
- 26 - Fight
- 28 - Fire
- 28A - Vehicle fire
- 28B - Structure fire
- 28C - Person possibly inside
- 28D - Explosion
- 30 - Gambling
- 32 - Homicide
- 34 - Juvenile complaint
- 36 - Theft
- 36A - Theft in progress
- 38 - Missing person
- 38A - Missing person returned
- 40 - Person with gun
- 40A - Person with knife
- 42 - Nature unknown
- 44 - OFFICER IN TROUBLE
- 46 - Prowlers
- 48 - Rape
- 48A - Sex offense

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- 61 - Pick up other unit
- 63 - Investigation or follow up
- 65 - Detective needed at scene
- 65A - Evidence technician
- 65B - Hostage negotiator
- 65C - Tactical team
- 65D - K9 unit
- 65E - Coroner
- 65F - Prosecutor
- 67 - Urgent, no emergency
- 69 - Narcotics complaint
- 71 - Change channel
- 85 - Fuel stop
- 91 - 911 hang-up
- 99 - EMERGENCY TRAFFIC ONLY
- 48B - Exposing
- 50 - Robbery
- 50A - Robbery in progress
- 52 - Shooting
- 52A - Shots fired
- 52B - Hunters/target shooters
- 54 - Stabbing or cutting
- 56 - Stolen vehicle
- 56A - Recovered stolen vehicle
- 56B - Wanted vehicle
- 58 - Suicide
- 58A - Suicide attempt
- 60 - Suspicious person
- 60A - Suspicious vehicle
- 62 - Traffic detail
- 64 - Vandalism
- 66 - Escape or jailbreak
- 68 - Livestock on roadway
- 70 - Emergency notification
- 72 - Threats or harassment
- 74 - Hazmat incident
- 76 - Mental
- 78 - Alarm drop
- 80 - Traffic jam/road blocked
- 82 - Disabled vehicle
- 82A - Abandoned vehicle
- 84 - Open door
- 86 - Traffic offense
- 86A - Motorcycle/ATV complaint
- 88 - Bomb threat
- 90 - Train derailment

B. Disposition codes: The following letter codes shall be given by responding units to indicate that type of action taken in response to a call for service, dispatched or self-initiated, immediately upon disposition of the call:

- Code A - Arrest Made
- Code B - Report Taken
- Code C - Citation issued

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- Code D - Warning/Advice issued
- Code E - Assistance Rendered
- Code F - No Action Taken
- Code G - Unable to locate Incident
- Code H - Subject(s) Gone on Arrival
- Code I - Cancelled Before Arrival
- Code N - Alarm Notification Given
- Code W - Weather Related Alarm

C. The following alpha/numeric designation codes, in conjunction with the current letter disposition codes, shall be given by responding units to indicate the race/ethnicity and gender of subjects involved in officer initiated traffic stops, any reports, daily logs or memorandums etc.

1. Race/ethnicity designation

- (W) White
- (B) Black
- (H) Hispanic/Latino
- (A) Asian, Pacific Islander
- (M) Middle Eastern, East Indian
- (N) Native American
- (U) Unknown

2. Gender designation

- Male - 1
- Female - 2
- Non-binary - 3

* Non-binary is someone who does not identify as a man or a woman, or solely as one of those two genders. It's often used as an umbrella term for identities that fall outside the male/female gender binary. Being non-binary means different things to different people, so this definition is purposely broad.

D. Officers shall notify the dispatcher of the following activities:

1. Vehicle Stops - Under NO circumstances shall an officer stop a vehicle without notifying the dispatcher as to their location and license number of the vehicle, nor shall he/she leave the cruiser to investigate persons or suspicious circumstances without first giving the dispatcher his/her location.

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2. Foot Pursuit - Officers who become involved in a foot pursuit shall advise the dispatcher of such pursuit and whenever practicable, keep the dispatcher informed of their current location.
3. Self-Initiated activity - Officers shall notify the dispatcher of self-initiated activities.
4. Undercover Officers - shall notify the dispatcher and check their radios prior to leaving the office.

E. All officers are responsible for monitoring their radios for traffic. When out of the vehicle ensure that your portable radio is on and utilized for this purpose. All Officers shall be available for dispatch at all times.

F. All officers shall notify dispatch via telephone when coming on service and when going out of service.

G. All dispatch assignments shall be responded to immediately and without unnecessary delay.

H. All officers shall review department logs in OHLEG call records for the prior week or since his/her last shift in order to keep apprised of any new developments.

01.02 ADMINISTRATIVE COMMUNICATIONS

A. OFFICIAL CORRESPONDENCE

BPD letterhead stationery shall be used only for official department correspondence which is directed outside of the Village of Bradner, Department of Police. Employees shall not provide blank BPD letterhead stationery to any person who is not an employee of the Department. All outgoing correspondence shall be in the following format:

1. Post the date at the left hand margin
2. Place the recipient's name and address in the left margin.
3. Place the salutation at the left hand margin.
4. If an reference number applies to the correspondence, place the RE: section at the left hand margin between the recipient's address and the salutation. The subject of the correspondence may also be placed in the RE: section.
5. Indent the first word of each paragraph in the body of the letter five (5) spaces from the margin.

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6. Place the closing on the right hand side of the page. The closing is, "Sincerely," followed by the typed name of the Officer, followed by his/her title.
7. If applicable, the enclosure and attachment section follows the signature section. Give the number of each.
8. The copy (cc:) section follows the attachment or enclosure section. List the name of each person receiving a copy of the letter. Always include a cc: to Central Files.
9. Use plain, bond paper for second and subsequent pages.
10. If a supervisor's approval is required to send the letter, the approval will be recorded on the sender's office copy, not on any outgoing letter or copy.
11. The sender will forward a copy of all outgoing correspondence to the Chief's Office (Central Files), including the attachments or enclosures.
12. Write all outgoing correspondence in the first person plural (we) or the third person singular (The Department). Do not use the first person singular (I).

B. INTER-OFFICE CORRESPONDENCE

1. Interoffice correspondence directed to superiors shall be directed through the chain of command with a signature line for each intervening Supervisor in the chain of command.
2. When properly directed through the chain of command, reviewing Commanders / Directors shall forward the interoffice correspondence.
3. Interoffice Correspondence shall be distributed to the employees to whom it applies.
4. Employees shall maintain files of their own interoffice correspondence.
5. The correspondence shall be stated as brief as possible. Content shall be concise and narrowly directed toward the subject matter.
6. Nothing in this procedure shall prohibit a member from directing an Interoffice Correspondence directly to a Supervisor or to the Chief of Police for the purpose of documenting misconduct of any employee of the Department, relaying confidential information, or citing grievances.

C. INFORMATION BULLETINS

Information Bulletins shall be distributed by posting in the READ AND REVIEW binder which shall be located in the office and shall be maintained yearly for removal of outdated information and unnecessary materials.

01.03 Media Relations

A. NEWS MEDIA - It is the policy of the Bradner Police Department to cooperate fully and impartially with authorized news media representatives in their efforts to gather factual, public information pertaining to activities of the department, as long as these activities do not unduly interfere with departmental operation, infringe upon individual rights or violate the law.

1. Duties of the Public Information Officer

- Assist news personnel in covering routine news stories, and at the scenes of incidents;
- Assist the media on an on-call basis;
- Prepare and distribute news releases;
- Arrange for, and assist at news conferences;
- Coordinate and authorize the release of information about victims, witnesses and suspects;
- Assist in crisis situations within the agency;
- Coordinate the release of authorized information concerning confidential agency investigations and operations.

2. Cooperation with the Media

- Authorized news media representatives shall have reasonable access to the PIO, the agency's chief executive or his/her designee and operations of the department as governed by this policy. When information must be denied to a media representative, the basis for that denial shall be fully and courteously explained.
- The Bradner Police Department recognizes authorized identification from all local, national and international news organizations. Failure of media personnel to present authorized identification may provide grounds for restricting access to requested information or to incident scenes.
- Public information shall be released to the media as promptly as circumstances allow, without partiality and in as objective a manner as possible.
- Public information may be provided to media representatives by telephone if the identity of the representative is known or can be authenticated.
- Ranking officers at a crime or incident scene may release information of a factual nature to the media as governed by this policy or refer the inquiry to the PIO. Where the officer is unsure of the facts or the propriety of releasing information, he/she shall refer the inquiry to the PIO.
- Written press statements shall be released only following approval of the department's chief executive or his/her designee.

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- The department's communications center shall inform the watch commander as soon as possible upon receipt of information about events or activities that may have media interest.
- The watch commander shall be responsible for ensuring that the agency's PIO or chief executive is informed of events that may have media interest.

3. Investigative Information (From the initial stage of a criminal investigation until the completion of a trial or disposition without a trial, police personnel shall refer all requests for information to the department chief executive or his/her designee.)

- Information that may be released in connection with an investigation of an event or crime includes:

- The type or nature of an event or crime;
- The location, date and time, damages and a general description of how the incident occurred;
- The type and quantity of property taken;
- The identity and approximate address of a victim with the exception of sex crime victims, and in other cases where reprisals or intimidation may be employed;
- Requests for aid in locating evidence, a complainant or suspect;
- Numbers of officers or people involved in an event or investigation, and the length of the investigation; and
- The name of the officer in charge of a case, his/her supervisor and Department or unit assignment (exception: the name of any undercover officer will not be released).
- Information that may not be released in connection with an investigation of an event or crime, unless authorized by the departmental chief or his/her designee, includes:
 - The identity of a suspect prior to arrest unless such information would aid in apprehending the suspect or serve to warn the public of potential danger;
 - The identity of any victim of a sex crime or any related information which, if divulged, could lead to the victim's identity;
 - The identity of any victim or witnesses if such disclosure would prejudice an investigation to any significant degree, or if it would place the victim in personal danger;
 - The identity of any juvenile who is a suspect or defendant in a case

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subject to the jurisdiction of the juvenile court;

- The identity of any critically injured or deceased person prior to notification of next of kin;
- The result of any investigative procedure such as lineups, polygraph tests, fingerprint comparison, ballistics test or other procedures (the fact that these tests have been performed may be revealed without further comment);
- Information which, if prematurely released, may interfere with the investigation or apprehension such as the nature of leads, specifics of an “MO”, details of the crime known only to the perpetrator and the police, or information that may cause the suspect to flee or more effectively avoid apprehension;
- Information that may be of evidentiary value in criminal proceedings;
- Specific cause of death unless officially determined by the medical examiner; and
- The home address or telephone number of any member of the department.

4. Arrest Information

- Following arrest, issuance of an arrest warrant or filing of an information or indictment, it is permissible to release:
 - The accused’s name, age, residence, occupation and family status;
 - The time and place of arrest, whether pursuit or resistance was encountered, whether weapons were used, charges placed against the suspect and description of contraband seized;
 - The identity of the arresting officers and the duration of the investigation unless the officers are engaged in undercover operations; and
 - The amount of bond, scheduled court dates and place of the suspect’s detention.
- Following arrest and formal charging of a suspect, but prior to adjudication, the following types of information should not be released

without express permission of the department's chief executive:

- Prior criminal conviction record, character or reputation of a Defendant;
- Existence or contents of any confession, admission or statement of a defendant, or his/her failure or unwillingness to make a statement;
- Performance or results of any tests, or a defendant's refusal or failure to submit to tests such as a polygraph;
- Identity, statement or expected testimony of any witness or victim;
- Any opinion about the guilt or innocence of a defendant or the merits of the case; and
- Any opinion or knowledge of the potential for a plea bargain or other pretrial action.

5. Special Considerations – Criminal Matters

- Departmental personnel shall extend every reasonable courtesy to news media representatives at crime scenes. This may include closer access of personnel and equipment than available to the general public to the degree that it does not interfere with the police mission or the movement of traffic.
- The news media shall not be allowed access to any area or scene of an incident or crime where there is a possibility that evidence may be damaged, altered, destroyed or otherwise prejudiced by its existence being published or portrayed. Once the evidence has been processed, removed and secured by the department, the media may be allowed to enter by permission of the commanding officer at the scene.
 - On private property, photography, film or videotape recording requires the permission of the owner or the owner's representative.
 - Suspects or accused persons in custody shall not be posed or arrangements made for photographs, telecasts or interviews, departmental personnel shall not pose with suspects or accused persons in custody.
 - When an individual is charged with a criminal offense and is sought by law enforcement authorities, photographs or mugshots may be released to the media to help locate the individual. No departmental photographs, mug shots, videotape, film or

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composites of subjects in custody shall otherwise be released to the media unless authorized by the department chief or his/her designee.

- At the scene of major crimes, such as a hostage and barricade situations, the officer in charge shall designate a preliminary press area as early as possible and as close to the scene as safety and operational requirements allow.
- The fact that a suicide or suspected suicide has occurred may be reported to the media, along with factual information describing how it happened. The name, age, address, sex and occupation of the victim may also be released following notification of next of kin. The fact that a suicide note exists may also be acknowledged without further comment. The content of such notes is personal and confidential and shall not be released except as provided by law.

6. Special Considerations – Non-criminal matters

- At the scene of significant accidents, man-made or natural catastrophes, the principles of media cooperation shall be maintained to the degree that they do not interfere with the mission of the police, fire, medical or other emergency relief workers.
- Media access to and movement within the fire lines shall be controlled by the fire officer in charge, in consultation with the fire officer in charge, the ranking police officer at the scene shall establish an observation point from which the media may photograph and observe the incident.
 - At the discretion of the officer in charge, an inner perimeter may be established for the media from which they may record the event.
- News media representatives should not be prevented from access to any area solely because of the possibility of their injury or death. If this is the only consideration the media representative should be advised of the danger and allowed to make the decision to enter on his/her own volition.
- Sensitive information relating to internal investigation of police officers shall not be released without the express permission of the Chief of Police.
- Daily reports of criminal activity will be made available on a routine basis to media representatives. Statistical reports of criminal activity will also be made available to the media.
- Media representatives will be denied access to the contents of investigative or incident reports and records where release of the information would:

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- Interfere with law enforcement proceedings including pending investigations;
- Deprive a person of the right to a fair trial or an impartial adjudication, or give one party to a controversy and unfair advantage by exclusive access to such information;
- Constitute an unwarranted invasion of the personal privacy rights of another;
- Reveal the identity of an individual who has furnished information to the departments under confidential circumstances;
- Disclose investigative techniques and procedures, thereby impairing future effectiveness of the department; or
- Endanger the life or physical safety of any person.

7. Media Ride Along Policy

- Media representatives will be allowed to ride along with patrol officers and officers on special assignments, with the written authorization of the Chief of Police.
- Prior to the ride along, the media representative shall complete and sign a hold harmless agreement form.
- The media representative or anyone associated with him/her shall not be permitted to enter onto private property, constituting an invasion of personal privacy rights without the permission of the property owner, when a police response has been requested or initiated.

OP - 02

**COMMUNICATION WITH PERSONS WITH LIMITED
ENGLISH PROFICIENCY POLICY**

02.01 Summary

Bradner Police Department will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of the Bradner Police Department is to ensure meaningful communication with LEP patients/clients and their authorized representatives involving their medical conditions and treatment. The policy also provides for communication of information contained in vital documents, including but not limited to, waivers of rights, consent to treatment forms, financial and insurance benefit forms, etc. (include those documents applicable to your facility). All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and patients/clients and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

Bradner Police Department will conduct a regular review of the language access needs of our patient population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

02.02 Procedures

1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE

Bradner Police Department will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at www.lep.gov) or posters to determine the language. In addition, when records are kept of past interactions with patients (clients/residents) or family members, the language used to communicate with the LEP person will be included as part of the record.

2. OBTAINING A QUALIFIED INTERPRETER

- a. Wood County Sheriff’s Office (WCSO) Dispatch Center is responsible for:
Obtaining an outside interpreter if a bilingual staff or staff interpreter is not

available or

does not speak the needed language.

b. WCSO has agreed to provide qualified interpreter services.

c. Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and after the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

d. Children and other clients/patients/residents will not be used to interpret, in order to ensure confidentiality of information and accurate communication.

3. PROVIDING WRITTEN TRANSLATIONS

a. When translation of vital documents is needed, each unit in the Bradner Police Department will submit documents for translation into frequently-encountered languages to (identify responsible staff person). Original documents being submitted for translation will be in final, approved form with updated and accurate legal and medical information.

b. Facilities will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

c. Bradner Police Department will set benchmarks for translation of vital documents into additional languages over time.

4. PROVIDING NOTICE TO LEP PERSONS

The Bradner Police Department will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the emergency room, outpatient areas, etc. (include those areas applicable to your facility). Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations (include those areas applicable to your facility).

5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION

On an ongoing basis, the Bradner Police Department will assess changes in

demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, Bradner Police Department will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from patients and community organizations, etc. (include those areas applicable to your facility).

02.03 Persons who are Deaf or Hard of Hearing

A. OVERVIEW

It is the policy of Bradner Police Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. This Agency has specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act to communicate effectively with people who are deaf or hard of hearing. To carry out these policies and legal obligations, the Agency instructs its officers and employees as follows:

1. People who are deaf or hard of hearing are entitled to a level of service equivalent to that provided to other persons.
2. The Agency will make every effort to ensure that its officers and employees communicate effectively with people who are deaf or hard of hearing.
3. Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation.
4. Various types of communication aids – known as “auxiliary aids and services” – are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of an assistive listening system or device to amplify sound for persons who are hard of hearing; or use of a qualified oral or sign language interpreter.
5. 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.

6. In many circumstances, oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communicating with people who are deaf or hard of hearing. In other circumstances, a qualified sign language or oral interpreter may be needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication. For example:
 - If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 - A qualified oral interpreter may be required to communicate effectively with someone who has been trained to speech read (read lips).
 - If a person is asking an officer for directions to a location, gestures or an exchange of written notes will likely be sufficient to communicate effectively.
7. To serve each individual effectively, primary consideration should be given to providing the type of communication aid or service requested by the individual.
8. Officers should find out from the person who is deaf or hard of hearing what type of auxiliary aid or service he or she needs. Officers should defer to those expressed choices, unless: There is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing; or doing so would fundamentally alter the nature of the law enforcement activity in question or would cause an undue administrative or financial burden; only the Chief of Police or his/her designee may make this determination.
9. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers Must not draw conclusions about incidents unless they fully understand -- and are understood

by -- all those involved, including people who are deaf or hard of hearing.

10. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.

B. ON-CALL INTERPRETIVE SERVICES

1. The Wood County Dispatch will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Agency will update this list annually.
2. A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who speech reads) what is being said by the officer and be able to voice to the officer what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional, motional, or personal involvement, or considerations of confidentiality. Additionally, although a “qualified” interpreter may be certified, a certified interpreter is not necessarily “qualified,” if he or she is not a good communications match for the deaf person (e.g., where the deaf person uses Signed English and the interpreter uses American Sign Language) or for the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary).

C. TTY AND RELAY SERVICES

In situations when a nondisabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications

Relay Service.

D. TECHNIQUES FOR OFFICERS TO COMMUNICATE EFFECTIVELY

1. Officers may utilize the following auxiliary aids, when available, to communicate effectively:
 - Use of gestures;
 - Use of visual aids;
 - Use of a notepad and pen or pencil;
 - Use of a computer or typewriter;
 - Use of an assistive listening system or device;
 - Use of a teletypewriter (TTY);
 - Use of a qualified oral or sign language interpreter.
2. Officers must review and have a working knowledge of the publication *Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*. This document reviews how officers should communicate effectively in the types of situations officers will encounter.

02.04 Procedures for Obtaining Auxiliary Aids and Services

When in need of auxiliary aids and services to assist the disabled the officer shall contact the Wood County Dispatch center and make a request for assistance in obtaining such.

02.05 Invisible Disorders

Many disabilities are difficult to notice. For example, outward signs of a disability such as epilepsy generally do not exist unless the person with the disability experiences a seizure. People with diabetes may have reactions from either too little insulin or too much insulin. Employees should be aware that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or combative individuals. For example, a person experiencing a mild seizure may temporarily appear incoherent and physically imbalanced.

1. Every arrested person who appears to be inebriated, intoxicated, or not in control of their physical functions must be examined by a law enforcement officer to determine whether the arrestee is wearing a medic-alert bracelet, necklace or some other visible device identifying a medical disability that

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would account for the person's actions.

2. If a device of that nature is discovered, the officer must take immediate steps to obtain medical assistance for the person.

OP 03

Amber Alert/Missing Persons

03.01 POLICY

It is the policy of this police department to accept all missing person reports from anyone concerning an apparent credible report of any person, regardless of age, who meets the following criteria: possible involuntary absence, voluntary absence if other circumstances are involved, e.g., mental or significant medical problems, very young or very old age, significant mental or physical handicaps, suicidal, etc; or those under eighteen (18) years of age suspected of being a runaway.

03.02 PROCEDURES

A. MISSING PERSONS; REPORTING

1 WAITING PERIOD

Due to the critical nature of missing person complaints, the Bradner Police Department DOES NOT have a waiting period before a person can be reported missing.

2 REPORTING

a. When an Officer receives a missing person complaint, an INCIDENT REPORT shall be immediately completed and titled MISSING PERSON. It shall list the missing persons name and explicitly state any unusual circumstances involved. The reporting party must also prepare and SIGN a witness statement corroborating the facts stated in the report. Be sure to state any mental or physical disabilities the missing person may have, if the person is missing voluntarily or involuntarily, whether or not the missing person is in the company of another person (voluntarily or involuntarily) and whether or not this person presents a danger to the physical safety of the missing person.

b. All officers completing Incident Reports regarding MISSING JUVENILES shall attempt to obtain the following from the child's parent/guardian:

- Child's full name, date of birth and social security number.
- Current photograph;
- Finger prints;

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- Dental Records and name of Dentist

c. If any of the above information is not available the officer will document the reasons why. All information shall be forwarded to the Wood County Sheriff's Office immediately for entry into LEADS and dissemination as an Amber Alert.

3 CANCELLING MISSING PERSONS

When an Officer cancels a missing person report WCSO must be notified immediately.

a. The Incident Report shall be pulled and documented that the report has been canceled and documentation provided as to why/how the case was resolved either by citing an additional Incident Report number or attaching copies of said report and/or any new witness statements.

b. Phone calls regarding the closing of the case shall be directed to the Chief of Police or his/her designee.

B. FIELD SEARCHES

If the child is age 13 or under, and the parent/guardian believes the child is still in the area, or any other person who is reported missing involving extenuating circumstances such as (but not limited to) mental or physical handicaps the officer shall do the following:

1. Contact the Communications Center to page out Fire and EMS for assistance in searching for the child; also think about request assistance from the a K-9 Unit
2. Contact the Chief of Police (if not on duty)
3. Search the house and property for the child/missing person
4. Keep a careful log of the date, time, units/officers involved and the areas being searched (and by whom). If the officer is relieved by another officer the log shall be passed on for continuity of the search and review purposes.
5. All search activities shall be continued until one of the

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following occurs:

- A. The Missing person is found; or,
 - B. The Chief of Police or his/her designee has determined all possible leads have been exhausted.
6. The Chief of Police, or designee, will contact the child's parent/guardian to keep them informed and attempt to gather any more information from them as needed.

C. AMBER ALERT

1. The AMBER Plan is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. Broadcasters use the Emergency Alert System (EAS) to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. The goal of the amber alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.

2. Per the OHIO AMBER PLAN, the criteria that must be met to activate an Amber Alert are:

- a. The child must be 17 years of age or younger;
- b. The child must be in immediate danger or serious bodily harm or death;
- c. There must be enough descriptive information about the child, the suspect, and/or the circumstances surrounding the abduction to believe that activation of the Alert will help in locating the child;
- d. The activation must be recommended by the local law-enforcement agency of jurisdiction; and
- e. The activation is NOT to be used for runaway children or family abductions unless the officer determines that the child is in immediate danger of serious bodily harm or death.

OP-04 Safe Haven Law/Surrendered Newborns

04.01 POLICY

When in accordance with certain procedures, Ohio law provides that a parent who deserts a child within 30 days of the child's birth does not commit any criminal offense and may not be subjected to criminal prosecution for deserting the child. This is codified under ORC 2151.3525 through ORC 2151.3530. The primary concern of this order is the safety and well-being of the surrendered child.

04.02 PROCEDURES

- A. ACCEPTANCE OF A NEWBORN – While acting in an official capacity, officers shall take possession of any infant child who appears to be 30 days old or younger when presented with the same by a person who either expresses intent to surrender the child, or fails to indicate an intent to return for the child.
 - 1. Officers shall immediately examine the child for indication of abuse or neglect. Unless there is indication of abuse or neglect, no officer shall in any way attempt to identify or detain the person who has voluntarily surrendered the infant into his/her custody, nor shall he/she attempt to persuade the person not to desert the child. If there is apparent indication of abuse or neglect, this section does not apply and the officer shall take appropriate enforcement action.
 - 2. Absent evidence of abuse or neglect, the officer shall ask for medical information about the child and the child's parents from the person presenting the child. This information shall be entered on a medical history form. ** Provision of this information by the person surrendering the child is completely voluntary and may be declined in total, provided in part, or the form may be taken by the person for submission at a later date.
 - 3. The officer shall also provide information materials describing services available for parents and newborns. The acceptance or rejection of this material is completely at the discretion of the person surrendering the child.
- B. TREATMENT OF NEWBORN AND REPORTING- Having received a surrendered infant, the officer shall immediately notify the dispatcher and request an EMS unit capable of transporting the infant to a medical facility for examination.

TREATMENT OF NEWBORN AND REPORTING- Having received a surrendered infant, the officer shall immediately notify the dispatcher and request an EMS unit capable of transporting the infant to a medical facility for examination.

- 1. The officer shall also proceed to the medical facility, ensuring that both the WCSO and the Wood County Department of Children's Services are notified.

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2. The officer shall remain at the medical facility until relieved by either a representative of the WCSO or Children's Services, and shall provide the same with a copy of the completed Incident Report detailing all the circumstances associated with the incident.
3. The responding officer shall verify with the hospital personnel whether there is indication of abuse or neglect of the child. If there are indications of abuse or neglect, the officer shall complete a supplemental report regarding the results of the hospital examination and shall insure that Children's Services receives copies of all reports.
4. A 24-hour "hotline" has been established and is operated by the Children's Advocacy Center for the purpose of counseling and disseminating information to interested persons regarding the provisions of this law. That number is 1-419-265-2229

OP-05

PATROL OPERATIONS

05.01 Patrol Administration and Procedures

- A. PATROL POLICY: Providing basic patrol service while remaining available to respond to calls for service or criminal activity is the cornerstone of our police effort. Patrol shall be conducted in accordance with the recommendations of the Ohio Peace Officer Basic training Program curriculum and standards. There are, however, specific guidelines for the operation of this department:
1. Vehicular patrol shall not be the exclusive means of patrol. Officers are expected to spend a minimum of 25% of their active patrol time engaged in foot and or bike patrol. This foot or bike patrol shall include the business district, the public park, and the residential areas.
 2. Officers are expected to maintain vigilance in patrol, operating in a random fashion.
 3. Officers are expected to become familiar with persons, vehicles, and operating hours of businesses, so as to be aware of unusual situations that may give rise to criminal activity, breach of security, or danger to persons or property.
 4. Calls for service shall be answered promptly.
 5. When beginning a shift, officers are expected to check the office phone answering machine as well as with Wood County dispatcher for any messages or pending calls. These calls are to be recorded in the message book and immediately followed up on beginning with those marked pending which are leftover from a previous shift. Once the call has been responded to the message shall be marked completed. If the person cannot be reached the message should be marked pending and the Chief notified.
 6. Radio usage shall be limited to that traffic which is necessary to accomplish the objectives of the department in the circumstances.
 7. Unnecessary checking of registration, extraneous comments, and irrelevant radio traffic detracts from the professionalism of the department.
 8. LEADS information may be obtained from the Wood County Sheriff's office by radio or telephone and shall only be obtained or used in the course of official business and in compliance with the LEADS system rules. Officers engaged in sensitive investigations are encouraged to use the telephone or non-radio methods of obtaining LEADS data so as to lessen the effect from monitoring by others.
 9. Officers, while assigned to a patrol shift, are expected to patrol.
 10. Remaining in a residence, business, or the police office without official business to conduct is prohibited, as is leaving the corporation limits of the Village of Bradner while on duty except as set forth herein.

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11. Monitoring of traffic conditions and potential violations shall be combined with other patrols.
12. Officers, after proper training, set-up and testing of the instruments may utilize the traffic radar equipment to assist in enforcing the speed laws.
13. In the absence of exigent circumstances, a speed tolerance of at least 5 MPH over the prima-fascia limits is recommended.
14. Officers shall become and remain familiar with the Traffic and General Offenses Code so as to enforce those statutes as violations are observed. Discretion is permitted and expected, based on the totality of the circumstances.
15. Officers shall not utilize private property for stationary monitoring of traffic where prohibited by the owner.
16. Officers shall not unduly remain in the area of business establishments nor interfere with business or residence while conducting traffic or regular patrol.
17. Officers shall comply with the applicable traffic laws and shall be in uniform and (if applicable) in a marked police cruiser while on duty for the main or exclusive purpose of enforcing traffic laws.
18. Operation of a radar device is deemed being on duty for the main or exclusive purpose of enforcing traffic laws.
19. In an arrest situation, officers shall utilize the provided screen within the police vehicle to separate the prisoner from the officer.
20. The back seat shall be checked before and after any transport to ensure no weapons or contraband is present.
21. Handcuffs and a seat belt shall be used, in accordance with Ohio Basic Peace Officer Training guidelines, to further secure a prisoner pending no overriding medical condition exists to countermand that regulation.
22. Officers shall exercise due care in the handling of persons in custody so as to ensure that undue risk of injury is not present.
23. If a subject is injured, PRIOR to being arrested, contact EMS and he/she may then be taken to the nearest hospital or clinic for treatment and arrested after treatment.
24. Any alleged injury on the part of a prisoner shall be documented in the arrest report.
25. It shall be the policy of the department to seize evidence lawfully obtained in the course of a member's duties.
26. Evidence shall be transported to the office and properly documented and accounted for before being securely locked into the appropriate storage facility so as to preserve the chain of custody.

27. When a motor vehicle is involved in any arrest or is seized as evidence, and the member must take custody of same, an administrative inventory of the vehicle, on the forms provided, shall be completed. The inventory shall detail the vehicle contents, including the contents of any closed container found therein.

28. It is not necessary to take all vehicles into custody if the suspect(s) agree to assume the risk(s) and/or agree to give custody over to a proper person.

*Officers should verify the license status and capacity of any driver to whom a vehicle is released.

29. Unlicensed persons and persons having consumed alcohol or drugs of abuse or who are otherwise unfit to take custody of the vehicle, the vehicle shall be towed by the towing company with a mutual aid agreement with BPD.

30. Property found in the ordinary course of business, which is not evidence, shall be transported to the office or other designated place of safekeeping. If not claimed, a report shall be done along with an evidence disposal form and it shall be disposed of in accordance with the Ohio Revised Code.

31. Persons taken into custody, where an alternate method of release is not available, shall be booked into either the Wood County Justice Center (for adults) or the Wood County Juvenile Detention Center (for juveniles).

A. All officers shall comply with the rules set forth by each entity.

B. Charges filed on adult misdemeanors where a person is committed to jail shall be under the Ohio Revised Code not Bradner Ordinance.

32. On occasions where persons do not elect to file charges in the Magistrate Court through the officer/deputy clerk, they are to be transferred to the Municipal Court Prosecutor for the Village in cases for adult misdemeanors. The Wood County Prosecutor for felony or juvenile matters. Officers are encouraged on major felony cases to contact the on-call Wood County Prosecutor through the Sheriff's Communications Center. Request for opinions or other non emergency legal matter should be referred through the Chief of Police to the Solicitor or Bradner Prosecutor.

33. In major felony matters, deaths, serious injuries, traffic fatalities or significant incidents, efforts shall be made by the duty officer to contact the Chief, Sergeant or the Senior Patrol Officer as soon as possible for advice, counsel and assistance.

34. The Police Department has breath testing equipment available for its use at the Wood County Justice Center, The Bowling Green Police Department, and any one of the State Highway Patrol Post.

35. Officers not possessing permits for the device(s) shall arrange for an operator through that agency or. All use of other department's equipment shall be

under their direction and rules and, as such, shall be complied with. DUI suspects may be transported to these sites for testing and, if released on their own recognizance, can be transported to their home provided it is within 30 miles of the Village of Bradner Police Dept., and no one else is available to transport.

B. Traffic operations will be as follows:

1. Mixed with regular patrol.
2. The radar will be tested for calibration at least at the beginning and end of each shift.
3. All officers must be familiar with radar operations.
4. All violations should demand the attention of officers. Be familiar with the Bradner Ordinances and State Laws.
5. Other than the guidelines for speed, each officer is permitted to exercise his/her own discretion in traffic violations.
6. All accident reports must be complete and correct.
7. Written warnings should be submitted at the end of the shift with all paperwork and verbal warnings should be noted on the call record log sheet.

05.02 Use of Seat Belts/Restraint Devices in Department Vehicles

A. Purpose - The purpose of this policy is to establish guidelines for the safe and effective operation of department vehicles by department personnel.

B. Policy - It shall be the policy of the Bradner Police Department that all personnel adhere to the provisions of this policy.

C. Use of Seat Belts/Restraint Devices in Department Vehicles

1. The Bradner Police Department acknowledges that nationally, more law enforcement officers are killed and maimed as a result of duty related automobile accidents than any other law enforcement activity. Therefore, the following guidance is established in regard to department use of seat belts and restraint systems.

- a. Seat belts will be used for all occupants of department vehicles or other vehicles used in department business.
- b. All passengers riding in department vehicles shall use seat belts and be properly restrained while the vehicle is in motion. **
- c. All prisoners riding in a department vehicle shall use seat belts and be properly restrained unless specifically exempted by the Chief of Police or

his/her designee.

2. The lack of a properly functioning seat belt or restraint system in a department vehicle shall result in the vehicle being placed out of service.
3. Seat belt use shall be enforced in the same manner, and with the same enforcement tools, as any other work rule.
4. The driver of the vehicle is responsible for enforcing belt use by all occupants.
5. The ranking occupant, if other than the driver, shares this responsibility.

05.03 Mobile Data Terminal/Cruiser Laptop

A. Policy - It is the policy of this department that:

1. Employees using mobile computers and software will be trained to the appropriate level of use;
2. Mobile computers are to be used for legitimate police business only;
3. Employees are responsible for ensuring that mobile computers are used in an effective, efficient and lawful manner; and,
4. Random and periodic audits of MDT use and log files will be made at the department's discretion.

B. Use of MDT -

1. Only authorized software may be run on mobile computers. Unauthorized software programs or files may not be introduced into agency computers.
2. Authorized software may not be manipulated or altered on any agency-owned mobile, desktop or handheld computers. Modifying computer settings, such as changing Windows, Software Systems, CJIS Web is prohibited.
3. Each authorized user of the system will be issued a login name and password. Users are responsible for maintaining the security of their Police Department passwords, and should never share them with anyone, including other employees.
4. At the beginning of the shift, employees shall check the MDT while completing their routine vehicle checks. Damaged equipment must be reported to a supervisor immediately.
5. Employees shall log onto the assigned MDT and shall remain active on the system for their entire tour. If any problems are encountered, employees should check the equipment as explained in this policy under “trouble shooting” prior to reporting the equipment inoperative. Unresolved issues should be reported to the Chief of Police or his/her designee to be corrected.
6. All mobile computing transactions must conform to FCC guidelines regarding

radio transmissions and shall not contain improper language or subject matter.

7. Car to car chat shall be limited to communication which is relevant to police activity.

8. All MV stops, field interviews, etc., shall be radioed into dispatch to ensure officer safety.

9. The MDT is not to be used by an officer who is operating the vehicle, while the vehicle is in motion, as this may divert the officer's attention from the safe operation of the vehicle. Such queries should be run through communications.

10. The MDT shall not be used to access the internet for personal use.

11. No food, beverage or any other substance that may inflict damage will be placed on or near the MDT.

12. Laptop screens should be cleaned with a soft, clean cloth, such as a microfiber cloth. Use of cleaning solvents and liquid-based products on the computer is prohibited, as they often cause hazing or damage to the screen. If further cleaning is required, notify the Chief of Police or Designee.

13. To ensure that officers' accounts are not accessed, officers must log off of the MDT at the end of their tours and turn off the computer.

14. All cruisers equipped with MDTs shall be locked whenever unoccupied.

15. MDTs should be removed from any vehicle which is anticipated to be out of service for more than five days.

16. If an MDT computer, modem or air card is discovered to be lost or stolen; this shall be reported immediately to a supervisor, who shall take the necessary steps to render access of the device to the network inaccessible.

17. Any user who finds a potential lapse in security on any system shall be obligated to report the potential lapse to the Chief of Police forthwith. The system(s) shall then be taken out of service until the problem can be investigated.

18. No employee shall log into any computer or application using the username and password of another employee. This action is a crime and a serious breach of security.

19. All employees using MDTs or mobile computers shall be trained on the use of the computer and software applications they are to use.

20. CJIS (LEADS) users are required to be trained, tested, and certified, at the minimum, to the "Admin and Query" level of use.

05.04 Radio Procedures

A. POLICY - Each department radio should be programmed as authorized with the

limited frequency access utilized by this department and neighboring agencies.

B. LOST/STOLEN RADIOS - Lost or stolen radios shall be documented by the employee's supervisor as per the Department Owned and Personal Property Policy and Procedure.

Upon an employee realizing that his/her radio has been lost or stolen, he/she shall immediately notify the Sergeant of the missing radio. The Sergeant shall notify the Chief of Police of the missing radio. The Chief of Police shall immediately deactivate the missing radio so it cannot be used.

C. DAMAGED RADIOS/RADIOS IN NEED OF REPAIR - Employees whose radios are damaged or in need of repair shall be issued a temporary replacement radio by the Sergeant. The profile of the replacement radio shall match that of the radio being repaired.

D. SECURITY OF RADIOS- Officers shall take those steps they deem appropriate to secure those radios installed in police vehicles under their command if the vehicle has to be sent to an outside vendor for repairs.

E. MODIFICATIONS TO RADIOS - Employees wishing to modify their radio profile to permit access to other talk groups not normally assigned shall:

1. Request permission, in writing, through their chain of command, indicating the Specific talk group needed;
2. Outline the reason the talk group is needed;
3. Indicate whether the additional talk group(s) which are to be added are temporary or long term; and
4. Submit the written request to the employee's Chief for approval and to the Chief of the requested talk group if the talk group requested is outside the employee's Jurisdiction assignment. This completed request must be forwarded to the Chief of Police for processing.

OP-06

Body Worn Cameras

06.01 Policy-

It is the policy of the Bradner Police Department that Officers shall activate the BWC when such use is appropriate to the proper performance of his/her official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious recording devices used in undercover operations.

06.02 Procedures-

The Department has adopted the use of the BWC to accomplish several objectives.

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They serve to enhance the accuracy of Officer's reports and testimony in court.
2. Audio and video recordings also enhance this agency's ability to review probable cause for arrest, Officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide information for Officer's evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

A. USE OF THE BODY-WORN CAMERA (BWC) - The following are situations that require the activation of the BWC.

- All contacts with citizens in the performance of official duties.
- All traffic stops, OVI investigations and field sobriety tests.
- All investigatory stops, suspicious persons or vehicle calls.
- All Jail booking of prisoners.
- Responding to domestic disputes.
- Responding to disorderly conduct or disturbing the peace calls.
- Vehicle searches and / or inventory search.
- Miranda Warnings and responses from in custody suspects.
- Physical or verbal confrontations or Response to Resistance situations.
- Any other circumstance where the Officer believes that a recording of an incident would be appropriate.

1. Whenever possible, Officers should inform individuals that they are being recorded unless unsafe, impractical, or impossible. In locations where individuals have a reasonable expectation of privacy, such as a residence, they may decline to be recorded unless the recording is being made in pursuant to an arrest or search of the residence or the individuals. The BWC shall

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remain activated until the event is completed in order to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.

2. If an interruption occurs, the Officer will document the reason for the interruption or termination of the recording. If an Officer feels it is necessary to stop recording (e.g. talking to a victim of sexual assault, confidential informant) within the constraints of policy, the Officer will verbally indicate their intent to stop recording before stopping the device, and upon reactivation, state that the camera was restarted. Documentation can be in the form of an incident report, call records log or other means approved by the Chief of Police.

3. If an Officer fails to activate the BWC, the Officer will document why a recording was not made. Documentation can be in the form of an incident report or other means approved by the Chief of Police.

4. Civilians shall not be allowed to review the recordings at the scene.

5. Personal use of BWC equipment on or off duty is prohibited.

B. PROCEDURES FOR BODY-WORN CAMERA (BWC) USE - BWC equipment is issued primarily to on-duty uniformed personnel as authorized by the Department. Officers who are assigned BWC equipment must use the equipment unless otherwise authorized by supervisory personnel.

1. Officers shall use only BWCs issued by the Department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Police Department.
2. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the Sergeant as soon as possible so that a replacement unit may be procured.
3. Officers shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their Supervisor of any problems.
4. Officers shall not edit, alter, erase, copy, share, or otherwise distribute in any manner BWC recordings without prior written authorization and approval of the Chief.
5. Officers are encouraged to inform their Supervisor of any recordings that may be of value for training purposes.

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6. Requests for deletion of portions of the recording (in the event of a personal recording) must be submitted in writing and approved by the Chief or his/her designee in accordance with State record retention laws. All requests and final decisions shall be kept on file.
7. Officers will note incident, arrest and related reports when BWC recordings were made.
8. When preparing written reports, Officers should review their recordings as a resource. The report notation should contain the BWC unit's identification (i.e. BWC-XX). BWC recordings are not a replacement for in-car video or written reports.

C. RESTRICTIONS ON USING THE BODY-WORN CAMERA - BWCs will be used only in conjunction with official law enforcement encounters and activities.

The BWC will not be used to record:

- Communications with police personnel without the permission of the Chief.
- Encounters with undercover officers or confidential informants.
- When on break or otherwise engaged in personal activities or when in a location where there is reasonable expectation of privacy, such as restroom, locker room, squad room.
- For any purpose that is contrary or inconsistent with the Department's mission and core values or in any way that is contrary to federal, state and local law.
- While in patient care areas of a healthcare facility, unless the patient becomes adversarial with the Officer. The Officer shall record for law enforcement purposes only, but not record any patient / doctor conversations; having discussions with attorneys, peer support counselors, doctors, etc.

D. STORAGE - All BWC files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC identifier and assigned Officer. The procedures for downloading files from BWC to the server shall be in accordance with manufacturer and agency agreements on file.

1. All images and sounds recorded by the BWC are the exclusive property of this Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited.
2. All access to BWC files must be specifically authorized by the Chief or his/her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
3. Files should be securely stored in accordance with State records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution.

E. SUPERVISORY RESPONSIBILITIES - Supervisors are responsible and have discretion for

the assignment of BWCs based upon the availability of equipment and the needs of the agency.

1. Supervisory personnel shall ensure that Officers equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. On a monthly basis, Supervisors will conduct documented random reviews of BWC recordings of traffic stops and citizen contacts as well as reports generated as a result of these incidents and activities to ensure that the equipment is operating properly, that Officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance is required.
3. The Chief or designee will review BWC captured data and conduct a documented annual analysis of the data, frequency and use.

F. RELEASE OF BODY WORN CAMERA RECORDINGS - Any request for the release of Body Worn Camera recordings will be directed to the Chief of Police or designee. The release of recordings will be consistent with Ohio Public Records laws (149.43).

G. TRAINING - (Read and sign/testing) - All body worn camera operators and supervisors will complete an annual review of this directive and complete knowledge testing on the proper use of the equipment. Testing may include the following topics:

- All practices and protocols of this policy;
- An overview of relevant state and federal laws governing consent, evidence, privacy, and public disclosure;
- Procedures for operating the equipment safely and effectively;
- Scenario-based exercises that replicate situations officers might encounter in the field;
- Procedures for downloading and tagging recorded data;
- Procedures for accessing and reviewing recorded data (restricted to personnel authorized to access the data);
- Procedures for preparing and presenting digital evidence for court, and
- Procedures for documenting and reporting any malfunctioning device or supporting systems.

OP-07

Ride Along Procedures

07.01 Policy

It is the policy of the Bradner Police Department to accept ride-along requests from various colleagues, civilian observers, and college interns. These people are guests of the department and shall be treated as such.

07.02 Procedures

1. **INTERNS AND CIVILIAN OBSERVER REQUIREMENTS:** All interns and civilian observers shall be governed by the following rules:
 - a. Must be at least 18 years of age and sign a **WAIVER OF LIABILITY** prior to riding in the police cruiser. *Vocational High School students enrolled in a Law enforcement program at their High School as well as Post-Secondary college students studying law-enforcement are exempt from the age requirement, but must present a waiver signed by their parent or legal guardian.
 - b. The Chief of Police must approve before the ride along occurs.
 - c. Must be physically able to perform the observation tour without assistance from an officer (mobility or communication difficulties etc.)
 - d. Must be neat and clean in appearance and attire.
 - e. May accompany an officer during prisoner transport and booking only if it would not constitute a hazard to any persons involved, or interfere with an investigation.
 - f. Shall not leave the police vehicle at the scene of police activity without permission from the host officer.
 - g. Shall not participate in any police activity or converse with prisoners, suspects, witnesses or other persons contacted on police business without the permission of the host officer.
 - h. Shall NOT use any cameras or any type of recording devices.
 - i. May terminate the ride-along tour at any time by requesting to be returned to the station. This request shall be complied with as soon as possible and the time of departure logged into the daily record.
2. **HOSTING OFFICERS RESPONSIBILITIES:**
 - a. Make an entry on the daily log indicating the identity of the ride-along, status as colleague, intern, or civilian and the hour ride-along begins.
 - b. Ensure that all the necessary request forms have been filled out, permission forms signed, waivers turned in, prior to beginning the tour.

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- c. Attach all documents together in the persons file.
- d. Dispatch will be advised of a ride-along.
- e. Officers should make themselves available (and be able) to explain the departments operations and answer any questions the observer may ask.
- f. Should a situation arise wherein the observer becomes a hindrance to the efficient performance of duty, the officer may return the observer to the Office, submit an incident report explaining the circumstances or actions of the observer that caused the decision to end of the tour, and or detailing the problems encountered and the outside reasons behind the decision to end the tour. This report should be forwarded to the Chief of Police and the time of the completion of the tour immediately logged into the daily log.

3. HAZARDOUS CALLS: If the officer is dispatched to a call that may present danger to the civilian observer, the officer shall request that the observer remain in the police cruiser or may drop the observer off at a safe location (the park or village hall etc) and return to pick the observer back up after the call has been completed.

- a. If the observer is dropped off to a safe location due to the hazardous call dispatch will be notified of the location.
- b. If a prolonged delay is anticipated, every effort shall be made to have another unit pick up the observer and:
 - 1. Transport the observer to the officer if it has been deemed safe for him/her to join the officer at that location.
 - 2. Return the observer to the Office to retrieve their vehicle and end the ride-along early, for which the reasons will be stated in an Incident Report turned in to the chief.

OP-08 Police Vehicles and Equipment

08.01 Motor Vehicles:

The Village of Bradner for the use of the Police Department members furnishes police equipment, including vehicle (s). Members are expected to use due care in the use and operation of all equipment and shall not misuse, alter or modify any equipment.

08.02 Authorized Personnel:

1. Only those members who have completed the Ohio Peace Officer Basic Training Course that includes a component on emergency vehicle operation are authorized to operate any department vehicle.
2. The operation of motor vehicles shall at all times be governed by the statutes and ordinances in effect from time to time, the Ohio Peace Officer Basic Training objectives, and the guidelines set forth herein.
- 3. The use of occupant restraint devices, including all components of seat belts are Mandatory.**
4. Police vehicles shall only be operated by authorized members of the department while on duty.
5. Marked vehicles shall only be operated while in the prescribed uniform.
6. Any unmarked vehicles shall only be operated while on duty and in the dress prescribed under policy AP-05.
7. Any motor vehicle operated in the course of employment shall at all times be operated in a safe manner with due regard for the safety of persons and property.
8. Further, operation shall be in conformance with the provisions of the Ohio Revised code. All members authorized to operate police vehicles are required to maintain;
 - a. Drivers license valid within the State of Ohio.
 - b. No members shall operate a police vehicle when their driver's license is expired, canceled, revoked, or suspended.
 - c. Any such operation without a drivers license shall be deemed grounds for immediate disciplinary action.**

08-03 Safety:

Officers should be aware that the ready recognition by the community of the vehicle requires that care in the daily use and operation is essential. Even if an officer is entitled to take advantage of a privilege to violate some traffic laws, judgment must be used to determine if this is a safe, as well as prudent, course of action giving due regard to all the circumstances present.

Officers are responsible for making a cursory inspection of the vehicle at the beginning and end of each shift. The inspection shall include all regular as well as emergency equipment on the vehicle, including;

1. Lights, mirrors, wipers, tires, ect. to determine if operable.
2. If the vehicle cannot be operated safely or fails to operate safely at any time;
 - a) The vehicle shall be taken out of service and the Chief of Police or designee shall be notified.
 - b) All personal property of officers shall be removed from the vehicle at the end of the shift, including refuse, which shall be disposed of properly.
3. Vehicles shall be parked in the place designated for its storage
4. The officer going off duty shall ensure that all electrical and electronic equipment is turned off and the doors and windows secured.

08.04 Maintaining Fuel:

The fuel level in a vehicle shall be maintained at one-half ($\frac{1}{2}$) tank or greater by the end of a shift, filling at the designated vendor. Members shall check, or cause to be checked,

1. All other fluids (oil, antifreeze, transmission fluid) at the beginning of each shift.
2. Replacing fluids as necessary to maintain operating levels.
3. Receipts shall be turned into the office and purchases logged in the office.
4. Officers must remain at the fueling station while the vehicle is being filled.

08.05 Authorized use of Police Vehicle:

The police vehicle may only be operated for official purposes and is not to be operated outside the co-operation limits of the Village, except as follows

1. On official business as properly documented by reports / daily log.
2. Processing, booking or release of persons in custody.
3. Transportation to and from an authorized court session.
4. Immediate pursuit of a suspect violator of law per OR.C. 2935.03.
5. In response to a properly requested mutual aid.
6. Rendering service to other agencies as set forth in policy.

08.06 Police Equipment

Certain equipment is provided for police operation, including, but not limited to;

1. Radios, telephones, computers, measuring and/or recording devices, storage equipment, and office equipment and space.
2. This equipment shall only be used for official business and in the course of employment.
3. No officer shall misuse any equipment, including excessive normal use, abnormal use or alteration & modification.

4. Any Cellular telephone provided is for official use only and shall be used only when regular telephone service (i.e. the office) is unavailable or impractical to use.

a. It shall not be used for personal use calls at any time.

b. All usage of any kind is detailed upon the officers daily log for accounting purposes.

08.07 Mail:

- Members shall not open mail and packages received at the department unless addressed to that member.
- A member shall not open mail and packages addressed to the department generally unless directed by the Chief of Police or designee.

08.09 Cleanliness of Equipment:

- All equipment shall be maintained in a clean fashion and members shall not tolerate garbage/dirt upon or in any area.
- ***There is no smoking allowed in the cruiser.***
- Use of the bathroom facilities by members and or prisoners in their care as appropriate brings with it a responsibility for maintaining cleanliness in these areas.

08.10 Use of Office:

- The use of the office shall be for official business only.
- The officer shall inform the Chief of Police, his/her designee, or the village clerk of any supplies which run low, and all supplies, including the copier, shall be used only for official business.
- Access to the copier is limited to actual need and no member shall enter the Clerk's office except upon official business.
- The building shall be secured by locking all locks when the building is not occupied.
- Members shall ensure the garage is secured upon exiting.
- Members may use a garage space for parking a personal vehicle while on shift for protection purposes.
- Please note that the drive/lot adjacent to the building is used for community purposes and shall be maintained in a clear and unobstructed manner.

08.11 Use of Office Email:

A. E-MAIL RIGHT OF PRIVACY

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1. All email messages, including any attachments, transmitted over the department computer network or accessed through a web browser accessing the department system are considered department records and therefore are the property of the Department.
2. The Department reserves the right to access, audit and disclose for any lawful reason, any message, including any attachment that is transmitted or received over its e-mail system or that is stored on any department system.
3. The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of email.
4. Employees using the department e-mail system shall have no expectation of privacy concerning communications transmitted over the system.
5. Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.
6. The use of any computer, Internet service, telephone service or other wireless service to send or receive information that may be related to public business may be subject to review or disclosure.

B. PROHIBITED USE OF E-MAIL

1. Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.
2. E-mail messages addressed to the entire Department are only to be used for official business-related items that are of particular interest to all users.
3. Users are reminded that all e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from his/her supervisor or unit commander.
4. Personal advertisements or announcements are not permitted.
5. It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system.
6. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure will minimize the potential misuse of an individual's e-mail, name and/or password by others.

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C. MANAGEMENT OF E-MAIL

Employees must check their department email and read their new messages each workday. Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, email that an employee desires to save or that requires retention should be printed and/or stored in another database designed for long-term storage and retrieval. Users of e-mail are solely responsible for the management of their mailboxes. Messages may be automatically archived at regular intervals from the system, as determined by the Chief of Police or his/her designee.

D. E-MAIL RECORD MANAGEMENT: The e-mail system used by employees of the Bradner Police Department is managed by the Village of Bradner Police Department.

E. E-MAIL PROTOCOL: Department members, when sending emails to BPD All, are required to place a description of the subject matter in the subject line of the heading.

OP-09

Department Vehicle Use and Maintenance.

09.01 Policy

Vehicles operated by the Bradner Police Department shall not be altered or reconfigured other than by a qualified technician designated by the Village of Bradner and with the approval of the Chief of Police.

1. No vehicle owned or leased by the Village of Bradner or the Bradner Police Department shall be used for a purpose other than what it was generally intended or basically designed.
2. All employees assigned to the Bradner Police Department are required to successfully complete the defensive driving course administered by the Ohio Peace Officers Training Academy upon request of a supervisor.

- A. DEFECTIVE VEHICLES - When a department vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair.
 1. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition.
 2. The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair. Paperwork, describing the correction needed, shall be promptly forwarded to the Chief of Police for repair approval.
- B. SUSPECTED DAMAGE OR POOR PERFORMANCE - Vehicles that may have suffered damage, perform poorly or whose control or safety features have been diminished shall be immediately removed from service for inspection and repair.
 1. Each operator of a department vehicle shall promptly report to his/her supervisor any and all damage to the vehicle or its equipment which occurs during his/her tour of duty.
 2. An employee who fails to report damage or malfunction of either the vehicle or its equipment shall be held accountable for the damage or malfunction.
 3. Each employee assigned the use of a department vehicle shall conduct a daily check of the vehicle for body damage and malfunctioning equipment at the beginning and end of their assignment.
 4. If an employee discovers damage or a malfunction during his/her inspection of the vehicle or at any other time, the employee shall immediately notify his/her supervisor.

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5. The employee is also required to record any damage or malfunction on the Officer's Daily Activity Log.
6. The employee's Supervisor shall conduct an on-scene administrative investigation of all incidents involving damage to department vehicles or their equipment and shall document this administrative investigation by the appropriate police incident or accident report.

- C. SEVERE USE INSPECTION - Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer's use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include, but are not limited to, rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.
- D. REMOVAL OF WEAPONS - All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.
- E. VEHICLE EQUIPMENT - All marked police vehicles shall be distinctly marked in a similar manner and color.
1. The lettering on marked police vehicles shall be made of reflective material decals.
 2. Marked police vehicles assigned to patrol duties shall be equipped with a cage separating the driver's compartment from the rear seating area.
 3. Exceptions may be granted to patrol vehicles customarily used and numerically designated as supervisory vehicles or staff vehicles.
- G. VEHICLE INSPECTION REPORT - The Bradner Police Department Pre-Trip Vehicle Inspection Report belongs as one of the first entries of the Officer's Daily Activity log in the OHLEG call records maintenance system and shall be completed by the operator at the beginning of each shift/duty assignment for all vehicles that officer uses during his/her shift.
- H. VEHICLE REFUELING - Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into

service and refueled before the level falls below one-half of a tank. Vehicles shall only be refueled at an authorized location

1. FUEL ACCESS CARDS - The Department shall have fuel access cards to be used at the authorized fueling sites.

- The fuel cards will be kept in the glove box of the cruiser.
- The fuel cards should be retained in the vehicle to which the primary on duty officer is assigned.
- The vehicle cards shall be used whenever fuel is dispensed.
- Dispensing fuel without the vehicle card is prohibited without prior supervisor authorization.
- The fuel card will be replaced into the glove box at the end of the shift and the action so noted on the Officers duty log.

2. REPLACEMENT CARDS - Lost or stolen fuel access cards shall be documented in a police report.

- a. The item number of the report shall be given to the Village Clerk before a replacement card is ordered.
- b. Damaged cards can be delivered to the Village Clerk and a replacement card ordered without a report.

3. FUEL FACILITIES - All department vehicles and equipment shall use the fuel site listed below for all normal operations. Exceptions may be made for announced emergencies, or at the instructions of the Chief of Police or his/her designee.

a. Friendship Marathon	b. Fuel Mart
3274 Defiance Pike	1004 Bowling Green Rd E
Bradner, OH 43466	Bradner, Ohio 43406
(419) 288-3555	(419) 288-2733

4. EXTENDED OUT OF AREA VEHICLE USAGE (FUEL CARDS) - On those occasions where village owned vehicles are used for out of town business, a fuel card will be issued by the Village Clerk for the purchase of gasoline only. All receipts and the fuel card shall be returned to the village clerk, during working hours, for all fuel purchases upon returning to the Village.

I. WASHING OF VEHICLES - All vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

1. Officers on patrol shall clean the car at the start of their shift, weather permitting.
2. Employees using a vehicle shall remove any trash or debris at the end of the shift.

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3. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

J. CIVILIAN EMPLOYEES - Civilian employees shall not use a marked police vehicle.

K. SPECIAL PURPOSE VEHICLES - Special purpose vehicles include, but are not limited to:

- All-terrain vehicles
- Dare vehicle
- Golf Cart
- Motorcycles
- Bicycles
- Undercover Vehicle

1. The purpose of special purpose vehicles is to assist members of the Bradner Police Department in the performance of their duty, to protect lives and property of all individuals and to render aid and assistance in the event of a natural or man-made disaster.
2. Under no circumstances shall special purpose vehicles be used for personal and/or recreational use.
3. Operators of special purposes vehicles shall be trained and demonstrate proficiency in the operation of the vehicle prior to being authorized to operate the vehicle.
4. The Appropriate Training Officer shall be responsible for training proficiency testing of all authorized persons.
5. Operators of special purposes vehicles shall be responsible for acquiring and maintaining any licensing required by the State of Ohio, Village of Bradner, the Federal Government, or agency thereof.
6. Employees of the Bradner Police Department will not be allowed to operate special purpose vehicles other than for training purposes prior to licensing without holding any and all required licenses.

L. DISCIPLINARY ACTION - Failure to comply with the provisions of this policy may result in personal responsibility for the expense of any authorized charges.

OP-10

Emergency Operations/ Vehicle Pursuit

10.01 Purpose

A. This policy is issued to provide guidelines for the operation of motor vehicles in response to emergency calls and in the pursuit of motor vehicles in accordance with ORC 2935.031.

1. All members of the police department operating motor vehicles shall at all times operate with due regard for the safety of persons and property.
 - a. A respect for human life shall guide officers in determining whether to engage in or terminate a vehicular pursuit. Officers shall act within the boundaries of legal guidelines and Division policy when engaging in a vehicular pursuit.
 - b. Officers shall terminate a pursuit if the immediate danger of initiating or continuing the pursuit is greater than the immediate or potential danger to the public if the suspect remains at large.
2. The Ohio Revised Code permits police vehicles certain privileges to operate with exception to certain traffic laws when in response to an emergency call or in pursuit of an actual or suspected violator of the law.
3. These sections do not relieve the driver of the duty to drive with due regard for safety for others nor does it expect or permit reckless operation at any time.
4. No member of the department shall permit reckless operation at any time.
5. No member of the department is permitted to operate a police vehicle in disregard for safety at any time.

B. Emergency Calls: Officers responding to emergency calls may utilize the exception to traffic laws contained in ORC 4511.03, 4511.04 and 4511.05 so long as the member exercises due regard for the safety of other persons and property.

1. This course of action is dependent upon the facts of each response and the member, if electing to use the exceptions, will utilize the overhead lights and siren as required by the statutes.
2. Members shall always operate with safety as a significant aspect of such a response.
3. If the emergency call is such that a response without lights and sirens is deemed advisable, the member may not utilize the exceptions and shall proceed in normal operation until arrival.
4. Unmarked vehicles shall not utilize the exception provided, even if equipped with lights and siren, to respond to emergency calls.

C. Definitions:

1. **Vehicle pursuit** - An active attempt involving one or more peace officers, operating an authorized emergency vehicle, attempting to apprehend a suspect who is trying to avoid

arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

2. **Discontinuation or Abandonment of Pursuit** – The ending of a pursuit by administrative means or policy guidelines. A conscious decision by pursuing officers or supervisors to disengage from the pursuit.
3. **Termination of a Pursuit** – Intervention tactics, the ending of a pursuit by deployment of tactical means or methods.
4. **Blocking or Vehicle Intercept** - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.
5. **Boxing In** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.
6. **Pursuit Trailing** - The term "trail" means to follow the path of the pursuit at a safe speed, while operating with due regard without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.
7. **Precision Immobilization Techniques (PIT)** - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.
8. **Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.
9. **Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.
10. **Tire Deflation Device, Spikes or Tack Strips** - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

D. POLICY: **A VEHICLE PURSUIT SHALL BE TERMINATED WHENEVER THE LEVEL OF DANGER CREATED BY THE PURSUIT OUTWEIGHS THE IMMEDIATE CONSEQUENCES OF THE SUSPECT'S ESCAPE.**

1. The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the roadway. It is the policy of the Bradner Police Department to expeditiously identify and apprehend violators of traffic and criminal statutes, while utilizing reasonable methods that protect all persons from bodily injury and unnecessary property loss. Due to the risks that may be engendered when officers engage in vehicular

pursuits, the department has established a strict pursuit policy and provides training to officers in its components.

2. Traditionally, law enforcement's response has been to immediately apprehend offenders. The potential hazards of vehicular pursuit, however, necessitate that officers be able to identify vehicles and suspects upon initial contact, should it become necessary to terminate a vehicle pursuit and arrest through follow-up investigation. Therefore, procedures to be followed during vehicle pursuits have been outlined to minimize the potential risks associated with vehicular pursuits, the department periodically provides updated training and policy review for officers.
3. Initiation of a Pursuit - The seriousness of the possible outcome of a pursuit commands a police officer to weigh many factors when deciding whether or not to pursue the violator. Some of the specific questions officers must ask themselves when deciding whether or not to pursue include:
 - a. Does the seriousness of the crime warrant a chase at a high rate of speed?
 1. Nature of offense for which the subject(s) will be charged.
 - b. What is the possibility of apprehension?
 - c. Location, time of day, road conditions, direction of pursuit.
 1. Will the pursuit take place on residential streets, a business district, or a freeway?
 2. What are the traffic conditions?
 3. What are the weather conditions?
 4. What is the condition of the police vehicle?
 - d. Is the pursuing officer alone, or is there assistance of another officer?
 - e. Other signs of danger-extremely reckless operation, very high speeds in relation to speed zones, presence of other vehicles / pedestrians.
 - f. The mere fact that a traffic violator elects to flee, even though this offense is a felony, does not raise the offense to a "felony" pursuit situation. The offense to be considered is that which caused the member to initiate the pursuit.
 - g. Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (ORC § 2921.331 (B) and (ORC § 2935.03 (D)).
4. The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit: The seriousness of the known or reasonably suspected crime and its relationship to community safety. Property crimes do not justify a vehicle pursuit.
 - a. The importance of protecting the public and balancing the known or

reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

- b. The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- c. Officers should recognize that if the suspect can be apprehended at a later time and place, it may not be prudent to initiate or continue a pursuit.
- d. The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- e. The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- f. The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- g. The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- h. Vehicle speeds and evasive tactics of the suspect.
- i. Length of the pursuit.
- j. The availability of other resources, such as aircraft assistance.
- k. If the police unit is carrying passengers, (prisoners, ride-along, etc.) they should not be authorized to participate in the pursuit.
- l. Additional factors should be considered when pursuing motorcycles or like vehicles, due to the propensity for injury.

D. Initiating Officer's Responsibility

It is the policy of this department that a vehicle pursuit shall be conducted with at least one red or blue flashing, rotating, or oscillating light, visible under normal atmospheric conditions from a distance of 500 feet to the front of, and a siren activated on an authorized public safety vehicle (ORC § 4511.37, ORC § 4513.21, ORC § 4511.01(E)(2), ORC § 4511.041 and ORC § 4511.24)..

When the operator of a pursued vehicle increases speed or drives in such a manner as to endanger the safety of others, the pursuing officer will immediately activate the siren and emergency lights and will continuously use both throughout the pursuit.

1. The pursuing officer will contact the Communications Center and state "I AM IN PURSUIT OF A VEHICLE."
2. Relay information such as;
 - a) location

- b) direction of travel
- c) description and registration of pursued vehicle
- d) exact reason for the pursuit and other details, which will enable other officers in the area, as well as the dispatcher, to be aware of the pursuing officer's situation.

3. During the pursuit, a safe distance must be maintained between vehicles. This will enable the pursuing officer to duplicate a sudden turn and lessen the possibility of a collision in the event of a sudden stop.

E. Forcible Stopping - Because of the potential dangers involved, pursuing officers are NOT to pull alongside a fleeing motorist in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle. OFFICERS SHALL NOT MAKE DELIBERATE PHYSICAL CONTACT AS A MEANS TO STOP A SUSPECT'S VEHICLE DURING A PURSUIT.

Because of the extreme and obvious dangers in the use of roadblocks in pursuit situations, roadblocks WILL NOT be used to apprehend wanted subjects when it is apparent that innocent persons would be endangered. The use of roadblocks is prohibited. Roadblocks are never to be set up over the crest of a hill, around a curve, or where an innocent citizen could be involved in a collision.

1. It is generally inappropriate activity in a pursuit situation to;
 - a) Establish a roadblock with no escape method or
 - b) Ram another vehicle at any speed.
2. Officers should be aware of the other law enforcement agencies' resources and should call for assistance if warranted.
3. Unmarked vehicles shall not be used in any pursuit situation.

F. Termination of a Pursuit:

As the level of offense rises, there is more justification to continue a pursuit; however, extra territorial pursuits for higher level non-traffic offenses are to be determined giving due regard for the above factors as well as those listed below.

1. It is the most rational means of preserving the lives and property of the public, the officer, or the suspect.
2. Weather and/or traffic conditions warrant.
3. The distance between pursuing and fleeing vehicles renders it futile.
4. The danger posed to the public, officer, or suspect is greater than the value of apprehending the suspect.

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5. When the offender and the police vehicle are required to cross against a traffic control device at a major intersection.

6. Members should be extremely careful as to pursuits into or through populated areas (both within the Village of Bradner and into other nearby communities) as the danger increases accordingly.

7. Officers shall always discontinue a pursuit when ordered to do so by: a command officer of this department OR an officer of a department whose jurisdiction you have entered.

- a. Failure to obey such an order shall be grounds for disciplinary action up to and including termination
 - b. The pursuing officer must use the best judgment in evaluating a pursuit, making a continuous appraisal in the decision if the pursuit should be continued.
 - c. The element of personal challenge to the officer should never enter into the decision.
1. Unmarked vehicles and / or plain clothes officers shall not be used for traffic enforcement.
 2. At no time shall a member engage in or continue a pursuit of a motor vehicle when the apparent danger of the pursuit exceeds the danger of the escape of the offender(s). Though pursuits may be necessary in law enforcement situations, there is no requirement that a pursuit ever be continued.
 3. Members shall not hesitate to discontinue a pursuit regardless of the level of offense justifying the pursuit.

Officers and supervisors must continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. The following factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit.

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

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

for the safety of others (ORC § 4511.45(B)).

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

1. The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
2. The pursued vehicle's location is no longer known.
3. The law enforcement vehicle sustains damage or a mechanical failure that renders it unsafe to drive, or the pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
4. Pursuits for misdemeanors not involving abuse or risk of serious harm should be discouraged.
5. The hazards to uninvolved bystanders or motorists.
6. When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
7. When directed to terminate the pursuit by a supervisor.

G. Inter-jurisdictional Pursuits: When a pursuit is instituted by another police agency and the direction of travel brings the pursuit within the corporation limits of the Village of Bradner, the following will apply:

1. Notification by another jurisdiction of a pursuit in progress shall not be construed as a request to join in the pursuit.
2. When a police pursuit is originated by another agency and enters the Village of Bradner, the ranking officer on duty will determine what assistance is to be rendered and make assignments accordingly.
3. Officers will not fall in line and continue pursuits outside the Bradner when the pursuit was initiated by another jurisdiction unless directed by a supervisor.
4. If the suspect is apprehended the driver may be charged with all violations that occurred within the Village.
5. Officers shall not simply join in a pursuit unless directed to do so.

H. Traffic Stops: Members engaging in attempts to stop vehicles for traffic violations are generally not pursuits per se. When attempting to stop a traffic violator that is not fleeing, the normal operational limits and traffic laws apply.

1. If you can achieve the stop without utilizing any of the exceptions you may not

need to take advantage of the statutory exceptions. However, once you elect to utilize any exception(s), then the proper use of emergency equipment is necessary to invoke the expectation while at all times exercising due regard for safety.

2. Unmarked vehicles and / or plain clothes officers shall not be used for traffic enforcement.
3. At no time shall a member engage in or continue a pursuit of a motor vehicle when the apparent danger of the pursuit exceeds the danger of the escape of the offender(s). Though pursuits may be necessary in law enforcement situations, there is no requirement that a pursuit ever be continued.
4. Members shall not hesitate to discontinue a pursuit regardless of the level of offense justifying the pursuit.

I. Pursuit Vehicles:

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances. Pursuits by unmarked law enforcement vehicles and motorcycles should be highly discouraged. Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining any pursuit. Pursuing law enforcement vehicles must meet the requirements of ORC § 4511.24 in regards to lights, audible signals, and due regard for safety. If compliant unmarked vehicles or motorcycles initiate a pursuit, they should relinquish the pursuit to marked vehicles at the earliest opportunity. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws (ORC § 4511.041 and ORC § 4513.21).

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

J. Primary Unit Responsibilities:

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless they are unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons. Officers should continuously update information to allow supervisor(s) to sufficiently assess continuation of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit

should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

The primary unit should notify Dispatch, commencing with a request for priority radio traffic that a vehicle pursuit has been initiated and clearly state the driver's actions and offenses, to include:

1. The reason for the pursuit.
2. The location and direction of travel.
3. Pursuit speed.
4. The description of the fleeing vehicle and license number, if known.
5. The number of occupants.
6. The identity or description of the known occupants.
7. The weather, road and traffic conditions to include pedestrian traffic.
8. The identity of other agencies involved in the pursuit.
9. Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.
10. When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

K. Secondary Unit Responsibilities:

1. Immediately notifying the dispatcher of his/her entry into the pursuit
2. Providing back up to the primary unit.
3. Ensuring that Dispatch notifies nearby jurisdictions.
4. Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer. or if the primary unit is unable to continue the pursuit.
5. Broadcasting the progress of the pursuit unless the situation indicates otherwise.
6. Responding to the point where the pursued vehicle has been stopped.
7. Ensure that available body worn cameras and/or dash-mounted cameras are activated.
8. Sharing the responsibility to initiate and discontinue the pursuit with the initiating officer.
9. Coordinating all aspects of the pursuit, including the number of units and any aerial surveillance.

L. Supervisory Control and Responsibilities:

The Supervisor on duty has the final responsibility for the coordination and termination of a vehicle pursuit. It is recommended, when possible, that the on-duty supervisor not engage in the pursuit, in order to maintain objectivity. The supervisor's decision to discontinue the pursuit is final.

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1. Upon becoming aware of a pursuit, immediately notifying involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information, and continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
2. Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit.
3. Directing that the pursuit be terminated if continuation of the pursuit is not justified.
4. Ensuring that aircraft assistance is requested, if available.
5. Ensuring that the proper radio channel is being used.
6. Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves, or is likely to leave the jurisdiction of this agency.
7. Controlling and managing units when a pursuit enters another jurisdiction.
8. Preparing a post-pursuit critique and analysis of the pursuit for training purposes.
9. Review all pertinent reports for content and forward them through the Chain of Command.

M. Dispatch Responsibilities:

1. Not applicable because Bradner police Department does not have their own dispatcher.
2. Bradner Police Department uses Wood County Sheriff Department Dispatch Services.

N. Pursuit Driving Tactics:

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

1. Pursuing officers should place their vehicles in such a manner as to afford them the ability to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
2. Because intersections can present increased risks, **the following tactics should be considered:**
 - a. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - b. Pursuing units should exercise due caution when proceeding through controlled intersections.
 - c. Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
3. Notify the Ohio State Highway Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

4. Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

O. Tactics/Procedures for Units not involved in the pursuit:

1. Officers should not engage in pursuits by other jurisdictions unless first requested by the pursuing agency, and approved by a supervisor after evaluating the pursuit information to ensure compliance with this agency's policy. Other units should not parallel the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should not become involved with the pursuit unless directed by a supervisor.
2. Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road. The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and sirens) unless other units are assigned to the pursuit.

P. Pursuit Trailing:

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

Q. Aircraft Assistance:

1. When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.
2. The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

R. Jurisdictional Considerations:

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, available communications, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. All agencies involved in interjurisdictional pursuits should communicate in plain English and not use

radio codes, to insure all agencies involved understand the communications.

S. Pursuits Initiated by Another Agency:

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit. **The exceptions to this are:**

1. When a single unit from the initiating agency is in pursuit, a unit from this department may join the pursuit.
2. When an actual or suspected felon who reasonably appears a serious threat to the public if not apprehended is being pursued, a supervisor may authorize officers to join the pursuit.

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

1. Ability to maintain the pursuit.
2. Circumstances serious enough to continue the pursuit.
3. Adequate staffing to continue the pursuit.
4. The public's safety within this jurisdiction.
5. Safety of the pursuing officers.

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

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

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

T. Assumption of Pursuit by another Agency

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

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

assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit.

Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

U. Intervention/Alternatives to Stopping the Fleeing Vehicle:

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

V. When Intervention is Authorized:

1. It is vital to remind our officers that no one in the Bradner Police Department is certified and trained in these Intervention methods used to stop a fleeing vehicle therefore no one is authorized to use such tactics.
2. Absent exigent circumstances, use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use an intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision. It is imperative that officers act within legal bounds using good judgment and accepted practices.

W. Pursuit Intervention Tactics

- 1. It is vital to remind our officers that no one in the Bradner Police Department is certified and/or trained in these Intervention methods/tactics to stop a fleeing vehicle therefore no one is authorized to use such tactics.**

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

1. Blocking or vehicle intercept should only be considered in cases involving felony

suspects or impaired drivers who pose a threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, **this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:**

- a. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers or other members of the public.
 - b. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - c. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - d. The target vehicle is stopped or traveling at a low speed.
 - e. At no time should civilian vehicles be used to deploy this technique
2. Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor (if feasible) upon consideration of the circumstances and conditions presented at the time, including the potential for injury to others, the public and occupants of the pursued vehicle.
3. Intentional contact - Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. **When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:**
 - a. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 - b. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
 - c. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
4. As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
5. Tire Deflation Devices may be authorized under the following circumstances:
6. With approval of a supervisor (if feasible).
 - a. Evaluation of the circumstances and conditions presented at the time, including

- the potential for injury to others, the public and occupants of the pursued vehicle.
- b. Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use.
 - c. Prior to the deployment of stop sticks, the officer should notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle.
 - d. If the pursued vehicle is a motorcycle, three-wheeled vehicle, all-terrain vehicle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need for immediate stoppage of the vehicle.
7. The use of Roadblocks for stopping fleeing offenders may be used under the following conditions:
- a. Based on safety- If a roadblock will expose any person to a clear and unreasonable risk of injury, it shall not be used. The risk of safety to the public must be the determining factor. The risk of continuing a pursuit must be greater than the risk of deploying roadblock tactics.
 - b. The type of fleeing vehicle should be considered. If the fleeing vehicle is a motorcycle, all-terrain vehicle, or similar, a roadblock should be avoided.
 - c. If other traffic is affected, the roadblock must be established in an area that allows other traffic ample warning to identify the roadblock and stop within a safe distance.
 - d. The roadblock should be constructed in such a manner as to leave a route through the area, but designed to force vehicles to slow down considerably in order to proceed.
 - e. Stationary roadblocks will be located in an area which provides safe stopping distance for traffic.
 - f. Officers should place themselves in a position of safety, as well as tactically available to make apprehension of the suspect if the vehicle does stop.
 - g. All patrol vehicles used or adjacent to the pursuit should have emergency lights activated.
8. Supervisor considerations related to roadblocks:
- a. Decide what type of roadblock to use, if any.
 - b. Provide direction and control with safety being the primary concern.
 - c. Be aware of existing conditions such as traffic volume, type of area, availability of back-up officers, and nature of the violation.
9. Constitutional requirements and deadly force policy should be considered when using firearms to terminate a pursuit. Shooting at, or from moving vehicles increases the risk of injury to others, and may be prohibited.

X. Post Pursuit Reporting and Review Requirements

1. All appropriate reports shall be completed to comply with local and state regulations.
2. The primary officer shall complete appropriate crime/arrest reports and complete summary of the pursuit.
3. The officer and/or supervisor shall complete a memorandum summarizing the pursuit to the Chief of Police. **The following should be included, at a minimum:**
 - a. Date and time of pursuit.
 - b. Length of pursuit in distance and time.
 - c. Involved units and officers.
 - d. Initial reason and circumstances surrounding the pursuit.
 - e. Starting and termination points.
 - f. Alleged offense charges filed or disposition: arrest, citation or other release.
 - g. Arrestee information should be provided if applicable.
 - h. Injuries and/or property damage.
 - i. Medical treatment.
 - j. The outcome of the pursuit.
 - k. Name of the supervisor handling or at the scene.
4. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
5. All units involved directly or indirectly in the pursuit shall complete a written report documenting their actions in the pursuit.
6. After receiving copies of reports, logs and other pertinent information, the Chief of Police shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.
7. Ensure collection of all available audio and video recordings are retained for evidentiary value.

Y. Regular and Periodic Pursuit Training

All officers should be provided periodic training on this vehicle pursuit policy, best practices and safe driving techniques. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others. Training officers and Administrators should consider the use of the Ohio Peace Officer Training Academy's judgmental driving simulators.

Z. Policy Review and Analysis

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At least annually, sworn members shall review and complete acknowledgement (Read & Sign) for this policy.

A documented annual analysis of pursuit reports, to include a review of this policy and reporting procedures, shall be conducted at the direction of the Chief of Police.

OP-11

Accident Review Board

11.01 POLICY

It is the policy of the Department to review each crash of an BPD vehicle and determine preventability.

11.02 ACCIDENT REVIEW BOARD

The Chief of Police, in accordance with the Mayor's Office, has created and established the Accident Review Board.

11.03 ACCIDENT REVIEW BOARD MEMBERS

- A. The Accident Review Board shall consist of the following:
 - (a) The Chief of Police
 - (b) The Sergeant
 - (c) The Prosecutor
 - (d) The Mayor
- B. All of the above board members that can be reached and are available shall be present to constitute a quorum consisting of a minimum of 3 of the above individuals.
- C. The top ranking senior member of the board shall serve as Chairman of the Board.

11.04 TECHNICAL ADVISORS AND SUPPORT

The following positions shall be filled at each meeting of the Accident Review Board:

- (a) One member of the mechanical maintenance crew from Amos Repair Shop.
- (b) One member of the Village Council.
- (c) One member of the Field Training Officers Department.
- (d) the village clerk.

11.05 RESPONSIBILITIES

- A. The Accident Review Board shall evaluate each incident under its purview as an automobile crash rather than an automobile accident.
- B. The Accident Review Board members shall conduct and record the Accident Review Board's hearing during which they shall be responsible for reviewing all crash or damage reports involving department vehicles.
- C. The Accident Review Board shall convene within 7 days of the incident and come to a conclusion as soon as possible.

11.06 DOCUMENTS/EVIDENCE

Data used for reviewing reports shall consist of, but not be limited to:

- (a) Copies of traffic or incident reports

- (b) Copies of supervisory reports
- (c) Damage estimates
- (d) Testimony of involved employees/witnesses
- (e) Any other pertinent information, (e.g., photographs, brake inspection, repairs)
- (f) Copies of Pursuits Incident Reports
- (g) In-Car Video

11.07 REVIEW COMPLETION

After completing the review of the crash, the Board members shall:

- (a) Classify all crash or damage incidents in accordance with the guidelines of Classification of Accidents (see below).
- (b) Make recommendations to the Chief of Police regarding the determination of Classification of Accidents, and the appropriate disciplinary recommendation.

11.08 CLERKS DUTIES AND RESPONSIBILITIES

The Village Clerk or the Clerk of Court shall be responsible for:

- (a) Assigning the necessary clerical staff to the Accident Review Board.
- (b) The safekeeping of all Accident Review Board records.
- (c) Delivery of all reports to committee members.

11.09 AUTHORITY TO SECURE NEEDED REPORTS, DATA OR WITNESSES

1. The Accident Review Board shall have the authority of the Chief of Police to call to testify before the Board, at a specified time and date, any employee of this Department regarding a crash or incident which resulted in damage to a departmental vehicle.
2. Failure of any employee so summoned to appear will result in disciplinary action.
3. The Accident Review Board Chairman shall have the responsibility of securing the appropriate data needed to conduct the review of all incidents.
4. The Board Chairman shall ensure that the following procedures are carried out in accordance with this section.
 - (a) Copies of all applicable reports involving vehicle damage, all supervisory reports of such incidents, and copies of damage estimates or appraisals, shall be submitted to the Accident Review Board. In the event of special reports, such as brake inspection reports, the Risk Management Section shall ensure that this pertinent information is forwarded to the Board.
 - (b) Copies of the departmental driving record of any employee of the Department involved in a traffic crash will be obtained from the Sergeant.
 - (c) Copies of all reports of injuries which arise out of traffic crashes, all information as to off duty or sick time use due to a crash, and any previous

records of injuries or time off used due to crashes, shall be made available to the Accident Review Board by the Sergeant.

11.10 CLASSIFICATION OF ACCIDENTS

All incidents of damage to departmental vehicles shall be classified in accordance with the existing policy for Classification of Accidents. The classification of accidents is as follows:

(a) Category A - Non-Preventable:

1. Non-Preventable - Crashes in this category are described as being beyond the operator's control while practicing good driving methods.
2. Mechanical Defects - This category includes mechanical defects which were unknown to the operator and documented by the Damage Control Officer subsequent to the incident.
3. Non-Chargeable / Line of Duty - Applied to emergency vehicles, when the vehicle is responding to an emergency and has not broken any traffic laws or department regulations governing motor vehicles. A3 crashes are not chargeable to the operator's record.

(b) Category B - Preventable:

1. Preventable / Chargeable - Crashes in this category are those in which the operator shared in a portion or all the responsibility for the crash, when said vehicle was not responding to an emergency call and disregarded traffic laws, safe driving practices or department policy/procedure governing motor vehicles.
2. Preventable / Line of Duty / Chargeable - Incidents in this category are applied to operators who share in a portion or all of the responsibility for the crash when responding to an emergency and who disregarded traffic laws, safe driving practices, or department policy/procedure governing motor vehicles.

11.12 DISCIPLINARY ACTION

The Village of Bradner through the Chiefs office has defined three separate charts for administering disciplinary action in preventable classifications. Each incident shall be given a chart listing according to the severity of the crash/incident.

- (a) Chart I - Preventable incident, but the severity of the incident is considered by the Board to be minor in nature.
- (b) Chart II - Preventable incident, in which the severity of the incident is considered by the Board to be of moderate consequence in nature.
- (c) Chart III - Preventable incident in which the severity of the incident is considered by the Board to be of serious or major consequence in nature, and the operator of the department vehicle has disregarded laws and policies governing traffic laws, department regulations, and/or safe driving practices.

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- A. Disciplinary action will be based on the severity of the preventable incidents using the previously listed charting system.
- B. Disciplinary action may range from a defensive driving course, a Letter of Reprimand, suspension, and/or dismissal. Factors such as an officer's driving record and violations of department regulations shall be considered in determination of disciplinary recommendation. Additional penalties may include suspension of an employee's driving privileges.
- C. The Accident Review Board shall postpone a review of an employee who is currently under investigation for violations directly related to a vehicle pursuit which ended in a crash.

OP-12

Traffic Enforcement

12.01 Policy

Since active visible traffic enforcement deters crime, officers are expected to be alert to traffic violations and take enforcement action when they occur. Officer safety must be the paramount consideration in all traffic stops, however officers must not ignore common courtesy and helpfulness.

12.02 Objectives

- A. Traffic enforcement objectives are to facilitate the safe and expeditious flow of vehicular and pedestrian traffic through the public's voluntary compliance with traffic regulations.
- B. The department will seek to achieve this through a combination of education and enforcement.
- C. The department will seek to educate the public regarding traffic regulations, by giving notice of changes and warnings, prior to taking enforcement actions.
- D. Officers shall take appropriate action for each traffic violation witnessed or reported to them, either in the form of physical arrest, issuance of a citation or verbal warning whenever possible.
- E. Officers shall make traffic stops only on the basis of reasonable suspicion or probable cause. Officers shall make arrests only on the basis of probable cause, and shall not stop, detain, search or arrest anyone based on racial, ethnic, gender, gender identity, or sexual orientation profiling.
- F. Officers must ensure all violators receive equal and fair treatment regardless of race, ethnicity, gender, gender identity, or sexual orientation profiling are totally unacceptable patrol tactics and will not be condoned.

12.03 Traffic Enforcement

- A. When the department receives a complaint of a specific traffic problem in a particular area, it will assign personnel to investigate and take necessary enforcement action.
- B. Based upon the principle that the most effective deterrent to traffic law violations is visible patrol in a distinctly marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. State law prohibits the use of unmarked vehicles for the purpose of traffic enforcement if the exclusive or main purpose of the officer is enforcing motor vehicle or traffic laws (ORC 4549.13).
- C. In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, officers may park their vehicles in a conspicuous location

in such a manner that traffic flow is not impeded.

- D. An officer observing traffic is also responsible for conducting roadside safety checks (commercial enforcement, OVI/sobriety checkpoints, etc.).

12.04 Reasonable Suspicion

- A. All officers are expected to enforce the traffic laws and stop and detain motorists whenever there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law.
- B. Appropriate enforcement action must be taken for every stop, generally in the form of a citation, verbal warning, or arrest.
- C. The motorist should be cited for the offense which formed reasonable suspicion for the stop and the most serious of any other violations, with warnings issued for any lesser additional violations if appropriate. It is not necessary to “pile on” citations for multiple infractions.
- D. This policy does not prohibit stopping someone suspected of a crime based on one or more attributes of the perpetrator’s description, or considering a person's apparent age when investigating curfew or liquor law violations.

12.05 Uniform Traffic Enforcement and Citations

In order to apply uniform traffic enforcement policies, the following guidelines have been established:

- A. Operating a Vehicle while under the influence of drugs/alcohol (OVI) - If an officer establishes probable cause that an offender is under the influence of drugs/alcohol, the violator shall be appropriately charged.
- B. Driving under suspension/revocation or no operator's license - Officers shall not permit an unlicensed driver to drive the vehicle from the location of the stop. The driver should be appropriately charged.
- C. Speed violations - Drivers who exceed the established speed limits may be warned or issued a traffic citation based upon the conditions and the circumstances at the time of the violation.
- D. Other hazardous violations - The vehicle operator who commits a traffic violation in a hazardous or high accident location should be cited accordingly.
- E. Off-road vehicle violations - Upon receiving a complaint regarding trespassing and/or property damage caused by the operation of an off-road vehicle when the property owner

wishes to file charges, the investigating officer shall attempt to identify the vehicle operator and take appropriate action.

- F. Equipment violations - A traffic citation should be issued when a vehicle's required equipment is either missing or inoperable/damaged and the operator should have been aware of the problem, eg, old damage to a front fender with a missing headlight, cracked windshield, etc.
- G. Any vehicle deemed unsafe as specified in the ORC shall not be allowed to operate on the public roadways.
- H. Public carrier or commercial vehicle violations: The operator of a public carrier or commercial vehicle that commits a traffic violation shall be handled in the same manner as the operator of a private vehicle who commits a similar violation
- I. Non hazardous traffic Violations are violations of the traffic laws affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians, e.g, a registration. The decision to either side or warn a violator for a non-hazardous traffic violation will ultimately rely on the officer's judgement based on the totality of the circumstances and the conditions at the time of the violation.
- J. Newly enacted laws or regulations - A warning should normally be issued for a non-hazardous traffic violation of a newly enacted law or regulation.
- K. Violations resulting in traffic collisions - A traffic citation should be issued based upon probable cause as determined by the investigation.
- L. Pedestrian and bicycle violations - Pedestrians or bicyclists whose actions create a hazard to themselves, pedestrians or vehicular traffic should be charged accordingly.
- M. Unless circumstances prohibit, prior to initiating a traffic stop, officers shall notify the dispatcher by radio of the location of the stop, description of the vehicle being detained including the license number, color make and model, if known, and body style). The dispatcher shall log this Information.

12.06 Motorist Assistance

- A. When an officer observes an obviously disabled vehicle or a motorist who appears to be lost, stranded or in some distress, he/she shall stop and offer assistance.
- B. The first priority shall be the safety of the citizen and officer.
- C. If the officer determines a medical or fire emergency exists, he/she shall notify the dispatcher and request Fire and Rescue or EMS respond to the scene.
- D. Stranded citizens shall be transported to a safe location where a phone or some other assistance is available.
- E. Officers may assist a motorist by changing a tire, obtaining gas or water or calling a tow truck or mechanic. All towing shall be in accordance with existing department policies.
- F. Officers shall not use department vehicles to jump-start other vehicles.

- G. Citizens shall not be left stranded or with a disabled vehicle unless the officer is certain that they are in a safe position and they have summoned the proper assistance.
- H. If the vehicle is in a hazardous or unsafe location, the officer shall remain with the disabled vehicle until the hazardous condition is remedied, keeping in mind the officer's safety. If the officer cannot safely stay with the vehicle, road flares, warning signs or additional police vehicles may be required to protect the officer and other vehicles from striking the hazardous vehicle.

12.07 Hazardous Roadway Conditions

- A. When an officer discovers a hazardous highway condition on the roadway, he/she shall report the hazard to the dispatcher and request the appropriate response. The dispatcher will notify the proper authority to respond to the hazard, Streets Department, ODOT, etc.).
- B. If the hazard is such that it presents a significant threat to safety, the officer shall take steps to protect the scene. Depending on the circumstances, the officer may lay out a flare pattern, utilize police vehicles to protect the scene, direct traffic, etc.

12.08 Civilian Contact

Traffic enforcement is one of the many routine tasks performed by officers, but for traffic offenders it frequently is an emotionally traumatic experience. In many cases, this is the only contact a person has with the police.

- A. Officers should be aware of these conditions and should strive to make each contact educational, and to leave the civilian with the impression that the officer has performed a necessary task in a professional and courteous manner.
- B. Officers shall strive to maintain a proper balance between asserting sufficient command presence to control the situation and projecting a courteous, non confrontational attitude

12.09 Refusal to Provide Satisfactory Identification

A person who refuses to provide satisfactory identification, may be arrested or held on a bond. (ORC § 2935.26(A)(2); ORC § 2935.26(A)(3)). When reasonable under the circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest. If the officer can not determine who the offender is, an arrest may be necessary.

12.10 Foreign Nationals and Diplomats

Issuing a traffic citation to a foreign national or diplomat does not require any special procedures.

- A. Foreign nationals with diplomatic immunity cannot be compelled to sign a citation A

copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State, as soon as possible.

- B. Arrest or prolonged detention of a foreign national requires notification to the person's embassy and the US Department of State.
- C. In cases involving OVI accidents, personal injury, etc telephonic notification to the US Department of State is urged.
- D. Field sobriety testing should be offered and fully documented.
- E. If the officer deems the diplomat too impaired to drive safely, the officer shall not permit the diplomat to continue to drive. Arrangements shall be made for safe transportation; officers may transport the diplomat to a location, contact a friend/family member of diplomat, taxi, etc.
- F. Consular officers (diplomats) of foreign nations are normally immune from criminal charges unless ordered by a federal magistrate. Consular officers have no immunity from traffic or parking citations. Immunity of criminal charges normally does not extend to their families.
- G. Members of the Ohio General Assembly may not be arrested while traveling to, from and during sessions of the General Assembly. Traffic citations, however, may be issued, as per the OHIO REVISED CODE, Sections 2331.11 and 2331.13, respectively.

12.11 Enforcement of Parking Regulations

All existing parking regulations, as well as any temporary parking regulations for special events, shall be enforced with reasonableness and impartiality.

12.12 Juvenile Traffic Citations

All juvenile traffic violators are required to appear in Wood County Juvenile Court.

- A. Officers shall assign the next available court date. The court date should be within seven (7) days from the date of the citation.
- B. If a traffic violation happens on a Thursday, for example, officers shall assign the court date by the Friday of the following week. If the following Friday falls on a holiday where the Court is closed officers shall assign a court date before the following Friday.
- C. Juvenile OVI offenders shall be transported to WCSO for an intoxilyzer test and processing. There are no procedural differences in the processing of an adult OVI or a juvenile OVI.

12.13 Schedule of Fines

In all instances where an officer issues a traffic citation to a violator, he/she shall also provide to the violator a copy of the Bradner Mayor's Court - SCHEDULE OF FINES

12.14 Proof of Financial Responsibility

Any officer, who issues a citation for a traffic offense that requires proof of financial responsibility or requires the offender to appear in court, shall inform the violator he is required to show proof of insurance during his/her court appearance.

12.15 Lost Citations

If a book of traffic citations or parking tickets is lost, the officer shall forward an incident report to his/her supervisor indicating the book has been lost. The incident report shall then be forwarded to the Chief of Police for accountability and filing with the Clerk of Court.

12.16 Request for Driver's License Re-examination

When an officer observes a vehicle operator who, in the officer's opinion, may be incompetent to operate a motor vehicle due to a physical impairment or mental deficiency, he/she shall complete OHIO BUREAU OF MOTOR VEHICLE FORM BMV2308.

- A. The form should be forwarded to the Sergeant.
- B. The Sergeant will ensure the form is properly completed
- C. The completed form will then be sent to the Chief of Police for his/her signature.
- D. The Chief shall mail the completed and signed form to the Ohio Bureau of Motor Vehicles.

12.17 Clearing the Scene with the Dispatcher

Following a traffic stop, officers shall clear the scene by providing a disposition code that includes a letter designation.

- A. All traffic stop disposition codes consist of the letter disposition codes (C- Charlie, D David, etc.).
- B. Regardless of the action taken against any passenger in the vehicle, the officer's disposition code at the conclusion of the incident shall be based upon the action that was taken in relation to the DRIVER. For example:
 - 1. The driver is cited and released, but a passenger is arrested and booked. The officer's final disposition code will be "C".
 - 2. Likewise, if an officer is already out-of-service on an incident and makes a traffic stop (whether related to the original incident or not), the officer's final disposition at the conclusion of all activity will be based upon the traffic stop and NOT the original incident.
- C. Warrant or On-view arrest (appropriate designation type). Officers shall notify the dispatcher every time the driver of a stopped vehicle is arrested, with a disposition code

and designation type (i.e., either a warrant or on view arrest), upon the completion of all traffic stops.

1. Warrant arrest only: "Adam, by warrant"
2. On-view arrest only: "Adam, by on-view"
3. Warrant AND On-view arrest (both): "Adam, by warrant"

12.18 Traffic Direction and Control

- A. At all times, when directing or controlling traffic, regardless of the lighting conditions, officers and traffic aides shall wear department-issued reflective safety vests.
- B. Officers and traffic aides shall also wear the reflective safety vests when directed to do so by a supervisor.
- C. The issued black raincoat's reversible side is reflective, and may be substituted for the reflective safety vest, providing that the raincoat's reflective side is worn to exposure. Otherwise, the issued black raincoat should not be substituted for the wearing of the reflective vest.
- D. The reflective safety vest shall always be worn as the outermost garment.
- E. A supply of vests is stored in the primary vehicle for use at special events, e.g., the 4 of July fireworks, Labor Day fireworks, parades, funerals, etc.

12.19 Manual Traffic Direction

Situations occur when officers are required to manually direct or control traffic. Manual direction by an officer will be handled in a manner that would enable drivers and pedestrians to recognize and respond to verbal and gestured motions

- A. TO STOP TRAFFIC: An officer with a bladed stance, extends his/her arm outward with the palm toward the car to be stopped.
- B. TO START: Starting from the stop position, the arm would be moved at the elbow, in a manner to indicate that the traffic may proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which the traffic is to flow.
- C. RIGHT TURNS: The officer shall gesture to the driver of the vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.
- D. LEFT TURNS: Only to be allowed when there is a gap in traffic or oncoming traffic is completely stopped. The officer will point in the direction of the turn when such movement can be safely made.
- E. PEDESTRIAN MOVEMENTS: Stop all lanes of traffic. Talk to the pedestrians and explain when and where they need to proceed to.
- F. To help enhance visibility, officers may utilize traffic cones, flashlights, traffic wands or flares while manually directing traffic.

12.20 Fire Scenes

- A. Officers on the scene of fires shall assess the hazards present and take action to minimize further damage to life or property.
- B. Officers shall be aware of their patrol vehicle so as not to block the flow of responding fire and rescue units.
- C. Officers shall render assistance to fire and rescue personnel by ensuring the scene is clear for emergency vehicles, closing streets or alleys, directing or restricting vehicular and pedestrian traffic and protecting fire hoses from vehicular traffic.

12.21 Adverse weather and Road Conditions

Adverse road conditions may arise out of many situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice and snow.

- A. Officers shall be aware of changing weather conditions so emergency measures can be taken. This may include requesting the dispatcher to notify proper authorities to call out snow/salt plows or utility companies.
- B. Officers shall be alert while directing traffic in adverse conditions, realizing that drivers may have a reduced visibility of the officer and that vehicles may require a greater stopping distance.

12.22 Accident Scenes

When dispatched to direct or control traffic at an accident scene, officers have a variety of options to protect the scene and alert oncoming traffic.

- A. If a patrol vehicle is being used to direct or control traffic, it shall be positioned in such a manner so it does not become a traffic hazard.
- B. The patrol vehicles emergency lights and the traffic control bar light shall be utilized at all times when the vehicle is in the roadway or protruding into the traffic flow.
- C. Due to safety concerns, whenever possible officers should avoid sitting in a patrol Vehicle that is being used for traffic direction.
- D. If the roadway is to be closed for a prolonged period of time, officers shall notify the dispatcher to request the street department to respond to the scene with barricades or other temporary traffic control devices.

OP-13

Field Interviews

13.01 Policy

The Bradner Police Department conducts field interviews as part of a comprehensive strategy of crime control. The objective is to identify and develop information about suspicious persons and to develop suspects in conjunction with targeted patterns of crime.

13.02 Procedures

A. FIELD INTERVIEW AUTHORIZATION

1. When an officer believes a person may have information pertaining to a crime, pattern of crimes and/or criminal suspects.
2. When an officer has reasonable suspicion to believe a person may have committed or may be committing, or may be about to commit a crime.

B. Demeanor

1. Officers conducting field interviews shall maintain a courteous and professional demeanor.
2. Officers shall explain the reason for the contact, when appropriate, or if the person asks for justification.

C. DOCUMENTATION

1. Officers shall complete an INCIDENT REPORT if the questioning process fails to remove the officers suspicion about the subject and also fails to provide grounds for immediate arrest.
2. The INCIDENT REPORT shall be forwarded to the Chief of Police for review.

OP-14

Miranda Policy

14.01 Policy

It is the policy of the Bradner Police Department to respect the fundamental rights of all individuals. When a person is taken into custody, or otherwise deprived of his or her freedom of action in a significant way, and when he or she is to be questioned, the Department shall afford him or her the procedural safeguards required to protect his or her Fifth Amendment right against involuntary self-incrimination.

14.02 Procedure

The Miranda Warning General Requirements.

- A. The Miranda Warning is required by *Miranda v. Arizona*, 384 U.S. 436 (1966), and applies only to sworn police officers who will be questioning or interrogating a suspect who is in custody.
- B. Officers shall provide the Miranda Warning when both of the following criteria are met:
 - 1. A suspect is in custody; AND
 - 2. The officer intends to question or interrogate the individual about the crime for which they are in custody.
- C. The officer shall provide the Miranda Warning before any related questioning begins.
- D. Miranda Warnings are not required prior to any incriminating, spontaneous statement in order for it to be admissible at trial. However, the officer shall provide the Miranda Warning before clarifying the statement or asking any questions as a result of the statement.
- E. If there is any doubt about whether custody and/or interrogation is/are present, officers shall resolve the doubt in favor of giving the Miranda Warning.

14.03 Advisement of Rights

- A. When advising an individual of his or her Miranda rights, officers shall include the following advisements:
 - 1. "You have the right to remain silent."
 - 2. "Anything you say can be used against you in court."
 - 3. "You have the right to an attorney prior to and during and questioning."
 - 4. "If you cannot afford an attorney, one will be appointed for you, if you wish."
 - 5. "You can decide at any time to exercise these rights and not answer any questions or make any statements."
- B. The questioning officer shall ask the suspect to verbally affirm that he or she understands the Miranda Warning (rather than by a nod of the head, or other physical gesture).

14.04 Case-Specific Requirements

A. Deaf and Hard of Hearing Individuals and Individuals with Limited English Proficiency (LEP)

1. In the case of an individual who is deaf or hard of hearing or of Limited English Proficiency, the Miranda Warning shall be administered via a qualified interpreter consistent with Policy OP-02 on Communication with Limited English Proficiency (LEP) or Deaf/Hard of Hearing Individuals.
2. For LEP individuals, where possible, the officer shall use a “Your Rights” form that has been translated into the suspect’s primary language.

B. Juveniles

1. When questioning a juvenile, officers should consider the juvenile’s age when determining whether the juvenile would not feel free to leave. A child may be in custody for purposes of the Miranda rule when an adult in the same circumstances would not.
2. Officers shall explain the Miranda Warning in an age-appropriate manner.
3. An example of the Miranda Warning given in an age appropriate manner is as follows:
 - a. “You have the right to remain silent. That means you do not have to talk to me.”
 - b. “Anything you say can be used against you in court.”
 - c. “You have the right to get help from a lawyer before you talk to me.”
 - d. You also have a right to have a lawyer here.
 - e. You may also have your parent, or legal guardian here.
 - f. “If you or your family cannot pay a lawyer, the court will get you one for free.”
 - g. “You have the right to stop this interview at any time.”
 - h. “Do you understand these rights that I have explained to you?”
 - i. Do you want to talk to me?
 - j. Do you want to have a lawyer with you while you talk to me?
 - k. Do you want your mother, father, or legal guardian here while you talk to me?
4. To ensure the juvenile understands his or her rights, the officer shall ask the individual to explain the advisements in his or her own words.
5. Officers shall stop questioning when the juvenile has requested an attorney, parent, or guardian. Officers may resume questioning when the attorney, parent, or guardian is present.

14.05 Waiving Miranda General Guidelines

- A. Once an officer has informed a suspect of his or her Miranda rights, that individual may waive those rights and consent to a custodial interrogation without an attorney present.
- B. Such a waiver must be knowing and voluntary – that is, the suspect must understand his or her rights, and any waiver must not be due to coercion.
- C. To ascertain whether a suspect will waive his or her Miranda rights, after advising a suspect of his or her rights, officers shall ask:
 - 1. “Having these rights in mind, and having stated that you understand these rights, do you wish to talk to me (or us) now?”
 - 2. Officers shall only question a suspect if the suspect has answered in the affirmative to the above question.

14.06 Reporting Requirements

In all cases of a custodial interrogation, regardless whether an arrest is made or not, an officer shall record the Miranda Warning advisement and any waiver, if provided, on their Wearable Camera System and document the Miranda Warning advisement and any waiver, if provided, in their incident report, if applicable.

14.07 Invocation of Miranda Rights by Suspect

- A. Questioning of a suspect shall not take place when the subject of a custodial interrogation:
 - 1. Invokes his/her right to remain silent [he/she declines to make a statement]; or
 - 2. Is unable or indicates his/her inability to either understand the Miranda Warning or to make a knowing, intelligent, and voluntary waiver of his/her rights; or
 - 3. Indicates he/she wants to have counsel present before answering questions.
- B. If a suspect waives his/her Miranda rights but subsequently states that he or she does not want to answer questions or wants an attorney present, all questioning shall cease immediately.
- C. If a suspect is vague in his/her response about whether he/she wants to have an attorney present, nor does he/she explicitly waive his/her right to an attorney, officers shall specifically determine whether the suspect wishes to have counsel present or if the suspect will waive his/her right to counsel.
 - 1. To make this determination, the officer shall ask the suspect to confirm, with a “yes” or “no” answer, whether the suspect is requesting an attorney.

2. Failure to do so could result in a confession being excluded from evidence.

14.08 Re-Questioning a Suspect After Suspect Has Invoked Miranda

A. If a suspect invokes his or her right to silence but does not invoke the right to an attorney, all questioning shall cease immediately:

1. Questioning may be reinitiated by officers if they:
 - a. Wait a significant amount of time (at least 2 hours);
 - b. Provide the Miranda Warning again; and
 - c. Limit the questions to a crime that was not the subject of earlier questioning
 2. If, after invoking his or her right to silence, a suspect initiates conversations with the officers about the same topic, officers' questioning may proceed after providing the Miranda Warning again.
- B. If a suspect invokes his/her right to an attorney, all officers shall immediately cease Questioning.
1. Questioning may be resumed if:
 - a. The suspect is in the presence of his or her attorney; or
 - b. The suspect re-initiates communications with the police, and
 - c. Officers provide the Miranda Warning again, and
 - d. The suspect voluntarily agrees to waive his/her rights.
- C. In addition, if there is a break in custody, officers can ask the suspect to waive his or her Miranda rights after 14 days.

14.09 Breaks in Interrogation

A. Breaks in interrogation may require officers to reread the Miranda Warning before subsequent questioning. Officers shall consider the following factors when determining whether to re-read the Miranda Warning:

1. If there is a significant delay (more than 30 minutes) between the times the Miranda Warning is first given and questioning begins.
 2. An officer questions any suspect for the first time, even though the suspect received the Miranda Warning previously from another officer.
 3. The location where the suspect is being questioned differs from the location where the suspect was read the Miranda Warning.
- B. If there is any doubt about whether a break in interrogation has occurred, officers shall resolve the doubt in favor of re-reading the Miranda Warning and securing a Waiver.

14.10 Public Safety Exception to the Miranda Warning

- A. Officers may temporarily forgo the Miranda Warning when necessary to secure their own immediate safety or the public's safety.
- B. In order for this public safety exception to apply, officers shall first determine that there is an objectively reasonable need to protect the police or public from an immediate danger associated with a weapon or other harmful objects.
- C. Once an officer has determined that the public safety exception applies, the officer may question a suspect without the Miranda Warning as long as the questions asked are related to the danger and reasonably necessary to secure public safety.

OP-15

Prisoner Transportation and Handcuffing

15.01 Policy

Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of the Bradner Police Department to take precautions necessary while transporting prisoners to protect the lives and safety of officers, the public, and the person(s) in custody.

15.02 Procedures

A. VEHICLE INSPECTIONS

At the beginning and end of each tour of duty, police vehicles shall be inspected for readiness as follows:

- The safety screen shall be securely in place and undamaged.
- All windows shall be intact, and outer door latches in proper working order.
- Rear-seat door handles and windows shall be deactivated.
- The interior shall be thoroughly searched to ensure that no weapons or contraband have been left behind or hidden within the vehicle.
- Prior to placing a prisoner in the vehicle for transport, the transporting officer(s) shall inspect the interior for weapons or contraband. The vehicle shall be searched again after the prisoner has been delivered to the detention facility or other destination.

B. WHEN TO HANDCUFF

- Prior to transporting any prisoner or arrested person.
- As soon as practical after advising a person that he/she is under arrest.
- An arrested person should be handcuffed prior to the person being searched.
- Under any circumstances where handcuffing the person improves an officers or citizens safety.
- Handcuffing does not necessitate the filing of criminal charges against the person handcuffed when the person was handcuffed solely for safety reasons.

C. HANDCUFFING/USE OF RESTRAINTS

- Handcuffs shall be checked for proper tightness to ensure that the handcuffs cannot be slipped off and that proper blood flow to the fingers is maintained.
- Once properly adjusted, the handcuffs shall be double locked. The handcuffs shall be checked to verify that they are double locked.
- The officer may handcuff the prisoner with his/her hands in front, or use other appropriate and approved restraining devices where the prisoner:

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- a. Is in an obvious state of pregnancy
 - b. Has a physical handicap
 - c. Has injuries that could be aggravated by standard handcuffing procedures
- Officers may use discretion in handcuffing young juveniles but shall use authorized restraints necessary to control unruly or potentially violent juveniles of any age.
- Prisoners shall not be handcuffed to any part of the vehicle during transport.
- Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he/she poses a threat to him/herself or to the public.
- Officers are prohibited from restraining or transporting prisoners who are restrained in a prone position or what is commonly referred to as the “hog tying”. (i.e. see section E on Positional Asphyxia)

D. TRANSPORT

1. Prior to transport, all prisoners shall be thoroughly searched for any weapon or contraband.
2. A protective search should be conducted by officers of the same sex as the prisoner. Where this is not practical, officers shall frisk search the prisoner and seize any purses or pocketbooks. Frisk searches of females shall be done in the presence of a second officer, while in front of the cruiser on camera.
3. The transporting officer should search the prisoner regardless of searches that may or may not have been conducted by arresting officer(s).
4. Females shall not be handcuffed to male arrestees and should normally be separated during transport.
5. Juveniles, whenever possible, will not be transported in the same vehicle as adult prisoners.
6. Special precautions shall be employed when transporting high-risk prisoners, in particular:
 - a. Waist chains or restraints should be employed in addition to handcuffs
 - b. Rival combatants would not be transported together
7. Prior to initiating the transport, the officer shall provide the Communications Center with the following information when possible:
 - a. Arrest location and destination of transport
 - b. Time and mileage readings before and after transportation of a prisoner

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8. The officer should use care when assisting a prisoner into the vehicle for transport.
9. Prisoners shall be transported in a manner that allows for constant visual observation.
10. Seating of officers and prisoners should conform with the following:
 - a. Where the vehicle has a security screen, but only one transporting officer, the prisoner shall be placed in the back seat on the right-hand side of the vehicle. Prisoners may only be transported in vehicles with security screens.
 - b. One transporting officer should not normally attempt to transport more than one prisoner in a vehicle. Transport assistance should be requested.
 - c. All prisoners shall be secured in the vehicle by proper use of a seat belt.
 - d. The physical well-being of prisoners shall be monitored during transport. Particular attention shall be directed to persons reported or suspected of being under the influence of drugs and/or alcohol or who have a history of propensity for violence.
 - e. Prisoners who report/display symptoms of serious illness during transit shall be taken to the nearest emergency room for treatment.
 - f. Escorting officers shall remain with the prisoner at all times unless relieved by authorized personnel.
 - g. Potentially violent persons in custody shall be restrained at all times in the treatment facility unless such restraint would interfere with essential treatment.
 - h. Symptoms or reports of physical or mental illness (such as threats of suicide or psychotic behavior) shall be reported to the booking officer.
 - i. Any wheelchairs, crutches, prosthetic devices, and medications should be transported with, but not in the possession, of the prisoner.
 - j. Prisoners shall not be left unattended during transport.
 - k. Officers shall not engage in enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In non-life-threatening yet serious situations, officers should call for back-up assistance and may remain on hand until such assistance has arrived.
 - l. Any escape shall be immediately reported to the Communications Center together with a complete description of the fugitive, mode and direction of travel, crime, and propensity for violence if known.

E. POSITIONAL ASPHYXIA

1. Positional asphyxia occurs when the body position interferes with respiration, resulting in asphyxia.

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2. Positional asphyxia deaths tend to occur in a similar manner: maximally restrained subjects, unless seated upright in police vehicles, may become quiet and inactive after several minutes of transport. Respiratory difficulty is exhibited and subjects subsequently stop breathing.
3. Certain factors can render individuals more susceptible to sudden death due to positional asphyxia. Such predisposing factors include drug/alcohol intoxication, excited delirium, and violent muscular activity.
4. Acute alcohol intoxication is a major risk factor because respiratory drive is reduced and subjects do not realize they are suffocating.
5. Excited delirium combined with certain restraints (i.e. hog tying) can also increase the susceptibility to sudden death by placing catecholamine stress on the heart.
6. Subjects who have engaged in violent activities are rendered more vulnerable to subsequent respiratory muscle fatigue. Such fatigue may prove fatal to a restrained subject whose movement is restricted.
7. Experts contend the maximal, prone restraint techniques can have sudden lethal consequences.
8. The potential is increased in intoxicated, delirious and/or violent individuals.
9. Law enforcement personnel should employ alternative restraint methods (e.g., upright, seated positioning) whenever feasible.
10. In situations where prone restraints are necessary, subjects should be closely and continuously monitored.
11. Sudden death in custody is neither a new phenomenon nor attributed to the use of O.C. spray. Rather, sudden custody death can occur at any time for a variety of reasons.
12. Any law enforcement agency may experience a sudden custody death, regardless of O.C. involvement.
13. Consequently, officer awareness and recognition of risk indicators are necessary to ensure subject safety and minimize the risk of sudden custody death. These indicators generally include:
 - a. Bizarre/violent activity
 - b. Obesity - especially "big bellies"
 - c. Drug and/or alcohol involvement
 - d. Apparent ineffectiveness of spray
14. Diligent observation and constant monitoring of subjects displaying any one or combination of the indicators are procedurally warranted.
15. Furthermore, the use of maximal, prone restraint techniques should be avoided. If prone positioning is required, subjects should be closely and continuously monitored.

OP-16 Domestic Violence

16.01 Policy

The policy of the Bradner Police Department requires the road patrol to respond and take appropriate action in situations involving possible domestic violence. Officers arriving on the scene in a domestic violence situation should understand the delicacy and potential for violence that frequently underlies such situations.

16.02 Objectives

The primary objectives in responding to domestic violence calls are to reduce domestic assaults, de-escalate violent situations, to reduce repeat calls, to enforce the law against violators and to facilitate prosecution, where applicable. Therefore it is the policy of the Bradner Police Department that arrest is the preferred response to domestic violence because arrest offers the greatest potential for ending the violence.

16.03 Procedures

A. PATROL RESPONSIBILITIES:

1. Response to call: Priority will be given to domestic disputes. Officers will respond immediately and coordinate their approach if assistance is responding. Obtain all available information from the dispatcher before arriving at the scene.
 - a. avoid the use of sirens and emergency lights in the vicinity of the scene. (The use of emergency warning equipment will increase the tension of persons emotionally out of control and can result in an attack upon the officers.)
 - b. do not park the cruiser directly in front of the residence.
 - c. Persons encountered while approaching the domestic dispute scene should be briefly questioned about the incident and parties involved.
 - d. Observe the location of the dispute before contacting the complainant.
 - e. Consider the surroundings before knocking on the door, listen and look in any nearby windows to obtain additional information about the situation (layout of the house, number of people involved, yelling, screaming, weapons).
 - f. Officers must be concerned for their own safety as well as the disputant's. To minimize the possibility of injury, stand on the side of the door when knocking. The unexpected may occur when the door opens.

2. Initial contact with occupants:

- a. Identification: Identify selves as police officers by name, give an explanation of police presence, and request entry into the home (when conditions permit). If the complainant is in the home, ask to see him/her.
- b. Consent search: Officers may enter and conduct a search of premises if consent has been given to do so. Although a consent search eliminates the need of a warrant and for probable cause, such consent must be freely and voluntarily given. If two people have joint ownership of a place or thing, either one may give a valid consent. A spouse can consent to the search of premises used jointly by both the husband and wife. This is also true if the occupants are only cohabitants. However, if one of them exercises sole control over part of the premises, the owner is the only one who may give valid consent to search that part.
- c. Refused entry: When refused entry to a residence, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, request the dispatcher to call the complainant and recontact the victim. If still refused entry, contact your supervisor; or the senior officer on the scene will decide whether to remain or leave. If officers remain at the scene, they should move to public property (the street) and observe the premises.
- d. Forced Entry: There may be times when enough probable cause exists to indicate that a felony is occurring, has just occurred, or that a life is in danger. In these cases, if entry is refused, or there is no reply from the premises, forced entry may be necessary to protect life or make an arrest. Among the circumstances that can provide probable cause to force entry included cries for help, weapons displayed, obvious signs that a struggle occurred, and/or an eyewitness account that a felony occurred and the victim is still on the premises.
- e. Once inside, establish control by:
 - Inquiring about the nature of the dispute.
 - Identifying disputants.
 - Being aware of potential weapons in surroundings.
 - Determining if person(s) are in the other rooms (children and other adults) and the extent of their injuries, if any. These persons should be separated from the parties involved and kept out of hearing range (to avoid compromising their witness status).
 - Listening for res gestae statements. (the events, circumstances, remarks, etc. that relate to a particular case, especially as constituting an admissible evidence in court)

3. Protecting the victim:

- a. Officers must protect the victim from further abuse. Separate the victim from the assailant, administer first aid, and arrange for medical attention if the victim is hurt.
- b. Internal injuries to the stomach, breast area, portions of the head covered by hair, and the back.
- c. If the victim appears injured and yet refuses medical assistance, carefully document any observed injuries, as well as the refusal of medical treatments.

4. Interviewing the disputants:

- a. Ensure safety and privacy by interviewing victims in a separate area away from the assailant, witnesses and bystanders.
- b. These witnesses also may be in a significant emotional crisis.
- c. If witnesses provide information about prior assaults, document the incidents to help establish a pattern.
- d. Children of disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds should be noted.

5. Interviewing the Witnesses:

- a. Witnesses to the incident – children, other family members and neighbors should be interviewed as soon as possible.
- b. These witnesses also may be in a significant emotional crisis.
- c. If witnesses provide information about prior assaults, document the incidents to help establish a pattern.
- d. Children of disputants should be interviewed with care and kindness. Sit, kneel or otherwise be at their level when speaking to them. Signs of trauma and apparent healing of abuse wounds should be noted.

6. Collecting Evidence and Contraband Weapons:

- a. Officers should collect physical evidence reasonable necessary to support prosecution.
- b. Photograph all injuries to the victim. Advise the victim to contact this department if additional signs of injury appear. Bruises may take several days to appear and they should be photographed at that time.

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- c. Advise the victim to seek medical attention for any visible or painful injuries and ask that a copy of the doctors report be supplied to this department.
- d. Collect and preserve any physical evidence that substantiates that violence occurred or was threatened: weapons, bloodstained or torn clothing, broken items, damaged furniture, etc.
- e. Photographing the crime scene to show that a struggle occurred is preferred; if not possible, make a detailed written description of it.
- f. Document any statements made by the alleged offender and victim which may help establish probable cause/reasonable grounds.
- g. An officer responding to a complaint of domestic violence that involves the use, threat of use, brandishing, or display of a weapon, shall seize the weapon as contraband pursuant to ORC section 2933.43 which governs the treatment and disposition of such weapons.**

7. Arrest Procedures:

Reasonable Grounds: ORC Section 2935.03 states that an officer has reasonable grounds to believe that domestic violence or violation of a protection order or consent agreement has been committed and reasonable cause to believe that a particular person is guilty of committing the offense if any of the following occurs:

- A. A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.
- B. No written statement is executed, but the officer, based on his/her own knowledge and observation of the facts and circumstances of the alleged incident, or based upon any other information, including but not limited to any reasonably trustworthy information given him by the alleged victim or any witness of the alleged incident, concludes that there are reasonable grounds to believe that the offense of violating a protection order or consent agreement has been committed and reasonable grounds to believe that the person in question is guilty of committing the offense.
- C. No written statement is executed, but the officer witnessed the person in question commit the offense of domestic violence or the offense of violating a protection order or consent agreement.

8. Preferred Course of Action:

A. If an officer has reasonable grounds to believe that an offense of domestic violence or violation of a protection order or consent agreement has occurred, it is the preferred course of action to arrest the particular person committing the offense.

B. An officer shall not require, as a prerequisite to arresting the offender, that the victim consent to the filing of charges, or sign an affidavit of fact or a complaint.

C. If there are reasonable grounds to believe that family or household members have committed the offense against each other, it is the preferred course of action that the officer shall arrest the **primary physical aggressor**. In determining the primary physical aggressor, the officer should consider all relevant circumstances including:

- Any history of domestic violence or violent acts by either person involved in the offense.
- Whether or not the alleged violence was caused by a person acting in self-defense.
- The comparative severity of each person's injuries.
- Each person's fear of physical harm resulting from the other person's Response to Resistance, or threatened Response to Resistance, and the reasonableness of that fear.

D. If an officer intends to arrest the offender, and the offender has left the scene, the officer shall promptly seek a warrant for the arrest of the offender.

E. If an officer determines that a person has caused serious physical harm, or attempted to cause physical harm by means of a deadly weapon, the officer shall treat the incident as a **felonious assault** and shall comply with whichever of the following is applicable:

- Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault.
- If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine who is the primary physical aggressor, the officer shall arrest him/her. The officer is not required to arrest but may arrest any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest the offender.

F. If an officer determines that a person has caused serious physical harm or attempted to cause physical harm to another by means of a deadly weapon, while under the influence of sudden passion brought on by a serious provocation occasioned by the victim that is reasonably sufficient to incite a person to use deadly force, the officer shall treat the incident as an **aggravated assault** committed by the offender.

G. Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other the officer shall arrest the offender who committed the aggravated assault.

H. If the officer has reasonable cause to believe that during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall determine who is the primary physical aggressor. If the offender who committed the aggravated assault is the primary physical aggressor, the officer shall arrest him/her. The officer is not required to arrest, but may arrest any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the aggravated assault is not the primary physical aggressor, the officer is not required to arrest the offender.

9. Dual Complaints:

The intent of the law is to decrease the incidence of domestic violence. If the alleged assailant requests to file charges against the victim, the assailant shall be referred to the Prosecutor and/or the Court.

10. Officer's Decision Not to Arrest:

Except in instances where there is reasonable cause to believe that the primary physical aggressor has committed felonious assault and/or aggravated assault where there is no discretion with regards to arrest, **the officer shall articulate in the Incident Report a clear statement of his/her reasons for not arresting the alleged offender. Some exceptions to the preferred course of arrest are:**

- A. The officer is unable to establish reasonable or probable cause that the offense of domestic violence or violating a protection order has occurred.
 - B. The officer observes two younger juvenile siblings engaging in minor acts of violence which can best be handled by parental discipline.
 - C. Adults administering reasonable corporal punishment on a juvenile under their control.
 - D. The alleged assailant lacks the mental competency to be charged criminally and should be assessed by the appropriate mental health professionals.
- While there may not be reasonable cause for an arrest for domestic violence, an officer should take appropriate action on any offense which has occurred during the incident; disorderly conduct, assault, criminal damaging, menacing, etc.

11. Transportation of Victim:

Officers shall make all reasonable efforts to arrange for or provide transportation of the victim to a shelter which the victim requests.

12. Children:

When an arrest causes a child to be left without responsible adult supervision, officers shall contact the appropriate Children's Services Agency for instructions regarding the care of the child.

13. Report

An officer who investigates a report of Domestic Violence/Dispute or Violation of a Protection Order shall complete a Domestic Violence Incident Report as well as the B.C.I. Domestic Violence Report. The report shall document:

- A. The officer's observations.
- B. Note any visible/claimed injuries.
- C. Note any weapons present at the scene and their disposition.
- D. Detail any actions or statements of the parties involved.
- E. Known past history of violence/disputes between the same parties.
- F. A clear statement of officers reasons for not making an arrest, if none is made.

14. Information Provided to Victim:

An officer who investigates a report of Domestic Violence/Dispute or Violation of a Protection Order shall provide the victim with the following information:

- A. The availability of a temporary protection order or a civil protection order through the Bowling Green Municipal Court Prosecutor or the Wood County Common Pleas Court Clerk's Office.
- B. The officer's name and badge number.
- C. The report number, if available at the time, and the department phone number that the victim can call for information about the case.
- D. A copy of the victim of crime handbook prepared by the Attorney General's office, "Your Rights and Responsibilities as a Crime Victim."

E. If the offender is released on bond, an officer shall attempt to notify the victim and also advise the victim of a date and time for the arraignment in order to give the victim an opportunity to appear or to make any necessary arrangements for the victims safety.

15. Follow-up contact with the Abused Victim:

The investigating officer will attempt to make contact with the victims of assaults for follow-up. The contacts should be made within 30 days following the intervention to determine if subsequent violence has occurred. The officer shall advise the victim as to procedures for securing a protective order or arrest warrants.

16. Medical Records:

ORC Section 2317.02(B)(2)(a) allows law-enforcement officers to obtain medical records regarding the concentration of alcohol, drugs of abuse or both in a patient who is under an official criminal investigation or against whom a criminal action or proceeding has begun and those records relate to the criminal offense in question. This is accomplished by submitting a written statement to the record provider on the appropriate form.

17. Sanctions:

Appropriate disciplinary action shall be taken against any officer who violates any of the departmental rules and regulations, policies and procedures, Village ordinance, or State statute.

18. Definitions:

A. Domestic Violence: ORC Section 2919.25 defines the crime of Domestic Violence as follows: A physical altercation between family or household members where violence or the threat of violence occurs.

B. Domestic Dispute: A verbal altercation between family or household members where there is no violence or threat of violence.

C. Abuse: The act of striking, threatening, harassing or interfering with the personal liberty of any family or household member, but excluding reasonable discipline of a minor child by a parent or person *in loco parentis* of a minor child.

D. Family/Household Member: Includes any of the following who resides or has resided with the offender:

1. Spouse, person living as a spouse, or former spouse. Person living as a spouse means a person who is living or has lived with the offender within the year prior to the alleged incident or who otherwise is currently cohabiting with the offender. Case law has held that same sex relationships fall under these provisions.
2. Parent or child of the offender, or another person related by consanguinity (blood) or affinity (marriage) to the offender.
3. Parent or child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender.
4. A natural parent, whether or not the offender and the victim have ever resided together, so long as the offender and/or victim are the natural parents of a given child.

19. Related Offenses:

ORC 2903.211	Menacing by Stalking
ORC 2911.211	Aggravated Trespass
ORC 2919.27	Violation of a Protective Order or Consent Agreement.

OP-17

TRAFFIC CRASH REPORTING

17.01 Policy

The Bradner Police Department responds to traffic accidents when possible. However certain conditions, as described in this policy, may vary the methodology of handling the calls. Reports shall be completed on a computer based crash report writing system. Officers will print out a copy of the driver's insurance information exchange and give them to the parties involved. In the event that the crash report writing system is down, officers will complete a paper form of the Traffic Crash OH1 forms and issue the parties the driver's exchange copies attached to the forms.

17.02 In Office Reports

The Bradner Police Department does not take in office traffic crash reports. A call record report will be taken if there is minor property damage and the police were not called to the scene. If it is a hit and run, injuries resulted or a significant amount of property damage, officers shall investigate.

17.03 Traffic Crashes on Private Property

Officers shall respond and investigate private property accidents if any of the following criteria are present:

- Fatality
- Injury
- Hit and Run
- DUI related incident
- Reckless driving
- Drag racing
- Any accident that is significant enough that a vehicle cannot be driven from the scene
- Uninsured driver

If no report is warranted, the officer will supply the driver(s) with the appropriate forms and explain how they are to be completed. In addition, the officer will facilitate the exchange of driver information if it is a multi-vehicle accident. Officers will note the accident was a private property accident on their daily log as well as all the involved parties pertinent information.

17.04 Traffic Crashes on Roadways

Officers shall investigate traffic accidents involving:

- Fatality
- Personal injury

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- Any alcohol or drug impairment
- Any damage over \$1,500 or where vehicles may not be driven away
- Any hazardous materials spill
- Hit and run accidents
- Incidents where a supervisor directs an accident report be taken

Investigating officers are required to issue citations that are warranted based on their investigation into the accident. This does not apply for accidents involving village vehicles. In cases of fatalities or extremely serious injuries the issuance of a traffic citation may be deferred.

17.05 On scene Traffic Accident Procedures

Responding officers are responsible for the following issues present at the scene of most traffic accidents:

- Keep the situation from getting worse and protect the scene (including the use of reflective safety vests to improve visibility of the officers at the scene)
- Attend to traffic direction and flow issues
- Locate participants and provide medical assistance as necessary
- Identify and locate any hazardous materials
- Arrange for towing of disabled vehicles
- Complete the Ohio Traffic Crash Report Form (OH1)
- Issue citations and make arrests as necessary
- Collect and preserve evidence as necessary

For serious traffic crashes involving serious injuries or death, an officer shall contact the Ohio State Patrol for assistance with the investigation.

OP-18

Arrests and Alternatives to Arrests

18.01 Procedures

A. MIRANDA RIGHTS: When a suspect is taken into custody and interrogated, officers, shall advise the suspect of his/her rights under Miranda, prior to asking any questions as follows:

- You have the right to remain silent.
- Anything you say can and will be used against you in a court of law.
- You have the right to speak to an attorney and have him present during any questioning
- If you cannot afford to hire an attorney, one will be appointed to represent you before any questioning.
- The above rights stay with you and may be claimed now or at any time during the questioning.
- Do you understand each of your rights?

Officers shall advise the suspect of these rights prior to any questioning, regardless of whether the suspect is in custody on a misdemeanor or a felony offense. For more information see section OP 14.01

B. CONSULAR IMMUNITY: By treaty, consular officers of foreign nations are immune from arrest for criminal and traffic offenses unless ordered by a federal magistrate. Once identified, consular officers will not be unnecessarily detained, and they will, at all times, be afforded the respect and courtesy that their position demands. Consular immunity does not normally extend to members of the consular officers' families or to employees of consular offices. For more information see section OP 12.10.

C. ARREST OF MUNICIPAL EMPLOYEES: When a local municipal employee is arrested for any offense, the arresting officers shall immediately contact the Chief of Police or his/her designee and state the following:

Name of the employee arrested

Village/Department the arrested employee works for

Date and time of arrest

Offense charged.

The Chief shall be responsible for making the proper notifications. Any person making inquiries into the arrest of the employee shall be directed to the Chief of Police.

D. ARREST OF FOREIGN NATIONALS

FOREIGN NATIONAL - A foreign national is any person who is not a citizen of the United States.

1. The Village of Bradner, empowered within the State of Ohio and bound by the laws of the federal government, has a legal obligation to abide by international treaties that affect the way the Department must handle foreign nationals who are either detained or arrested by department personnel.
2. A detention occurs concurrent with that point in an investigation where Miranda Rights are applicable.
3. For the purpose of this section, traffic citations and field interviews do not constitute a detention
4. Any officer who arrested or detained a foreign national shall obtain the person's name, DOB, and country of origin and notify the Chief of Police of the incident. Officers shall also inform the detained/arrested foreign national of his/her right to contact his/her embassy or government representative.

5. RECORD OF DETENTION TO BE MADE

- a. In all cases, where a foreign national is arrested or detained, the Chief of Police will make a record of the incident and shall be responsible for implementing and maintaining a procedure for compliance with the actual State Department requirements of this portion of the Vienna Convention.
- b. In certain cases as prescribed by treaty, notification must be made to the person's embassy regardless of whether he/she wishes contact to be made.
- c. The Chief of Police is responsible for ensuring that notification is made in compliance with the bureau order guidelines.

18.02 Revocation of Arrest

- A. In any instance where an officer has arrested a person, either by warrant or on-view, and it is later determined that the person should be released without charges being filed, the

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following procedures shall be followed:

1. Patrol officers shall not release any detainee without first receiving authorization from a supervisor. To expedite the release of the arrested person, a supervisor shall explain the circumstances of the

release to the person and make immediate arrangements to have him/her returned to a location of his/her choosing, within reason.

2. The sworn supervisor shall cause an INCIDENT REPORT to be completed by the arresting officer. The details of the incident, the 'arrest and the subsequent release, shall be indicated in this report.

B. When a mistaken arrest is discovered after the person has been booked, the officers discovering the error shall immediately notify the Wood County Jail. He/she shall have the responsibility to ensure the following:

1. Coordinate the immediate release of the person with the WOOD County Corrections Center (WCCC).
2. Explain to the arrested person why he/she is being released and make the necessary arrangements for transportation, if needed.
3. Obtain copies of all reports in regard to the arrest and require supplemental reports from all officers involved as soon as practical.
4. Complete an INCIDENT REPORT detailing the incident.

C. When a mistaken arrest is discovered after the detainee has been released through a judicial proceeding, the following procedure shall be followed:

1. Complete an INCIDENT REPORT detailing the incident.
2. Department personnel becoming aware of such an arrest shall immediately notify, in writing, their Supervisor.
3. The Sergeant shall review all available reports and documents to determine the cause of the inappropriate arrest. Once a determination is made, he/she shall notify the chief of police and shall transfer all documents and reports to the Chief who shall then conduct an investigation.

18.03 Informal Resolution

A. GENERAL DISCRETION - In lieu of formal action, when appropriate, an officer may

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exercise discretion and choose informal action to solve the problem, such as a referral, informal resolution, and warning.

1. REFERRALS - An officer may offer the offender a referral to another agency or organization when it is the most reasonable alternative.
2. INFORMAL RESOLUTION - An officer may offer informal resolutions to situations and conflicts when they can be adequately resolved through the use of a verbal warning, referrals, and notification of a parent or guardian of juveniles, etc.
3. WARNING - An officer may issue a warning when it is the most reasonable alternative for the offender and the violation.

B. SOCIAL SERVICE DIVERSION PROGRAMS - ADULTS

RESCUE CRISIS SERVICES

Officers may refer persons on a 24-hour basis to the Link Mental Health Services, 1022 N. Prospect St., Bowling Green, OH, 43402, (419) 352-1545, in cases involving but not limited to:

1. Alcohol and drug abuse.
2. Persons with suicidal tendencies.
3. Disoriented, hallucinating persons.
4. Endangered elderly.
5. Other persons needing guidance or direction in resolving a crisis.

OP-19

Take Me Home Policy

19.01 Policy

Take Me Home is a program that was originally developed by the Pensacola, Florida Police Department to better assist individuals with disabilities who may need extra help communicating in an emergency situation. This kind of assistance may be necessary if the individual is unable to speak or properly identify themselves, or if they become disoriented, or act in a manner that could be misinterpreted by first responders.

A. This program is a free service available to any Village of Bradner residents who may have trouble communicating and is aimed at individuals with Autism, Down syndrome, developmental or cognitive disabilities.

B. The program is also intended to assist senior citizens who suffer from Dementia or Alzheimer's and may be at a higher risk of wandering off. All information is kept confidential.

C. Enrollment in The Take Me Home program is a database maintained by the Bradner Police Department and is only accessible to public safety personnel. Families or individuals are invited to complete a form that provides the individual's height, weight, and other identifying information as well as emergency contact information and certain medical information. A recent digital photograph will be taken at the time of enrollment. This information is entered in a database that can be quickly accessed by the Bradner Police Department.

D. When a participant in the Take Me Home Program is encountered by a police officer, a search in the Take Me Home database can be conducted by name or by a person's description to locate their record. Using this information allows the officer to appropriately assist the person.

Take Me Home 911 Registry For Special-Needs

The Take Me Home program is a FREE service available for all residents of Bradner, for adults and children who may have difficulty communicating due to a developmental or cognitive disability. The database is maintained by the Bradner Police Department. It is only accessible to law enforcement personnel and may include a photograph, disability information, physical description and emergency contact information.

If a person in the Take Me Home program is encountered by a police officer dispatched by the Bradner Police Department, personnel can access the database and quickly retrieve critical information that can help in communicating with the individual and a safe return to the caregiver.

Who can enroll? Any adult OR child who may have difficulty communicating due to a developmental or cognitive disability. These individuals tend to be at risk for wandering, and may include people with disabilities such as Alzheimer's, Autism Spectrum Disorder, Dementia, Down syndrome, etc.

The form is available to pick up at Village Hall in the Clerk's office: You may fill out the form and Return it to the Bradner Police Department at 130 S. Main St., Bradner, Ohio 43406. This form will not be accepted by email. For any further questions, please contact Bradner Police Department and speak to Chief Broshious or Sergeant Moore by phone at 419-288-2222 or email any questions to police@Bradnerohio.org

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TAKE ME HOME
Bradner Police Department

Name: _____

Name to Call Me: _____

Date of Birth: _____

Hair Color: _____ Eye Color: _____ Race: _____

Sex: _____ Height: _____ Weight: _____

Home Address: _____

Village: _____ State: _____ Zip Code: _____

Telephone: _____

Disability: Alzheimer's Autism Spectrum Disorder Other: _____

Intellectual/Developmental Disability: _____

1. Name: _____

Phone: _____

Cell: _____

Address: _____

Relationship: _____

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2. Name: _____

Phone: _____

Cell: _____

Address: _____

Relationship: _____

My signature below constitutes an affirmation under oath that I am legally responsible for the person named above for whom I have provided information, and that I consent to have this information shared among law enforcement personnel for enrollment in the “Take Me Home” program. _____

Signature / Date

Witness

ATTACH A RECENT PHOTO HERE

ATTACH A RECENT PHOTO HERE

Favorite attractions or locations where the individual may be found: (Include any friends or relatives in the area)

Atypical behaviors or characteristics of the individuals that may attract attention:

Individual's favorite toys, objects, music, discussion topics, likes, or dislikes:

Method of preferred communication (If nonverbal: Sign language, picture boards, written words, etc.):

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Identification information (i.e. Does the individual carry or wear jewelry, tags, ID card, medical alert bracelets, etc.):

Likes/Dislikes including approach and de-escalation techniques:

Return Form to: Bradner Police Department 130 S. Main St., Bradner, Ohio 43406

OP-20

Community Engagement Policy

20.01 Purpose

This Community Engagement Policy outlines and guides Bradner Police Department's commitment to engaging with Bradner's many community members using appropriate, effective and inclusive engagement practices. BPD is committed to engaging effectively with its community in a meaningful, accountable, responsive and equitable way.

This policy outlines BPD's position, role and commitments to ensure community engagement is integrated into BPD activities to support decision making, build relationships and strengthen communities. The Policy also recognises BPD's desire to have a consistent approach to engagement which will support effective engagement throughout the organisation and assists BPD to develop and encourage this consistency.

The Bradner Police Department is committed to establishing close ties with community organizations by being receptive and responsive to the needs of the community. Members of this department will work to maintain relationships with existing community organizations and will assist with establishing new organizations as department operations permit.

20.02 Scope of Policy

Community engagement is defined as the range of opportunities for public involvement in BPD decision-making, relationship building and community capacity building. Community engagement is achieved when the community is and feels part of a process. Some community engagement processes are undertaken to support decision making, some are about relationship building whilst others are focused on community capacity building. BPD follows the model of engagement developed by the International Association for Public Participation (IAP2) known as the Public Participation Spectrum. The model identifies each of these five levels of engagement and clearly outlines the amount of involvement from both the PD and the community within each level. The table also identifies the role of community members and/or officers.

20.03 Statement

The Bradner Police Department is committed to undertaking and continuously improving its various forms of community engagement to:

- Inform the community on matters of community interest;
- Encourage informed discussion and input into decision making; and
- Assist open and transparent decision making.

BPD will work with community members and our partner agencies to identify the most appropriate, timely and effective engagement methods to continually improve public participation processes and outcomes.

20.04 Community Engagement

A. When engaging the community, BPD commits to being open and accountable in our process.

BPD commits that it aspires to:

- Ensuring that the purpose of our engagement is clear and relevant.
- Endeavouring to use engagement methods and processes that are well suited to the purpose of the engagement and the target audience.
- Providing information that is clear, easy to understand and accessible to all people.
- Proactively engage with our community and seek to provide everyone with the opportunity to have a voice on matters of importance to them.
- Undertaking engagement in a mutually respectful manner and seeking to ensure that the timeframes used are reasonable;
- Sharing the outcomes of specific engagement processes back with the community ‘closing the loop’ so that community members are aware of the outcome of the engagement and how it was used to inform a decision or outcome.
- Valuing all participants’ and respect the views, knowledge, expertise and experiences of those engaged with, acknowledging that everyone has different views and needs.
- Using information gathered through community engagement to advocate on behalf of our community to relevant parties.

1. Why we engage:

- a. Community engagement is a collaborative process that connects BPD with the community in a mutually beneficial sharing of new ideas, skills, knowledge, expertise and experience. Effective community engagement has real benefits for both BPD and the community. Better identifying the priorities, needs and aspirations of our community will assist BPD to improve its planning and service delivery. A regular two-way conversation ensures BPD is transparent, accountable and informed in its decision making which will demonstrate integrity and build trust within the community. Where appropriate, engagement should go above and beyond legislative requirements. The information and knowledge gained through hearing a range of community perspectives assists BPD to make informed decisions; develop strong partnerships and create sustainable outcomes.
- b. The community also benefits from participating in engagement activities. Participating in engagement on matters that impact them can create a sense of

belonging and connection; increase community involvement; unite and empower individuals and communities; and lead to a greater community ownership and resilience. The knowledge, expertise and experience gained also provides BPD with a foundation to advocate to other relevant parties, including Federal and State Government bodies, on issues of community importance which are out of its direct control.

c. Community engagement at Bradner Police Department is influenced by the following factors:

- A growing expectation by the community that they will have an opportunity to influence government decisions that affect their lives;
- Our commitment to continuously improve the services, infrastructure and programs we provide so that Bradner is the most liveable region in Ohio
- Best practice industry standards as outlined by IAP2 in the Spectrum of Public Participation, and exhibited by government bodies, authorities and private enterprise;
- Contemporary communication channels, including digital and social media, audience diversity and expectations;
- Our commitment to be a leading local police department that works together with our community and provides excellent customer service;

2. Who we engage:

Bradner has many different communities of interest and differing demographic groups, each with differing needs, experiences and interests. Given this diversity it is important that our engagement methods are accessible and broad reaching. Community members bring value to an issue such as: expertise, local knowledge, diverse perspectives or potential support. They also have a varying level of interest or influence, and this variation needs to be identified in the scoping phase of engagement planning in Bradner. Some of the community groups that will be engaged with include:

● Village Council Members	*	Legal Councillors;
● Mayor;	*	Fire Department;
● Other Business Owners;	*	General community;
● Older people;	*	Communities of interest groups
● Children and youth;	*	Schools;
● People with a disability;	*	Community organisations;
● Culturally and linguistically diverse groups;		

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- Neighboring government agencies; * Industry groups and chambers;
- Private enterprise; * Locality groups
- Unincorporated associations and clubs;

3. When we engage:

At a minimum, community engagement should take place when:

- Council resolves formally to engage;
- There is a requirement to understand the expectations, needs and priorities of the community;
- Planning for the development of Council's Annual Budget and Council Plan;
- A decision or plan will substantially impact the community and there is some part of the decision or plan that is negotiable;
- Community members have expressed an interest or could be interested in a plan or decision that is negotiable;
- Community input can enhance decision-making, project outcomes or future opportunities; or
- There is legislation, policy or agreement requiring community engagement.

- a. In some instances, BPD is legislatively and/or legally required to engage with the community. In these cases, we will treat the legally required level of community engagement as the minimum standard. Delivery of community engagement beyond legally required levels will depend on the decision to be made (or project/service to be delivered), the community's interest to participate, the need to understand the community's view, and the opportunity for the community to influence the decision. Mandatory engagement legislation sets out minimum requirements for some specific consultations, each engagement process needs to be considered on its individual basis and merits. In many instances BPD will go above and beyond the minimum requirements to gain a strong understanding of our community's wants and needs to ensure we are achieving the best possible outcomes for our community. The community engagement activities of Bradner Police Department are not limited to these matters.
- b. Circumstances where BPD's engagement with the community will be limited: There are times when BPD's level of engagement with the community will be limited. In certain circumstances, BPD may only be able to inform the community of BPD's decisions and actions. This includes times when an immediate resolution is required; technical or other expertise is required; an initiative involves confidential or commercial information; there

are clear and defined legislative responsibilities that must be met; when BPD is developing or reviewing internal policies and procedures; when responding to an emergency; and where there is a risk to public safety.

- c. Influencing BPD's decision making: When community engagement will lead to decision making, the engagement process is used to inform the decision. However, the final decision rests with the Bradner Police Department.

20.05 Policy

It shall be the policy of the police department to become involved with community organizations in a cooperative, proactive manner to create a safer community, to encourage community groups, and to invite community groups and organizations to become involved with this department. Its members may make presentations and engage in problem resolution, and to invite community groups and organizations to become involved with this department.

The department shall establish accountability for the community involvement function in writing. The function shall be developed and operated to effectively meet the needs of the department, with consideration of the department size and budget, as well as the community it serves.

All members have responsibility for achieving the department's community involvement functions.

A. Programs

To affect this community involvement function, the department considers the following as eligible community relations programs, as operational needs permit, and are not limited to only those noted below:

1. Buckle up programs	10. Driver Safety
2. Child Passenger Safety	11. Drug Take Back
3. ID Kid Program	12. National Night Out
4. Shop with a cop	13. Recruitment Events
5. Public Alerts	14. Public education
6. Ride along Program	15. Fatal Vision Demonstrations
7. Safe kids program	16. Take me Home Program
8. Block watch program	17. Block party program
9. Ucmc church block party	18. BVFD Safety Day program

B. Community Service Responsibilities

1. Establish Community groups as and where they are needed.
2. Establish a liaison with formal and informal community groups by attending meetings and offering support.
 - a. The Police Department maintains communication channels for the public to request attendance at community meetings and events.
 - b. Representatives will attend meetings as requested or directed.
3. Share the Responsibility of achieving community involvement objectives with all department members.
4. Administer a community outreach program composed of volunteers to represent the department at community venues.
 - a. Appearances provide direct face-to-face interaction offering citizens opportunities to direct responses to questions and concerns, while providing members with citizens input.
 - b. The program will provide a consistent approach increasing flexibility and fulfilling public requests to reduce conflict, by both events / venues at similar times / dates.
 - c. Publicize the department's objectives, problems and successes through the use of electronic and print media.
 - d. department members are encouraged to convey information received from citizen's organizations to the department and its members.
 - e. Ensure information forwarded from citizens is used to improve department practices that affect police community involvement.
 - i. Modifications in policy, procedure and/or activities may need to be made in response to input received from the community, particularly in regard to correcting actions, practices, behavior and attitudes that might contribute to community tensions and grievances.
 - ii. Identify training needs through interviews with citizen representatives where applicable.
 - iii. Develop problem oriented or community policing strategies, as determined by need.

C. Use of Electronic and Print Media

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The Department may utilize various types of media to publicize objectives, problems and successes, in an effort to keep the community informed about highlights occurring during the course of the year as well as obtain feedback from the community as follows:

1. The departments website
2. Develop and maintain open and immediate two-way communication between the department and the public.
3. Inform neighborhood watch groups of crime trends, prevention tips and similar information.
4. Inform the public of events and activities.
5. Address public concerns and forward information to other law enforcement agencies or city officials as needed.

D. Policy Review and Testing

Department personnel shall be issued copies of this policy. Employees shall complete annual proficiency testing over the content of the department policy to ensure awareness of department programs and expectations. Testing may be conducted orally during department meetings.

OP-21

Motor Vehicle Towing/ Inventories

21.01 Policy:

It is the policy of this department to conduct a complete and thorough inventory of all vehicles or other property with which we become involved where the owner or person in control is unable to assume control of the property.

- A. If contraband or other incriminating materials are discovered during the course of an inventory, the Officer will seize the items following normal rules of evidence.
- B. Once an inventory has been initiated, the officer must complete the inventory.

21.02 Administrative Inventories:

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody. Administrative Inventories serve to:

- 1. Protect personal property
- 2. Protect the public.
- 3. Protect the Village of Bradner

21.03 Scope of Inventory

A. The scope of the inventory and the level of security for the property which is inventoried is the responsibility of the Officer whose signature appears on the inventory report form. The officer should be aware that the Department assumes responsibility of damaged goods if items are damaged during the inventory.

B. During the course of a routine inventory, the following areas should be checked for items of value:

- 1. Passenger compartment of motor vehicle
- 2. Glove compartment (unlocked or, if locked when a key is available).
- 3. Trunk area to include:
 - a) Side panel compartment
 - b) under the spare tire
- 4. Engine compartment:
 - a) Visual observation
- 5. Unlocked and locked closed, sealed, or taped containers
- 6. Items being towed.

C. Triplicate Inventory form shall be used for all towing.

- 1. A copy of the form shall be given to the tow driver.
- 2. A copy of the form will be given to the operator of the vehicle.
- 3. The original shall be returned to the police department records box.
- 4. A copy of the original shall be placed in the village clerk and mayor's court clerk mailbox.

21.04 Towing Vehicles

A. Officers have the authority to have vehicles towed when:

1. It obstructs the normal flow of traffic.
2. The vehicle is illegally parked.
3. It is left in a park after normal posted closing hours and the owner can not be located, with supervisor approval.
4. It has been involved in a crash and the vehicle is:
 - a) on a traffic roadway and cannot be moved and obstructing traffic.
 - b) driver is injured where they cannot care for the vehicle.
5. Involved in a hit skip crash.
6. The driver is intoxicated and there is no sober driver to assume responsibility.
7. Request by the driver or owner.
8. The vehicle has one of the following:
 - a) Expired tags - 90 days or more expired
 - b) Unauthorized tags
 - c) Unsafe motor vehicle
 - d) Vehicle is subject to forfeiture
9. Stolen.
10. Due to a valid arrest.
11. Suspended or no operator's license.

B. Officers shall not tow a vehicle if:

1. Driver of the vehicle is present and is able to move the vehicle providing no criminal charges are pending.
2. A responsible person is able to take control and responsibility for the vehicle.
 - a) persons must show proof of a valid driver's license.
 - b) the owner agrees and is present.
3. If the owner or operator arrives on scene once a tow truck has placed the vehicle in tow, the driver must pay the fees due to the tow operator or satisfactory arrangements must be made to the tow operator to pay the fees due. The officer can release the vehicle on scene.

OP-22

JUVENILES

22.01 Policy

It is the responsibility of all members of the department to familiarize themselves with juvenile problems and support the established procedures for handling both criminal and non-criminal juvenile incidents.

- A. Officers dealing with juveniles have a range of discretion in choosing the appropriate action to take. Officers shall use the least coercive method among reasonable alternatives.
- B. Officers should bear in mind that only a small percentage of juveniles commit the majority of juvenile crimes. The vast majority of juveniles offenders are likely candidates for arrest, with release to parents, or positive diversion and intervention strategies. With this in mind, officers shall, whenever reasonable and justified under department policy, take those measures necessary to effect positive changes in juvenile criminal offenders that are consistent with state law, Village ordinances, department policy, and the safety and security interests of the community.
- C. The constitutional rights of all juveniles shall be protected at all times. The Bradner Police Department is committed to the development and implementation of lasting programs to prevent and control juvenile delinquency.

22.02 Procedures

A. ARREST AND ALTERNATIVES TO ARREST

1. ARREST WITH CUSTODY

Juveniles committing criminal offenses are subject to the same security procedures as adult offenders, and may be handcuffed as necessary during all phases of transporting and processing.

- a. Juveniles arrested for the below-listed offenses shall be fingerprinted and the fingerprints shall be submitted to BCI&I.
 - Aggravated Murder
 - Murder
 - Attempt to Commit Aggravated Murder or Murder
 - Voluntary Manslaughter
 - Kidnapping
 - Rape

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- Felonious Sexual Penetration
 - Aggravated Arson
 - Aggravated Robbery
 - Aggravated Burglary
- b. Whenever a juvenile suspect is charged with any of these offenses, the juvenile suspect shall be transported to the Wood County Juvenile Detention Center (WCJDC) for fingerprinting.
- The fingerprints will then automatically be uploaded into the Automated Fingerprint Identification System (AFIS).
 - The Juvenile shall then be processed for intake, unless medical treatment is required.
 - When an officer takes a juvenile into custody for an offense that does not require fingerprinting, the officer shall transport the juvenile to the station. The Office camera system shall be activated while on station. Upon completion of required reports, the juvenile shall then be transported to WCJDC and processed for intake.
 - Officers filing criminal complaints or status offenses against juvenile offenders must appear in person at the WCJDC intake desk to swear to the affidavit prior to leaving the facility. The affidavit shall be left with the Juvenile Clerk. A copy of the complaint against the Juvenile and any corresponding Incident or Crime Report shall accompany the Juvenile Complaint.
 - Officers shall determine if a juvenile has been or is in danger of being harmed. If an officer believes that a juvenile was harmed or is in danger of being harmed, he/she may place the juvenile into the custody of the WCJDC.
 - Officers shall make a reasonable attempt to notify a parent/legal guardian of the arrest of the juvenile.

2. INTOXICATED JUVENILES:

Intoxicated juveniles or juveniles found to be in possession of intoxicants or drugs of abuse shall be taken into custody and transported to the wood county hospital then to the Juvenile Detention. A complaint, Crime Report, and Request for Detention form shall all be completed. The juvenile shall then be processed for intake.

NOTE* First time juvenile alcohol offenders may be taken home to their parents.

3. DUI JUVENILES:

Juveniles arrested for DUI shall be transported to WCSO for an intoxilyzer test prior to being taken to the Wood County Juvenile Detention Center.

4. ARREST AND RELEASE TO PARENTS/LEGAL GUARDIAN:

When a juvenile is arrested, an officer may choose to release the juvenile to the custody of his/her parent/legal guardian, instead of booking the juvenile into the WCJDC. Generally, this procedure will be used for misdemeanor, non-violent crimes.

5. ISSUANCE OF A CITATION OR SUMMONS

If a traffic citation or summons for Loud Sound Amplification is issued, the officer shall explain the required procedures and shall advise the juvenile that a parent/legal guardian must be present during court proceedings.

6. RELEASE TO PARENT/LEGAL GUARDIAN; No Charges Filed:

There are instances when criminal charges for minor infractions will not be filed on a juvenile but an officer feels the juvenile's involvement needs to be brought to the attention of a parent/legal guardian. In these cases, the officer may counsel both the juvenile and parent/legal guardian concerning the actions of the juvenile and possible consequences if the behavior is repeated.

7. RELEASE WITHOUT FURTHER ACTION:

If an officer determines that no criminal offense was committed and a parent/legal guardian does not need to be notified, the officer may simply release the juvenile with no further action required. The officer will still make a full accounting of the incident as well as resulting release of the juvenile with a verbal warning.

****NOTE**** ALL INTERACTIONS WITH A JUVENILE SHALL BE ON SURVEILLANCE, EITHER ON CAMERA, OR MICROPHONE OR BOTH AT ALL TIMES. AT NO TIME IS THE OFFICER TO BE ALONE WITH A JUVENILE AND NOT UNDER SURVEILLANCE – THIS IS FOR THE OFFICERS PROTECTION!!!

22.02 Interviews and Interrogations

A. INTERVIEWS

Interviews with Juveniles do not require the presence of a parent/legal guardian. However if one is available it is best if they are in attendance.

B. INTERROGATIONS

1. Prior to custodial interrogation of a juvenile, a parent/legal guardian should be present. In the absence of a parent/legal guardian a juvenile may be questioned and may provide statements if reasonable assurances can be made that the juvenile fully understands his/her constitutional rights.
2. Prior to interrogation, both the juvenile and adult, if present, shall be advised of the constitutional rights of the juvenile.
3. If, prior to or during questioning, either the parent/legal guardian or juvenile expresses the desire to speak with an attorney, all questioning must cease and the rights of the juvenile must be respected.
4. The constitutional rights of the juvenile shall be strictly adhered to.
5. Interrogations of juveniles should not extend over periods of time that could be considered unreasonable or harassing and , whenever possible, should be conducted by only one officer at a time.
6. Officers shall explain department policies and procedures and other pertinent information about the juvenile justice system procedures to all juveniles being interrogated.
7. All juveniles in custody of an officer shall be recorded. During transport of the juvenile the cruiser and body camera shall be recorded.
8. The department in custody log shall be filled out by the detaining officer.

22.03 Status Offenses

A. STATUS OFFENDER

A status offender is a juvenile who has violated a law applicable only to a juvenile, such as curfew violators, runaways, unruly, or a child who has been taken into custody for dependency, neglect, or as an abused child. When a status offender is taken into custody, the arresting officer shall complete a Crime Report.

B. CURFEW LAW POLICY

1. **SECTION ONE:** It shall be unlawful for any child under the age of 18 years to be on the streets, alleys, sidewalks, parks and public grounds of the Village of Bradner, Wood County, Ohio during the period from 10:00 p.m. until 06:00 a.m. the next day unless one of the following apply:
 - The child is accompanied by a parent or guardian;

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- The child is emancipated;
- The child is traveling from a place of employment;
- The child is in a motor vehicle involved in through travel;
- The child is attending or traveling to and from an official school, religious or civic function or recreational activity;

It shall be an affirmative defense to a charge under this section that the child was involved in an emergency that created the violation hereunder.

2. **SECTION TWO:** It shall be unlawful for any parent or guardian of any child under the age of 18 years to permit or neglect to restrain or prevent the child, with actual or constructive knowledge on the part of the parent or guardian, from being on the streets, alleys, sidewalks, parks and public grounds of the Village of Bradner, Wood County, Ohio during the period from 10:00 p.m. Until 06:00 a.m. The next day unless one of the following apply:

- The child is accompanied by a parent or guardian;
- The child is emancipated;
- The child is traveling from a place of employment;
- The child is in a motor vehicle involved in through travel;
- The child is attending or traveling to and from an official school, religious or civic function or recreational activity;

It shall be an affirmative defense to a charge under this section that the child was involved in an emergency that created the violation hereunder.

3. **SECTION THREE:** Any person who violates Section One of this ordinance shall be charged as an unruly child in Juvenile Court.
4. **SECTION FOUR:** Any person who violates Section Two of this ordinance shall be guilty of a Misdemeanor of the Fourth Degree.

22.04 Medical Services for Juveniles

A. INJURED JUVENILES

All officers shall ensure all injured juveniles promptly receive any necessary medical treatment.

1. When a juvenile in the department's custody is injured, the custodial officers shall ensure the juvenile receives proper medical attention, either through the Bradner Fire and Rescue Department or by transporting the juvenile to the nearest hospital for treatment.
2. If the juvenile is treated and released, officers shall obtain the Home Health Care Sheet or Discharge Summary along with other necessary paperwork for the juvenile.

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3. If the juvenile is admitted to the hospital, the officer shall complete the detention slip and juvenile complaint (affidavit). The officer shall go to the WCJDC and swear to the affidavit and deliver the detention slip to the intake officer.
4. If a juvenile is delivered to WCJDC but is refused acceptance, pending medical treatment, the officer shall notify the Chief of Police. The Complaint and detention slip shall be left at the intake desk, prior to taking the juvenile for treatment. Upon completion of the treatment, the juvenile shall be returned to the WCJDC along with medical after-care instructions.
5. Reasonable attempts shall be made to notify a parent/legal guardian concerning the injuries and treatment.

B. EMERGENCY MENTAL HEALTH SERVICE

When a juvenile requires emergency mental health services, officers shall contact WCSO for the appropriate MHS telephone number and contact them prior to transporting the juvenile.

1. The nurse or counselor at MHS will:
 - a. Direct the youth to be brought straight to MHS
 - b. Direct the youth to be taken to the appropriate hospital.
 - c. If appropriate (and requested by the officer) send an outreach worker to the scene.
2. Youths requiring emergency medical treatment shall be taken to the appropriate hospital emergency room.
3. Officers are required to stay at MHS only until their personnel have physical control of the youth. Officers may be asked to transport to another facility on rare occasions.
4. Officers shall complete and Incident Report, whether or not an admission occurs. An application for Emergency Admission shall be completed by the officer when requested by a hospital staff member. A copy of the Emergency Admission shall be attached to the Incident Report

OP-23

INVESTIGATION OF SEXUAL ASSAULT OFFENSES

23.01 Policy

Whenever any officer files a complaint for a violation of Ohio Revised Code 2907, 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 the 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 Ohio Incident Based Reports.

23.02 Procedure

Officers are responsible for the preliminary investigation of rape and other sexual assault offenses.

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 an officer, the officer will summon a supervisor to coordinate the preliminary investigation.
2. Whenever possible, the supervisor and officer who received the complaint should be the only persons interviewing the victim to determine the correct statutory offense.
3. Hold this interview in a place free from interruptions, witnesses, other police officers, etc.
4. Avoid having the victim repeatedly describe the intimate or embarrassing details of the offense.
5. Transport victims 13 years of age and older to Wood County 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 Toledo Children's Hospital. Transport pregnant victims of any age to Wood County Hospital.
 - a. Prior to transporting the victim, 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.
 - c. Children's Services shall be contacted immediately and advised of the current situation.
6. The supervisor coordinating the investigation will immediately need to gather physical evidence (e.g., blood, semen stains, fingerprints, etc.) while the offense is fresh and to delay follow-up would jeopardize the successful completion of the investigation.

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7. Complete an Incident Report, and any additional supplement reports. Protect the crime scene, make wanted broadcasts, locate suspects and witnesses, arrest perpetrators, search for evidence, etc. If a child victim was involved a report shall be sent immediately to Children Services.
8. Note the examining hospital facility or private physician on the Incident Report Include witness information, evidence held, and other results of the preliminary investigation.
9. Personnel may discover information about the offense after the preliminary investigation is over. Provide this information to the reporting officer to aid them in the follow-up investigation.
10. Wood County Hospital and Toledo 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.
11. Only investigating officers will pick up and process evidence from Wood County Hospital and Toledo Children's Hospital.
12. If the physical/rape examination occurs somewhere other than Wood County Hospital or Toledo Children's Hospital, contact a supervisor to determine who will transport the rape evidence kit.

OP-24

Victims Assistance

24.01 Policy

Employees of this department shall exhibit sensitivity, compassion, and professional concern for the needs and welfare of all crime victims and witnesses. Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long term impact on their emotional recovery, and to support and aid them as they continue to interact with the criminal justice system.

24.02 Procedures

A. RIGHTS OF VICTIMS AND WITNESSES: To comply with ORC section 2390, whenever an officer has contact with a person who is identified as the victim in a police Report, a Complaint, Indictment, or Incident Report, or through information (all felonies and misdemeanors of: assault, aggravated menacing, menacing, menacing by stalking, domestic violence, violation of a temporary protection order, and intimidation of a crime victim) shall provide the victim with a copy of the Attorney General's Office victims rights pamphlet, entitled "Your rights and responsibilities as a crime victim." The pamphlet shall have an addendum affixed to the inside of the front cover that lists the various local victim assistance telephone numbers.

1. Officers shall cooperate with prosecuting attorneys, other law enforcement agencies, local social service agencies and the courts to afford victims the rights and services provided by law. Direct assistance to victims and witnesses shall include:
 - Providing them with information about the status of any case concerning a crime against the victim.
 - Providing them with information concerning victim compensation assistance.
 - Assisting the victim in documenting losses.
 - Upon request, providing the victim (or their representative) with a complete copy of an incident or traffic accident report as permitted by law.
 - Providing information on how to secure emergency crisis intervention services.
 - In cases where charges have been filed or the case is pending review in the prosecutor's office, providing reasonable protection from the criminal suspect (or others assisting him/her) and from harm or threats of harm arising from the victim's cooperation with law enforcement.
 - When no longer needed as evidence, upon request of the victim the return of property taken as evidence and return of such property unless it is

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contraband or subject to forfeiture; or provide an written explanation of the reason why it is not returned.

2. **CONFIDENTIALITY OF VICTIM/WITNESS IDENTITIES:** Records and files of victims/witnesses are open records under the ORC, EXCEPT cases involving sexual assault or when a crime victim has specifically requested confidentiality. In sexual assault cases, the identities of the victims and witnesses and their role in the case shall remain protected information. In cases where the victim has requested confidentiality, the name shall not be released until formal filing of charges against the suspect.
3. **PUBLIC INFORMATION: VICTIM/WITNESS SERVICES:** The Officer working in concert with the local Victims Assistance Program shall maintain an informative publication of crime victims rights and assistance services using both printed materials and broadcast media (websites).
4. **INTERACTION WITH OTHER VICTIM/WITNESS ASSISTANCE PROGRAMS:**
 - a. If necessary contact WCSO for a member of their crisis response team and enlist the assistance of a female deputy along with victims advocate volunteers who are trained to assist female victims of violence.
 - b. These volunteers will provide the victim with advice, information, referrals and other assistance. The officer will assist them in any way needed to ensure the safety of the victim, arrange for safe housing and ensure that she receives all necessary information to see her through her crisis
5. **VICTIM/WITNESS INTIMIDATION:** When a victim or witness expresses concerns about his/her personal safety due to threats or intimidation, the department will refer the victim or witness to the Prosecutors office for assistance in obtaining a restraining order. If immediate assistance is necessary, the Chief of Police or his/her designee shall determine the appropriate response.
6. **PRELIMINARY INVESTIGATIONS:** The responding officer shall serve as the single point of contact for the victim for information concerning the availability of victim/witnesses services unless and until the victim is assigned a victims advocate for assistance. The officer shall provide the victim/witness of any specified crime a copy of the “Your rights and responsibilities as a crime victim” pamphlet detailing:

- a. The types of resources available (e.g., counseling, medical, compensation, and victim advocacy programs.)
- b. Follow up investigative procedures and records numbers.
- c. Case status information.
- d. Recommended procedures in cases involving intimidation.
- e. Victim assistance telephone numbers.

7. FOLLOW-UP INVESTIGATION: During the follow-up investigation and/or after an arrest is made, the investigating officer shall cooperate with the prosecuting attorney and may assist in ensuring the victims/witnesses are kept informed of the progress of the case. The officer shall render basic services to include:

- a. Victim/witnesses shall be contacted periodically during the follow-up investigation to ensure that needed assistance is being received and to provide an updated report on the status of the investigation.
- b. Providing information concerning procedures involving prosecution of the case and the victims roles in those procedures.
- c. Whenever possible scheduling of line-ups, interviews, and other required appearances should be done at the convenience of the victim/witness.
- d. The prompt return of seized personal property not needed as evidence, as provided in section (III.1.B) above.
- e. If feasible, referring the victim to the appropriate support organization for victim advocacy services.

8. ARREST NOTIFICATIONS: Whenever possible the victims/witnesses will be apprised of arrests that are made in response to their case. When this notification is made, it is important that the victim/witness be made aware of the custody status of the arrested person. When the department becomes aware of a change in the status of a person in custody, the victim/witness will be notified.

9. SPECIAL CONSIDERATIONS: In situations involving hearing-impaired or non-English speaking victims or witnesses officers should give consideration to utilize a nearby individual such as a relative or friend, who is capable of proficiently communicating with the person. If no one is available, and written correspondence does not provide an adequate avenue for dialogue, officers shall immediately contact the WCSO who shall make arrangements for providing the services of an interpreter. The WCSO shall also determine whether it is preferable under the circumstances to have the interview at the individuals location or have them transported to the WCSO.

OP-25 MENTALLY ILL AND DEVELOPMENTALLY DISABLED PERSONS

25.01 Policy

When persons exhibit dangerous states of mental illness, the officers primary concern shall be to protect the mentally ill person and others.

25.02 Definitions

For the purpose of this section, the following definitions apply:

MENTAL RETARDATION (MR): Having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

DEVELOPMENTALLY DISABLED (DD): Having a disability that originates before the age of eighteen (18) that has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap in the person's ability to function normally in society.

25.03 Procedures

A. MR/DD OVERVIEW

The Ohio Revised Code (ORC) effectively provides for procedures to remedy cases of abuse and neglect through emergency services and the intervention of the court when necessary, so that persons with MR/DD handicaps may safely reside in their community. In general, the ORC provides for similar measures of care, responsibilities and procedures for reporting cases, as those in elderly abuse cases. General provisions concerning police activities are:

1. Establishing responsibility for a wide range of professionals to report abuse and neglect cases for ADULT persons with MR/DD to the police and the County Board of Mental Retardation.
2. Establishing the principle that law enforcement will do all criminal investigations.
3. Establishing the principles that a person who is MR/DD subject to this law shall NOT, whenever possible, be removed from his/her residence, that the person not be institutionalized, but served in the community, and that an individual service plan be developed identifying services and goals for the individual in relation to emergency services.

B. CRISIS INTERVENTION AND SCENE MANAGEMENT

1. When an officer is dispatched to an incident involving a mentally ill person, that officer shall immediately check the Take Me Home Program enrollment binder or online program in order ascertain more about the person and his or her caretakers or guardians. This should enlighten the officer with insights into the mentally ill person's personality and allow the officer to make a connection with the person in order to de-escalate the situation and resolve the problem.
2. The responding officer should contact WCSO and request backup from a nearby crisis intervention trained officer or an on duty deputy who has been specially trained to respond to calls involving the mentally ill.
 - a. No officer, regardless of specialized training or not, is to respond to a call involving a suspected mentally ill person without backup.
 - b. If the Bradner PD officer on duty is not crisis intervention trained, and an officer arrives for backup who is specifically trained to respond to calls involving mentally ill persons then that officer shall be responsible for ALL aspects of interacting with the mentally ill person. The Bradner officer shall maintain accountability for the incident, however defer to the trained officer, allowing him/her as much leeway as is practical in order to attempt to resolve the situation in a peaceful and safe manner.
3. The Officer should contact Wood County Crisis Services through NAMI at 419-936-7400 and get Emergency Mobile Crisis Responding to the scene. **This is a LE ONLY phone # NOT to be given out to the public. The PUBLIC number is 419-502-HOPE (4673). Expect approx. 30 min arrival time.
4. The Officer should contact Wood County Children's Resource Center at 419-352-7588 if the Metally Ill person is under 18 years of age.
5. If it is determined that a mentally ill person is to be transported to a medical facility or rescue mental health facility, he/she shall be handcuffed and transported according to the policy in OP-15 PRISONER TRANSPORTING AND HANDCUFFING.
6. By the end of his/her shift the officer will write out a detailed Incident Report.

C. USE OF LESS THAN LETHAL WEAPONS: The benefits as well as the possible consequences of using a non-lethal weapon, shall be seriously considered prior to deployment. Factors to be considered include:

1. The emotional and physical state of the person.
2. The potential for the mentally ill person to cause serious harm to himself/herself or another.

D. HOSPITALIZATION OF MENTALLY ILL PERSONS: When an officer, from personal observation, has reason to believe that a person is mentally ill AND presents a risk of substantial harm to himself or others, AND the officer feels it is necessary to take immediate action, officers shall take the following course of action:

1. A request shall be made to take the subject to a Rescue Mental Health Facility. The officer shall ask WCSO for the number and contact them directly to request a screening interview for admission.
2. When the request for service is approved, the subject shall be placed in custody in an inconspicuous manner and transported to the Mental Health Service.
 - a. When taking the person into custody, officers shall advise the subject of their name, rank and the fact that they are a police officer for the Village of Bradner Police Department. The subject shall also be advised that they are **NOT** under arrest, but that they are being taken to Mental Health Services to be evaluated by a doctor.
 - b. Once Mental Health Services personnel have taken control of the subject, the officer may leave. The agency will screen the subject, provide housing, transportation to another social agency or transportation to the Northwest Ohio Behavioral Center (NWOBBC)

E. REPORT REQUIRED FOR HOSPITALIZATION: The officer shall complete any and all necessary paperwork:

1. Incident Report: detailing the facts of the incident and any relevant statements made by examining personnel, regardless if the person is accepted for admission or not.
2. Attach a copy of the Application for Emergency Admission to the Incident Report.
3. Any other written statements from assisting officers, agencies, mental health professionals, counselors, medical personnel, witnesses, etc.

F. EXCEPTIONS TO HOSPITALIZATION: The following are exceptions to hospitalization or Mental Health Services:

1. Persons requiring immediate medical attention shall be taken to a hospital. If treated and released, the subject may be taken to Mental Health Services with the treating doctor's approval.

2. Persons under the influence of alcohol or drugs shall not be taken to Mental Health Services, but instead shall be arrested and booked.
3. For Juveniles, refer to Policy OP-22 JUVENILES.

G. VIOLENT PERSONS IN CUSTODY: Violent subjects taken to Mental Health Services (MHS) shall be placed into the appropriate holding area, as designated by their personnel, prior to entering the reception area.

1. Transporting officers shall stay with the subject until Mental Health Services Personnel gain control of him/her.
2. If MHS personnel cannot control the subject, the transporting officer shall assist them in any way possible, including transporting the subject to NWOBC.
3. Once MHS personnel gain control of the subject and the necessary information and forms are completed, the officer may leave.

H. REQUEST FOR ASSISTANCE BY MHS IN THE FIELD: Mental Health Services has case workers who work with mentally ill subjects on an outpatient basis. Situations may occur in which they call for assistance at locations other than their facility.

1. Upon request, the WCSO may dispatch a Bradner Police Officer to assist a case worker.
2. The officer dispatched shall make every effort to prevent any injury to the parties involved.

I. TRANSPORTING MENTALLY ILL PERSONS NOT IN CUSTODY:

When requested by a MHS employee to transport a subject who is not in police custody to a mental health facility, officers shall advise the practitioner to summon an ambulance or other private transportation.

1. If requested, the officer shall assist in calling an ambulance for the MHS employee and stand by until the ambulance arrives. If the mentally ill person becomes violent, the officers shall lend all necessary assistance, including subduing the subject and escorting ambulance personnel to their destination, when appropriate.
2. This section does not preclude an officer from transporting a patient back to a mental health facility when the patient is AWOL (Absent Without Leave) from that facility.

J. ARRESTING/HANDLING AWOL PATIENTS FROM MHS: When an officer has reason to believe that a subject may be an escapee or AWOL from a mental health facility, the officer shall initiate an inquiry to the agency via the WCSO to ascertain the current status of the subject.

1. WCSO shall phone the NWOBC or other mental health facility to determine if the subject is AWOL.
2. If the subject is AWOL or an escapee, the arresting officer shall immediately return the subject to the appropriate facility and a holder shall be placed upon the subject. The arresting officer shall file the proper affidavits with a notation that the subject is located at one of these agencies.
3. If the subject is booked and it is later determined that he/she is AWOL or an escapee, the subject shall be returned to the mental health facility after being released.

K. ABUSED OR NEGLECTED MR/DD PERSONS: Officers who become aware, either through personal observation or through reports by another, of an MR/DD adult person who may be the subject of neglect or abuse, shall take action and complete an INCIDENT REPORT entitled "Endangered Adult".

1. In cases where immediate emergency action is needed, officers shall act accordingly to care for the victim or protect them from further injury or abuse.
2. A twenty-four (24) hr hotline to the Board of Mental Retardation has been established to aid officers and provide assistance and advice. The WCSO shall maintain this number. Calls are directed to "Case Management".
3. The INCIDENT REPORT shall include all pertinent information about the incident and shall include the basis of the reporting person's belief that the person has been abused.
4. If obtainable, the victim's social security number shall be included in the report.
5. Officers handling these reports shall not release them or any information contained therein, to any unauthorized person.
6. Officers shall forward a copy of all endangered adult Incident Reports to the Chief of Police or his/her designee. The Chief shall then ensure the case is forwarded to the Wood County Board of Mental Retardation and Developmentally Disabled.

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L. RENDERING ASSISTANCE TO MR/DD CASEWORKERS: Officers may be called upon to assist MR/DD caseworkers in serving orders from the court. ORC section 5126.32 states, "After the (Court) order has been obtained, at the request of the Board (of Mental Retardation), an officer of the law enforcement agency investigating the report shall accompany representatives of the Board to the adult's residence."

M. After every such encounter with an individual with a mental crisis an officer must go online to <https://namiwoodcounty.org/cit-stat-form/> and fill out the report by the end of your shift. Attached hereto is a copy of the form.....

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NAMI WOOD COUNTY
CRISIS INTERVENTION STAT FORM

INCIDENT NO. _____ DATE _____
LOCATION OF INCIDENT: _____
STARTING TIME OF CALL _____ ENDING TIME OF CALL: _____

SUBJECT INFORMATION:

FIRST NAME MIDDLE INITIAL LAST NAME
CIRCLE ONE: ADULT OR JUVENILE GENDER: MALE OR FEMALE OR NON-BINARY
COUNTY OF RESIDENCE: _____ PHONE NUMBER: _____
EMAIL: _____ DOES SUBJECT HAVE A GUARDIAN? YES OR NO

GUARDIAN INFO

NAME ADDRESS FULL

PHONE NUMBER EMAIL

TYPE OF CRISIS: CIRCLE ALL THAT APPLY

GENERAL DEPRESSION ANXIETY/PANIC ATTACK DELUSIONS SUICIDE ATTEMPT
UNABLE TO CARE FOR SELF SUICIDAL THOUGHTS SUICIDAL THREATS CUTTING

INVOLVEMENT OF DRUGS/ALCOHOL: CIRCLE ALL THAT APPLY

DRUGS ALCOHOL NONE UNKNOWN

WERE WEAPONS INVOLVED: YES OR NO WAS SUBJECT VIOLENT: YES OR NO

EXPLAIN AGGRESSIVE/VIOLENT BEHAVIOR:

RESPONSE TO RESISTANCE USED BY OFFICER:

OFFICER NOTES:

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DISPOSITION: CIRCLE ALL THAT APPLY

MOBILE CRISIS JAIL HOSPITAL CHILDREN'S RESOURCE CENTER
NONE

IF HOSPITAL ... WHICH ONE: _____

WHO ISSUED THE PINK SLIP: (CIRCLE)

LAW ENFORCEMENT OFFICER MOBILE CRISIS WORKER CRC WORKER

MENTAL HEALTH AGENCY INVOLVEMENT: MOBILE CRISIS OR CRC

TRANSPORTATION USED: LAW ENFORCEMENT OFFICER MOBILE CRISIS CRC OR SELF

TIME AGENCY WAS CONTACTED: _____ ARRIVED: _____

NUMBER OF LAW ENFORCEMENT ON THE SCENE: _____

FOLLOW UP CONCERNS:

THIS REPORT COMPLETED BY: _____
OFFICERS NAME TITLE

DEPARTMENT: _____ CELL #: _____

PD CONTACT INFO: _____

EMAIL: _____

REQUESTING A FOLLOW UP WITH THE INDIVIDUAL BY A MENTAL HEALTH PROFESSIONAL: YES OR NO

WAS THE OFFICER SATISFIED WITH THE OUTCOME: YES OR NO

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IF NO, PLEASE ELABORATE:

OP-26

ANIMAL COMPLAINTS

26.01 Policy

Periodically, officers will be assigned to handle complaints concerning animals within the Village of Bradner and in the surrounding vicinity as assistance to WCSO deputies or other village agencies. Therefore, the following guidelines are established to assist officers in animal control procedures.

26.02 Procedures

A. DOG BITES: Officers investigating dog bites shall complete an INCIDENT REPORT.

B. SERVICES OF THE WOOD COUNTY DOG WARDEN: An officer may request the assistance of the Wood County Dog Warden when a dog is at large and has bitten someone, is attempting to bite someone AND the owner of the dog is unknown or not available to control the dog, or when an officer is executing a search warrant or entering a building and is confronted by a vicious dog.

1. In these circumstances, the officer shall notify dispatch and request the assistance of the Dog Warden.
2. The officer shall remain at the scene or make arrangements for another officer to remain at the scene and render whatever reasonable assistance the dog warden may require.

C. USE OF DOG PENS AT THE WOOD COUNTY DOG POUND: An officer may utilize the holding pens located behind the WCSO when the following conditions apply:

1. The officer chooses to transport the dog.
2. The dog appears friendly.
3. The dog is not injured or sick.
4. The incident occurs after normal pound hours.
5. The incident does not meet the criteria necessary for emergency call-back of the dog warden as listed above.

NOTE: An officer may also use these pens in emergency cases if he/she does not wish to wait for the dog warden. This decision should be made prior to calling out the dog warden.

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D. NIGHT DROP-OFF IMPOUNDMENT RECORD: When an officer utilizes the holding pens, he/she shall fill out a Night Drop-Off Impoundment Record Form located on a clipboard inside the holding area.

1. The form shall be filled out as completely as possible and shall include the unit number and badge number of the transporting officer, the corresponding Incident Report number, the location of occurrence and the reason for impoundment.

E. SICK OR INJURED ANIMALS: Complaints of sick and/or injured animals shall be directed to the Humane Society when there is no owner or responsible person available to take charge of the animal.

F. DEAD ANIMALS: When dead animals are found in the street, the officer shall notify the Streets Department for immediate removal of the carcass.

1. In cases of injured or recently dead deer in the road the officer shall notify WCSO who will contact a person on the list to ask if they want the deer. A Deer tag must be filled out and given to the person taking the deer.

G. WILD ANIMALS IN A BUILDING: In cases where officers are dispatched to help retrieve or capture an animal that is loose in a building (e.g., squirrels, birds, raccoons, etc.) and the officer is unable to help, the officer shall advise the property owner/occupant to seek the assistance of a private animal removal service. For Injured animals you may contact Nature's Nursery at 419-877-0060 who may be able to assist.

H. FARM ANIMALS LOOSE: Occasionally officers will be called out to assist local residents in recapturing a farm animal that has escaped its holding pen. It is entirely up to the officer whether or not he/she feels he/she can safely assist the owner in recapturing the runaway animal. Regardless of whether or not assistance is rendered an Incident Report shall be compiled. If assistance is denied the report express the reasons why the officer was unable to provide assistance. If assistance shall be given the report shall express details as to the location the animal was found, the condition the animal was in when found, the methods used to recapture the stray animal, where the animal was transported or returned to, how it was returned and to whom it was returned. Please remember to use the body worn camera as well as the surveillance camera in the car to record and observe the incident.

OP-27 SUBPOENAS

27.01 Policy

A. Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

B. Attendance at Traffic, Civil Municipal, State, Federal or any Administrative Tribunal is mandatory under the following conditions:

1. A subpoena or order of Instanta (electronic or paper)
2. Notification via department email
3. Ordered to attend by a ranking officer
4. Written or verbal notice from the Village Prosecutor, a Village Attorney or District Attorney.
5. Only a judge can excuse an employee from a subpoena to appear in a tribunal.

27.02 Service of Subpoena or Delivery of Court Notices

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by a verbal notice by the Judge or Officer of the Court and through any delivery by the Bradner Police Department or the Village Clerk, including personal service on the employee.

27.03 Valid Subpoenas

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

27.04 Acceptance of Subpoena

- A. Service may consist of individual subpoenas or may consist of lists which include an officer's name and badge number, case title, name of court and date of appearance.

Lists may be served by electronic transfer.

1. Only the employee named in a subpoena, his/her immediate supervisor or the Village Clerk shall be authorized to accept service of a subpoena. Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the Sergeant and the employee named in the subpoena.

2. Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the individually named employee.
3. The employee named in a subpoena, his/her immediate supervisor or other authorized individual shall sign for subpoenas or indicate receipt by electronic verification code.

B. In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve the subpoena directly to the named witness. If the named witness is not on-duty, the supervisor shall inform the process server of the fastest way to reach that employee.

27.05 Refusal of subpoena

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court.

27.06 Off-Duty Related Subpoenas

Employees receiving valid subpoenas for off-duty actions not related to their employment with the Bradner Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance by the department. Arrangements for time off shall be coordinated through the immediate supervisor. Employees shall not wear his/her uniform when complying with this type of subpoena.

27.07 Failure to Appear

Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court. If for a valid reason (i.e., illness, injury, etc), the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, notify the Court of the employee's unavailability to appear. Upon notification to the Court, the employee is responsible for notifying the Sergeant or Chief of Police of the expected absence, providing the name of the person contacted, the court section(s) and the date/time the notification was made.

27.08 Procedure

To ensure that the employee is able to appear when required, that the employee is

compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

27.09 Courtroom Protocol

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

27.10 Preparation for Testimony

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

27.11 Courtroom Attire

Employees shall dress in Class-A court uniform if on or off duty, if the court matter is related to a police department court case. If the court matter is personal reason or non Bradner Police Department issue after the dress shall be business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

27.12 Courthouse Decorum

Employees shall observe all rules of the court in which they are appearing, refrain from chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

27.13 Testifying against the Interest of the State

A. Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party against the State of Ohio, any Village, other unit of government or any of its officers and employees in which any of those entities are parties, will notify the Chief of Police through his/her chain of command without delay.

B. The supervisor will then notify the appropriate prosecuting attorney. The Chief of Police should determine if additional legal support is necessary. This includes, but is not limited to, the following situations:

1. Providing testimony or information for the defense in any criminal trial or proceeding.
2. Providing testimony or information for the plaintiff in a civil proceeding against any Village, other unit of government or any government official or its officers and employees.

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3. Providing testimony or information against the State, Village, or other unit of government, or any of its officers and employees, on behalf of or at the request of any party other than any Village, other unit of government or any government official or its officers and employees.

OP-28

Search and seizure without a warrant

28.01 Policy

The Bradner Police Department is responsive to the needs and constitutional rights of the community and develops confidence by carrying out the police function in an ethical and lawful manner. The department operates under written rules imposed by the U.S. Supreme Court as well as Federal, State, and Local court decisions governing search and seizure. The following procedures are meant to be guidelines for use by officers of this department.

28.02 Procedures

A. SEARCH BY CONSENT

1. Officers do not need a search warrant when an individual voluntarily consents to a search. Consent is not an exception to the warrant requirement, but a decision by a citizen not to assert Fourth Amendment rights.
2. The consent must be given voluntarily.
 - a. In the search of a residence or apartment a spouse or co-tenant with a right to access may consent to the search of common areas only.
 - b. A landlord or hotel employee **CANNOT** give consent to the search of a rented apartment or room.
3. Silence does NOT imply consent.
4. Coercion may NOT be used.
5. Whenever possible, a written waiver of search should be obtained.

B. STOP AND FRISK

1. When an officer observes a situation where the actions of a person lead him to believe that criminal activity may be occurring or may have occurred, the officer has the right and duty to make an investigatory stop.
2. If while the stop is being conducted officers feel that they have articulable reasons to fear for their safety, i.e. the person may be armed, the person may be patted down for weapons.
3. Facts observed by an officer may be combined with the following to justify a stop:
 - a. Surrounding circumstances, such as time and location of stop.
 - b. Rational inferences drawn from facts, circumstances;
 - c. Officer's past experience and prior knowledge; and/or
 - d. Information from other sources, including reliable informants.

NOTE: Officers shall not stop, detain, question or arrest a person based solely on characteristics of race, ethnicity or gender.

C. AUTOMOBILE SEARCHES: May be conducted without a warrant when:

1. Probable cause exists to believe evidence of a crime will be found.
2. Facts giving rise to probable cause must be such that they would support issuance of a search warrant.
3. Where a married person has sufficient rights of common access, use, and control of a vehicle registered in his/her spouse's name, he/she has authority to consent to the search of the vehicle against the wishes of the other.
4. Automobile inventories will be conducted according to Department Manual chapter OP-25 Motor Vehicle Towing/ Inventories

D. CRIME SCENE SEARCH:

During the initial response to a crime scene, officers may make a warrantless entry to render immediate aid to victims and may also conduct a warrantless search for suspects, any further search must be conducted by warrant or fall within one of the established exceptions to the warrant requirement, as specified in the Ohio Revised Code or the Ohio Rules of Criminal Procedure.

E. EXIGENT CIRCUMSTANCES

1. Those circumstances that would cause a reasonable person to believe that entry, or other prompt action was necessary to prevent physical harm to officers or other persons, the destruction of evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.
2. Entry of a residence to conduct a search, even for a person, must be conducted with a warrant, absent exigent circumstances. Factors to be considered as to whether there is an emergency that will permit a warrantless intrusion into a home to investigate, are:
 - a. Probable cause exists to believe the offense is a crime of violence.
 - b. It is reasonably believed that the suspect is armed;
 - c. There is strong reason to believe that the suspect is on the premises.
 - d. It is likely that the suspect will escape if not swiftly apprehended
3. If an officer is in hot pursuit of a person and observed him enter a secured area, the officer may pursue the person into that area to effect a warrantless arrest. The term

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“hot pursuit”, shall be defined as, immediate and continuous pursuit from the moment probable cause to arrest.

F. SEARCH – INCIDENT TO ARREST

Officers may search incident to arrest without a warrant, provided the arrest is valid and the arrestee is taken into custody. The area and possessions within the arrestee's immediate control may be searched for weapons and/or evidence.

G. SEARCH – PLAIN VIEW

Warrantless seizures involving evidence of crime in plain view are not prohibited by the fourth amendment where the incriminatory nature of an object is immediately apparent. Discovery of such evidence should be inadvertent.

H. ABANDONED PROPERTY

Officers may search and seize property that they reasonably believe has been abandoned.

OP-29

Collecting Evidence

29.01 Policy

The Bradner Police Department is committed to the proper collection and preservation of physical evidence. These guidelines are written to ensure that physical evidence is identified, collected, properly preserved and is promptly conveyed to a laboratory to ensure its effectiveness in criminal cases.

29.02 Procedures

A. CRIME SCENE PHYSICAL EVIDENCE CONTROL LOG

The crime scene physical evidence control log shall be kept at the office and made available at all times. All crime scene evidence collected will be tagged, labeled and logged into the crime scene physical evidence control log immediately.

B. REQUESTING BCI DETECTIVE SERVICES

When the BCI sends a detective to assist in the collection of evidence and investigation the officer may allow him/her to take the lead in the case. He/she shall then complete an INCIDENT REPORT and document the BCI is assisting on the case. Offer and provide any assistance needed by the Investigator.

C. COLLECTION OF FINGERPRINTS

When officers are involved in a major crime scene investigation they shall attempt to locate and protect physical evidence. If feasible commence in the collection and processing of fingerprints and or evidence.

D. SEIZING COMPUTERS

Due to the expertise required in examining computer evidence and the ease with which evidence can be damaged or destroyed, officers shall contact BCI when seizure of a computer is necessary and request the assistance of a detective as well as properly trained personnel for the safe removal of the computer.

E. DIGITAL PHOTOGRAPHS

1. Prior to photographing a crime scene or accident scene, officers shall take an index card and write the time/date/incident report number/subjects name on the front as well as the officer's name taking the photos.
2. Once the card has been completed it shall be photographed and placed as the first picture in the series of photos.
3. After the final crime or accident scene photograph has been taken, the back of the card shall be filled out showing the end of the series.
4. If additional cases are included on the same memory card, each case will be photographed in the same manner.
5. Memory cards with evidence images from traffic accidents or crime scenes shall be turned in to the Chief of Police or his/her designee for processing as soon as practical in order to avoid losing or destroying evidence.
 - a. In no instance shall officers store cameras containing memory cards with digital images remaining on them.
 - b. Once the images are ready for processing, the memory card and the placard shall be enclosed
 - c. Only officers authorized by the Chief of Police shall download images of traffic accidents and crime scene evidence stored on digital camera memory cards.

F. VIDEOTAPE EVIDENCE

Any videotape of an evidentiary nature shall be appropriately tagged, marked, or labeled and placed in the Evidence locker in the Police Station. **At NO time shall video tapes containing evidence be mingled with non-evidentiary tapes.

G. SUBMITTING EVIDENCE TO THE FORENSIC LABORATORY

If an officer has evidence that needs to be submitted to a forensic laboratory he/she shall contact a supervisor and ask for the assistance.

H. SATURATED ITEMS

If an evidentiary item contains blood or other body fluid it should be dried to prep it for laboratory examination. Contact a supervisor and ask them to take control of the evidence for transportation to their drying room and subsequent submittal to the forensic laboratory.

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I. FIREARMS

If an officer collects any firearms as evidence he needs to contact the Chief of Police immediately to arrange secure storage of the firearm and any ammunition.

OP-30 Computers and Digital Evidence

**30.01 FIRST RESPONDER AND INVESTIGATING OFFICER
RESPONSIBILITIES**

1. These steps assume that the officer has the legal authority to seize the computer, hardware, software or electronic media with a signed warrant and/or given consent.
2. If the officer has not obtained the appropriate permissions in accordance with local and state law, the officer shall obtain the appropriate permission prior to seizing the equipment and prior to forensic examination by the Forensic Unit.
3. Secure the area containing the digital equipment by moving all non-essential personnel from the crime scene or immediate area where the evidence is to be collected.
4. Refuse offers of help or technical assistance from any unauthorized persons.
5. As a general rule of thumb, if the laptop or mobile device is powered off, leave it off; if the device is on, leave it on.
6. Isolate the device from communicating with any network:
 - For wired devices, photograph or note any network cables connected to the device then disconnect only the network cable from the device.
 - For wireless devices, place the electronic device in a faraday bag ensuring that the bag is completely closed.
 - This will prohibit the device from communicating wirelessly.
 - If a faraday bag is not available, most metallic bags, such as an empty potato chip bag or aluminum foil will prohibit the device from accessing wireless networks.
 - Once the bag is closed, do not reopen the bag or unwrap the aluminum foil.
7. If possible, photograph each seized item paying particular attention to the cables connected to the device and the serial numbers and other identifiers on the device.
8. If photography is not possible, sketch and document the cables connected to the device and the serial numbers and other identifiers.
9. Consider non-electronic evidence on the device such as fingerprints, biological, or trace evidence and contact BCI&I Crime Lab to analyze. This evidence shall be processed prior to the device being processed by the Forensics Unit.
10. If there is an articulable reason to believe that the computer or mobile device is utilizing encryption mechanisms, authentication mechanisms, pass locks, pass codes, or other security features, the officer should consult with the detectives of the Forensics Unit prior to seizing the electronic device.
11. If working with a surveillance system, the responding detective or officer shall attempt to download the video while on scene. Confiscation of a surveillance system

should only be used as a last resort and even then, the risks greatly outweigh the benefits.

12. If unable to obtain surveillance video while on scene, document the steps taken to obtain the video and contact the BCI&I Digital Forensics Unit for assistance. It is important to note what steps were taken so that the BCI Digital Forensics Unit can prepare the necessary equipment for extraction.
13. If the electronic device is on and there is no articulable reason to believe that data deletion software is active, photograph the computer screen or make note of the clock and any running programs or windows that appear to be open and running.
14. If the electronic device is powered on and, for confiscation, the electronic device must be turned off, such as a desktop computer plugged into a wall outlet, the investigator shall consult with the BCI&I Digital Forensic Unit to determine the best method to secure such device.
15. If the electronic device is powered on, such a cellular phone, and will be placed in storage for any period of time, the investigator shall consult with the Forensic Unit to determine the best method to secure such device.
16. Upon confiscating the electronic device, the investigating officer shall have the device processed by the Digital Forensics Unit.
17. In order for the seized evidence to be examined by a Digital Forensic Examiner, the Digital Forensic Work Order shall be completed and attached to a copy of the applicable Search Warrant or signed Consent to Search.

30.02 PREPARING FOR TRANSPORT

A. If the device has a built in battery, leave the device running and preserve electricity to the device while transporting. Monitor the battery level of the device while transporting and restore electricity to the device upon arriving at the destination. If the device does not have a built in battery, shut down the device following normal shutdown procedures.

B. Do not open or examine any files on the device. Document the method used to shutdown the device. If data deletion could occur when shutting down the device, consult with the BCI&I Digital Forensics Unit prior to shutting down the device.

C. Document each item confiscated. Document any passwords, lock codes, pass codes, authentication steps, or encryption keys needed to gain access to the electronic device. This information can be obtained from the owners of the devices, technicians that manage the devices, or written down on a piece of paper and stored near the device (in a drawer, taped under a keyboard).

D. In most cases when an electronic device is being used in criminal acts and is in the

possession of the suspect, the device itself and all storage devices (hard drives, disk drives) should be seized along with all media. Accessories such as monitors, keyboard, mouse, scanner, and manuals should not be seized unless as a precursor to forfeiture or for evidentiary purposes (obtaining fingerprints, biological, or trace evidence).

30.03 STORING ELECTRONIC DEVICES

Storage requirements for electronic devices vary depending on the type of device.

30.04 COMPUTERS

A. No member of the department shall conduct a search of the electronic contents of the device prior to delivery to the BCI&I digital forensic unit unless articulable exigent circumstances exist. Conducting a search of the device, even something simple as powering the device on, will cause critical evidence to become overwritten.

If the computer is in a powered on state, there is a medium risk of losing data. The risk is increased if the computer is actively communicating with a network. In most cases, there is low risk of losing electronic data stored on a hard disk if the computer is in a powered off state.

B. It is important to note that a suspended state is not the same as a powered off state.

A computer that is in suspended mode draws power to preserve items in volatile memory. When power is removed from the device while in suspended mode, data in volatile memory is lost. A computer in a suspended state might have a flashing power LED or the color of the LED might change from green or blue to amber.

Some computers use a pass code, pass lock, or other authentication system to prevent unauthorized users from accessing the data on the device until a correct authentication key is provided. These mechanisms can be time or usage based.

- (a) Some computers will automatically lock after a period of inactivity.

- (b) Some computers will automatically lock if powered down.

- (c) If possible, obtain the authentication key from the owner of the device.

If the owner of the device is unable to provide the key or the first responder is unable to determine if the device has a locking mechanism, contact the BCI Digital Forensics Unit for additional instruction.

C. Once the computer is seized, follow current departmental guidelines for storing the evidence. After seizure, complete a Evidence Form and Report to have the device processed by the Digital Forensics Unit. Deliver the computer and the work request form to the Property room.

30.05 VIDEO AND SURVEILLANCE SYSTEMS

A. In most cases, there is a medium risk of losing data stored on a surveillance system while the system is powered on. The risk is increased to a high chance of losing data if the device is actively communicating with a network, is allowed to continue recording, or a significant amount of time elapses between the incident and the recovering of the video evidence.

B. Video and surveillance systems usually overwrite the oldest data first, however each surveillance system is unique and this might not always be the case. There is a greater chance of losing electronic data stored on a surveillance system while the surveillance system is running as opposed to powered off.

C. The first responder shall attempt to obtain video from the surveillance system while on scene to ensure that video evidence will not be overwritten. If the first responder cannot obtain the video while on scene, document the steps taken to obtain the video and contact the BCI Digital Forensics Unit for assistance.

D. If the first responder was successful in obtaining the surveillance video and the video is stored on removable media such as CD, DVD, or flash drive, follow current departmental guidelines for storing evidence.

E. After obtaining the video, complete an Evidence Form and Report to have the video processed by the BCI Digital Forensics Unit. Deliver the video and the work request form to Evidence and Property.

30.06 MOBILE TELEPHONES AND CELLULAR DEVICES

A. No member of the department shall conduct a search of the electronic contents of the device prior to delivery to the digital forensic unit unless articulable exigent circumstances exist. Conducting a search of the device, even something simple as powering the device on, will cause critical evidence to become overwritten.

B. In most cases, there is a medium risk of losing data while the device is powered off and a high risk of losing data while the device is powered on. These risks can be mitigated using proper techniques.

1. Mobile devices communicate with the carrier's wireless network constantly. Location data, such as that obtained from cell sites, overwrite as the device changes locations.
2. Many newer smartphones include built-in functions to allow a user to remotely wipe or erase the device. As long as the device has an active internet

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connection, there is a possibility for the device to be erased cause all data on the device to be lost.

3. The use of a faraday bag or placing the device in "airplane mode" is critical to the preservation of data on the cellular device.

C. Some mobile devices use a pass code, pass lock, or other authentication system to prevent unauthorized users from accessing the data on the device until a correct authentication key is provided. These mechanisms can be time or usage based.

1. Some cellular devices will automatically lock after a period of inactivity
2. Some cellular devices will automatically lock if powered down
3. If possible, obtain the authentication key from the owner of the device

If the owner of the device is unable to provide the key or the first responder is unable to determine if the device has a locking mechanism, contact the BCI Digital Forensics Unit for additional instruction.

D. A mobile device in a powered off state will use battery power to preserve times and dates. Although battery usage is low while powered off, a mobile device that sits for even a few days without being connected to external power has the possibility of resetting the times and dates on the device.

E. Unnecessary delay in delivering the device to the BCI Digital Forensics Unit shall be avoided to prevent data loss on the device. Once the cellular device is seized, follow current departmental guidelines for storing the evidence. After seizure, complete an Evidence Form and Report to have the device processed by the BCI Digital Forensics Unit.

F. Deliver the cellular device and the work request form to Evidence and Property, leaving the batteries in place and shutting the device off. Officers will be responsible for advising department personnel the cellular device will be processed by the BCI Digital Forensics Unit. This information shall also be documented in the incident report.

OP-31

Bicycle Patrol

A. All officers performing bicycle patrol shall:

1. Operate the Police Bicycle in accordance to all state laws, local ordinances, and departmental policies and procedures governing the operation of a bicycle.
2. All officers shall wear a helmet specifically designed as a bicycle helmet, with the word "POLICE" printed on both sides of the helmet in black or white letters.
3. All officers, while riding the police bicycle at night, shall cause the bicycles headlight and taillight to be activated while riding the bicycle.
4. All officers shall wear a bicycle uniform if, at some point during their shift, they plan on utilizing bicycle patrol. The uniform shall be as follows:
 - a. Officers shall wear a navy blue polo type shirt with a badge and the word "POLICE" written across the back.
 - b. The Chief of Police will wear the same shirt as described in section (a) with the exception that the shirt may be white.
 - c. Navy blue or black BDU style shorts. However, black or navy blue BDU type pants may be substituted in cooler weather or as approved by the Chief of Police.
 - d. Black tennis shoes.
5. The time the officer spends patrolling on the bicycle shall be noted on the officer's daily log.

OP-32

Bomb Threat

32.01 Policy

In connection with Fire and EMS Departments and Bradner Police Department, this policy and procedural guidance is relative to the response of bombs and bomb threats.

32.02 Procedures

A. INVESTIGATIONS INVOLVING HAZARDOUS DEVICES

1. When a dangerous explosive device or suspected explosive device is located by an on-scene officer, they shall immediately notify WCSO and ask them to notify Fire/EMS and the Chief of Police.
2. Officers at the scene shall **NOT** attempt to touch, move or disarm the device. It shall also be kept in mind that some devices can be detonated by electronic transmission, e.g. Radios, Cell phones, Pagers, Computers, etc., therefore **NO** transmitters shall be activated within 300 feet of the device.
3. The officer on scene shall take whatever actions are necessary for the protection of life in the area including involuntary evacuation of nearby homes, businesses and community areas such as churches, parks etc.
4. Upon receipt of a call of this nature from the Communications Center (CODE 70), advise them to notify the Chief of Police immediately (if not on duty) and also have them advise Fire and EMS.
5. Upon arrival, begin setting up a command post (check this area for secondary devices).
6. The Chief of Police, or designee, will be responsible for the following after the command post has been established:
 - a. Direction of all activities relating to the search of the buildings subsequent to the receipt of the bomb threat.
 - b. All responding units will set up and stand by at a location as directed by the officer in charge.
 - c. If a device or suspicious item is located, have a bomb disposal unit notified and evacuation of the building should be completed. Also, notification of the gas and electric companies should be made.
 - d. Determination of when the building or premises may be re-occupied will be after the Police Chief and/or Fire Chief has determined that it is safe and after consulting with the Police and Fire personnel.
 - e. Assure that search participation is kept to a minimum number of personnel compatible with the size and complexity of the building.

7. Responding Officer's Responsibilities:

- a. The responding officer should check with the Communications Center to make sure that the Chief of Police is responding.
- b. Notify the person in charge of the premises of the threat. It is their decision to evacuate.
- c. Aid officer in charge in setting up a command center. (Call 8701 and request their mobile command post if necessary) This should be no less than 100 yards away from the building or premises.
- d. The command center will be located so that the building or premises can be viewed from its location.
- e. No portable radios are to be used within a one block area of the building.
- f. Officer and Command Officer may call for additional manpower as needed.
- g. All additional manpower (officers, fire, EMS, and utility personnel) will report to the command center.
- h. Names will be taken at the command center for accountability before and after the search. All will report to the command center after the search. **NO EXCEPTIONS.**

8. No more than a three man search team consisting of one police officer, one firefighter/EMT, and one person that are responsible for or familiar with the building will be used to search. In accordance with the size of the building or premises, you may have more than one search team.

9. If a bomb or suspicious item is located, **DO NOT TOUCH IT**, leave the area and return to the command center immediately and inform the officer in charge. The following will then be done:

- a. Evacuation of the building, if not already completed.
- b. Officer in charge will notify the Communications Center that a bomb disposal unit is needed.
- c. The area is to be secured
- d. Area is to be photographed or videotaped if possible
- e. Coordinate with fire procedures.
- f. Coordinate additional evacuations - nearby homes, businesses, etc.
- g. Coordinate with the news media, all news media will report to the command center.

10. Fire Department: Fire Chief will designate firefighters, on a voluntary basis to assist the Police Department and person in charge of the building for premises search. If an explosion occurs, the roles will reverse and the Fire Chief becomes in charge of the scene and the police department will assist the fire department as needed until the fire scene is safe and criminal investigation can resume.

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OP-33 Biological Contamination/Suspicious Mail or Parcels

33.01 Policy

The following sections were developed to provide general guidelines to officers responding to hazardous material incidents. The purpose of these guidelines is to provide effective direction, control and coordination among safety department personnel responding to HAZMAT incidents.

33.02 Procedures

A. Suspicious Mail or Packages: When advised by the Wood County Sheriff's Department concerning a suspicious parcel/envelope, the following procedures **will be followed**.

1. The Communications Center will advise the caller to leave the item where it is, don't allow anyone else to get near it or handle it, and to have them immediately wash their hands and face and turn off their heating/air conditioning system (HVAC).
2. Have the Dispatch contact the Chief of Police immediately.
3. Upon arrival at the scene: secure the area and suspected item.
4. Gear up in Personal Protective Equipment
5. If the item is suspicious, with no credible threat or physical evidence, the responding officer should:
 - a. Have dispatch contact the Chief of Police immediately
 - b. Have dispatch page EMA Director (Jeff Klein) and the Wood County Health Department as well as local EMS.

The responding officer **shall do** the following:

1. Secure the immediate area (home, office, apartment, etc.)
2. Reinforce with the complainant the immediate response (washing of hands and face etc.)
3. Restrict the access and egress of the parties present.
4. Await the arrival of the Chief of Police, EMA and Health Department.
5. Complete a report when the scene has been cleared.
6. **Under NO circumstances shall anyone open a sealed parcel.**

33.03 Procedural Overview:

A. The Chief of Police, Wood County EMA, and the Wood County Health Department officials will evaluate the incident and determine how to proceed with the situation. (i.e. need for additional response agencies, evacuations, etc.)

B. The Wood County Health Department, in cooperation with the Wood County EMA shall secure the suspect item and decide on its final disposition.

C. The Bradner Police Department will file a report with the Wood County Health Department and the Wood County EMA within 12 hours after the incident.

D. In the event the suspect item is tested, the Wood County Health Department shall contact the Bradner Police Department and Wood County EMA immediately with the results.

E. Under **NO** circumstances shall any member of the Bradner Police Department open the parcel or package.

33.04 First Response to a Hazmat Spill/Contaminated Site:

1. The first officer on the scene shall make an assessment to determine whether or not a HAZMAT incident exists.
2. When approaching a suspected HAZMAT incident, the first unit should attempt to:
 - a. Approach the scene from the upwind side.
 - b. Identify the material FROM A SAFE DISTANCE.
 - c. Convey essential information to WCSO
 - d. Request notification of Police Chief & Fire/EMS and the regional HAZMAT team.
3. The Chief of Police or his/her designee shall be responsible for directing police operations until properly relieved.
4. As soon as practical, secure the site of the incident, gear up in Personal Protective Equipment and await the arrival of trained and equipped personnel from the Fire Dept and any regional HAZMAT team.
5. In addition to law enforcement activities, the following is a list of duties that officers may be called upon to perform at the scene of a HAZMAT incident:
 - a. At the direction of the Fire Chief or Hazmat Team Incident Commander, establish a perimeter around the site of the incident.
 - b. Conduct an evacuation of an area at risk, as determined by the Incident Commander or Fire Chief.
 - c. Maintain security within the area of operations.
 - d. Assist in the removal and identification of deceased persons.
 - e. Establish a liaison with the Red Cross authorities and assist with emergency shelter operations.
 - f. Supplement the Fire Department communication capabilities.
 - g. Conduct investigations and complete all reports required by circumstance, law and The Bradner Police Dept.

****NOTE**** Personnel shall ALWAYS immediately gear up in Personal Protective Equipment. Personnel shall **NOT** be assigned to areas for which they do not have proper training, protective clothing or equipment to operate within reasonable safety.

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OP-34 Barricaded Suspects or Hostages

34.01 Policy

The Bradner Police Department considers the preservation of life to be the primary consideration when dealing with hostage/barricaded suspect situations. All reasonable efforts should be made to effect a peaceful end to these situations, including negotiation with the perpetrator as well as creative utilization of alternative approaches and tactics. Reasonable efforts will be used to avoid confrontation in favor of controlling and containing the situation until the arrival of trained tactical and/or hostage negotiation personnel.

34.02 Procedures

A. GENERAL GUIDELINES

1. Response to Resistance shall be governed by the Response to Resistance Policy & Guidelines.
2. Firearm discipline: officers shall not discharge weapons at the scene unless lawfully ordered to do so or when defending themselves or others.
3. If the incident involves a pursuit, the department pursuit policy is applicable to that portion of the incident.
4. Communication, orders and actions during a hostage incident must be CLEAR, COORDINATED, AND CONVEYED to ALL personnel involved.
5. Each hostage incident will present its own unique set of circumstances. Although certain operational guidelines will be applicable to most situations, officers may be required to use ingenuity and resourcefulness when utilizing those guidelines to arrive at a successful outcome during a hostage incident.
6. An officer or his/her partner may be at the mercy of an armed suspect who has the advantage, but experience has shown that giving up his/her gun upon demand does not reduce the danger to the officer. Surrendering his/her firearm might mean giving away his/her only chance for survival; therefore, an officer should use every tactical tool at his/her disposal to avoid surrendering his/her firearm.
7. **When a law enforcement officer has been taken hostage, his/her efforts at independent action must be anticipated. The Chief of Police (or his/her designee) and the negotiator must, as soon as possible, evaluate the hostage officers ability to take action.**
8. When hostages have been held for a substantial period of time, experience has shown that they may develop sympathies for their captors (Stockholm syndrome). Officers should not fail to consider the effects of psychological pressures on the hostages, and assess the likelihood that they will shield their captors. The hostages may, in fact,

willingly conceal suspects among themselves upon release. As the period of time grows longer, the chance of such behavior occurring increases.

9. The safety of hostages can best be assured by keeping them in close proximity to officers and by preventing their removal from the scene by the suspect.

B. INCIDENT PRIORITIES

1. Preservation of Life.
2. Incident stabilization.
3. Preservation of property.

C. RESPONSIBILITIES

1. RESPONSIBILITIES OF THE OFFICERS ON THE SCENE:

Officers arriving first on the scene should carefully analyze the tactical situation and determine if immediate intervention is appropriate.

- If the hostage taker has not gained physical control of the scene immediate intervention may be appropriate.
- If the suspect has gained control of the crime scene, immediate intervention may increase the danger to the hostage. Therefore, officers are to contain and control the scene pending the arrival of trained Critical Incident Negotiation personnel from the WCSO.
- If, however, the circumstances are such that the hostage faces an immediate threat of loss of life, immediate intervention on the part of officers is warranted.

2. OFFICERS SHALL:

1. Assume the role of Officer in Charge until relieved by the Chief of Police or his/her designee or another proper authority.
2. Advise WCSO of the status of the incident and all pertinent information.
3. Request WCSO notify Chief of Police or his/her designee.
4. Ensure a command post and notify WCSO of its location and the safest route to approach from.
5. Request Critical Incident Negotiation Personnel are summoned as well as a Tactical Response Team.
6. Ensure that the evacuation of injured people is underway.
7. Evacuate nearby residences and businesses.
8. Determine the exact location (floor, room, etc) of suspects and hostages.

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9. Obtain as much info regarding suspects, victims, weapons, and other hazards officers will be facing, note all crimes committed and keep WCSO up to date at all times.
10. Contain and isolate the scene through establishment of an inner perimeter to cover all exits. The inner perimeter should provide a reasonable degree of safety while maintaining contact with the scene.
11. As time permits, establish the outer perimeter and control pedestrian and vehicular traffic around the area.
12. Escort to safety and detain potential witnesses and/or bystanders.
13. DO NOT release any information regarding the event or persons involved unless authorized by the Chief of Police.
14. Immediately give a debriefing to the Chief of Police, his/her designee, and the trained critical incident negotiator upon his/her arrival.
15. Keep all surveillance equipment up and running monitoring the scene.
16. If necessary, request WCSO to designate a tactical channel for the incident.
17. Assign a back-up officer the responsibility of maintaining a chronological log of actions and assignments as well as a roster of all personnel on the scene.
18. Summon other units as necessary such as canine, bomb squad, public utilities, etc through WCSO or another officer.
19. Designate an area for a Media Center and an officer to act as Public Information Liaison. (P.I.L.)
 - a. News Media access shall be controlled by PIL
 - b. The PIL shall abide by department regulations governing media relations.
20. As the suspect may have access to a radio or television, the media must be advised of the danger posed by ill-thought news coverage.
 - a. Ensure firearm discipline is maintained during incident
 - b. At the conclusion of the incident ensure:
 1. The crime scene is secured for the investigators
 2. ensure a proper accounting of all personnel utilized.
 3. Conduct a damage assessment of department equipment.
 4. Ensure all equipment is returned to a pre-incident state of readiness, cleaned, restocked, repaired.
 5. Complete all Incident Reports, Collect all witness statements, enter all data into the computer database, log all surveillance information gathered and turn it all in to the Chief of Police.

OP-35

Intrusion Alarm Response

35.01 Policy

It is essential that all officers understand their role and responsibilities, as well as the inherent dangers involved, when responding to robberies of business institutions, or home invasions. Therefore, when responding to intrusion alarms at a home or business, officers shall follow the procedures set forth in this policy in order to enhance the potential for an arrest as well as preserve the safety of officers, witnesses, bystanders, and employees.

35.02 Procedures

A. RESPONDING OFFICERS RESPONSIBILITIES:

1. Officers will respond to the scene QUIETLY and quickly.
2. Observe and note any suspicious vehicles leaving the area, or persons in close proximity to the home/business.
3. Officer will park the cruiser in a position of cover/concealment from which he can safely observe the premises for any signs of occupancy, a crime in progress, if the suspect has left the premises or judge for the possibility of a false alarm.
4. Should the officer surmise that the crime is still in progress upon arrival and there are other persons occupying the business/home at the time, the officer shall call for back-up and **UNLESS OTHERWISE DIRECTED, OFFICER SHALL WAIT FOR THE SUSPECT TO EXIT THE FACILITY BEFORE ATTEMPTING AN APPREHENSION.** This procedure reduces the likelihood of creating a hostage situation.
5. When a robbery has occurred and the suspect flees the scene; secure and protect the scene and begin the investigation along with the Incident Report.

OP-36

Impaired Driving

36.01 Policy

The Bradner Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Ohio's impaired driving laws.

A. INVESTIGATIONS Officers should not enforce OVI laws to the exclusion of their other duties unless specifically assigned to OVI enforcement. All officers are expected to enforce these laws with due diligence.

B. FIELD TESTS The department should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of OVI laws. Officers may utilize only those tests that they have been properly trained to utilize.

C. CHEMICAL TESTS A person implies consent under Ohio law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORC § 4511.191):

1. The arresting officer has reasonable grounds to believe the person was operating or in physical control of a motor vehicle while under the influence of alcohol, a drug or a combination of the two.
2. An officer has arrested a person under the age of 21 and has reasonable grounds to believe the person was OVI (ORC § 4511.19(B)).
3. The person has been arrested for a substantially equivalent municipal OVI ordinance. If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

D. BREATH SAMPLES The assigned member should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained. Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Sergeant.

E. BLOOD SAMPLES Only persons authorized by law to draw blood shall collect blood samples (ORC § 4511.19(D) (1)(b)).

1. The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.
2. Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.
3. The blood sample shall be packaged, marked, handled, stored and transported as

required by the testing facility. If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

F. URINE SAMPLES If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site.

1. The officer shall follow any directions accompanying the urine evidence collection kit.
2. Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample.
3. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.
4. The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

G. STATUTORY NOTIFICATIONS An officer arresting a person for OVI shall, prior to requesting that the person submit to a chemical test, read from a written form the mandatory statutory advice provided by ORC § 4511.192(B).

1. The reading of the advice shall be witnessed by one or more persons and the witness shall certify to this fact by signing the form (ORC § 4511.192(A)).
2. If the arrestee has a previous conviction for OVI as described in ORC § 4511.191, the officer (ORC § 4511.191(A)(5)):
 - (a) Shall request the person to submit to a chemical test.
 - (b) Is not required to advise the person of the consequences of submitting or refusing to submit to a chemical test.
 - (c) Is not required to provide the person with the written form described in this policy.
 - (d) Shall advise the person that the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test.
 - (e) At the time of arrest, shall advise the person that he/she may have an independent chemical test taken at his/her own expense and permit such testing (ORC § 4511.19(D)(3)).
3. If an officer does not ask the arrestee to submit to a chemical test, the officer shall seize the person's driver license and forward it to the court in which the person is to appear, pursuant to ORC § 4511.192(C). If the person is not in possession of his/her license, the officer shall order the person to submit it to this department within 24 hours of the arrest.

H. REFUSALS When an arrestee refuses to provide a chemical sample, officers should:

1. Advise the arrestee of the requirement to provide a sample (ORC § 4511.191).
2. Audio- and/or video-record the admonishment and the response when it is practicable.
3. Document the refusal in the appropriate report.

I. STATUTORY NOTIFICATIONS UPON REFUSAL Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If a person was arrested only for having physical control of a vehicle while under the influence pursuant to ORC § 4511.194, the officer shall not seize the person's driver license, if the person submits to the chemical tests, regardless of the amount of alcohol or controlled substances indicated by the test (ORC § 4511.192(D)).

J. BLOOD SAMPLE WITHOUT CONSENT A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

1. A search warrant has been obtained.
2. The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

K. FORCED BLOOD SAMPLE If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond. The responding supervisor should:

1. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
2. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
3. Advise the person of his/her duty to provide a sample (even if this advice was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
4. Ensure that the blood sample is taken in a medically approved manner.
5. Ensure the forced blood draw is recorded on audio and/or video when practicable.
6. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.

- a. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
- b. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
- c. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- d. Ensure the Response to Resistance and methods used to accomplish the collection of the blood sample are documented in the related report. If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

36.02 Arrest and Investigation

A. DESIGNATION OF CHEMICAL TESTS The type of chemical test to be administered to persons in violation of OVI laws shall be the type designated by the Department and administered at the direction of the arresting officer (ORC § 4511.191(A)(3)).

B. TIME TO SUBMIT TO TEST If an officer requests that a person submit to a chemical sample pursuant to Ohio law, failure to submit to the test within two hours of the alleged violation automatically constitutes a refusal (ORC § 4511.192(A)).

C. OFFICER RESPONSIBILITIES If a person refuses to submit to a chemical test, or submits to the test and the results indicate a prohibited concentration of alcohol, controlled substance or metabolite of a controlled substance, the officer shall (ORC § 4511.192(D)):

1. Confirm the arrested person's residence and notify the Bureau of Motor Vehicles (BMV) of any change.
2. Within 48 hours, forward a sworn report to the BMV and the court in which the arrested person will appear that contains the statements required by ORC § 4511.192(D)(1)(d).
3. Provide a copy of the officer's sworn report to the arrested person, if available. A copy of an unsworn report may be provided to the arrested person provided that the report is complete when given to the person and that it is subsequently sworn to by the arresting officer (ORC § 4511.192(E)).

D. VEHICLE SEIZURE An officer arresting a person for OVI shall seize the vehicle the person was operating at the time of the offense if the person is the registered owner of the vehicle and either of the following conditions apply (ORC § 4511.195(B)):

1. The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to OVI, or an equivalent offense, within the last six years.
2. The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to a felony OVI offense, regardless of when

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the conviction or guilty plea occurred.

E. ADMINISTRATIVE HEARINGS The Officer will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the BMV.

1. Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.
2. An officer called to testify at an administrative hearing should document the hearing date and the BMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.
3. The Officer should forward this to the prosecuting attorney as part of the case file.

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OP-37

Public Recording of Law Enforcement Activity

37.01 Policy

A. The Bradner Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties.

1. Members of this department will not prohibit or intentionally interfere with such lawful recordings.
2. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.
3. Officers should exercise restraint and should not resort to arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

B. RECORDING LAW ENFORCEMENT ACTIVITY

1. Members of the public who wish to record law enforcement activities are limited only in certain aspects.
 - a. Recordings may be made from any public place or any private property where the individual has the legal right to be present.
 - b. Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the officers.
 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
 - c. The individual may not present an undue safety risk to the officers, him/herself or others.

C. OFFICER RESPONSE Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence.

1. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.
2. Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific

enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

3. If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

D. SUPERVISOR RESPONSIBILITIES A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior. The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

37.02 Seizing Recordings as Evidence

A. Officers should not seize recording devices or media unless (42 USC § 2000aa):

1. There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
2. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
3. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
4. The person consents.
 - a. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - b. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.
 - c. Recording devices and media that are seized will be submitted within the guidelines of the Collection of Evidence Policy OP-29.

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OP-38

Death and Emergency Message Notification

38.01 Policy

It is the policy of the Bradner Police Department to make death notifications, notifications of seriously injured or seriously ill persons, and other emergency notifications to the appropriate receiving party. Notifications will be delivered in as prompt and considerate a manner as possible. Officers making these notifications will offer appropriate assistance or referrals to help ease the trauma of the news.

A. OFFICER RESPONSIBILITIES The delivery of emergency notifications is an important police duty which must be performed in as professional, and timely a manner as possible. The style and context of the notification can have a substantial emotional significance for the recipient. It is the officer's duty to deliver this personal news in a concise, straightforward and compassionate way. The officer should approach the notification knowing it is his/her role to spend whatever time is necessary to calm and comfort the survivor(s) or next-of-kin and to assist in gaining access to any other support persons or services they may need.

B. GATHERING INFORMATION Officers should be prepared with the following information prior to notifications:

1. Gather essential details surrounding the deceased, seriously injured or ill person and the immediate survivor or next-of-kin.
 - a. Name, Age, Sex, Race, Home address
 - b. Nature and time of death (if applicable)
 - c. Location of the body, sick or injured person
 - d. Location of personal effects
 - e. Any other information deemed necessary
2. Ensure the deceased has been positively identified.
3. The most immediate relative, starting with spouse and followed by parents, siblings and then adult children, should be the first to have knowledge of the death, serious injury or illness outside of any persons who were involved at the scene of the incident.
4. If unavailable and there will be some delay in making contact, determine who the next closest relative would be. Other relatives should be contacted only when substantial delays would be required to make contact with the next-of-kin.
5. When next-of-kin are located in another state or locality, officers should contact the appropriate law enforcement agency and request they conduct the notification in person and provide timely verification when the notification has been completed.
6. If possible, try to obtain information about the next-of-kin that might create a problem during the notification:
 - a. Physical / Health related problems

- b. 2. Mental Health concerns
 - c. Language barriers
 - d. Elderly
 - e. Disabled
 - f. Visual or hearing impaired
7. Avoid using the police radio to communicate information concerning the deceased, seriously injured or ill person.
 8. The Department shall make available a list of community referral agencies that may be helpful to provide to survivors.
 9. The name of the victim shall not be released to the media or other outside sources until the next of-kin is notified. If the media has already obtained information related to the death, they should be asked to withhold the information until after the notifications have been completed and the Chief has given his/her approval.

38.02 Notification Procedures

A. The notification team should be composed of at least one supervisor and an officer at a minimum.

1. Time permitting; efforts should be made to contact the chaplain on call to assist with the notification.
2. Officers should see to the following considerations:
 - a. Verify the address at the survivor's or next-of-kin's home to make sure it is correct.
 - b. A deceased's personal effects shall not be brought to the home during the notification.
 - c. Officers should be permitted inside the home before the actual notification to ensure the survivor's or next-of-kin's need for personal privacy is not compromised.
 - d. Verify the relationship of the survivor to the deceased.
 - e. Officers shall identify themselves by name, rank and departmental affiliation.
 - f. Before beginning the notification, determine whether other adult members of the immediate family are at home. If so, they should all be brought together and told at once so the officer will not need to repeat the notification and to spare the family members the task of doing this. It is preferred that young children be excused until their parents can speak to them later.
 - g. It is important the officer speak in plain language and in a straightforward fashion. Graphic details regarding the cause of death or injury, particularly in cases of violent accidents or murder, should not be discussed at this time.
 - h. Officers should not use euphemisms such as "passed away" or "no longer with

us” in order to avoid using the term “dead”, as these expressions may create confusion or false hope.

- i. It is best to refer to the deceased, seriously injured or ill persons by first name or by the relationship to the survivor/next-of-kin (son / daughter, etc.). Using references such as “body”, “corpse”, “deceased” or the “victim”, might be regarded as callous or uncaring by the family members.
- j. Officers should suggest survivors make a list of questions as they arise, to be handled during the follow-up.
- k. Officers should avoid using police jargon during the notification.
- l. When the death occurs in the hospital, if the next-of-kin or other family members are already present, it is the responsibility of the attending physician or other hospital designee to deliver the death notification.
- m. Survivors should be informed other law enforcement officers may need to question them at a future time. If it is imperative the survivors be questioned immediately after notification, questioning should be conducted compassionately.

B. POTENTIAL REACTIONS Officers should be prepared for any type of reaction to the notification.

1. Survivors or next-of-kin may:
 - a. Faint or the news may precipitate a heart attack or other physical reaction which requires emergency first aid or professional medical attention.
 - b. Become hysterical or angry and turn their hostility on the notifying officer.
2. The importance of using two individuals for notifications is evident in both cases.

C. ANSWERING QUESTIONS AND MAKING REFERRALS

1. The notifying officer should be prepared to answer questions regarding procedures for making funeral arrangements and other police procedures. This should be kept as simple as possible at this early stage.
2. The notifying officer should avoid becoming involved in discussions about life insurance, social security benefits, etc.
3. The officers making the notification should ensure all essential details are written down and left with the individual , to include;
 - a. Disposition of the body
 - b. Location of personal effects
 - c. Identification requirements / procedures
 - d. Notifying officers’ names, agency and telephone numbers
4. To assess the survivor’s or next-of-kin’s physical and emotional well- being, the notifying officer should determine if the individual has reasonable control over his/her emotions and if support persons, such as close friends or family members,

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should be summoned. The officer should remain with the survivor or next-of-kin until other support persons arrive.

5. In the interim, officers should avoid attempts to provide comfort by using phrases such as, “I know how you feel” or “I know how hard this is for you.”
6. Notifying officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor’s well-being.

D. DELIVERING NOTIFICATIONS FROM OTHER AGENCIES Should any outside agency request assistance in delivering a death notification or other emergency message, sufficient information should be obtained to answer obvious questions which might be asked by the next-of kin. The guidelines within this policy should be followed when making an outside agency notification.

OP-39 FIRST AMENDMENT ASSEMBLIES

39.01 Policy

The Bradner Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

39.02 General Considerations

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. A. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

B. Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting. All of these behaviors may be present during the same event.

Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used.

Adaptable strategies and tactics are essential.

C. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property. Officers should not:

1. Engage in assembly or demonstration-related discussion with participants.
2. Harass, confront or intimidate participants.
3. Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

D. Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

39.03 Photographs and Video Recordings

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct. Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

39.04 Unplanned Events

A. When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

B. Initial assessment information should be promptly communicated to the Communications Center, and the assignment of assistance should be requested. Additional resources should be requested as appropriate.

C. The Bradner Officer shall assume command of the incident until command is expressly assumed by another Bradner Supervisor, and the assumption of command is communicated to the involved members.

39.05 Planned Event Preparation

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

A. In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.

- Information about past and potential unlawful conduct associated with the event or similar events.
 - The potential time, duration, scope and type of planned activities.
 - Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.
- B. Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner. Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).
- C. An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event. The operational plan will minimally provide for:
1. Command assignments, chain of command structure, roles and responsibilities.
 2. Staffing and resource allocation.
 3. Management of criminal investigations.
 4. Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
 5. Deployment of specialized resources.
 6. Event communications and interoperability in a multijurisdictional event.
 7. Liaison with demonstration leaders and external agencies.
 8. Liaison with Village government and legal staff.
 9. Media relations.
 10. Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
 11. Traffic management plans.
 12. First aid and emergency medical service provider availability.
 13. Prisoner transport and detention.
 14. Review of policies regarding public assemblies and Response to Resistance in crowd control.
 15. Parameters for declaring an unlawful assembly.
 16. Arrest protocol, including management of mass arrests.
 17. Protocol for recording information flow and decisions.
 18. Rules of engagement, including rules of conduct, protocols for field force

extraction and arrests, and any authorization required for the Response to Resistance.

19. Protocol for handling complaints during the event.
 20. Parameters for the use of body-worn cameras and other portable recording devices.
- D. The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid Policy).

39.06 Unlawful Assembly Dispersal Orders

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

- A. Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.
- B. When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants.
 1. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants.
 2. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video.
 3. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress.
 4. A reasonable time to disperse should be allowed following a dispersal order.

39.07 Response to Resistance

Response to Resistance is governed by current department policy and applicable law (see the Response to Resistance, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

A. Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply.

1. If an individual refuses to comply with lawful orders, the Officer shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law).
2. Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).
3. Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.
4. Any Response to Resistance by a member of this department shall be documented promptly on a Use of Force Report, completely and accurately. The type of additional report required may depend on the nature of the incident.

39.08 Arrests

The Bradner Police Department should respond to unlawful behavior in a manner that is consistent with the operation policies. If practicable, warnings or advisements should be communicated prior to arrest. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Chief of Police or the authorized designee. There must be probable cause for each arrest. If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.

- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts.

39.09 Media Relations

The Chief of Police should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event.

39.10 Demobilization

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including Response to Resistance reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

39.11 Post Event

A. The Incident Commander should designate an officer to assemble full documentation of the event, to include the following:

1. Operational plan
2. Any incident logs
3. Any assignment logs
4. Vehicle, fuel, equipment and supply records
5. Incident, arrest, Response to Resistance, injury and property damage reports
6. Photographs, audio/video recordings, the Communications Center records/tapes
7. Media accounts (print and broadcast media)

A. AFTER-ACTION REPORTING: The Incident Commander should work with Village legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

1. Date, time and description of the event
2. Actions taken and outcomes (e.g., injuries, property damage, arrests)
3. Problems identified
4. Significant events
5. Recommendations for improvement; opportunities for training should be

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documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

OP 40 MEDICAL AID & RESPONSE

40.01 Policy

It is the policy of the Bradner Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

A. FIRST RESPONDING OFFICER RESPONSIBILITIES: Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the officer can safely do so.

1. Prior to initiating medical aid, the officer should contact the Communications Center and request response by emergency medical services (EMS) as the officer deems appropriate.
2. Officers should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy.
3. Officers should use a barrier or bag device to perform rescue breathing.
4. When requesting EMS, the officer should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:
 - (a) The location where EMS is needed.
 - (b) The nature of the incident.
 - (c) Any known scene hazards.
 - (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the officer.
 2. Changes in apparent condition.
 3. Number of patients, sex and age, if known.
 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.
5. Officers should stabilize the scene whenever practicable while awaiting the arrival of EMS.
6. Officers should not direct EMS personnel whether to transport the person for treatment.

B. TRANSPORTING ILL AND INJURED PERSONS: Except in extraordinary cases where alternatives are not reasonably available, officers should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

1. Officers should search any person who is in custody before releasing that person to EMS for transport.
2. An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.
3. Officers should not provide emergency escort for medical transport or civilian vehicles.

C. PERSONS REFUSING EMS CARE: If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, officers may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

1. Officers may sign, as a witness, refusal for treatment when requested by responding medical personnel so long as the person is not in custody and/or not under a civil commitment action. This refusal should be documented through a mobile audio/video recording device when practicable.
2. In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.
3. If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.
4. If the person still refuses, the officer will require the person to be transported to the nearest medical facility. Officers must consider in this case the rights of the person against the associated risks to the immediate serious health and safety of the individual.
5. Officers shall not sign forms accepting financial responsibility for treatment under any of these circumstances.

D. SICK OR INJURED ARRESTEE: If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking.

1. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.
2. If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody, the reason for refusal, and should notify a supervisor to determine the appropriate action.
3. Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

E. MEDICAL ATTENTION RELATED TO RESPONSE TO RESISTANCE: Specific guidelines for medical attention for injuries sustained from a Response to Resistance may be found in the Response to Resistance, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

F. AIR AMBULANCE: Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested.

1. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response. General guidelines for air ambulance landings should identify:
 - Responsibility and authority for designating a landing zone and determining the size of the landing zone.
 - Responsibility for securing the area and maintaining that security once the landing zone is identified.
 - Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
 - Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
 - Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
 - Procedures for ground personnel to communicate with flight personnel during the operation.
2. One emergency responder at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic

away from the landing zone.

3. Members should follow these cautions when near an air ambulance:
 - Never approach the aircraft until signaled by the flight crew.
 - Always approach the aircraft from the front.
 - Avoid the aircraft's tail rotor area.
 - Wear eye protection during landing and take-off.
 - Do not carry or hold items, such as IV bags, above the head.
 - Ensure that no one smokes near the aircraft.

40.03 AED

A. AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE An officer should use an AED only after the officer has received the required training (ORC § 3701.85). Officers who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the officer who is responsible for ensuring appropriate maintenance. Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer. Any officer who uses an AED shall contact the Communications Center as soon as possible and request a response by EMS (ORC § 3701.85). Any Officer using an AED will complete an incident report detailing its use.

B. AED TRAINING AND MAINTENANCE The Training Officer should ensure appropriate training, that includes training in CPR and AED use, is provided to officers authorized to use an AED (ORC § 3701.85). The Training Officer is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (ORC § 3701.85).

40.03 NARCAN/Opioid Overdose

A. ADMINISTRATION OF OPIOID OVERDOSE MEDICATION The Chief may authorize the acquisition of opioid overdose medication as provided in ORC § 2925.61 for use by members. An assigned supervisor will be responsible for the storage, maintenance, control and general oversight of the opioid overdose medication acquired by the Department. Members who have completed opioid administration training may administer opioid overdose medication to a person experiencing an opioid-related overdose (ORC § 2925.61; ORC § 3707.561; ORC § 4731.941).

B. OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES Officers who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training.

1. Officers should check the medication and associated administration equipment at the

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- beginning of their shift to ensure they are serviceable and not expired.
2. Any expired medication or unserviceable administration equipment should be removed from service and given to the Sergeant.
 3. Only officers successfully completing a training program for the administration of the medication are considered qualified.
 4. Any officer who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.
 5. Any officer administering opioid overdose medication should detail its use in an appropriate report.

OP-41

Natural Disaster/Evacuation

41.01 Natural Disaster:

A. In the event of a natural disaster, the officer shall do the following:

1. Notify WCSO, request Emergency Response from Fire and EMS.
2. Contact the Chief of Police.
3. Assist Fire and EMS in locating the severely injured
4. If possible, help all minor injured persons who want medical attention to a staging area set up by EMS.
5. Assist all non-injured persons in need of shelter to the temporary shelters.
6. The two main shelters are the town hall and the Bradner Fire Station.
7. Protect property from looting.

41.02 Evacuation:

A. In the event an evacuation is needed the officer shall do the following:

1. Notify WCSO/Fire/EMS & Contact the Chief of Police immediately
2. Begin to evacuate the area closest to the cause of the evacuation first
3. Assist Fire and EMS

OP-42 NO-KNOCK WARRANTS

42.01 Preamble

- A. All Bradner Police Department employees are expected to
 - 1) treat all whom we are sworn to serve with courtesy, professionalism, dignity, and respect in accordance with the law, the Bradner Police Department's mission, and agency professional standards, and
 - 2) to discharge our duties in accordance with our Oath of Office, i.e., to support the constitution of the United States and of the State of Ohio.
- B. The Fourth Amendment of the Constitution of the United States of America states: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."
- C. In so stating, the Fourth Amendment provides the foundation of the law regarding arrests, the acquisition of search warrants, stop and frisk, etc. A primary purpose is to protect people, places and things from warrantless searches by government agents. Recognition of the citizenry's fundamental Fourth Amendment protection against unreasonable searches and seizures is essential to the safe and effective delivery of law enforcement services and the building and maintaining of public trust and professional integrity and legitimacy.
- D. A "no-knock" search warrant is a search warrant that authorizes law enforcement officers to enter identified premises without first knocking and announcing their presence or purpose prior to entering the premises, in contravention to the common law "knock and announce" rule. Such warrants are issued where articulable reason exists to believe that evidence for which the police are searching would likely be destroyed or the safety of the police would somehow be compromised if advance notice of police presence and imminent entry is given. When considering the legal propriety of a law enforcement officer forcing their way into a premise or residence, the "knock and announce" principle is a factor considered by courts as to whether the entry was reasonable. (See *Wilson v. Arkansas*)
- E. This rule and regulation addresses "no-knock" search warrants. Its purpose is to guide employee decision-making, reporting, and subsequent documentation regarding the potential acquisition and execution of a "no-knock" search warrant in a legal and procedurally just manner. It is a restrictive order, by intent and design.
- F. In considering whether or not the use of a "no-knock" search warrant is necessary and reasonable under prevailing circumstances, Bradner Police Department law enforcement personnel are to begin their consideration from the premise that the

unannounced and potentially forceful entry into a residence or dwelling is presumptively unreasonable, unless they can show reasonable suspicion, not just a mere hunch, assertion or unsubstantiated opinion, that exigent circumstances exist in such a manner where an announcement of police presence would lead to violence or the destruction of evidence before they may dispense with the long-held “knock and announce” rule.

- G. Reasonable suspicion means clear and objectively justifiable suspicion based on specific articulable facts and circumstances. This policy requires that those facts and circumstances which comprise the reasonable suspicion used to justify a “no-knock” search warrant are to be stated in the warrant itself.

42.02 Purpose

- A. To ensure and protect an individual’s constitutional rights.
- B. To maintain public trust and confidence in Sheriff’s Office operations.
- C. To establish policy and procedure regarding the approval process, acquisition and execution of “no-knock” search warrants.
- D. To provide a process for establishing and documenting articulable reasons for requesting and executing “no-knock” search warrants.
- E. To develop reporting and tracking requirements when a “no-knock” search warrant is requested.

42.03 Scope

- A. This rule and regulation applies to all members of the Sheriff’s Office who may request and execute a “no-knock” search warrant in the performance of their duties.

42.04 Definitions

- A. Search: Any governmental action that invades a person’s reasonable expectation of privacy.
- B. Reasonable Suspicion: Clear and objectively justifiable suspicion based on articulable facts and circumstances.

42.05 Policy

It is the policy of the Bradner Police Department that:

- A. “Knock and Announce” is the general rule for the service of a search warrant. “No-knock” entry is an exception to the rule.
 - 1. Presumption: The use of a “no-knock” search warrant by any Bradner Police Department personnel to enter a residence or dwelling unannounced, potentially forcefully, is considered presumptively

unreasonable, unless they can show reasonable suspicion, not just a mere assertion or unsubstantiated opinion, that exigent circumstances exist in such a manner where an announcement of police presence would lead to violence or the destruction of evidence before they may dispense with the long-held “knock and announce” rule.

a) Reasonable Suspicion: Reasonable suspicion must include one or more of the following four (4) exigent circumstances recognized by the United States Sixth Circuit Court of Appeals:

(1) Where making an announcement would be dangerous to the officers serving the warrant.

(2) Where the announcement would create:

(a) A risk of flight.

(b) Or the destruction of evidence.

(3) Where a victim or other person is in peril.

(4) Where making an announcement would be a useless gesture, such as where the person within already knows of the officer’s presence and purpose.

2. Reasonable Alternatives: Even where exigent circumstances exist to permit a “no-knock” entry, Bradner Police Department personnel are to consider whether there are reasonable alternatives to conducting a “no-knock” entry that would still permit the fulfilling of the objective of the warrant.

B. Service of or participation in the service of a “no-knock” search warrant requires prior approval of the Chief of Police or his/her designee.

1. Exception – Multi-Agency Units and Teams

a) Officers assigned to multi-agency units or teams not managed by the Bradner Police Department will follow the policy and practice of those units and teams regarding the service of search warrants, whether “knock and announce” or “no-knock” search warrants.

b) Officers assigned to such units and teams shall report to the Bradner Police Department Sergeant, without exception and as soon as practical, their participation in the service of any “no-knock” search warrant as a part of their assigned duties.

C. Investigating officers seeking a “no-knock” search warrant shall demonstrate that they have explored reasonable options and approaches

in their investigations where they can arrest suspects and seize evidence without unannounced forced entry into a home or premise, avoiding the use of “no-knock” warrants wherever possible.

1. Bradner Police Department personnel will not serve or participate in the service of “no-knock” search warrants without the specific written approval of the Chief of Police or his/her designee.

a) Verbal approval can be provided if timing is a factor, but it must be followed up with written approval.

b) This includes being a party to the actual service of a search warrant written and served by another agency as a “no-knock” warrant whether by local, state or federal law enforcement, or by cooperative law enforcement teams.

(1) Exceptions to this rule may include Officer’s acting in a secondary capacity such as on a traffic point, perimeter point and or any other Officer not directly involved in the entry of the location specified in the search warrant.

D. Possession of a “no-knock” search warrant does not entitle officers serving the warrant to disregard reliable information clearly negating the existence of exigent circumstances when they receive or are made aware of such information before the execution of the warrant.

1. Supervisory Approval: An officer’s actions in the service of a “no-knock” search warrant will be evaluated prior to the time of entry. Should reliable information present itself prior to or at the time of entry that exigent circumstances may no longer exist, officers executing the search warrant shall confirm with a supervisor whether a “no-knock” warrant is still appropriate.

E. Possession of a “no-knock” search warrant does not necessarily dictate or require that the warrant be served in that manner.

42.06 Procedure

A. Approval Process – “No-Knock” Search Warrant

1. Warrant and Supporting Information:

a) Warrant: All supporting information and rationale that justifies the use of a “no-knock” search warrant shall be included in the body of the affidavit and search warrant itself.

b) Supporting Information: In seeking command approval for a “no-knock” search warrant, investigating officers shall provide all of the supporting information and rationale used

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to justify the use of a “no-knock” warrant, including but not limited to threat assessment documents of any kind, to the reviewing command officer.

c) Threshold Questions – Exigent Circumstances: The following non-exhaustive list of threshold questions should be considered when deciding whether an exigent circumstance, as identified by the United States Sixth Circuit Court of Appeals, exists that would justify the use of a “no-knock” search warrant:

(1) Danger to officers or others:

- (a) Number of people known to reside in the location, including the number and ages of any children within the location.
- (b) Are there suspected weapons in the location?
What facts support this?
- (c) Does the suspect or others in the location have a criminal record that reflects violent tendencies?
- (d) Does the suspect have a reputation for violence? If so, is the source of the information reliable?
- (e) Has the suspect made statements indicating that they would react violently toward law enforcement?
- (f) Will a tactical approach be compromised?
What facts or information supports this?
- (g) Weapons possession or positioned for use and Defense.

(2) Risk of flight:

- (a) Has the suspect previously attempted to flee arrest?
- (b) Are there unique characteristics about the location that increase the risk of flight, e.g., surveillance systems-security cameras, barricaded entries, numerous avenues of egress, etc.?

(3) Destruction of evidence:

- (a) Has the suspect previously attempted to destroy evidence?
- (b) Is the evidence being searched for easily destroyed or disposed of?
- (c) If the search warrant is for drugs, what is the suspected quantity of drugs and is it easily disposed of or destroyed?

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(d) What means are available to the suspect to destroy the evidence, if any, e.g., flushing the drugs down a toilet.

(e) Are there unique characteristics about the residence that increase the likely risk that evidence will be destroyed if officers delay entry by making an announcement?

(i) Surveillance systems.

(ii) Structural hardening such as armor guard, reinforced doors, etc.

d) Threat Assessment Information: Reliable and verifiable threat assessment information may include, by way of example but not limitation:

(1) Criminal History of suspect(s), residents or others.

(2) Prior investigative report intelligence.

(3) Intelligence gathered from:

(a) Sources not qualified as reliable, including by way of example but not limitation:

(i) Anonymous tips.

(ii) Source of information.

(iii) 3rd party information.

(iv) Informant without established reliability.

(b) Sources qualified as reliable, including by way of example but not limitation:

(i) Informant with documented established reliability.

(ii) Surveillance confirming intelligence.

(4) Documented statements of violence, including by way of example but not limitation:

(a) Against law enforcement.

(b) Against others.

(c) "Suicide by cop".

(5) Destruction of evidence (see above).

(6) Any other considerations influencing such a request.

2. Approval Request: When requesting a "no-knock" search warrant, investigating officers shall:

a) Step #1: Submit the affidavit and supporting information to their Sergeant or his/her designee for review and approval

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prior to providing same to the Prosecuting Attorney reviewing the affidavit and warrant.

b) Step #2: Upon approval from the Sergeant and Prosecuting Attorney, submit the affidavit, warrant and supporting information to the Chief of Police for approval via email. This must be completed prior to submitting the information to the Judge for final approval.

3. Review Process: The Chief of Police or authorizing command officer shall:

a) Affirm the Sergeant has fully reviewed the request for a “no-knock” search warrant and approved same.

b) Review the actual affidavit, warrant and the supporting information that was used to write the warrant, prior to authorizing the service of a “no-knock” search warrant.

c) Provide written approval or denial of the request to the investigating officers and Sergeant via Email.

(1) A form may be used for this purpose that would be attached to the email. (See Attached – No-Knock Search Warrant)

(2) Verbal approval can be provided if timing is a factor, but it must be followed up with written approval.

d) Notify the Mayor and Safety Committee that a request for a “no-knock” search warrant

1) has been made and

2) approved or denied, providing an overview of the justification.

B. Approved “No-Knock” Search Warrant:

1. Upon approval of a request for a “no-knock” search warrant, investigating officers seeking the warrant shall:

a) Document the approval of the Commander, Captain or higher-ranking command officer in the associated case report under the heading: Command Approval/Notification

C. “No-Knock” Search Warrants – Other Agencies, Officer Assistance

1. Other Agencies Requesting Officer Assistance: If a “no-knock” search warrant is obtained by an agency that is:

a) located in Wood County but is not a member of the Bradner, Wayne, Rising Sun, Pemberville collaborative, or

b) not located in Wood County for a location within the jurisdiction actively policed by the Sheriff’s Office.

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and a request is extended for that warrant to be served by a Bradner Police Department Officer, the request:

- c) will be processed as if it originated from within the Bradner Police Department, and
- d) the SWAT commander will receive approval from the appropriate jurisdiction's Director of Public Safety or Chief of Police.

2. Other Agencies Not Requesting Bradner Police Department Assistance: If a "no-knock" search warrant is to be served within the jurisdiction actively policed by the Bradner Police Department by another agency who has notified the Bradner Police Department of their presence and the service of the warrant, as is our practice a supervising officer will respond and be present at the time of service for purposes of:

- a) Keeping the peace.
- b) Addressing other violations of State law or local ordinances if necessary and as may be applicable.
- c) Providing support services as may be appropriate to the circumstances for affected individuals or communities.

D. Documentation – Data and Quality Assurance:

- 1. The Chief of Police or his/her designee will gather and periodically review the number and type of incidents and other relevant information where requests are made for "no-knock" search warrants.

42.07 Special Notes of Importance

A. Quality Assurance: Vesting authority for approval of "no-knock" search warrants beginning first with the Operational Area Lieutenant and then with the Division Commander or Captain is intended to provide a quality assurance process to verify and affirm that the command chain is 1) informed and 2) operationally aligned regarding the investigation and subsequent service of the "no-knock" search warrant as may be appropriate in a particular investigation or set of circumstances.

B. Use of Force: As in other use of force situations, when force is used following a "no-knock" entry, officers shall comply with all aspects of the Sheriff's Office Use of Force policy and include details that describe the facts that made the level of force reasonable, including but not limited to:

- 1. Severity of the crime at issue.
- 2. Description of the immediate threat posed to the safety of the

officers or others.

3. Description of a suspect's active resistance or attempt to flee.

C. Timely Action: Search warrants may require timely action. This is no exception for a "no-knock" search warrant. Lack of timely action on the part of the investigating officer does not create an "emergency" for the Division Commander or Captain and may invariably result in the denial of the request.

42.08 Summary

A. Service of any search warrant should be executed in the least intrusive and most professional manner possible, balanced against the need for investigative integrity and the safety of all involved parties.

B. "Knock and Announce" is the general rule for the service of a search warrant. "No-knock" entry is an exception to the rule.

C. Considerations regarding the application for and use of a "no-knock" search warrant are to begin from the perspective that the unannounced entry into a residence or premise is presumptively unreasonable.

D. Without exception, investigating officers seeking a "no-knock" search warrant shall

1) demonstrate and

2) document that they have explored reasonable alternatives and approaches in their investigation where they can arrest suspects and seize evidence without unannounced forced entry into a home or premise, avoiding the use of "no-knock" warrants wherever possible.

E. Abandoning the long-held "knock and announce" rule in favor of a "no-knock" search warrant must be based upon reasonable suspicion, not just a mere assertion, speculation or unsubstantiated opinion, that exigent circumstances exist in such a manner where an announcement of police presence would lead to violence or the destruction of evidence.

1. Reasonable suspicion means clear and objectively justifiable suspicion based on articulable facts and circumstances stated in the affidavit itself.

F. The four (4) exigent circumstances recognized by the federal Sixth Circuit Court include:

1. Where making an announcement would create a danger to the officers.

2. Where making an announcement would create a risk of flight or destruction of evidence.

3. Where a victim or some other person is in peril.
4. Where making an announcement would be a useless gesture, such as where the person already knows of the officer's presence and Purpose.

G. Possession of a "no-knock" search warrant does not entitle officers to disregard reliable information clearly negating the existence of exigent circumstances when they receive such information prior to the execution of the warrant.

H. Because the actions of those executing the search warrant will be evaluated at the time of entry, should reliable information present itself prior to or at the time of entry that exigent circumstances may no longer exist, officers executing the search warrant shall confirm with a supervisor whether a "no-knock" warrant is still appropriate.

I. Possession of a "no-knock" search warrant does not necessarily dictate or require that the warrant be served in that manner.

J. If the Chief of Police does not approve of the execution of a "no-knock" search warrant prior to its execution, members of Bradner Police Department will not

- 1) seek a "no-knock" search warrant, or
- 2) be a part of the execution of a "no-knock" warrant, whether served by the Sheriff's Office or another agency.
 1. Exceptions to this rule may include Officers acting in a secondary capacity such as on a traffic point, perimeter point and or any other Officer not directly involved in the entry of the location specified in the search warrant.

42.09 Legal Reference

A. Federal Case Law

As would be expected, there are several cases that affect search warrant service and the use of "no-knock" warrants. The below cited and briefly summarized United States Supreme Court cases are presented to assist with understanding, in part, the guiding foundation for this policy.

1. *Wilson v. Arkansas*, 514 U.S. 927 (1995). A United States Supreme Court decision, Wilson established that the failure of law enforcement officers to announce their presence and purpose prior to forcibly entering a location to execute a search warrant, absent exigent circumstances, is unreasonable under the Fourth Amendment.
2. *Richard v. Wisconsin*, 520 U.S. 385, 394 (1997). A United States Supreme Court decision, Richards established that officers are excused from compliance with the knock-and-announce requirement when they "have

reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence.”

The Supreme Court further found in *Richards* that, “in each case, it is the duty of a court confronted with the question to determine whether the facts and circumstances of the particular entry justified dispensing with the knock-and-announce requirement,” and that the officers’ decisions must be evaluated as of the time of entry. Thus, there is no blanket exception to the “knock and announce” rule. Courts will closely scrutinize officer’s actions on a case-by-case basis.

3. *Hudson v. Michigan*, 547 U.S. 586 (2006). A United States Supreme Court decision, *Hudson* established that officers must have “reasonable suspicion” that one of the grounds for excusing the requirement that they announce their presence before executing a search warrant, i.e., that the exigent circumstances cited within this policy, actually exists. Although the “reasonable suspicion” standard is not a high bar (i.e., lower than probable cause), officers must have more than a “mere hunch” that an exigency exists to excuse the failure to knock-and-announce.

42.10 Modification

- A. The Chief of Police or his/her designee may modify the provisions of this policy and Procedure.

42.11 Compliance

- A. All employees shall comply with all provisions of this rule and regulation. A violation of any section may result in corrective discipline up to and including discharge.
- B. A violation of this policy and procedure may also be a violation of other Bradner Police Department professional conduct standards which may result in corrective disciplinary action up to and including discharge.

OP-43

Bias Free Policing

I. POLICY -

Law Enforcement agencies must prohibit the use of any bias based profiling in its enforcement programs. This should include all self-initiated field contacts and responding to citizen complaints or requests for assistance. The Bradner Police Department is committed to its community by providing services with due regard for the cultural, racial, or other differences that make up the community. It is the policy of the Bradner Police Department to provide services and enforcement fairly and without discrimination toward any individual or group of people. Race, gender, gender identity, sexual orientation, religion, nationality, ethnicity, cultural affiliation, age, disability, economic status, or affiliation with any other similar identifiable group shall not be used as the basis for providing law enforcement services or the enforcement of laws.

II. DEFINITIONS

Bias-based profiling – The selection of an individual for enforcement action or prejudicial decisions based solely on a trait common to a particular group. This includes, but is not limited to: race, ethnicity, national origin, age, gender, gender expression or identity, sexual orientation, disability, religion, economic status, limited English proficiency, or cultural group.

III. PROCEDURE

A. Fair and Equal Treatment

- a. Officers may not use bias-based profiling in enforcement or service programs. This includes traffic contacts, field contacts, and asset seizure/forfeiture efforts. All members share the responsibility of working to achieve the department's goal of bias free service.
- b. Officers shall take equivalent enforcement actions and provide equivalent services to all persons in the same or similar circumstances.
- c. Nothing in this procedure prohibits officers from using the traits and characteristics of persons in combination with other articulable facts to assist in establishing reasonable suspicion or probable cause (e.g., race, ethnicity, nation origin, or gender may be legitimate factors when used as

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a part of a description of a suspect or witness for whom the officers are searching).

B. Collecting and Reporting Information

a. Officers shall collect data regarding the race and gender from self-initiated traffic contacts.

1) Officers will input this information into the Citizen Contact Log.

2) This information should be derived from the officer's observations, perceptions, or from known information services, i.e., LEADS, OHLEG, CCH, or other known and trusted resources.

3) Officers should not be required to request information about the race or gender of the contacted person.

C. Corrective Measures

a. Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in a timely manner.

b. Supervisors shall ensure that no retaliatory action is taken against any member of this department who discloses information concerning bias-based profiling.

D. Training & Testing a. Sworn members of this agency shall receive periodic training on biased based profiling issues and the relevant legal aspects. Testing will be completed to assure familiarity.

E. Annual Administrative Review

a. This agency will conduct a documented annual review of agency practices related to this policy, to include: data collected and any citizen concerns related to this policy. This review shall be made available to the Public.

OP-44

Crisis Intervention Policy

44.01 Policy

The Bradner Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. Every employee will treat persons experiencing a mental health crisis with dignity and respect. Reasonable effort will be made to divert a person requiring evaluation or treatment, voluntarily or involuntarily, to a mental health resource as dictated by the circumstances of the incident with criminal arrest being the least preferred alternative. The Agency will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved and to help minimize the criminal justice system's role with people experiencing a mental health crisis in our community. It is preferred that CIT officers are the primary responders to calls for service for people experiencing a mental health crisis.

Road Patrol:

Purpose:

This policy outlines the Bradner Police Department role in the Crisis Intervention Team (CIT) concept and provides guidelines for interacting with people who may be experiencing a crisis. These types of incidents may require officers to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with them. If people can be referred to the appropriate mental health resource, the opportunity for treatment may improve their quality of life; reduce the chance of future crises, and the possibility of police involvement.

Definitions:

Crisis— Any situation where a person's level of distress or mental health symptoms have exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental disorders despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

Mental Health Crisis - A substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior and the capacity to recognize reality or the ability to meet the ordinary demands of life.

Substantial Risk of Harm – A person is possessed of the means to do harm and there is a significant probability that such harm will occur.

Crisis Intervention Team (CIT) – A program consisting of officers, dispatchers, corrections and mental health professionals who have received specialized training and have organized to handle the complex issues relating to mental disorders and mental health crises.

CIT Lead – A CIT officer assigned to coordinate the CIT program in this department.

CIT Officer – Police officers who have received specialized 40 hour Crisis Intervention Team training and are designated to be the primary responders to calls for service involving a person in a mental health crisis.

Emergency Psychological Services (EPS) – A mental health facility, crisis center or department that specializes in crisis intervention, evaluation, and stabilization.

Safe Site—designated by the Mental Health Provider for (insert county name) County as locations where counselors, psychologists will see persons in mental health crisis.

Procedures:

Recognition of Mental Health Crisis

Members of the Bradner Police Department come into frequent contact, in the course of providing police services to our community, with persons who may be experiencing a mental health crisis. Dealing with a mental health crisis can be a very difficult and delicate situation. Whether speaking with a person who is depressed or in the midst of psychosis, the officer needs to find a way to effectively communicate. Recognition of some of the symptoms of these individuals is important to the safety of our employees and community. Such symptoms include but are not be limited to:

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- A known history of mental illness
- Threats of or attempted suicide
- Loss of memory
- Incoherence, disorientation or slow response
- Delusions, delusions of persecution, hallucinations, perceptions unrelated to reality or grandiose ideas
- Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- Social withdrawal
- Manic or impulsive behavior, extreme agitation, lack of control
- Lack of fear
- Anxiety, aggression, rigidity, inflexibility or paranoia, violent behavior,
- Other deviations from what would be considered normal or expected behavior.

Officers should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

Guidelines for handling persons in mental health crisis

When dealing with persons suspected of being in crisis, all personnel must use caution but be compassionate and understanding while utilizing de-escalation techniques for persons in crisis where appropriate. Employee's first priority is their safety, the safety of others and the safety of the individual. Employees are encouraged to continuously evaluate safety conditions and utilize tactics and communication that will assist in the de-escalation of a volatile or potentially volatile situation. These individuals may still present a serious threat to employees; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an employee's authority to use reasonable force when interacting with a person in crisis. Employees are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration. The distorted perceptions that accompany a crisis can make communications difficult. Communications can be enhanced by remembering the following guidelines:

- Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

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- Be cognizant of officer created jeopardy
- Remove distractions (if safe, turn off flashing lights, bright lights or sirens) or disruptive people from the area
- limit the number of officers, preferably one, speaking to the person
- Introduce him/herself and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting
- Speak and move slowly and in a non-threatening manner
- Demonstrate de-escalation and active listening skills
- Provide for sufficient avenues of retreat or escape should the situation become volatile
- Evaluate any available information that might assist in determining cause or motivation for the mental health crisis
- Obtain information from dispatch to determine whether the person relies on drugs or medication, or may have failed to take his/her medication.
- Obtain information from dispatch to determine whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- Contact information for a treating physician or mental health professional
- If circumstances reasonably permit, consider and employ alternatives to force.
- Determine the nature of any crime.
- Request a supervisor, as necessary.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

The Agency will attempt utilize CIT officers, when available, as the primary responder to calls for service where a person is experiencing a mental health crisis. Dispatchers should send CIT officers to calls for service where it is suspected a person is experiencing a mental health crisis if a CIT officer is available.

Agencies that choose not to train the entire agency in the 40 hour basic CIT shall attempt to train employees on each patrol shift so that CIT employees are usually available on every shift to respond to mental health crisis related calls for service.

Non Arrest Custody Persons in Mental Health Crisis

After officers have recognized and de-escalated a mental health crisis, they should attempt to refer the person to the most appropriate service. Options include, but are not limited to:

- Referral to community mental health services
- Hotline Referral
- Emergency hospitalization
- Criminal arrest

If a person does not present a substantial risk of physical harm to self or others, no police action may be necessary. Referring the person to local community mental Health services may be the most appropriate response. Referral to the Hotline or a national hotline/text may also be sufficient. Employees should be familiar with services in their area and provide people information on how to access them.

If a person presents a substantial risk of physical harm to self or others, emergency hospitalization may be the best resolution.

The procedure for taking a mentally ill person into custody in lieu of criminal arrest is outlined below:

Authority: Ohio Revised Code Sec. 5122.10 gives officers the authority to take a mentally ill person into physical custody for evaluation of mental illness only if BOTH of the following apply:

The officer has reason to believe that the person is mentally ill and requires hospitalization; AND

The person represents a SUBSTANTIAL risk of physical harm to themselves or others.
Custody: Once the officer determines that a person meets these criteria, the officer should follow the below guidelines:

In situations where the person is not currently in acute emotional distress, violence or the harm to one's self or others is questionable, officers may contact the local Hotline (419-502-4673) to determine if custody and transport are necessary. If the counselor recommends that no custody is necessary, the officer can request a copy of the hotline documentation and disposition be sent to the department.

In situations where the person is in acute emotional distress, is violent, has attempted harm to him/herself or another or there is a substantial risk of this, officers should have

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the person transported to a safe site for evaluation. The officer is required to advise the person that they are being taken into custody for determination of mental illness, and tell them where they will be taken for an evaluation. This taking into custody is not classified as an arrest. Every reasonable and appropriate effort shall be made to take persons into custody in the least conspicuous manner possible.

Officers should make attempt to contact a family member and request assistance and/or advise of the situation.

In the case of an individual transported for involuntary emergency hospitalization for mental health examination, the transporting employee is required to provide a written statement to the hospital detailing the circumstances under which the individual was taken into custody and the reason(s) why the employee believes the individual is in need of such hospitalization (ORC Section 5122.10). In our jurisdiction, the assessing mental health entity may be responsible for this notice.

Such written statement can be in the form of the Ohio Department of Mental Health Form DMH-0025, Application for Emergency Admission, (commonly formerly referred to as a “pink slip”), attached to and incorporated into this policy as Attachment A, or, preferably, in the form of a standard agency generated report that is forwarded to the hospital to which the individual was transported.

Restraints: When taking into custody, officers should use the least restrictive means possible in securing a person in crisis that will guarantee the safety of the person and the officer(s).

Mental Health Evaluation: Once in custody, officers must have the person in crisis evaluated by a doctor, psychologist or mental health counselor. This evaluation shall be done by transporting the person in crisis to a designated safe area to be evaluated by a doctor who will determine if NAMI in Wood County should be contacted.

The transport of a person in crisis may be done by ambulance rather than in a marked police unit. After taking a person in crisis into custody for a mental evaluation, officers can call for an ambulance to transport the person in crisis to the hospital. An officer must follow the ambulance and stand by with the person in crisis until relieved by the doctor, counselor, or emergency room staff. Officers may elect to release a non-violent person in crisis into the custody of a family member for transport to a safe site. In said case, it is not necessary to follow to the safe site but is necessary to respond to the safe site if requested by hospital staff or the mental health provider.

In cases where the person is, or may become, substantially violent, officers may choose to transport the person to a hospital in a police patrol vehicle. In cases where the person is actively violent, or poses a substantially serious risk of violence, officers may transport a mentally ill person to a hospital in a police patrol vehicle. In these cases it is suggested that two (2) officers respond to the scene and conduct the transport. This does not apply to persons thought to be in a state of excited delirium or other medical emergency.

Transport to Outside Jurisdiction Agency

After a mental health evaluation, the doctor, psychologist or mental health counselor may require that the person in crisis be transported to another facility not located within the jurisdiction. In said case, the agency shall follow the protocols set forth for the county.

Arrest

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. People may benefit from treatment as opposed to arrest and incarceration. Sometimes, however, criminal arrest is necessary or the most appropriate resolution. In those cases, officers shall arrest the person and follow normal arrest and booking procedures. Officers shall not only document the reason for arrest and facts surrounding the criminal offense, but also document their recognition of mental health issues. The CIT Lead should be notified of the arrest and the need for possible follow-up services, inclusion in a mental health court or diversion program.

Minor and/or non violent offenses: In the event that a person in crisis has committed a minor or non-violent crime, officers will use their discretion in charging the person, and utilize the non-custodial alternatives to physical custody arrest the same as any other person.

Serious and/or violent offenses: When officers have reason to believe that a person in crisis has committed a serious or violent offense, the person may be arrested and taken into physical custody, and held at the jail for bond. When officers have decided to arrest a person in crisis, it is advisable that the officer contact the Sheriff's Department to determine if the prisoner should be evaluated prior to taking the prisoner to the jail. Officers should note on jail paperwork, and notify the jail personally of the person's mental conditions.

Continuum of Care and Follow Up

The CIT lead collaborates with mental health professionals to coordinate services for community members in a mental health crisis that have interacted with this department. CIT officers are encouraged to contact a person they have dealt with, if and when appropriate, to further their rapport and provide a current evaluation of the person's state of mental health. The CIT lead may request CIT officers to perform welfare checks on individuals as needed.

Response to Safe Site

The hospital or other safe site may call the Agency for persons in crisis that may become or have become violent or uncontrollable. In these cases, the Agency shall respond to the requesting agency as a first responder. The officer shall render assistance to the requesting agency and/or determine if criminal charges are warranted and/or desired. If charges are filed, refer to the arrest section of this policy.

The OIC has the authority to contact and request additional officers as needed to ensure the safe site staff's safety and officer safety.

Supervisor

A CIT Lead shall be appointed by this department to interact with the CIT Coordinator for our region. The CIT Lead shall also conduct evaluations of the department's response to mental health calls, training needs and requirements, crisis call observation data input, and collaboration with community health partners.

When available, a supervisor should respond to the scene of any interaction with a person in crisis.

Responding supervisors should:

Attempt to secure appropriate and sufficient resources.

Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care.

Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

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Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members are warranted.

Program Evaluation

The CIT Lead designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the Agency response to these incidents is conducted annually and will be submitted to the (Sheriff, JA, Director, Chief of Police) through the chain of command.

Interview and Interrogation

Interrogation

A valid confession must be made knowingly, intelligently, and voluntarily. Confessions made by those with mental disorders have been upheld by the Supreme Court when the defendant possessed sufficient cognitive abilities to understand his rights when waived.

Interview Guidelines for interviewing a victim suspected of having a mentally disorder:

Ensure the victim knows the reason for being there.

Establish rapport and make the victim feel comfortable.

Use simple language and ask short questions.

Frequent short breaks may help the victim's concentration.

When written statements are used, consider using a question and answer format.

Reporting

Officers engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

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Employees having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Agency reporting procedures or other official mental health or medical proceedings.

Officers shall document in a report all calls for service that involve contact with people in a mental health crisis or where a person's mental state played a significant role for police interaction. Officers shall thoroughly document in the report the circumstances for the call for service, actions taken and any information that could assist with follow-up services. In an effort to collect and analyze information regarding law enforcement interaction with the mentally ill population, officers shall fill out and turn in a crisis call observation form or enter data into the digital format for every call for service or incident wherein mental illness is suspected of having played a role in the reason for the call.

<https://namiwoodcounty.org/cit-stat-form/> you must also report the incident to NAMI so they can see if a follow up is needed or not.]

Training

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (ORC § 109.742). Crisis Intervention Team Training is an advanced 40-hour specialized course available to officers, corrections officers, and dispatchers regarding mental health issues and how to navigate the crisis care system. Participants are provided in depth training on recognizing the signs of a mental health crisis, effective communication techniques, proper referral, and the importance of being a part of the continuum of care. All officers designated as CIT officers have successfully completed the course.

Officer and Dispatchers will be trained in the 40 hr CIT training program when available. Officers and Dispatchers should receive refresher/advanced training at least once every (increment) years.

USE OF FORCE NON ARREST CUSTODY

Officers should take into consideration additional relevant factors when using force on individuals where no crime has been committed and pose no threat to deputies or others.

Officers should consider:

(a) Governmental interest in protecting the individual from harming themselves;

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(b) The individual's mental health;

(c) Whether known or should have known an individual has special characteristics making them more susceptible to harm from a particular use of force.

When dealing with these types of incidents, officers shall take into account an individual's mental state in relation to the amount of force needed to affect an arrest, and should alter their tactics, when needed and safe do so, to minimize the possibility of injury.

RESTRAINT OF INDIVIDUALS EMERGENCY HOSPITALIZATION

Officers are not required to restrain individuals who are taken into custody under the emergency hospitalized exception and are encouraged to use their discretion. Officers may use restraints if officer safety is a factor or it is necessary to prevent escape or injury to self or Others.

RP 01 Response to Resistance

A. PURPOSE

The purpose of this policy is to establish and maintain guidelines for Bradner Police Officers' Response to Resistance.

B. DEFINITIONS

1. Felon - A person who the officer has probable cause to believe has committed, or is committing a crime that is punishable under Ohio State law by death or imprisonment in excess of one year in a state penitentiary.
2. Forcible Felony – are the following classifications: treason, murder, manslaughter, sexual battery, car-jacking, home-invasion, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, unlawful throwing, placing or discharging of a destructive device or bomb, and any other felony which involves the use or threat of physical force or violence against an individual.
3. Resistance – A subject's attempt to prevent an officer from exercising control over him/her. Resistance can be non-verbal, verbal or physical in nature.
4. Passive Resistance - A non violent opposition to authority, especially a refusal to cooperate with legal requirements.
5. Active Resistance - Those physical motions or movements used by a person to counteract an officer's legal attempts to affect an arrest.
6. Compliance – is the verbal and/or physical yielding to an officer's authority without apparent threat of resistance or violence.
7. Ability – The subject having the means to carry out his/her intent to cause death or great bodily harm.
8. Opportunity – The subject is capable of carrying out an intention to cause death or great bodily harm.
9. Intent – A reasonably perceived, imminent threat to an officer or another person based on the subject's actions behaviors, words or other indicators. It is a perception derived from the totality of the circumstances.
10. Objective Reasonableness – The process for evaluating the appropriateness of an officer's response to a subject's resistance. Determining the necessity for and the appropriate level of force, officers shall evaluate each situation in light of known facts, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

11. Probable Cause – Circumstances within one’s own knowledge and experience that is rational, trustworthy and supported by articulated facts to lead a responsible and prudent person to conclude that the information is true.
12. Totality of Circumstances – All facts and circumstances known to the officer at the time or reasonably perceived by the officer as the basis for a response to resistance decision.
13. Response to Resistance –A defensive or controlling response by an officer to overcome a person’s threatened or actual physical resistance to an officer’s performance of legal duty; to protect an officer or another person from physical resistance or acts of aggression that are likely to cause harm. This includes the use of deadly force.
14. Less lethal Weapon – A weapon that is not fundamentally designed to cause death or great bodily harm.
15. Physical Harm - Any injury, illness, or other physiological impairment regardless of its gravity or duration.
16. Serious Physical/Bodily Harm – Any injury, illness, or other impairment, regardless of its gravity or duration, which involves substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ or mental faculty. Serious bodily injury is more than a minor or superficial injury.
17. Force - Any violence, compulsion, or constraint physically exerted by any means upon or against a person or thing. (ORC 2901.01) Furthermore, the application of physical techniques or tactics used on another person, in response to resistance whether passive or aggressive. Response to Resistance is not when a person allows him/herself to be searched, escorted, or provided balancing assistance.
18. Non-Deadly Force – Any force not likely to cause death or great bodily harm.
19. Deadly Force - Any force which is likely to cause death or great bodily harm.

C. POLICY

1. It is the policy of the Bradner Police Department that members shall only respond to the level of resistance received with a level of response necessary to effect lawful objectives. The response used by a member of the Bradner Police Department must be objectively reasonable to meet the level of resistance. The following three factors are to be used to determine if the response level to resistance is objectively reasonable:
 - a. How serious is the suspected offense?
 - b. Is there a physical threat to the officer or anyone else?
 - c. Is the subject actively resisting or attempting to evade arrest by flight?
2. Bradner Police Officers or any person the officer has summoned or directed to assist, need

not retreat or desist from efforts to make a lawful arrest because of resistance or threat of resistance to a lawful arrest. Officers are justified in their response to resistance if that response is objectively reasonable to affect the lawful arrest or to defend the member or other persons from bodily harm.

3. This policy applies to the response to resistance of any nature whatsoever.

4. Any deviation from the provisions of this policy shall place a burden of justification on the member involved. Failure to meet this burden may result in disciplinary action, termination of employment and/or criminal charges.

D. Response to Resistance TO EFFECT AN ARREST

Any BPD officer who has probable cause to believe that a person has committed a crime or public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance. Employees may only use that amount of force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm. A BPD officer who makes or attempts to make an arrest, need not desist from their efforts by reason of resistance or threatened resistance by the person being arrested, nor shall a BPD officer be deemed the aggressor or lose their right to self-defense by use of reasonable force to affect the arrest, prevent escape or to overcome resistance. The application of any use of force technique shall be discontinued once the officer determines that compliance has been achieved.

E. VERBAL AND VISUAL WARNINGS

Officers will make every attempt to make clear their intentions to place a subject under arrest. However, it is understood that in some situations, the element of surprise may be used to subvert the potential of injury to the person being arrested or bystanders, officers may use deception, diversion or distraction to affect that arrest peacefully and reasonably. Officers of this department are provided a variety of tools and are trained to use at their disposal in dealing with the Response to Resistance. Should the officer determine that the display of these tools is appropriate and reasonable to seek compliance, they are permitted to do so. However, the use of warning shots will not be permitted.

F. FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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- The conduct of the person being confronted as reasonably perceived by the officer at the time.
- The officer's and subject's factors, including but not limited to: size, age, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and the number of officers versus subjects.
- The influence of drugs or alcohol and the subject's mental capacity.
- The proximity of weapons.
- The distance between the officer and subject.
- The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- The time and circumstances permitting, the availability of other options (resources that are reasonably available to the officer under the circumstances).
- The seriousness of the suspected offense or reason for the contact with the individual.
- The training and experience of the officer.
- The potential for injury to citizens, officers and suspects.
- Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officers or others.
- The prior knowledge of the subject's propensity for violence.
- Any other exigent circumstance or special knowledge.

G. DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief that deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstance:

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

H. USE OF DEADLY FORCE

1. The Bradner Police Department places a greater value on the preservation of life than on the protection of property. It is in the best interest of the public, the Bradner Police Department, and the officers of the Bradner Police Department that the use of deadly force by the police balances the safety of the community and its police with the constitutional rights of the individual.

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- a. Officers use three criteria for making a decision to use deadly force:
 - Ability,
 - Opportunity and
 - Intent.
2. It is the policy of the Bradner Police Department that officers are authorized to use deadly force when the officers have probable cause to believe that deadly force is required:
 - a. To prevent death or great bodily harm to the officer or another person, or
 - b. To prevent the imminent commission of a forcible felony where there is a risk of death or great bodily harm, or
 - c. To prevent the escape of a fleeing felon whose actions provide probable cause for officers to believe that a suspect poses an immediate threat of death or great bodily harm to the officer or another person.
 - d. Several factors contribute to the determination that a fleeing felon would be an immediate threat of death or great bodily harm to the officer or another person. Such factors are limited to the officer's having a reasonable belief that:
 - (1). The felon is armed and dangerous, or
 - (2). The felon committed, or is committing, a felony where there is a risk of death or great bodily harm to the officer or another person.
3. Prohibited Actions
 - a. It is prohibited to use deadly force when there is substantial risk to the safety of innocent bystanders who would be jeopardized by the officer's actions.
 - b. Deadly force shall not be used against misdemeanants and traffic violators.
 - c. Warning shots are prohibited.
 - d. Due to the inherent risk of causing death or serious and permanent brain damage the Lateral Vascular Neck Restraint (LVNR), (sleeper chokehold) or any maneuver or tactic that prevents breathing or obstructs an individual's airway is prohibited except in cases where it

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is reasonably necessary to prevent death or great bodily harm.

e. Shooting at or from moving vehicles or vessels:

f. Officers shall not intentionally place themselves in the path of an oncoming vehicle or vessel (while on foot or in their police vehicle or vessel).

g. When confronting an oncoming vehicle or vessel, officers shall make every attempt to move out of the vehicle or vessel's path, rather than discharge their firearm or any other weapon at the oncoming vehicle or vessel.

h. Officers shall not discharge their firearm or any other weapon at or from a moving vehicle or vessel unless:

(1). Needed to prevent death or great bodily harm to an officer or another person.

(2). Needed to apprehend a person who just committed a felony resulting in death or great bodily harm.

4. Any deviation from this policy shall place a burden of justification on the member involved.

I. DRAWING FIREARMS

The Bradner Police Department acknowledges the practical need for officers to unholster or draw their firearms in certain situations requiring caution for the officer's safety. In those situations, requiring reasonable caution, in the absence of justification for the use of deadly force, the officer must be cognizant of the risks involved in drawing a firearm. All weapons shall be handled in a manner consistent with Department firearms training and safety procedures. When the handgun is used to cover a suspect or during a search for a suspect, the handgun will not be manually cocked. A firearm being pointed at a subject will require detailed documentation of an officer's actions in a Response to Resistance Report.

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

The purpose of the verbal warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to

use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment. An Officer is prohibited from shooting an unarmed suspect who is fleeing in the back unless the suspect is an extreme danger and immediate threat to society. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

J. COMMAND RESPONSIBILITIES AFTER A SHOOTING

The Chief of Police and Sergeant will be immediately notified by any and all means when an officer's response to resistance causes serious physical harm to another or death.

The initial on scene investigation will be secured and preserved, awaiting for the arrival of the Chief of Police, a third party independent investigating agency (BCI&I) and department investigators. The Bradner Police Department will be responsible for the internal investigation.

BCI&I and the Prosecutor will be notified. The Chief and prosecutor's office will conduct the criminal investigation. BCI&I will conduct the crime scene investigation.

The suspect will be secured, whether alive or deceased. The weapon should be left where it lays if at all possible and the scene secured. All potential evidence secured, including cruiser, body cameras. Department supervisors will ensure all evidence is downloaded and kept secured.

The officer involved in the shooting will be examined for injuries and offered an opportunity to provide a brief summary. In depth questioning will be permitted at a minimum of 72 hours after the incident. The officer will be referred for crisis de-escalation services.

The officer's firearm will be collected as evidence.

The officer will be placed on paid administrative leave until the investigations are completed.

The officer will be required to submit to a drug test prior to concluding that shift. A supervisor will be required to take the officer to the appropriate testing facility.

The officer will be provided legal representation from OPBA prior to questioning.

The officer shall be on administrative leave and re-instated to full active duty once a grand jury has found a no bill indictment AND, the department has completed its internal investigation and found that policy was followed.

Should the department determine that the policy was not followed or a crime was committed, the department will send notification, in writing, to the officer, advising its intent to move to the disciplinary phase. The officer will be offered a pre-disciplinary conference before any action is taken against the officer.

K. PAIN COMPLIANCE TECHNIQUES

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

1. The degree to which the application of the technique may be controlled given the level of resistance.
2. Whether the person can comply with the direction of orders of the officer.
3. Whether the person has been given sufficient opportunity to comply.

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

L. Response to Resistance- LESS THAN LETHAL (PEPPER SPRAY, ASP)

The use of less than lethal weapons shall be consistent with this agency's policy of the Response to Resistance and the principle of objective reasonableness. Officers are authorized to use departmentally approved, non-deadly force techniques and issued equipment when one or more of the following apply:

1. To stop, control and restrain individuals while causing less harm than deadly force.
2. To restrain or subdue a passive resistant individual.
3. To bring an unlawful situation safely and effectively under control.

M. Duty to Intervene

1. Officers who are present at the scene of a police use of force are obligated to ensure that the use of force complies with the requirements of the law, Bradner Police policy, and training.
2. Each officer at the scene of a use of force incident has a duty to intervene by taking all reasonable actions to stop any use of force that is perceived to be unauthorized by this policy.
3. Officers witnessing suspected unreasonable force shall factor into their response their ability to de-escalate the use of force. The officer's response may range from physical intervention, to voice commands, to appropriate after-action notification. If reasonably able to do so, the officer shall:
 - a. Physically intervene to stop the objectively unreasonable force;

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- b. Take protective custody of the subject being subjected to the apparent unreasonable force;
 - c. Ensure that medical care is provided as needed; and
 - d. Report the suspected unreasonable use of force to the next non-involved supervisor in their chain of command, document the same in their duty report, and complete a use of force report detailing the use of force and surrounding circumstances as soon as safe and practical, before the end of the tour of duty.
- 4. Officers that are acting outside of the Village of Bradner for mutual aid are required to intervene as well as report any unreasonable use of force to a Bradner Police Department supervisor. A report shall be made detailing the incident by the officer.

RP 02 Handcuffing and Restraints

POLICY

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

USE OF RESTRAINTS

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

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

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

RESTRAINT OF DETAINEES

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

RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor should be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

RESTRAINT OF JUVENILES

A juvenile under 13 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

NOTIFICATIONS

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

APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

APPLICATION OF SPIT HOODS

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

Spit hoods may be placed upon persons in custody when the officer reasonably believes the

person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport. Officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid placing individuals wearing spit hoods with other detainees. Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood. Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility. Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used. In determining whether to use the leg restraint, officers should consider:

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

GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint.

The officer should ensure that the person does not roll onto and remain on his/her stomach.

- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints in the Call for Service or in the related offense report, if a report is warranted. If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report. The officer should include, as appropriate:

- (a) The amount of time the suspect was restrained.
- (b) How the suspect was transported and the position of the suspect.
- (c) Observations of the suspect's behavior and any signs of physiological problems.
- (d) Any known or suspected drug use or other medical problems.

RP 03 Control Devices and Techniques

POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Bradner Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Response to Resistance Policy.

ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee. Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device. Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

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

RESPONSIBILITIES

RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure

that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced. The Rangemaster may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

Every control device will be periodically inspected by the Rangemaster or the Chief of Police and the inspection shall be documented.

USER RESPONSIBILITIES

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices. Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Sergeant for disposition. A statement of facts shall also be prepared and

forwarded through the chain of command, when appropriate, explaining the cause of damage.

IMPACT WEAPONS GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. When carrying an impact weapon, Officer's shall carry the weapon in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Sergeant, Chief of Police or designated Incident Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary. When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public. Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Only approved and/or department issued spray may be utilized.

PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile

system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others. Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Response to Resistance Policy. Each deployment of a pepper projectile system shall be documented in the respective offense report. Should a pepper projectile system be used on a suspect, the appropriate response to resistance report will be completed. Unintentional discharges shall be promptly reported to a supervisor and documented in a written statement that will be forwarded through the chain of command. Only non incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

POST-APPLICATION NOTICE

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

KINETIC ENERGY PROJECTILE GUIDELINES

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

The department may utilize 40mm eXact iMPact rounds fired through a 40mm single launcher and 12 gauge drag stabilized bean bag rounds fired from specifically designated department shotguns. The department also approves the use of other specialty kinetic energy projectiles in certain incidents. Those specialty kinetic energy projectiles include, but are not limited to, 40mm Stinger rounds, 40mm Foam Batons, 40mm Rubber Batons, 40mm Bean Bag rounds and Stinger Grenades.

DEPLOYMENT AND USE

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

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

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

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

DEPLOYMENT CONSIDERATIONS

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

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

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

The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training

regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment. The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked with bright orange stocks that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects. When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun. Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

TRAINING FOR CONTROL DEVICES

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

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

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REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

RP 04 CEW: PURPOSE AND SCOPE

The CEW is intended to control a violent or potentially violent individual while minimizing the risk of serious injury. It is anticipated that the appropriate use of such a device will result in fewer serious injuries to officers and suspects.

POLICY

Personnel who have completed approved training may be issued the CEW to assist with carrying out their duties. Upon termination of employment, personnel are expected to return their assigned CEW to police inventory.

Officers shall only use the CEW and cartridges that have been issued by the Police Department.

Officers who have been issued the CEW shall wear the CEW in an approved holster on their duty belt opposite their firearm.

The CEW shall be clearly and distinctly marked to differentiate it from the duty weapon and any other device.

Whenever practical, officers should carry a total of two or more cartridges on their person when carrying the CEW.

Officers shall be responsible for ensuring that their CEW is properly maintained and in good working order at all times.

Officers should never hold both the CEW and their firearm at the same time.

APPLICATION OF THE CEW

Authorized personnel may use the CEW when circumstances known to the officer at the time indicate that such application is reasonable to control a person in any of the following circumstances:

- The subject is violent or actively resisting.
- A subject who, by words or actions, has demonstrated an intention to be violent or to actively resist and who reasonably appears to present the potential of harm to officers, themselves or others.
- Flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest. However, officers must consider that the subject will fall and where and what that person will fall on. It may or may not, based on the objective reasonableness standard to use the CEW while the suspect is in flight.

When practicable, the officer should give a verbal warning of the intended use of the CEW followed by a reasonable opportunity for the subject to voluntarily comply.

Every application of the CEW must be justified under the objective reasonableness standard.

SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW should be avoided in the following situations unless the totality of the circumstances indicate that other options reasonably appear ineffective, impractical or would present a greater danger to the officer, the subject or another, and the officer reasonably believes that the need to control the individual outweighs the risk of using the CEW:

- Females suspected of being pregnant.
- Elderly individuals or
- obvious juveniles
- Individuals handcuffed or otherwise restrained.
- Individuals whose position or activity may result in collateral injury (falls from heights or vehicle operation).
- More than 15 seconds of CEW application.
- Passive Resistance.
- In an environment where flammable, volatile, or explosive materials are a concern.
- Perception of mental illness alone, without the use of verbal commands, de-escalation techniques.

Because the CEW can be used in drive stun mode and relies on pain compliance and close proximity to the subject, caution should be used. This application should be limited to brief applications in which pain compliance would reasonably appear necessary to achieve control.

TARGETING CONSIDERATIONS

While the manufacturers generally recommend that reasonable efforts should be made to target the back of the individual- buttock to shoulder blades, it is recognized that the dynamics of each situation and officer safety may not permit the officer to limit the application of the CEW probes to the precise target area. As such, officers should take prompt and ongoing care to monitor the condition of the subject if one or more probes strike the neck, head, breasts (female), or groin until the subject is released while targeting the front of the suspect.

MULTIPLE APPLICATIONS OF THE CEW

If the first application of the CEW appears to be ineffective in gaining control of a suspect and if circumstances allow, the officer should consider the following before additional applications of the CEW:

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- Whether the probes are making proper contact.
- Whether the application of the CEW is interfering with the ability of the suspect to comply.
- Whether verbal commands, other options or tactics may be more effective.

This, however, shall not preclude any officer from deploying multiple, reasonable applications of the CEW on an individual.

AFTER CEW DEPLOYMENT

Request EMS to respond to the scene to care for the suspect.

Secure probes and cartridges as evidence after taking pictures- probe entry points on suspects.

Reports documented before ending the officer's shift; for officer and supervisor.

In situations where the CEW deployment is associated with an incident where there is serious physical harm or death of a suspect, ensure that the entire CEW is secured and tagged as evidence.

TRAINING

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

Proficiency training for personnel who have been issued CEW's should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Department's CEW Instructor. All training and proficiency for CEW's will be documented in the officer's training file.

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

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

The Department CEW Instructor is responsible for ensuring that all members who carry CEW's

have received initial and annual proficiency training.

Application of CEW's during training could result in injury to personnel and should not be mandatory for certification.

The CEW Instructor should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Response to Resistance Policy.
- (c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
- (e) Handcuffing a subject during the application of the CEW and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the CEW.
- (h) Department prescribed CEW probe removal methods and follow-up care of probe sites

RP 05 OFFICER INVOLVED SHOOTINGS & DEATHS

PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer. Not only does this policy pertain to incidents involving Bradner Police Department personnel, but also to potential officer-involved shootings or deaths by any law enforcement officer within the Village of Bradner, Ohio. In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

POLICY

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

TYPES OF INVESTIGATIONS

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

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

It is not uncommon for more than one of the above investigation types to run concurrent with others.

CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer. At the discretion of the Chief of Police, an investigative task force consisting of officers and/or investigators from surrounding law enforcement agencies may be formed to control the investigation of complex officer-involved shootings and deaths. Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Bradner Police Department would control the investigation if the suspect's crime occurred in The Village of Bradner. If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from the Bradner Police Department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy. Requests made from another department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

ADMINISTRATIVE AND CIVIL INVESTIGATION

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

INVESTIGATION PROCESS

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

UNINVOLVED OFFICER RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.

- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.
- (g) Ensure that the Chief of Police is notified.

SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer. This preliminary inquiry is not to be considered an official interview, but merely an evidence and basic information gathering endeavor.
- (b) If necessary, the supervisor may administratively order any BPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Chief of Police and WCSO Dispatch Center. If feasible, sensitive information should be communicated over secure networks (e.g. wireless phone).
- (d) Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - 1. Each involved BPD officer should be given an administrative order not to discuss the incident with other involved officers or BPD members pending further direction from a supervisor.
 - 2. When an involved officer's weapon is taken or left at the scene for other than officer safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Sergeant, if not already on the scene
- Outside agency investigators (if appropriate)
- Psychological/peer support personnel
- Coroner (if necessary)
- Village Prosecutor

INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal representation will be accommodated.

1. Involved BPD officers shall be permitted to meet with an attorney prior to providing a formal interview or report.
2. Requests from involved non-BPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) A licensed psychologist shall be provided by the Department to each involved BPD officer. A licensed psychologist may also be provided to any other affected BPD members, upon request.

1. Interviews with a licensed psychologist will be considered privileged.
2. An interview or session with a licensed psychologist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to meet collectively or in a group with a licensed psychologist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required.

(d) Although the Department will honor the sensitivity of communications with peer counselors or agency representatives, there is no legal privilege to such communications. Peer counselors and agency representatives are cautioned against discussing the facts of any incident with an involved or witness officer. Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved BPD officer shall be given reasonable unpaid administrative leave following an officer involved shooting or death.

CRIMINAL INVESTIGATION

The Wood County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor's Office to avoid duplicating efforts in related criminal investigations. Once public safety issues have been addressed, criminal investigators may have the opportunity to obtain a voluntary statement from involved officers and to complete their interviews, but only if the officer is comfortable with doing so without first taking time to compose themselves and/or consult with their union attorney. The following shall be considered for the involved officer:

- (a) A BPD representative may participate directly in any voluntary interview of BPD officers in conjunction with the Wood County Prosecutor's Office and within that agency's discretion. Other members of the BPD Command Staff may monitor such interviews and offer the investigators topics of inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

REPORTS BY INVOLVED BPD OFFICERS

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

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

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

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

WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A verbal statement of consent, at the very least, should be obtained in the presence of a witness prior to transporting a witness.
2. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted information about the suspect's activities and state of mind prior to the incident.

INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Chief of Police, or his/her designee, to assign appropriate investigative personnel to handle the investigation of related crimes. Department officers will be assigned to work with investigators from the Wood County Prosecutor's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the County Prosecutor's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the Investigator or investigative team. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Chief of Police.

ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will utilize the Response to Resistance Review Board to conduct an internal administrative investigation of involved BPD officers to determine conformance with department policy. This investigation will be considered a confidential officer personnel file. Interviews of members shall be subject to department policies and applicable laws.

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood or urine sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement.
2. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed

before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative or attorney to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Sergeant shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the Response to Resistance is an issue in the case, the completed administrative investigation shall be reviewed by the Chief of Police to determine compliance with the Response to Resistance policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

CIVIL LIABILITY RESPONSE

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

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

AUDIO AND VIDEO RECORDINGS

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

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

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

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

DEBRIEFING

Following an officer-involved shooting or death, the Bradner Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Chief of Police, or his/ her designee, is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (ORC § 2317.02).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident.

The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory personnel other than those supervisors that were involved in the incident.

TACTICAL DEBRIEFING

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

MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Sergeant, and Chief of Police in the event of inquiries from the media.

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No involved BPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or his/her designee. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

RP 06 Response to Resistance Review Boards

PURPOSE AND SCOPE

This policy establishes a process for the Bradner Police Department to review the response to resistance by its employees.

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

POLICY

The Bradner Police Department will objectively evaluate the Response to Resistance by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

REVIEW BOARD

The Response to Resistance Review Board will be convened when the response to resistance by a member results in very serious injury or death to another.

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

The Chief of Police will determine who will make up the Response to Resistance Review Board that will investigate the circumstances surrounding any Response to Resistance incident.

COMPOSITION OF THE BOARD

The Police Chief shall chair the Response to Resistance Review Board and members should be from the following, as appropriate:

- an officer not involved in the incident
- 1 council member
- Village Prosecutor
- Mayor
- Chief of Police
- Department instructor/Response to Resistance expert (Sergeant) for the type of weapon, device or technique used or has an expertise in the area of force application.

RESPONSIBILITIES OF THE BOARD

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

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear.

The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

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

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

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

The board shall make one of the following recommended findings:

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

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

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

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

PROCEDURE

All incidents of Response to Resistance will be documented on an Incident Report.

- After the Sergeant becomes aware of a Response to Resistance, he/she shall notify the Chief of Police verbally and in writing.
- The Sergeant shall review the Incident Report.
- The Response to Resistance Review Board shall review all submitted incidents and determine if the Response to Resistance was within policy and procedure.
- The Chief of Police will make a final determination of "Within Policy" or "Not Within Policy".
- The Chief will return his/her findings to the Sergeant. If the final determination is "Not Within Policy", an administrative investigation will be initiated.
- Documentation of the final determination will be attached to the original Incident Report

DOCUMENTING POLICY, EQUIPMENT OR TRAINING ISSUES

At any time, an officer may submit a memorandum to the Response to Resistance Review Board identifying any Response to Resistance policy, procedure, training or equipment issues he or she feels should be addressed. The Response to Resistance Review Board may submit a like memo to the Chief.

Any such memos shall have no reference to an individual case number, officer name or suspect's name.

INVESTIGATIVE PROCEDURES

Supervisors should follow these procedures when reviewing uses of force:

- Independently interview the subject(s) upon whom force was applied
 - a. If such a statement is taken after a Miranda waiver, attach the statement to the Incident Report.
 - b. If such a statement is taken outside Miranda, make a notation in the Incident Report that "an administrative interview was conducted". Attach the statement (document), recording or video as an item of evidence to the report.
- Ensure photographs are taken of any apparent injuries or any reported areas of injury.
- Ensure any submitted reports are accurate and complete.

RP 07 Firearms

This policy does not apply to issues related to the use of a firearm that are addressed in the Response to Resistance or Officer-Involved Shootings and Deaths policies.

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

AUTHORIZATION TO CARRY FIREARMS

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

POLICY

The Bradner Police Department will allow its officers to equip themselves with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure all firearms are appropriate, in good working order and that the relevant training is provided, as resources allow, prior to authorizing the use and carry of any firearm.

AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are approved by the Department and have been thoroughly inspected by the Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by an officer who has not qualified with that firearm.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by officers in the performance of their official duties without the express written authorization of the Chief of Police.

This exclusion does not apply to the carrying of a single folding pocket knife that is not otherwise prohibited by law.

HANDGUNS

Sworn part-time and auxiliary officers shall be required to provide their own handgun for on-duty use. Any personal on-duty handguns are then subject to all aspects of this policy.

SHOTGUNS

The authorized department-issued shotgun is the Mossberg 12 gauge.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the

patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the off position (known as condition 3).

PATROL RIFLES

The authorized department-issued patrol rifle is the M16/AR15 5.56/.223 caliber patrol rifle, which includes all variants of this rifle. The Colt AR15 9mm rifles are also approved for on-duty use.

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

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

When not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, the trigger pulled to release the hammer and the selector lever in the fire position (selector lever cannot be in the safe position with the hammer released).

PERSONALLY OWNED DUTY FIREARMS

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

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

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Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, who will maintain a list of the information.

AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order and approved by the Firearms Instructor and Chief of Police prior to use.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun shall be the responsibility of the officer.

(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

(e) The handgun shall be inspected by the Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition will be provided by the department for all primary and secondary handguns.

(g) Prior to carrying the secondary handgun, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule.

Officers must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Officers shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Instructor, who will maintain a list of the information.

AMMUNITION

Officers shall carry only department-authorized ammunition. Officers shall be issued fresh duty ammunition in the specified quantity for all firearms approved for duty use during the officer's firearms qualification or soon after.

Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Instructor or his/her designee when needed, in accordance with established policy.

AUTHORIZED CARRY IN COURT FACILITIES

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

EQUIPMENT

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

REPAIRS OR MODIFICATIONS

Each officer shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or a member of the firearms instructor staff.

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

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

HOLSTERS

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

TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Firearms Instructor or his/her designee. Once the approved tactical lights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on or off-duty after they have been examined and approved by the Firearms Instructor . Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have

been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

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

SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by a firearms instructor. Members shall not dry fire or practice quick draws except under the supervision of a department firearms instructor.
- (c) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section of the Wood County Jail or any part thereof when securing or processing an arrestee, but shall place all firearms in the secured location specified by the jail.
- (d) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm, except with approval of a supervisor.
- (e) Any firearm authorized by the Department to be carried on or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a firearms instructor approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor or his/her designee will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable or the officer will be sent home.

INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person.

Shotguns and rifles shall be inspected at the beginning of the shift by the officer to whom the weapon is assigned. The officer shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle and while the firearm is pointed in a safe direction.

Personally owned firearms may be safely stored in the respective officer's locker at the end of

their shift and the locker must be securely locked. Handguns may remain loaded if they are secured in an appropriate holster.

Shotguns and rifles shall be unloaded in a safe manner outside the building or in the department garage and then stored in the designated weapons locker when not in use.

When patrol vehicles are taken out of service for routine or emergency maintenance, shotguns and rifles are to be removed and safely stored unloaded in the designated weapons locker. Officers shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. The officer returning the patrol vehicle to service after maintenance is responsible for the correct loading and secure replacement of the shotgun and rifle in the patrol vehicle.

STORAGE AT HOME

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Officers should be aware that negligent storage of a firearm could result in civil liability.

ALCOHOL AND DRUGS

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

FIREARMS TRAINING AND QUALIFICATIONS

All officers who carry a firearm while on-duty are required to successfully complete periodic training with their duty firearm, shotgun and rifle. In addition to periodic training, all officers will qualify at least annually with their duty firearms on a course approved by the Ohio Peace Officer Training Commission (OPOTC) (ORC § 109.801). Officers will also qualify with off-duty and secondary firearms, as well as shotguns and rifles at least annually and will meet or exceed OPOTC standards. Training and qualifications must be on an approved range course.

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

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

NON-CERTIFICATION OR NON-QUALIFICATION

If any officer fails to attend mandatory, scheduled firearms training or qualification due to injury, illness, duty status or scheduling conflict, that officer shall submit a written excuse to the Sergeant and or Chief of Police as soon as practical. However, the officer must at least verbally inform the Sergeant and/or Chief of Police of their absence prior to the scheduled date. Those who fail to meet minimum OPOTC standards or qualify on their first shooting attempt shall be provided remedial training by a member of the department's firearms instruction staff and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the officer in demonstrating consistent firearm proficiency.
- (b) Officers shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No qualification credit will be given for the following:

- 1. Unauthorized range make-up
- 2. Failure to meet minimum OPOTC standards or qualify after remedial training

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

FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on or off-duty, shall make a verbal notification to his/her supervisor as soon as circumstances permit. This verbal notification will be promptly followed up with a written firearms discharge statement, detailing the circumstances of the discharge. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a Response to Resistance, the involved officer shall complete a response to resistance report as set forth in the Response to Resistance Policy.

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

- (a) If on-duty at the time of the incident, the officer shall file a written report with his/her supervisor or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless

otherwise directed by a supervisor.

DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device (Taser), oleoresin capsicum (OC) spray, assistance from the County Dog Warden or State Wildlife Officer).

Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

INJURED ANIMALS

Officers may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical. A report explaining why and how this was done is required.

WARNING AND OTHER SHOTS

Officers are restricted from using warning shots. However, shots used for the purpose of summoning aid are allowed, only in extreme circumstances and only if the officer reasonably believes they can be fired safely.

FIREARM INSTRUCTOR DUTIES

The range, along with the firearms training / qualification program, will be under the exclusive control of the Firearms Instructor. All officers attending training / qualification will follow the directions of the firearms instruction staff. The staff will maintain a roster of all officers attending firearms training / qualification and will submit the roster to the Firearms Instructor after each range date. Failure of any member to sign in with the firearms instructor conducting the training may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Firearms Instructor or his/her designee has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to

verify proper operation. Any member of the firearms instruction staff has the authority to deem any personally owned firearm unfit for service. The officer will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by the Firearms Instructor.

The Firearms Instructor has the responsibility for ensuring each officers meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry. The Firearms Instructor shall maintain documentation for all training conducted, as well as all qualification records for department personnel. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Firearms Instructor should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records pertaining to departmental firearms training.

FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Bradner Police Department identification card, bearing the officer's name, a full-face photograph, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Bradner Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Bradner Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

CARRYING FIREARMS OUT OF STATE

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

- (a) The officer shall carry his/her Bradner Police Department identification card whenever carrying any firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training). Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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