

Medina Police Department

Medina PD Policy Manual

MAYOR/SAFETY DIRECTOR'S PREFACE

Transcribed to text; The original is attached

To the staff members of the Medina Police Department;

In accordance with Ohio Revised Code 737.06, I, as the /Safety Director for the City of Medina, present you the enclosed official manual of policies, procedures and orders of the Medina Police Department.

These policies, procedures, and orders are designed to assist you as you serve the constituents in our fine community. These are meant to provide you with general instructions, but imply that you must also rely on the sound judgment and common sense in your day to day decisions. You are confronted with a variety of situations in your jobs, and there would be no way to include each and every scenario that you may face in a manual such as this. This manual is provided as an outline to offer direction and guidance to assist each of you.

A number of staff members have assisted with the development, composing, and review of these policies. Your commitment to continuous improvement and quality policing services is encouraged and appreciated.

Thank you to each of you for your efforts, dedication, and commitment to our residents, business owners, and visitors to make a great place to live, work and visit.

Respectfully,

Dennis Hanwell

Mayor/Safety Director

Medina Police Department

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LAW ENFORCEMENT CODE OF ETHICS

LAW ENFORCEMENT CODE OF ETHICS

I hold my law enforcement powers on behalf of the people. Through my professional and personal example, I shall demonstrate that I respect them and I shall strive to realize their high expectations of me.

I am sworn to protect them and I shall enforce their laws in good faith, fairly, with courage and integrity, to the best of my ability. In so doing, I shall build their trust and confidence in the law.

I shall never betray them by willfully abusing my powers, authority or knowledge. To these ends, I serve the people. ***

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 POLICY

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

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

100.3 CONSTITUTIONAL REQUIREMENTS

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

100.4 PEACE OFFICER AUTHORITY

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

100.4.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MEDINA POLICE DEPARTMENT

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

100.4.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MEDINA POLICE DEPARTMENT

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

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

100.4.3 DUAL COMMISSIONS

Officers of the Medina Police Department shall have the written permission of the Chief of Police before accepting a law enforcement commission from another appointing authority.

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Law Enforcement Authority

Requests for authorization shall be addressed to the Chief of Police and forwarded through the Chain of Command.

100.4.4 U.S. DEPARTMENT OF JUSTICE SPECIAL DEPUTATION

A Medina Police Officer appointed, under authority delegated by the Attorney General, to perform the duties of the Office of Special Deputy United States Marshal as directed by an appropriate official of the United States Marshals Service or some other appropriate Federal Official as so designated. This appointment does not constitute employment by the United States Marshals Service, the United States Department of Justice, or the United States Government. The appointee agrees to perform the duties required under this Special Deputation with the knowledge that he or she is neither entering into an employment agreement with the Federal Government or any element thereof, nor being appointed to any position in the Federal Service by virtue of this special deputation. The appointee understands and acknowledges that the authorities vested in him or her by this special deputation can only be exercised in furtherance of the mission for which he or she has been specially deputized and extend only so far as may be necessary to faithfully complete that mission. Moreover, those authorities terminate at the expiration of the term of the Special Deputation.

The appointee during his term as a Special Deputy United States Marshal is governed by the rules and regulations of the Medina Police Department in addition to those of the United States Department of Justice or the sponsoring agency.

Chief Executive Officer

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 CHIEF OF POLICE REQUIREMENTS

The Chief Executive Officer of this department, as a condition of appointment, shall meet or exceed the requirements established by the appointing and/or legislative authority. Any Chief Executive Officer who is a sworn peace officer shall, as a condition of continued employment, have completed the course of training prescribed by the Ohio Peace Officer Training Commission (OPOTC), been awarded a certificate by the OPOTC prior to acting as a sworn peace officer and shall comply with any other requirements imposed by the OPOTC (ORC § 109.77(B)(1)). Chiefs of Police appointed on or after January 1st, 2018 shall meet the 40-hour chief of police training course requirement as set forth in ORC § 109.804.

102.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police (CEO) directs the activities of the Police Department and is responsible for the enforcement of laws and ordinances, prevention of crime and protection of life and property. The Police Chief has complete internal control over Department personnel and activities, and exercises wide discretion in administration of the Department. The Chief of Police (CEO) has exclusive control of the stationing and transfer of all sworn officers, auxiliary officers, and other employees in the police department, and police auxiliary unit, under such general rules and regulations as the director of public safety prescribes.

Essential Job Functions:

- Plans, directs and exercises supervision over the work of the Police Department.
- Reviews day-to-day Department activity to ascertain that objectives and goals are being met.
- Develops and promotes programs for improved police service with other departments and citizen groups.

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Chief Executive Officer

- Reviews, updates, formulates and enforces Department rules and regulations, work methods and procedures.
- Makes all personnel assignments within the Department.
- Reviews activities and reports from officers.
- Investigates any complaints made against police officers.
- Ascertains that recruits and regular officers receive adequate training in police methods and procedures.
- Directs the preparation and maintenance of police records and files.
- Directs the investigation of major criminal offenses.
- Cooperates with State and Federal officers as required.
- Prepares budget estimates, controls the expenditure of all Department funds and has the authority and responsibility for the fiscal management of the Department.
- Maintains regular and consistent attendance.
- Makes recommendations to the Mayor and the Public Safety Director for the appointment, promotion and dismissal of Department personnel.
- Enforces disciplinary measures when necessary.
- Meets with and answers inquiries from the public.
- Handles Department correspondence, requisition of supplies and recommends the purchase of equipment as required.

Standards of Conduct

103.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the law enforcement officer's code of ethics and this agency's statement of values so that officers of this agency will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to:

- Alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics;
- Specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of law enforcement officers, and
- Guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of law enforcement officers.

Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by this agency and from officers' immediate supervisors and commanders.

103.1.1 POLICY

Actions of officers that are inconsistent, incompatible, or in conflict with the values established by this agency negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of this law enforcement agency that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this agency.

103.2 DEFINITIONS

Accountability: In the context of this policy, accountability means the duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

103.3 GENERAL CONDUCT

103.3.1 OBEDIENCE TO LAWS, REGULATIONS AND ORDERS

- (a) Officers shall not violate any law or any agency policy, rule or procedure.
- (b) Officers shall obey all lawful orders.

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Standards of Conduct

103.3.2 CONDUCT UNBECOMING AN OFFICER

Officers shall not engage in any conduct or activities on or off-duty that reflect discredit on the officers, tend to bring this agency into disrespect, or impair its efficient and effective operation.

103.3.3 ACCOUNTABILITY, RESPONSIBILITY AND DISCIPLINE

- (a) Officers are directly accountable for their actions through the chain of command to this agency's Chief Executive Officer.
- (b) Officers shall cooperate fully in any internal administrative investigation conducted by this agency or any authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
- (c) Officers shall be accurate, complete, and truthful in all matters.
- (d) Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
- (e) Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to the Chief of Police as soon as possible.

103.3.4 CONDUCT TOWARDS FELLOW EMPLOYEES

- (a) Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
- (b) Employees shall not use language or engage in acts that demean, harass, or intimidate another person. Members should refer to this agency's policy on "Harassment and Discrimination" for additional information on this subject.

103.3.5 CONDUCT TOWARD THE PUBLIC

- (a) Officers shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.
- (b) Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.
- (c) While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to this agency's *Use of Force* policy and shall observe their civil rights and protect the well being of those in their charge.

103.3.6 USE OF ALCOHOL AND DRUGS

- (a) Officers shall not consume any intoxicating beverage while on duty unless authorized by a supervisor.

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- (b) No alcoholic beverage shall be served or consumed on police premises or in vehicles owned by this jurisdiction.
- (c) An officer shall not be under the influence of alcohol in a public place while on-duty.
- (d) No officer shall report for duty with the odor of alcoholic beverage on his or her breath.
- (e) No officer shall report to work or be on duty as a law enforcement officer when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.
- (f) Officers must report the use of any substance, prior to reporting for duty, that impairs their ability to perform as a law enforcement officer.
- (g) Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol. Such screening shall conform to this agency's policy on employee drug-screening and testing.

103.3.7 USE OF TOBACCO PRODUCTS

While on duty, a police officer shall not use tobacco products unless in a designated area and while not conducting police business. Additionally, officers are not permitted to use tobacco products in a vehicle owned or maintained by this agency.

103.3.8 ABUSE OF LAW ENFORCEMENT POWERS OR POSITION

- (a) Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed.
- (b) Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
- (c) Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
- (d) Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the agency chief executive or his or her designee.
- (e) Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.
- (f) Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.

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103.3.9 OFF-DUTY POLICE ACTION

- (a) Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.
- (b) Unless operating a marked police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.

103.3.10 PROHIBITED ASSOCIATIONS AND ESTABLISHMENTS

- (a) Arresting, investigating, or custodial officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.
- (b) Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.
- (c) Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated
- (d) Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

103.3.11 POLITICAL STATEMENTS, APPEARANCES AND ENDORSEMENTS

Officers shall not, under color of authority:

- Make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public; divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of this agency.

Endorsements:

- Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow

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services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such referral.

103.3.12 POLITICAL ACTIVITY

Officers shall be guided by state law regarding their participation and involvement in political activities. Where state law is silent on this issue, officers shall be guided by the following examples of prohibited political activities during working hours, while in uniform, or otherwise serving as a representative of this agency:

- (a) Engage in any political activity;
- (b) Place or affix any campaign literature on city/county-owned property;
- (c) Solicit political funds from any member of this agency or another governmental agency of this jurisdiction;
- (d) Solicit contributions, signatures, or other forms of support for political candidates, parties, or ballot measures on property owned by this jurisdiction;
- (e) Use official authority to interfere with any election or interfere with the political actions of other employees or the general public;
- (f) Favor or discriminate against any person seeking employment because of political opinions or affiliations;
- (g) Participate in any type of political activity while in uniform.

103.3.13 EXPECTATIONS OF PRIVACY

- (a) Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of this law enforcement agency. While this agency recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered, "to meet operational needs, internal investigatory requirements, or for other reasons," at the direction of the agency chief executive or his or her designee.
- (b) No member of this agency shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 OATH OF OFFICE FOR MEDINA POLICE OFFICER

"I, _____ BEING DULY SWORN, DO SOLEMNLY SWEAR THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION OF THE STATE OF OHIO, THE ORDINANCES OF THE CITY OF MEDINA, AND THE RULES AND REGULATIONS OF THE MEDINA POLICE DEPARTMENT, AND ITS COMMUNITY ORIENTED POLICING PHILOSOPHY, AND WILL FAITHFULLY AND IMPARTIALLY PERFORM ALL THE DUTIES INCUMBENT UPON ME AS A _____ FOR THE CITY OF MEDINA, IN THE COUNTY OF MEDINA, ACCORDING TO THE BEST OF MY ABILITY AND UNDERSTANDING, AND THIS I DO, AS I SHALL ANSWER UNTO GOD."

104.2 POLICY

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

104.3 OATH OF OFFICE

All sworn members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions.

Upon employment, all sworn employees shall be required to swear to an oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Ohio Constitution Article 15 § 7; ORC § 3.22). The form of the oath shall be as follows:

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 the laws and ordinances of the political subdivision to which I am appointed, and to the best of my ability will discharge the duties of this office.

An affirmation may be taken in lieu of an oath if the employee has conscientious scruples against taking an oath (ORC § 3.20). An employee of the Department may offer an affirmation in any form he/she deems binding on his/her conscience (ORC § 3.21).

104.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

Policy Manual

106.1 PURPOSE AND SCOPE

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

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

106.2 POLICY

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

106.2.1 DISCLAIMER

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

106.3 AUTHORITY

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

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

BCI - Bureau of Criminal Investigation and Identification.

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BMV - The Ohio Bureau of Motor Vehicles.

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

City - The City of Medina.

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

Department/MPD - The Medina Police Department.

DPS - The Ohio Department of Public Safety.

Employee - Any person employed by the Department.

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

Manual - The Medina Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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

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

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

OCLEAC - Ohio Collaborative Law Enforcement Agency Certification

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

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

OPOTC - The Ohio Peace Officer Training Commission.

OSHP - Ohio State Highway Patrol.

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

106.5 ISSUING THE POLICY MANUAL

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

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

106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.7 REVISIONS TO POLICIES

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

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

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

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Medina Police Department. There are three divisions in the Police Department:

- Communications Division
- Patrol Division
- Special Operations Division

200.2.1 COMMUNICATIONS DIVISION

The Communications Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Communications Division.

200.2.2 PATROL DIVISION

The Patrol Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Patrol Division consists of Uniformed Patrol.

200.2.3 SPECIAL OPERATIONS DIVISION

The Special Operations Division is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Special Operations Division. The Special Operations Division consists of the Detective Bureau, Evidence Room and the Records Unit.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Commander to act in the place of the Chief of Police.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given

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assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment, any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

Departmental Directive

204.1 PURPOSE AND SCOPE

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

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual, as required, upon staff approval. Departmental Directives will create a new policy or will modify an existing policy, which will be rescinded upon its incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the revision date shown.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first Departmental Directive for the year 2011. Each Departmental Directive should include the authored date, effective date and the acknowledgement/compliance date for the specific Departmental Directive.

204.1.2 SPECIAL ORDERS PROTOCOL

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

204.2 RESPONSIBILITIES

204.2.1 STAFF

The Chief of Police or designee shall review and approve revisions of the Policy Manual and will incorporate changes originally made by Departmental Directives. All changes to the Policy Manual shall be reviewed and authorized by the Mayor/Safety Director.

204.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Officer.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

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

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Medina 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.

206.3 LOCATION OF MANUALS

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

206.4 PLAN REVIEW

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

206.5 PLAN TRAINING

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

Training Policy

208.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will meet Department 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.

208.2 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 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 American Correctional Association and the American Jail Association.

208.3 OBJECTIVES

The objectives of the training program are to:

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

208.3.1 LETTERS OF RE INSTRUCTION

Individuals shall be instructed for instances or events which indicate a lack of specific knowledge or understanding of a particular aspect of our jobs. These instances or events, if left uncorrected, can disrupt the orderly administration of our duties and develop into serious discipline issues. It is each supervisor's responsibility to present the correction at the first available opportunity and to clearly document the instruction. The instruction or training will be documented with a **Letter of Re instruction** form and a copy will be included in the employee's training file. The documentation of the instruction or training is important to both the employee and the department to insure consistency.

208.4 TRAINING PLAN

It is the responsibility of the Training Officer to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion

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of the training plan at any time it is deemed necessary, the Training Officer shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required minimum mandated training of sworn officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Training Officer is responsible for ensuring members of the Department have been trained as required.

208.4.1 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, and 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).
- (d) Members who serve as school resource officers shall receive training for school resource officers as required by OAC § 3301-35-15 and in collaboration with the appropriate school district (OAC § 3301-35-15).
 - 1. Training shall include professional development for the implementation of positive behavior intervention, and crisis management and de-escalation techniques (OAC § 3301-35-15).

208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training needs assessment and complete a report of the training needs assessment, including recommendations from the Training Advisory Board. The report will be provided to the Chief of Police, the staff and the Training Review Board. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

208.6 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 - 1. Court appearances
 - 2. First choice vacation
 - 3. Sick leave

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4. Physical limitations preventing the employee's participation
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Officer to attend the required training on an alternate date.

208.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are a web-accessed system that provides training on the Medina Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer. Personnel assigned to participate in DTBs should only use the password and login name assigned by the Training Officer.

Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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

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

208.8 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.

Electronic Mail & Instant Messaging

212.1 PURPOSE AND SCOPE

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

212.1.1 RELATED POLICY

See related Policy 342 Department Use of Technology.

212.2 E-MAIL RIGHT OF PRIVACY

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

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

212.3 PROHIBITED USE OF E-MAIL

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

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

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

212.4 MANAGEMENT OF E-MAIL

Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, e-mail that an employee desires to save or that requires retention

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because it has significant administrative, fiscal, legal or historical value should be printed and/or stored in another database designed for long-term storage and retrieval.

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

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

212.4.1 INSTANT MESSAGING SYSTEM (IM)

The use of the IM system is limited to the capabilities provided by the Records Management System on the internal and external network to the Medina Police Department computers, cruisers, and laptops. Department members must use the instant messaging service in a manner that is lawful, respectful of confidential information, and adheres to this and other department policies.

212.4.2 SECURITY

All communications, including IMs, that are transmitted, received, or stored on departmental equipment or facilities, are the sole property of the Medina City Police Department. Accordingly, the department may access and monitor all employee IMs.

- The use of passwords does not imply any expectation of privacy.
- All IMs are captured by the Records Management System software system and are subject to review by management. Like other information stored on department computers, IMs may have to be disclosed during the course of discovery if relevant to a lawsuit or public information request.
- Use of department facilities to send IMs, grants consent to the use of software to capture the content of the IMs and to review and disclose IMs.
- The internet, including instant messaging services, may be accessed only by department employees specifically authorized by the department.

212.4.3 USE OF INSTANT MESSAGING

IMs are well suited for transmitting short amounts of information that is needed immediately. Employees' main use of instant messaging should focus on work-related matters. Incidental personal use of instant messaging by employees is permitted as long as the use does not interfere with the employee's work, department operations, or use of communication facilities, and does not violate any policies. Incidental personal use should be short and limited in nature.

- When using instant messaging, employees are to follow departmental security procedures.
- Employees may not use instant messaging to transmit confidential, proprietary, or personal information.
- IMs are not to be used as a substitute for oral communication with nearby co-workers. Generally, verbal communications are preferred when practical.

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212.4.4 IMPROPER USE

Improper use of instant messages may result in discipline, up to and including termination.

Improper use includes:

- Foul, inappropriate, or offensive messages, such as racial, sexual, or religious slurs
- Offensive jokes or materials
- Harassing or threatening messages
- Demeaning, insulting, defaming, intimidating, or sexually suggestive messages
- Unauthorized codes, passwords, or other means to gain access to others' computers
- Instant messages using another employee's identity
- Any use that violates departmental policies
- Publishing or forwarding another department member's message unless authorized.
- Messages with protected health information
- Gossip, rumors, or unsubstantiated opinions, as these are often objectionable material and easily misconstrued when communicated electronically

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 MEMORANDUMS

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

214.3 CORRESPONDENCE

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

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

214.4 SURVEYS

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

214.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or designee or Division Commanders.

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Medina Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Ohio law (18 USC § 926C; ORC § 2923.126).

220.2 POLICY

It is the policy of the Medina Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

220.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Medina Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

Any qualified former peace officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a peace officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty peace officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by Ohio law or by a private person or entity on his/her property if such prohibition is permitted by Ohio law.

220.4 OHIO IDENTIFICATION CARD ISSUANCE

The Chief of Police shall issue an identification card to any qualified former officer of this department who (ORC § 2923.126(F)):

- (a) Before retiring, worked for an aggregate of 15 years or more as an officer or retired for a service-connected disability as an officer after completing probation.
- (b) Retired in good standing and not for reasons of mental instability.
- (c) Meets all other standards established by the Chief of Police for issuance of an identification card.

220.4.1 OHIO IDENTIFICATION CARD FORMAT

Identification cards issued to officers due to the above mandate (15 years of service/disability retirement) shall comply with the content requirements of ORC § 2923.126.

220.4.2 AUTHORIZATION

A retired officer may carry a concealed firearm in this state when he/she is in possession of a valid identification card issued under this policy and one of the following (ORC § 2923.126):

- (a) A certification on the card that the retired officer has, within the past five years, successfully completed a firearms requalification program approved under ORC § 109.801.
- (b) A firearms requalification certification from a program approved under ORC § 109.801 that identifies the retired officer by name, identifies the entity that taught the program, specifies that the retired officer successfully completed the program, specifies the date on which the course was successfully completed and specifies that the requalification is valid for five years from that date of successful completion.

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220.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Shift Sergeant of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

220.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

220.5.2 RESPONSIBILITIES UNDER OHIO LAW

A retired officer who possesses an Ohio identification card issued by this department and a valid requalification certification has the same right to carry a concealed handgun as a person issued a concealed handgun license under ORC § 2923.125 and is subject to the same restrictions (ORC § 2923.126).

220.6 DENIAL, SUSPENSION OR REVOCATION-DISCRETIONARY ISSUE

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

220.7 FIREARM QUALIFICATIONS

The Range Officer may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Range Officer will maintain a record of the qualifications and weapons used.

If provided, the firearms qualification should comply with ORC § 109.801. The retired peace officer may be required to pay the cost of the course (ORC § 2923.126).

Internal Control Policy for Fine Receipt and Expenditures

221.1 PURPOSE AND SCOPE

The purpose of this policy is to establish accounting and control procedures for fine monies received pursuant to the Ohio Revised Code.

It is the policy of the Medina City Police Department to maintain stringent control over all fine monies to ensure that the funds are only used for authorized purposes as detailed in this policy.

221.1.1 RECEIPT OF STATE FINE MONIES

All proceeds from fines imposed by the Medina Municipal Court, Medina Common Pleas Court, or any other court recognized by the State of Ohio and directed to the benefit of the Medina Police Department shall be properly recorded by the City of Medina Finance Department.

The fine monies shall be deposited into the Law Enforcement Trust Fund by the City of Medina Finance Department. An accurate record of the fine amount received, the date of receipt, the court and case number the fine originated from, and the name of the defendant in the case shall be maintained by the City of Medina Finance Department. A copy of this record will be forwarded to the Medina Police Department by the City of Medina Finance Department.

221.1.2 EXPENDITURES OF STATE FINE MONIES

The proceeds used from the City of Medina Law Enforcement Trust Fund shall be expended in the furtherance of the investigation and prosecution of crimes in Medina County and/or other counties within the following general expenditures categories:

- Investigation costs of complex cases
- Costs of providing technical expertise
- Application toward federal matching funds
- Support of DARE or other drug/alcohol prevention programs
- Any other law enforcement purpose as determined by the Chief of Police and approved by the Safety Director

221.1.3 FILE REQUIREMENTS

A detailed file of all expenditures from the Law Enforcement Trust Fund shall be maintained at the Medina Police Department. The file shall contain copies of invoices for expenditure, date they were sent to the Finance Department for processing, and requisitions or purchase orders from which the invoices were paid.

Specific expenditure of monies shall not be immediately listed during the investigation of on-going cases since such specifics, open to public inspection, may jeopardize the integrity of the investigation and thwart justice.

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Internal Control Policy for Fine Receipt and Expenditures

All expenditures from the City of Medina Law Enforcement Trust Fund shall be approved according to applicable State of Ohio statutes and City of Medina codified ordinances.

221.1.4 REPORTING REQUIREMENTS

A cumulative report of the receipt and expenditure of monies from the City of Medina Law Enforcement Trust Fund shall be compiled each calendar year and be sent to the Ohio Attorney General no later than March 1st of the ensuing year. Such cumulative report shall include all information required in this policy.

Internal Control Policy for Mandatory Drug Fine Receipt and Expenditures

223.1 PURPOSE AND SCOPE

The purpose of this policy is to establish accounting and control procedures for mandatory drug fine monies received pursuant to the Ohio Revised Code 2925.03.

It is the policy of the Medina Police Department to maintain stringent control over all mandatory drug fine monies to ensure that the funds are only used for authorized purposes as detailed in this policy.

223.2 RECEIPT OF STATE DRUG FINE MONIES

All the proceeds from mandatory drug penalty fines imposed by the Medina Municipal Court, Medina Common Pleas Court, or any other court recognized by the State of Ohio and directed to the benefit of the Medina Police Department shall be properly recorded by the city of Medina Finance Department

The fine monies shall be deposited into the Drug Enforcement Trust Fund by the City of Medina Finance Department. An accurate record of the fine amount received, the date of receipt, the court and case number the fine originated from, and the name of the defendant in the case shall be maintained by the City of Medina Finance Department. A copy of this record will be forwarded to the Medina Police Department by the City of Medina Finance Department.

223.3 EXPENDITURES OF STATE DRUG FINE MONIES

The proceeds used from the City of Medina Drug Enforcement Trust Fund shall be expended in the furtherance of the investigation and prosecution of crimes in Medina County and/or other counties within the following general expenditure categories:

- Investigation costs of complex cases
- Costs of providing technical expertise
- Application toward federal matching funds
- Special equipment
- Any other law enforcement purpose as determine by the Chief of Police and approved by the Safety Director

223.3.1 FILE REQUIREMENTS

A detailed file of all expenditures from the Drug Enforcement Trust Fund shall be maintained at the Medina Police Department. The file shall contain copies of invoices for expenditure, dates they were sent to the Finance Department for processing, and requisitions or purchase orders from which invoices were paid.

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Internal Control Policy for Mandatory Drug Fine Receipt and Expenditures

Specific expenditure of monies shall not be immediately listed during the investigation of ongoing cases since such specifics, open to public inspection, may jeopardize the integrity of the investigation and thwart justice.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

De-escalation - Techniques used by officers, when safe to do so and without compromising law enforcement priorities, that seek to minimize the need to use force during an incident.

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

300.2.2 PERSPECTIVE

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

300.3 DE-ESCALATION

De-escalation techniques are actions used by officers, when safe to do so and without compromising law enforcement priorities, that seek to minimize the need to use force during an incident. Techniques may increase the likelihood of voluntary compliance or provide the officers with opportunities to decrease levels of applied force when appropriate.

An officer, during the course and scope of duty, may be required to exercise control of a violent, assaultive, or resistive individual while affecting an arrest, or to protect the public, other officers, or themselves from risk of imminent harm. As such, law enforcement personnel must continually evaluate factors that may either require the escalation or the de-escalation of force as the situation progresses or circumstances dictate. This section does not alter an officer's legal authority to utilize force to protect themselves or others.

When determining whether de-escalation options would be effective and to what degree, the totality of the circumstances should be considered to affect the arrest, prevent escape and/or to overcome resistance. As time and circumstances permit, officers should consider using de-escalation techniques such as but not limited to:

- Effective communication
- Distance
- Use of a barrier or cover
- Additional personnel

When time and circumstances reasonably permit, officers should consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including but not limited to:

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- Medical conditions
- Mental impairment
- Developmental Disability
- Physical limitation
- Language barrier

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

300.4 USE OF FORCE

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

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

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

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

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

300.4.1 USE OF FORCE TO EFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or

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to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.4.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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300.4.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.4.4 CAROTID CONTROL HOLD

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

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

300.4.5 RESPIRATORY RESTRAINTS

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

300.4.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent

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a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Medina Police Department for this specific purpose.

300.5 DEADLY FORCE APPLICATIONS

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

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

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

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

300.5.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

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

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

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.6 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should

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articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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

300.6.1 NOTIFICATIONS TO SUPERVISORS

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

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

300.7 MEDICAL CONSIDERATION

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

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

See the Medical Aid and Response Policy for additional guidelines.

300.8 SUPERVISOR RESPONSIBILITIES

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

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

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.8.1 SHIFT SERGEANT RESPONSIBILITY

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

300.8.2 ADMINISTRATIVE REVIEW

All use of force incidents shall be reviewed administratively by the Lieutenant, Patrol Commander or Administrative Officer designated by the Chief and the Chief of Police.

300.9 TRAINING

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

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

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

300.10 USE OF FORCE ANALYSIS

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

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

Handcuffing and Restraints

306.1 PURPOSE AND SCOPE

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

306.2 POLICY

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

306.3 USE OF RESTRAINTS

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

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

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

306.3.1 RESTRAINT OF DETAINEES

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

306.3.2 RESTRAINT OF PREGNANT PERSONS PRIOR TO BOOKING

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

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

306.3.3 RESTRAINT OF PREGNANT PERSONS AFTER BOOKING

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

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

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

Leg, ankle, or waist restraints shall not be used (ORC § 2152.75; ORC § 2901.10).

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

306.3.4 RESTRAINT OF JUVENILES

A juvenile under 14 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.

306.3.5 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.

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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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.

306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin 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.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

Handcuffing and Restraints

306.8 REQUIRED DOCUMENTATION

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

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

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

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

Control Devices and Techniques

308.1 PURPOSE AND SCOPE

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

308.2 POLICY

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

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

308.4 RESPONSIBILITIES

308.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

308.4.2 RANGE OFFICER RESPONSIBILITIES

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

Every control device will be periodically inspected by the Range Officer or the designated instructor for a particular control device. The inspection shall be documented.

308.4.3 USER RESPONSIBILITIES

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

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

308.5 BATON GUIDELINES

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

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

308.6 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.

308.6.1 OC SPRAY

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

308.6.2 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.

308.7 POST-APPLICATION NOTICE

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

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308.8 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.

308.8.1 DEPLOYMENT AND USE

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

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

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

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

308.8.2 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

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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.

308.8.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner 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.

308.9 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 Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

308.10 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

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309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

309.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING TASER DEVICES

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

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

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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:

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

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

309.5 USE OF THE TASER DEVICE

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

309.5.1 APPLICATION OF THE TASER DEVICE

The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.

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- (e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).
- (g) Individuals who appear to be in a state of Excited Delirium, which is defined as "A state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without apparent fatigue" (Morrison & Sadler, *Medical Science and Law* 2001: 41(1):46

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the TASER device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, including:

- (a) Whether the probes are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one TASER device at a time against a single subject.

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309.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS

The TASER device may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.5.7 OFF-DUTY CONSIDERATIONS

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

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

309.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report and the TASER device report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

309.6.1 TASER DEVICE FORM

Items that shall be included in the TASER device report form are:

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

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The Training Officer should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Officer should also conduct audits of data downloads and reconcile TASER device report forms with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

[See attachment: Taser Pic.jpg](#)

309.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication or other medical problems

309.7 MEDICAL TREATMENT

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

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

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

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

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The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by a supervisor or Range Officer and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

309.9 TRAINING

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

Proficiency training for personnel who have been issued TASER devices 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 Training Officer. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

The Training Officer is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of TASER devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Officer should ensure that all training includes:

- (a) A review of this policy.
- (b) A review of the Use of Force 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.

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- (e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

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310.1 PURPOSE AND SCOPE

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

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

310.2 TYPES OF INVESTIGATIONS

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

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

310.3 CONTROL OF INVESTIGATIONS

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

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

310.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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.

310.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

310.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

310.4 INVESTIGATION PROCESS

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

310.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved MPD 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.

310.4.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any MPD 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 Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.

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- (d) Take command of and secure the incident scene with additional MPD 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 MPD officer should be given an administrative order not to discuss the incident with other involved officers or MPD 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.

310.4.3 SHIFT SERGEANT RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Chief of Police or his designee.

310.4.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Mayor/Safety Director
- Patrol Division Commander
- Special Operations Division Commander
- Communications Division Commander
- Psychological/peer support personnel
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Outside agency investigators (if appropriate)
- Chaplain

310.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved MPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - 2. Requests from involved non-MPD officers should be referred to their employing agency.

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- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved MPD officer. A licensed psychotherapist may also be provided to any other affected MPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors 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 MPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Sergeant to make schedule adjustments to accommodate such leave.

310.5 CRIMINAL INVESTIGATION

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

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

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

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

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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.

310.5.1 REPORTS BY INVOLVED MPD OFFICERS

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

While the involved MPD 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 MPD 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.

310.5.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

310.5.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Special Operations Division supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the 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 designated Special Operations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6 ADMINISTRATIVE INVESTIGATION

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

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

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

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

310.7 CIVIL LIABILITY RESPONSE

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

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

310.8 AUDIO AND VIDEO RECORDINGS

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

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

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

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

310.9 DEBRIEFING

Following an officer-involved shooting or death, the Medina Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

310.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Commander 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 and Chief of Police personnel.

310.9.2 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.

310.10 MEDIA RELATIONS

Media releases will be prepared by the Chief of Police. Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Patrol Division Commander, Special Operations Division Commander and the Communications Division Commander in the event of inquiries from the media.

No involved MPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police.

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

Firearms

312.1 PURPOSE AND SCOPE

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

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

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

312.1.1 AUTHORIZATION TO CARRY FIREARMS

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

312.2 POLICY

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

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

312.3.1 HANDGUNS

The authorized Department issued handgun is the Smith & Wesson M&P 40 caliber.

MAKE: Smith and Wesson	MODEL: M&P	CALIBER: 40
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312.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

MAKE: Remington	MODEL: 870	CALIBER: 12 gauge
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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 safe position.

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Smith & Wesson M&P 15.

MAKE: Smith & Wesson	MODEL: M&P 15	CALIBER: .223
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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

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

When not deployed, the patrol rifle shall be properly secured 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).

312.3.4 AUTHORIZED SECONDARY HANDGUN

The authorized Department issued secondary handgun is the Smith & Wesson Shield 40 caliber.

Officers desiring to carry a secondary handgun other than the Department issued secondary handgun are subject to the following requirements and restrictions:

- (a) Officers shall submit a Departmental Memorandum seeking authorization from the Chief of Police. The memorandum shall include the make, model, color, serial number and caliber of the secondary handgun the requesting officer intends to carry.
- (b) Shall provide written notice of the make, model, color, serial number and caliber of a secondary firearm to the Range Officer.
- (c) The firearm shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, Sig Sauer, etc.)
- (d) Only one secondary firearm may be carried at a time.
- (e) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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- (f) Ammunition shall be the same as Department issue. If the caliber of the firearm is other than Department issue, the Chief of Police or designee shall approve the ammunition.
- (g) The firearm shall be carried concealed at all times in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (h) It will be the responsibility of the officer to submit the firearm to the Range Officer for inspection prior to it being carried as a secondary firearm. The Range Officer shall ensure the officer is proficient in handling and firing the firearm and that it will be carried in a safe manner. The firearm shall be subject to periodic inspection by the Range Officer. The officer will successfully qualify with the firearm prior to it being carried and thereafter once every twelve months. The range qualification dates will be specified by the Range Officer.

312.3.5 AUTHORIZED OFF-DUTY FIREARMS

The authorized Department issued off-duty handgun is the Smith & Wesson Shield 40 caliber.

The carrying of firearms by sworn officers while off-duty is permitted by the Chief of Police, but may be rescinded should circumstances dictate (e.g., administrative leave). Sworn officers who choose to carry a personally owned firearm while off-duty based on their authority as a peace officer will be required to meet the following guidelines:

- (a) Officers shall submit a Departmental Memorandum seeking authorization from the Chief of Police. The memorandum shall include the make, model, color, serial number and caliber of the off-duty handgun the requesting officer intends to carry.
- (b) The firearm shall be of good quality and workmanship (e.g., Glock, Colt, Smith & Wesson, Browning, Sig Sauer).
- (c) The purchase of the firearm and ammunition shall be the responsibility of the officer.
- (d) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) It will be the responsibility of the officer to submit the firearm to the Range Officer for inspection prior to being carried off-duty. The Range Officer shall verify that the officer is proficient in handling and firing the firearm, and that it will be carried in a safe manner. The firearm shall be subject to periodic inspection by the Range Officer. The officers will successfully qualify with the firearm prior to it being carried and thereafter once every twelve months. The range qualification dates will be specified by the Range Officer.
- (f) A complete description of the firearm shall be contained on the qualification record approved by the Range Officer.
- (g) If any member desires to use more than one firearm while off-duty, he/she may do so as long as the officer meets all the requirements set forth in this policy for each firearm used.
- (h) Officers shall only carry Department authorized ammunition.

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- (i) When armed, whether on-or off-duty, officers shall carry their badge and Department identification.

312.3.6 AMMUNITION

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

312.3.7 AUTHORIZED CARRY IN COURT FACILITIES

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

312.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition.

312.4.1 REPAIRS OR MODIFICATIONS

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

Firearms that are the property of the 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 Range Officer.

312.4.2 HOLSTERS

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

312.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Range Officer. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

312.4.4 OPTICS OR LASER SIGHTS

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

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Officer. Members shall not dry fire or practice quick draws except as instructed by the Range Officer or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Officer approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Officer will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE

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

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

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312.5.2 STORAGE AT HOME

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

312.5.3 ALCOHOL AND DRUGS

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

312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to annual training, all members will qualify at least annually with their duty firearms on a course approved by the Ohio Peace Officer Training Commission (POTC) (ORC § 109.801). Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

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

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

312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

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

Firearms

312.7 FIREARM DISCHARGE

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

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander 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.

312.7.1 DESTRUCTION OF ANIMALS

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

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

312.7.2 INJURED ANIMALS

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

312.7.3 WARNING AND OTHER SHOTS

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

312.8 RANGE OFFICER DUTIES

The range will be under the exclusive control of the Range Officer. All members attending will follow the directions of the Range Officer. The Range Officer will maintain a roster of all members attending the range. Failure of any member to sign in and out with the Range Officer may result in non-participation or non-qualification.

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The range shall remain operational and accessible to department members during hours established by the Department.

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

The Range Officer has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Range Officer shall document the training courses provided. 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 Range Officer should keep accurate records of all training shoots, qualifications, repairs, and maintenance.

312.9 FLYING WHILE ARMED

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

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Medina Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Medina Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Medina 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.

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- (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.

312.10 CARRYING FIREARMS OUT OF STATE

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

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

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

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

Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

314.1.1 PHILOSOPHY

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

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

314.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

314.3 OFFICER RESPONSIBILITIES

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

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

314.3.1 WHEN TO INITIATE A PURSUIT

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)).

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

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

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

314.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

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

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

314.3.3 SPEED LIMITS

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

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

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

314.4 PURSUIT UNITS

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

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

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

314.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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314.4.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

314.4.3 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

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

314.4.4 PURSUIT DRIVING TACTICS

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

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

314.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

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314.4.6 PURSUIT TRAILING

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

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

314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The shift supervisor/OIC of the officer initiating the pursuit, or if unavailable, a supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing MPD units when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

314.5.1 SHIFT SERGEANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Shift Sergeant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Shift Sergeant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

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The Shift Sergeant shall review all pertinent reports for content and forward them to the Division Commander.

314.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.

314.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification that a pursuit has been initiated, the Communications Center will be responsible for:

- Coordinating pursuit communications of the involved units and personnel.
- Notifying and coordinating with other involved or affected agencies as practicable.
- Ensuring that a Shift Supervisor/OIC is notified of the pursuit.
- Assigning an incident number and logging all pursuit activities.
- Broadcasting pursuit updates as well as other pertinent information as necessary.

314.6.2 LOSS OF PURSUED VEHICLE

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

314.7 INTERJURISDICTIONAL CONSIDERATIONS

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

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will

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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.

314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

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

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

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

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

314.8 PURSUIT INTERVENTION

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

314.8.1 WHEN USE IS AUTHORIZED

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

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to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

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

314.8.2 USE OF FIREARMS

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

314.8.3 INTERVENTION STANDARDS

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

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

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situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers or other members of the public.

314.8.4 CAPTURE OF SUSPECTS

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

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

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314.9 REPORTING AND REVIEW REQUIREMENTS

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

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

314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

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314.9.2 POLICY REVIEW

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

Officer Response to Calls

316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

316.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren (ORC § 4511.041). If emergency equipment is turned off due to being in close proximity to the location of the incident, all traffic laws must be obeyed by the responding unit or units.

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

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

316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

316.3.1 NUMBER OF UNITS PARTICIPATING

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

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316.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency call response to any call is appropriate, the officer shall immediately notify the Communications Center. Emergency responses of more than one unit should include, if circumstances reasonably permit, coordinating the response of the second unit by the Communications Center to avoid any unanticipated intersecting of response routes.

An emergency call response of more than one unit should initiate notification by the Communications Center to the Shift Sergeant or OIC. The Shift Sergeant or OIC will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

316.5 RESPONSIBILITIES OF RESPONDING OFFICER

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

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

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

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

316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning an emergency response. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Shift Sergeant.

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- (c) Confirm the location from which the unit is responding.
- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communication during the emergency and coordinate assistance under the direction of the Shift Sergeant or field supervisor.

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Sergeant or the field supervisor shall verify the following:

- (a) The proper response has been initiated.
- (b) No more than those units reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Shift Sergeant or the field supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly.

The officer shall notify the Shift Sergeant, OIC or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

316.9 SILENT ALARM RESPONSE

Purpose: To effectively insure the safety of civilians, bank employees, and police officers during armed robbery situations. To reduce the risk of causing a hostage situation. To avoid an

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unnecessary shooting incident. To increase the probability of a safely controlled capture of robbery suspect(s).

316.9.1 COMMUNICATIONS TECHNICIAN

Communications Technician shall:

- Note the alarm indication
- Immediately notify all patrol units
- Notify other on-duty units available (ie., detectives, lieutenants, etc.)
- Telephone the bank. DO NOT identify yourself as the Medina Police Department or an employee of this agency. Simply state: "This is Mr./Mrs. ...You are experiencing line trouble. Would you check this for us, please/" Hang up.
- Await the return call back from the bank confirming whether the alarm is or is not false.
- Advise the bank to have a representative meet with the officer outside the bank at the designated location. Obtain description of bank representative who will meet officer (ie., clothing, etc.)

NOTE: If the telephone is not answered or the call back is not received, immediately notify the responding units. If informed that a robbery has taken place and the suspects have fled, immediately relay all available information to the responding units, maintain telephone contact with the bank and await additional instruction from the responding personnel.

316.9.2 RESPONDING UNITS

The responding units shall be guided by section 316.2 of this policy. Responding units shall:

- Know the identity and locations of all banking and savings institutions and the areas of invisible deployment about those locations.
- Receive and affirm the alarm and location notification from Communications.
- If available, responding units should activate Mobile Video Recorders to record vehicles leaving the area.
- Respond to an invisible deployment area immediately, without the use of the siren. Responding units will notify each other where they are, and to which area they will proceed. This is to be done with an absolute minimum of radio traffic.
- Begin and maintain visual surveillance of the location from an area which cannot be seen from within the bank - an area of invisible deployment.
- Observe all traffic, both vehicular and pedestrian, in or about the location, paying special attention to any vehicles that may be possible "getaway" vehicles. Responding units will notify one another of their respective positions and areas of visual surveillance.

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- The primary responding unit or that unit nearest the location will advise Communications of the directions to be given to the bank representative who will meet with the officer at a secure location out of the bank.
- If Communications advises that the call back has not been received, or the bank representative does not come out of the bank, maintain the invisible deployment, considering the alarm to be an in-progress robbery.
- If a robbery is in progress, maintain invisible deployment, and observation. DO NOT approach the location. Allow the suspect(s) to exit the location.
- If met by the bank representative outside the location and advised that there is a robbery in progress, obtain as much information as possible concerning suspect(s), weapons and vehicle. Officers are then to leave the immediate area. All officers must then coordinate by radio, an intercept plan considering the possible escape routes. This must be accomplished with a minimum amount of radio traffic.
- After suspect(s) have exited the bank and are not in a position to re-enter the bank, responding units should be within their respective vehicles, ready to follow the suspect vehicle. The primary responding officer (unless directed otherwise) will be responsible for remaining at the location, and securing the location from re-entry and preservation of the crime scene.

NOTE: In most instances, the suggested method of capture will be by following the suspect vehicle away from the location to a safe area, where officers can coordinate a "high risk" tactical traffic stop.

Upon being notified that the call back has been received and the directions have been given to the bank representative, maintain the position and meet with the described representative outside the bank.

When the described bank representative is personally met, verbally identified and indicates all is ok within the bank, responding units may be released from their positions.

NOTE: Should the bank representative fail to come out of the bank, fail to identify him/her, or fail to indicate all is ok within the bank, the situation is to be regarded as a robbery in progress

Canines

318.1 PURPOSE AND SCOPE

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

318.1.1 DEFINITIONS

Definitions related to this policy include:

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

Handler - A police officer who has been specially trained in the care, handling, training, and utilization of a dog for law enforcement.

318.2 POLICY

The Department may use canines for any appropriate situation requiring police action where their use will further the police mission. Reducing the risk of injuring an innocent citizen is of paramount importance and should always be weighed against the benefit of deploying a canine.

318.3 CANINE COORDINATOR

The Patrol Commander shall be the designated canine coordinator.

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

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.
- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine -related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.4 SUPERVISION

Canine handlers will be under the immediate supervision of the shift supervisor.

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Canine handlers shall work such hours and perform such duties as prescribed by the Chief of Police or his designee.

318.5 HANDLER RESPONSIBILITIES

Canine handlers will be responsible for the health and welfare of the canine and shall ensure the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The canine officer and his or her family must realize the police canine placed in their care is a twenty-four hour per day responsibility, seven days a week. The canine must be an important part of the family life.

The canine handler shall be responsible for the following:

- (a) Except as required during appropriate deployments, the handler shall not expose the canine to any foreseeable and unreasonable risk.
- (b) The canine handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify conditions and equipment conform to this policy.
- (d) If the canine handler changes his/her living status which may affect the lodging or environment of the canine, the handler shall immediately notify the canine coordinator.
- (e) Under no circumstances will the canine be lodged at another location unless approved by the Chief of Police or his designee.
- (f) A secure kennel will be provided by the Medina Police Department. The canine will be placed in a secure kennel at the canine officer's residence when not under the direct supervision of the officer. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine officer's yard will be fenced at the officer's expense. "Dog Warning" signs will be posted at all entrances to the yard of the canine officer's residence. The canine shall not be left unattended in the fenced yard.
- (h) The canine must be under direct control at all times so that it will not cause any problem in the neighborhood.
- (i) The canine should be permitted to socialize with the handler's family for short periods of time under the direct supervision and control of the handler while in the handler's home.
- (j) When a canine handler is away from work for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so appropriate arrangements can be made.
- (k) When the handler is away from the patrol unit, the handler shall be responsible for the proper safety of the canine, to include the proper ventilation and temperature control of the patrol unit. There will be instances when it may become necessary to leave the

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canine unattended for a period to time. This period of time should not be longer than two hours unless exigent circumstances exist.

318.5.1 CANINE IN PUBLIC AREAS

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

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

318.6 CONDUCT FOR DEPARTMENT EMPLOYEES

Under no circumstances will any officer or member of the department, strike the canine handler or engage in horseplay while around a canine. Any aggressive movements could result in canine aggression.

No employee or member of the department, other than the canine handler, will do any of the following:

- (a) Strike or discipline the canine.
- (b) Tease or agitate the canine.
- (c) Give the canine any command.
- (d) Feed the canine without the canine handler's permission.
- (e) Play with the canine without the canine handler's permission and presence.
- (f) Enter the canine vehicle without the canine handler's knowledge and presence, when the canine is in or around the vehicle.
- (g) Remove the canine from the canine vehicle or other area of confinement without the canine handler's knowledge and presence, unless an emergency exists.

318.7 REQUESTS FOR CANINE TEAMS

Assistance from a canine team may be requested by any member of the Medina Police Department with the approval of the shift sergeant or OIC.

318.7.1 OUTSIDE AGENCY REQUEST

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

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) If a canine team is not on duty, and its assistance is requested by members of MPD or any other agency the shift sergeant or OIC shall determine if a team is to be called out.

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- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports.

318.7.2 PUBLIC DEMONSTRATIONS

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

318.8 PREPARATIONS FOR UTILIZING A CANINE

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

- a) The individual's perceived age.
- b) The nature of the suspected offense.
- c) Any potential danger to the public and/or other officers at the scene if the canine is released.
- d) The degree of resistance or threatened resistance, if any, the individual has shown.
- e) The potential for escape or flight if the canine is not utilized.

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

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

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

A supervisor sufficiently apprised of the situation may decide not to deploy the canine.

318.8.1 WARNINGS AND ANNOUNCEMENTS

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

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If a warning is not given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. The canine handler shall document in any related report why the warning was not given.

318.9 APPREHENSION GUIDELINES

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

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

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

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

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

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

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

318.9.1 REPORTING DEPLOYMENTS, BITES, AND INJURIES

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

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

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

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

318.10 NON-APPREHENSION GUIDELINES

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

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

318.10.1 USE OF NARCOTIC DETECTION CANINES

A narcotics detection trained canine may be used in accordance with current law under the following circumstances:

- a) To assist in the search for narcotics during the service of a search warrant.
- b) To obtain a search warrant by using the detection canine in support of probable cause.
- c) To search buildings, bags and articles.
- d) To search vehicles:

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1. **The U.S. Supreme Court ruled in *Rodriguez v. United States* (2015) that absent reasonable suspicion, police extension of a traffic stop in order to conduct a dog sniff violates the Fourth Amendment.**

2. **As a result, officers cannot prolong the stop beyond the time reasonably required to effectuate the purpose of the stop. The use of the term “reasonably” means that this determination will be a subjective one, so officers should not make the stop last longer just to conduct a dog sniff. This decision does not affect the ability of officers to use a dog sniff during the course of the traffic stop, provided it does not lengthen the duration of the stop.**

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

318.10.2 ARTICLE DETECTION

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

318.10.3 BOMB/EXPLOSIVE DETECTION

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

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

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

318.11 CANINE INJURY AND MEDICAL CARE

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

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

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318.11.1 DISPOSITION OF SERVICE CANINE

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

If an officer chooses not to purchase an animal, the disposition of the animal shall be as otherwise provided by law.

318.12 CANINE VEHICLES

The canine handler will be assigned a take-home vehicle and will be responsible for maintaining it in a clean and serviceable condition.

Canine teams will use a patrol vehicle which has the following modifications:

- (a) A secure compartment to house the canine.
- (b) Remote access ability to deploy the canine.
- (c) Tinted windows.
- (d) Clear markings on each rear door which read "Caution--Police Work Dog."
- (e) Markings on the front fenders reading "K-9 Unit."
- (f) A license plate which reads "K-9."

No prisoners will be transported in a canine vehicle.

One passenger may accompany the canine team. If the passenger is a civilian, the pass-through door between the front seat and the canine compartment will be closed and secured.

318.13 TRAINING

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

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator.

318.13.1 CONTINUED TRAINING

Each canine term shall thereafter be re-certified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis (OAC 109:2-7-05).

Additional training considerations are as follows:

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

318.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

318.13.3 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

As an alternative the Chief of Police or the authorized designee may request narcotics training aids from the Medina County Drug Task Force or from the Drug Enforcement Agency (DEA).

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

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

318.13.4 CONTROLLED SUBSTANCE PROCEDURES

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

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by the property officer.

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- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall document any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be documented and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substances will be stored in a property locker until needed for training. The canine officer will keep the property locker key and will log the removal of the substances prior to training then log the return of the substances at the conclusion of the the training.
- (f) All controlled substance training samples will be stored in locked, air tight and water tight cases when being transported for training purposes. The locked cases shall be secured in the canine handler's assigned patrol vehicle in a separate locked container. There are no exceptions to this procedure.
- (g) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (h) Any unusable controlled substance training sample shall be returned to Property or the dispensing agency.
- (i) All controlled substance training samples shall be returned to the dispensing agency when no longer needed for future training or upon request from the dispensing agency.

318.13.5 TRAINING RECORDS

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

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320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence. This includes the arrest of domestic violence offenders when there are reasonable grounds to believe an offense has occurred (ORC 2935.03).

320.1.1 DEFINITIONS

Definitions related to this policy include (ORC § 2919.25):

Domestic Violence - The following acts constitutes domestic violence:

- Knowingly causing or attempting to cause physical harm to a family or household member.
- Recklessly causing serious physical harm to a family or household member.
- By threat of force, knowingly cause a family or household member to believe that the offender will cause imminent physical harm.

Family or Household Member - Includes any of the following:

- (a) Any of the following who is residing or has resided with the offender:
 1. A spouse, a person living as a spouse or a former spouse of the offender.
 2. A parent, a foster parent or a child of the offender or another person related by consanguinity or affinity to the offender.
 3. A parent or a child of a spouse, person living as a spouse, or former spouse of the offender or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.
- (b) The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.
- (c) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question.

320.2 POLICY

The Medina Police Department's response to incidents of domestic violence and violations of court orders shall stress enforcement of the law to protect the victim and shall communicate the

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philosophy that domestic violence is criminal behavior. It is also the policy of this to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY

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

320.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Special Operations Division in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When

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reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Marital status of suspect and victim.
 - 2. Whether the suspect lives on the premises with the victim.
 - 3. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 4. The potential financial or child custody consequences of arrest.
 - 5. The physical or emotional state of either party.
 - 6. Use of drugs or alcohol by either party.
 - 7. Denial that the abuse occurred where evidence indicates otherwise.
 - 8. A request by the victim not to arrest the suspect.
 - 9. Location of the incident (public/private).
 - 10. Speculation that the complainant may not follow through with the prosecution.
 - 11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

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

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320.4.3 TEMPORARY OR EXTENDED ORDERS

Officers should advise the victim of domestic violence that a motion for a temporary protection order may be filled out at the time of the report when the alleged perpetrator has been arrested (ORC § 2919.26 and ORC § 3113.31).

Whenever an officer files for a court order on a victim's behalf, he/she will request approval from the Shift Sergeant and document the action in an offense report and explain the reasons for taking the action.

320.4.4 UNUSUAL STATUS CIRCUMSTANCES

Any domestic violence incident that involves an employee from any law enforcement agency will require supervisory oversight and review after briefing from investigating officers while still at the scene. Actions to consider by the supervisor include:

Responding to the scene if indicated.

If employed by this department, immediately notify MPD administration.

Notifying another agency's ranking on-duty officer of an arrest of the other agency's employee or that the employee is sought in relation to a crime.

Domestic violence incidents involving a person whose status warrants special consideration should be immediately brought to a supervisor's attention for appropriate review and oversight.

All information will be documented in appropriate reports and reviewed by the involved supervisor.

320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

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

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320.5.1 RECORDING INJURIES

All visible injuries should be photographed, regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, officers may video-record injuries and victim statements. Officers should request that the victim complete and sign an Authorization for Release of Medical Records Form.

Victims whose injuries are not visible at the time of the incident should be advised to contact the Detective Bureau in the event the injuries later become visible. An investigator may be assigned to ensure that the injuries are photographed during the course of preparing the case for court.

320.5.2 RECORDING OF STATEMENT

Whenever practicable, the responding officer shall promptly and while still at the scene take a recorded statement from the victim setting out the facts that constitute the violation of the order and/or criminal act. The recording shall be processed and treated as evidence consistent with the Use of Portable Recorders Policy (**Policy 450**) and Computers and Digital Evidence Policy (**Policy 814.5**) as applicable to the device and media.

320.5.3 VICTIM NOTIFICATION

When investigating an act of domestic violence, officers shall make a good faith effort to explain the provisions of Ohio law pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community (ORC § 2935.032(C)).

Officers shall also advise the victim of the availability of a temporary court protective order, a protection order or a consent agreement.

320.5.4 WRITTEN NOTICE TO VICTIMS

Victims of domestic violence shall be furnished with a written notice explaining their rights under Ohio law to include the officer's name and badge number, the report or incident number, the telephone number to call to get more information regarding the case, telephone numbers to domestic violence shelters in the area and applicable information on the local victim advocacy program (ORC § 2935.032(C)(3)).

Information required for this notification is contained upon the Domestic Violence Information Pamphlet.

320.5.5 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence should be allowed to have a domestic violence counselor and a support person of the victim's choosing present at any interview by law enforcement authorities. The investigating officer should advise the victim of the option to have an advocate and support person present at any subsequent interview, including additional interviews by the reporting officer and/or investigators handling the case.

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For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect shall not constitute a law enforcement interview.

The support person may be excluded from an interview if the law enforcement authority determines the presence of that person would be detrimental to the purpose of the interview.

320.6 DISPATCH ASSISTANCE

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

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

320.7 FOREIGN COURT ORDERS

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

320.8 VERIFICATION OF COURT ORDERS

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

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

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

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320.9 LEGAL MANDATES AND RELEVANT LAWS

Ohio law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

320.9.2 REPORTS AND RECORDS

- (a) If a suspect is not present but would otherwise be arrested, a completed report shall be immediately forwarded to the Special Operations Division so an arrest warrant can be obtained (ORC § 2935.03 (B)(3)).

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

320.9.3 COURT ORDERS INDEX

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

320.9.4 WEAPONS

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

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320.9.5 NOTICE TO CHILDREN SERVICES

If children are present in a domestic violence incident, officers should notify the Children Services Bureau (CSB) either directly or by forwarding a copy of the report, to provide the opportunity for follow-up to ensure there is no potential for abuse or neglect.

320.10 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request.

Search and Seizure

322.1 PURPOSE AND SCOPE

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

322.2 POLICY

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

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

322.3 SEARCHES

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

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

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

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

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

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

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322.4 SEARCH PROTOCOL

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

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

322.5 DOCUMENTATION

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

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

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

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

324.2 POLICY

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

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

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

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

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

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

324.4 CUSTODY OF JUVENILES

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

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

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond three hours, or six if being held for a

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felony, from the time of his/her entry into the Medina Police Department (34 USC § 11133; ORC § 2151.311).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

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

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

324.5 ADVISEMENTS

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

324.6 JUVENILE CUSTODY LOGS

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

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Medina Police Department.
- (c) Shift Sergeant notification and approval to temporarily hold the juvenile.

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

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

324.7 NO-CONTACT REQUIREMENTS

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

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

324.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

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

324.9 USE OF RESTRAINT DEVICES

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

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

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

324.9.1 PREGNANT JUVENILES

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

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324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Medina Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

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

324.11 SECURE CUSTODY

Only juvenile offenders 14 years or older may be placed in secure custody. Shift Sergeant approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire detention.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member shall occur no less than every 15 minutes.
 - 1. All checks shall be logged.
 - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Shift Sergeant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Medina Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Special Operations Division supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the Law Director.
- (e) Evidence preservation.

324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

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

324.15 SCHOOL RESOURCE OFFICER GUIDELINES

Officers of the Medina Police Department who are assigned to, or primarily engage in, law enforcement duties at a school campus shall comply with the requirements of OAC § 3301-35-15, as applicable, including the following:

- (a) Physical restraint shall only be used as a last resort and only in accordance with the requirements of OAC 3301-35-15.
- (b) Juveniles shall not be restrained in a prone position.

Juveniles shall not be placed in a locked room or left alone while they are restrained in any way.

Officers who are required to restrain a juvenile shall immediately report such restraint to the appropriate school administrator and the juvenile's parent.

Adult or Vulnerable Person Abuse

326.1 PURPOSE AND SCOPE

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

326.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

326.2 POLICY

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

326.3 MANDATORY NOTIFICATION

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

326.3.1 NOTIFICATION PROCEDURE

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

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

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326.4 QUALIFIED INVESTIGATORS

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

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

326.5 INVESTIGATIONS AND REPORTING

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

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

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

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

326.6 PROTECTIVE CUSTODY

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

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

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

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

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS

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

326.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

- (a) Exigent circumstances exist, such as:

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

326.8 MEDICAL EXAMINATIONS

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

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

326.9 DRUG-ENDANGERED VICTIMS

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

326.9.1 SUPERVISOR RESPONSIBILITIES

The Special Operations Division supervisor should:

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

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326.9.2 OFFICER RESPONSIBILITIES

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

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

326.10 STATE MANDATES AND OTHER RELEVANT LAWS

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

326.10.1 RECORDS BUREAU RESPONSIBILITIES

The Records Bureau is responsible for:

- (a) Providing a copy of the adult or vulnerable person abuse report to MCJFS or the county board of developmental disabilities as required by law.
- (b) Retaining the original adult or vulnerable person abuse report with the initial case file.

326.10.2 RELEASE OF REPORTS

Information related to incidents of adult or vulnerable person abuse or suspected adult or vulnerable person abuse shall be confidential and are not considered a public record (ORC § 5101.61; ORC § 5123.61).

326.11 TRAINING

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

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

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328.1 PURPOSE AND SCOPE

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

328.2 POLICY

The Medina Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS

Definitions related to this policy include:

328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to policy and to a work environment that is free of discrimination.

328.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

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Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct that has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communications between supervisor and member.

328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

328.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission (ORC § 4112.02).

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Civil Service Director, or the Mayor.

Any member who believes, in good faith, that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

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328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Civil Service Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Civil Service Director, or the Mayor for further information, direction, or clarification.

328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

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328.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Civil Service Director, or the Mayor.

328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the Mayor, or the Civil Service Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

328.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

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328.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

328.8 CITY OF MEDINA POLICY PROHIBITING DISCRIMINATION AND SEXUAL HARASSMENT

The purpose of this policy is to state the City of Medina's position prohibiting discrimination and prohibiting sexual harassment. This policy is designed to address sexual harassment by defining what it is, by assisting employees in identifying sexual harassment, by listing types of sexual harassment and some concrete examples, by describing who can be involved in sexual harassment, and by providing employees a procedure by which they can complain of sexual harassment and have their complaints investigated and resolved. This policy shall serve to encourage any employee who believes that he or she is a victim of sexual harassment to come forward and to voice the complaint to his or her superior so that the City of Medina can act to terminate any sexual harassment.

328.8.1 CITY POLICY GOVERNING DISCRIMINATION

It is the policy of the City of Medina and all departments thereof, to provide equal employment opportunity and equal treatment to all employees in all aspects of employment without regard to race, color, religion, sex (including pregnancy), age (40 or over), national origin, or physical or mental disability of an otherwise qualified individual.

328.8.2 SEXUAL HARASSMENT DEFINED

"Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written 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; or
- (b) Submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting an individual; or
- (c) The purpose or effect of such conduct is to substantially interfere with the individual's work performance or to create a hostile or abusive work environment.

328.8.3 IDENTIFICATION OF SEXUAL HARASSMENT

Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct which may constitute sexual harassment, if unwelcome, are:

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- (a) Verbal - unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendos; demeaning sexual jokes; references to a person's anatomy; catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences; and, if unwelcome, invitations for lunch, dinner, drinks, or dates.
- (b) Visual - unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazines, objects or posters (including poster calendars); sexually obscene gestures or obvious staring and nudity.
- (c) Written - notes or letters of sexual content or propositions; sexually-explicit literature, poems, or magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.
- (d) Physical - unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all the possible behavior which could be viewed as sexually harassing by the City and which could result in job discipline. It is merely a list of offensive behavior. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur. Plus, some of the behavior on the list might not in all circumstances be sexually harassing, such as when they are not unwelcome.

328.8.4 WHO CAN BE INVOLVED IN SEXUAL HARASSMENT

Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

- (a) Victims can be of either gender (male or female);
- (b) Harassers can be of either gender (male or female);
- (c) Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;
- (d) Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex;
- (e) Victims need not suffer any financial loss;

The sexual harassment need not seriously affect a victim's psychological well-being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

328.8.5 REGISTERING A COMPLAINT WITH YOUR SUPERIORS

Any employee of the City who feels he or she has been subjected to sexual harassment should register a complaint with his or her immediate superior. However, if it is the immediate superior who is the alleged harasser, the employee should register the complaint with the superior next in

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charge. If all supervisors over the employee are believed to be involved in the sexual harassment, the employee should register the complaint with the Law Director. If an employee believes that the Law Director is involved in the sexual harassment, the complaint should be made to any department-level supervisor, the Mayor or the Council President.

The sexual harassment complaint may initially be made verbally, by talking to the appropriate supervisor. The complaint will then be put in writing and signed and dated by the person complaining. Any employee may write his or her own complaint or, if the employee wishes, the supervisor or City Law Director will assist the employee in drafting a complaint of sexual harassment. The person receiving the complaint shall notify the City Law Director promptly.

To the extent practicable, a complaint of sexual harassment will be kept confidential, with due regard to the sensitive nature of such complaints.

328.8.6 PROMPT INVESTIGATION OF COMPLAINT REQUIRED

The City shall fully, impartially and promptly investigate any sexual harassment complaint filed by one of its employees.

328.8.7 CONFIDENTIAL REPORT OF INVESTIGATION

A confidential written report of the result of the investigation will be submitted to either an impartial supervisor of the complainant or to the Mayor, depending on the situation at hand, with a copy to the City Law Director. Also, the complainant will be promptly informed of the results of the investigation. If the investigation reveals that the accused harasser acted in a manner to sexually harass the complainant, the accused employee will also receive a copy of the special investigator's report.

328.8.8 PROMPT REMEDIAL ACTION

The City will take prompt action to end any sexual harassment. Following a report finding that sexual harassment in fact occurred, the City shall take immediate steps to discipline the offending employee or employees, including, if appropriate, immediate discharge. Any City employee who acts in a manner to sexually harass any other City Employee is acting outside the line and scope or his or her employment with the City.

328.8.9 RIGHT OF REBUTTAL

Both the complaining employee and the employee who has been accused of sexual harassment have the right to submit facts, documents or other evidence contesting the report to a higher supervisor, or the Mayor, if the circumstances so dictate.

328.8.10 RETALIATION PROHIBITED

No employee of the City shall discharge or otherwise discriminate or harass any other City employee who has filed a complaint of sexual harassment under this policy or who has sought redress for sexual harassment with the Equal Employment Opportunity Commission or by instituting an action in Court.

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328.8.11 FALSE CLAIMS

Any employee of the City who knowingly files a false complaint shall be subject to disciplinary action up to and including, if deemed appropriate, termination of employment.

328.8.12 NOTICE

The City shall take all appropriate steps to inform all employees of the City of the contents of this policy. Each department will distribute a copy of this policy to its City employees, current and future.

The City of Medina encourages employees to come forward if you have a complaint of sexual harassment. We assure each employee that no retaliatory action will be taken or allowed against any employee who asserts a sexual harassment complaint.

Remember, if you do not make your complaint known to your superiors, there will not be any opportunity for the City to assist you in ending the sexual harassment.

328.8.13 CITY ORDINANCE

Ordinance No 208 - 99 An Ordinance Amending the City of Medina's Sexual Harassment Policy. **Whereas**, on December 22, 1999 the Council of the City of Medina passed Ordinance No. 208-99 which adopted a sexual harassment policy for city employees; and **Whereas**, the Council of the City of Medina considers it necessary and appropriate to update and refine its sexual harassment policy to maintain a workplace free of discrimination and harassment of any type and, in particular, sexual harassment. **Now, Therefore, be it Ordained**, by Council of the City of Medina, Medina County, Ohio, as follows:

- **Section 1:** That the City of Medina policy prohibiting sexual harassment as adopted by Ordinance No. 208-99 is hereby amended to replace the policy approved by said ordinance with the revised policy attached hereto and incorporated herein by reference as if fully rewritten.
- **Section 2:** That the Mayor, as Chief Executive of the City, and all Supervisors and Department Heads are directed to familiarize themselves with the policy, to obtain additional training, if necessary, to permit them to effectively implement the policy, to insure that City employees are instructed in the contents of the policy, and to carry out the purpose of the policy by exercising due care to prevent and promptly correct any sexually harassing or discriminatory behavior.
- **Section 3:** A copy of this policy shall be distributed to each and every current and future City employee, and a copy of this policy and procedure statement shall be posted in all municipal buildings of the City.
- **Section 4:** This Ordinance shall be in full force and effect at the earliest period permitted by law. ordinances\sexual harassment policy.

Sexual Harassment Policy Acknowledgment and Receipt: I, , hereby acknowledge that I have received a copy of the City of Medina's policy prohibiting discrimination and sexual harassment. This policy has been explained to me or I have had the opportunity to read it and understand its

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provisions. I understand that I, as an employee of the City, have the right to file complaints alleging sexual harassment, and I further understand the procedures for doing so that are set out in the policy. (Employee signature) (Print Employee name here) Date

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Medina Police Department members are required to notify the appropriate public children services agency (PCSA) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

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

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

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORC § 2151.421):

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

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

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

330.3.2 REPORTS

- (a) The first narrative should contain only the time/date stamp with the officer's name.
- (b) The reporting person/complainant will be listed as a witness in "involvements".
- (c) The investigating officer/detective will contact the on-call representative of Children Services to advise them of the complaint and findings if necessary.
- (d) Incidents not requiring immediate involvement from Children Services shall be documented in a written report which will be faxed or forwarded to Children Services for further review by Records Bureau personnel.

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable and in accordance with the existing MOU with the PCSA (ORC § 2151.421).
- (g) Be familiar with and confirm that a fetal-infant mortality review board receives information and documentation as provided in ORC § 3707.71 and ORC § 3707.74, as applicable.

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- (h) Be familiar with and confirm that the child fatality review board or suicide fatality review committee, as applicable, receives information and documentation as provided in ORC § 2151.421.

330.5 INVESTIGATIONS AND REPORTING

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

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

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) The investigatory steps, as set forth in the existing MOU with the PCSA, that should be followed when the terms apply to an allegation of child abuse (ORC § 2151.421).

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

330.6 PROTECTIVE CUSTODY

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

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

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

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

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

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

330.6.1 SAFE HAVENS FOR NEWBORNS

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

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

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

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

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

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

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

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

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

330.8 MEDICAL EXAMINATIONS

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

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

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330.9 DRUG-ENDANGERED CHILDREN

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

330.9.1 SUPERVISOR RESPONSIBILITIES

The Special Operations Division Supervisor should:

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

330.9.2 OFFICER RESPONSIBILITIES

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

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Special Operations Division Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Ohio requires or permits the following:

330.10.1 RELEASE OF REPORTS

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

330.10.2 MEMORANDUM OF UNDERSTANDING

The Special Operations Division Supervisor should ensure that a current copy of the MOU with the PCSA regarding abuse and neglect investigations is available to all department members (ORC § 2151.421).

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330.11 TRAINING

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

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Are 65 years of age or older or that have a mental impairment (ORC § 5502.522).
- (c) Are 17 years of age or younger that have run away from or are otherwise missing from the care, custody and control of the juvenile's parent, guardian or other person having responsibility for the care of the minor (ORC § 2901.30).
- (d) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 1. Out of the zone of safety for his/her chronological age and developmental stage.
 2. Physically or mentally disabled (ORC § 2901.41).
 3. Behaviorally disabled.
 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 6. In a life-threatening situation.
 7. In the company of others who could endanger his/her welfare.
 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
 10. Missing and there is evidence of foul play including, but not limited to, evidence that the person's home or car is in disarray, evidence of a struggle between the person and another or any other evidence that the Department determines is foul play (ORC § 2901.42).

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

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Ohio Law Enforcement

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Automated Data System (LEADS), the Ohio Attorney General's Missing Children's Clearing House and the Department of Public Safety's (DPS) Missing Adult Alert.

332.2 POLICY

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

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Special Operations Division supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

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

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

332.5 INITIAL INVESTIGATION

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

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy #334).

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- (d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks, as follows:
 - 1. Immediately, when the missing person is at risk or there is evidence of foul play and the person is at least 18 but under the age of 21 (ORC § 2901.30(C); ORC § 2901.42(A)).
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

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

332.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Bureau.

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- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS BUREAU RESPONSIBILITIES

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

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

332.7 SPECIAL OPERATIONS DIVISION FOLLOW-UP

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

- (a) Should ensure that the missing person's school is notified when a missing person's report is filed if the missing person is a juvenile (ORC § 2901.30(D)).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

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

332.8 WHEN A MISSING PERSON IS FOUND

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

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

- (a) Notification is made to DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.

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

332.8.1 UNIDENTIFIED PERSONS

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

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

332.9 CASE CLOSURE

The Special Operations Division supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Medina or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING

Subject to available resources, the Training Officer should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 1. Assessments and interviews
 2. Use of current resources, such as Mobile Audio Video (MAV)
 3. Confirming missing status and custody status of minors

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4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage
 - (b) Briefing of department members at the scene.
 - (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
 - (d) Verifying the accuracy of all descriptive information.
 - (e) Initiating a neighborhood investigation.
 - (f) Investigating any relevant recent family dynamics.
 - (g) Addressing conflicting information.
 - (h) Key investigative and coordination steps.
 - (i) Managing a missing person case.
 - (j) Additional resources and specialized services.
 - (k) Update procedures for case information and descriptions.
 - (l) Preserving scenes.
 - (m) Internet and technology issues (e.g., internet use, cell phone use).
 - (n) Media relations.

Public Alert Program

334.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Medina Police Department should notify their supervisor, Shift Sergeant or Special Operations Division (SOD) Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.4 AMBER ALERTS™

The AMBER Alert Plan was created to assist in the identification and location of abducted children under 18 years of age, whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the child (ORC § 5502.52). The AMBER Alert utilizes the EAS to broadcast information to the public about the abducted child.

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334.4.1 CRITERIA

An AMBER Alert shall not be activated unless (ORC § 5502.52(B)):

- (a) The Department determines that an abduction has occurred.
- (b) The abducted child is under 18 years of age.
- (c) The child is in immediate danger of serious bodily harm or death.
- (d) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.
- (e) The Department has sufficient descriptive information about the child, the person who is suspected of abducting the child, or other pertinent information to warrant immediate broadcast of the information to help locate the child.

Absent extenuating circumstances that indicate the AMBER Alert broadcast would endanger an abducted child, the AMBER Alert should be activated as soon as possible after the abduction is discovered.

A Missing Child Alert may be activated if the circumstances about the missing child do not meet the AMBER Alert criteria, but the child is in danger of serious physical harm or death (see Missing Person Reporting Policy).

334.4.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state or multiple states.

In addition, the activating official shall:

- (a) As soon as practicable enter AMBER Alert data into the Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) database. Use the endangered or involuntary missing codes and the AMBER Alert code to request an AMBER Alert. An in-state AMBER Alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. FBI Child Abduction Unit
 - 5. National Center for Missing and Exploited Children (NCMEC)
 - 6. Ohio media

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- (b) Enter a Caution Ohio Police (COP) record into the LEADS database with the suspect's information. Replace the COP entry with a Wanted Person entry as soon as appropriate.
- (c) Use the National Law Enforcement Telecommunications System (NLETS) AMBER screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (d) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of an AMBER Alert.
- (e) Obtain, whenever possible, consent from the parents, guardian or person having legal custody of the abducted child for the release of photographs, descriptions and other information necessary to support the AMBER Alert broadcast and search. The inability to obtain verbal or signed consent because of the inability to locate a person capable of providing consent shall not prohibit the activation of an AMBER Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the AMBER Alert system.

334.4.3 AMBER ALERT ACTIVATION PROTOCOL

The following protocol will be used for an Amber Alert Activation:

- (a) The MPD Amber Alert Procedure Checklist in Dispatch will be followed.
- (b) An Administrative page will be sent as soon as possible.

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the Medina Police Department shall:

- (a) Immediately enter AMBER Alert data into the LEADS/NCIC database. Entry of the alert data into Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) expands the search for an abducted child from the local, state or regional level to the national level.
- (b) Use the endangered or involuntary missing codes and the AMBER Alert code to request an AMBER Alert. An in-state AMBER Alert message will automatically be generated to: Adjacent counties Ohio State Highway Patrol Central Dispatch Communications Center in Columbus Ohio Attorney General's Office FBI Child Abduction Unit National Center for Missing and Exploited Children (NCMEC) Ohio media
- (c) Enter a Caution Ohio Police (COP) record into LEADS database with the suspect's information. Replace the COP entry with a Wanted Person entry as soon as appropriate.

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- (d) Use the National Law Enforcement Telecommunications System (NLETS) AMBER screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary. If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of an AMBER Alert.

Activation of an AMBER Alert through LEADS/NCIC will automatically cause the following to occur:

- (a) The Ohio Emergency Operations Center (OEOC) will activate the 877AMBEROH hotline with recorded information about the AMBER Alert for the public to report sightings or tips.
- (b) The OEOC will activate the EAS for agencies that need assistance or for additional regions if the investigating agency deems it appropriate.
- (c) The Ohio Law Enforcement Gateway (OHLEG) application will automatically send emails to media outlets.
- (d) A statewide electronic notification will be sent to all law enforcement agencies.
- (e) The National Center to Missing and Exploited Children will initiate secondary notification options (citizen pagers, cell phones, etc.).
- (f) The Attorney General's Office will automatically notify the media with pertinent information for television and radio broadcasting including:
 - 1. Members of the Ohio Trucking Association will be notified to be on the lookout while driving on Ohio's roadways.
 - 2. An AMBER Alert poster will be displayed on the Ohio AMBER Plan website, www.ohioamberplan.org and on the Attorney General's website, www.ag.state.oh.us.
 - 3. The Ohio Department of Transportation will be automatically notified to post the AMBER Alert information on Ohio's highway signs, when appropriate.
 - 4. Lottery terminals, SBC, Sprint and various fax, e-mail, and text message subscribers will be automatically notified of the AMBER Alert.

334.4.4 MUTUAL AID

If the Amber Alert is activated, Amber Alert information labels will be completed and faxed to CECOMS.

- (a) If an Amber Alert Plan is activated, due to a mutual aid agreement, there will need to be a minimum of three staff members (two call takers and one detective) available to meet at the E.M.A. office at 555 Independence Dr., Medina, to answer phones. Call takers may be dispatchers, patrol officers, records clerks, secretaries, etc. An Administrative page will be sent notifying the Chief of Police, the Lieutenant, the Patrol Commander and the Special Operations supervisor of the Amber Alert.

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- (b) Once the child is located, an Amber Alert cancellation label, which is located in the Amber Alert packet will be completed and immediately faxed to CECOMS.
- (c) All sworn personnel shall familiarize themselves with the Northern Ohio Amber Alert Plan.
- (d) Northern Ohio Amber Alert Plan packets will be printed and kept in the road room for use as needed.
- (e) An activation plan review is performed by the Northern Ohio Amber Alert Review Board. A follow up report and all documentation must be forwarded to the chairperson of the review board within 30 days of the Northern Ohio Amber Alert Plan activation.

334.5 MISSING ADULT ALERTS

The Missing Adult Alert Program was created to assist in the location and return of elderly or mentally impaired individuals at risk of immediate danger or serious bodily injury or death (ORC § 5502.522). Activation of a Missing Adult Alert will automatically cause state media outlets and law enforcement agencies to be notified of the individual's disappearance, as well as the following to occur:

- (a) A toll-free telephone line for tips and information will be activated.
- (b) The Missing Adult Alert website will list information about and display a photograph of the missing adult.
- (c) The Missing Children's Clearing House will be provided with information on the missing adult.
- (d) The Ohio Department of Transportation will be notified to post the information on Ohio's highway signs, when appropriate.

334.5.1 CRITERIA

A Missing Adult Alert shall not be activated unless (ORC § 5502.522(B)):

- (a) The Department confirms that an individual who is 65 years of age or older or who has a mental impairment is missing. A mental impairment is a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior or the ability to live independently or provide self-care, as certified by a licensed physician, psychiatrist or psychologist (ORC § 5502.522(G)(3)).
- (b) The individual is in immediate danger of serious bodily harm or death.
- (c) The Department has sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

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334.5.2 PROCEDURE

Upon receiving and verifying a report of a missing person that meets the criteria of a Missing Adult Alert, the activating agency official will determine the area of coverage for the activation. Activations may cover a county, region, the state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Missing Adult Alert data into the LEADS/NCIC database with the appropriate code. An in-state alert message will automatically be generated to the following:
 1. Adjacent counties
 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 3. Ohio Attorney General's Office
 4. Ohio media
- (b) Use the NLETS Missing Adult Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Missing Adult Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Missing Adult Alert system.

334.5.3 A CHILD IS MISSING (ACIM)

ACIM may be used in combination with Amber Alert Activation or without Amber activation

- (a) A Child Is Missing (ACIM) is a 501(c) (3) non-profit organization assisting the police in the first few hours of a child's disappearance. ACIM is registered in the state of Florida providing assistance to law enforcement agencies in the search / recovery of missing children, elderly and disabled via a rapid response communication's system.
- (b) A Child Is Missing (ACIM) can be activated in ALL missing cases: children that are abducted, lost, wander-offs, or runaways, up to the age of 18, in addition to elderly (often with Alzheimer's) and mentally challenged or disabled individuals. Law enforcement can call the ACIM operations center, 24 Hours a Day, seven days a week, and 365 days a year. Phone 954-763-1288, pager 954-492-4778, toll free 1-888-875-2246; Suggested calling time , " 07:00 to 21:00 hours. ACIM stays in contact with the officer on the scene until a search is completed. A cell number or communication's number is necessary to maintain contact. Communications needs to be made aware of ACIM involvement.

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- (c) ACIM is activated when a call is received from a police officer at the scene who relays the missing person's pertinent information, listed below, to the ACIM technician. The officer of the missing case only needs to call the toll free number (888) 875-2246. An ACIM technician records an individually recorded message which is phoned to numbers within the area where the missing was last seen. If an answering machine picks up the call, the message is recorded. Best results are within the first two hours of disappearance, but can be successful if elapsed time is longer.
- (d) First, consult shift commander, and then call ACIM with the following: -Law Enforcement Agency and Location -Officer's Name and Contact Number

334.6 BLUE ALERTS

The Blue Alert Program is a statewide system to be utilized for the rapid dissemination of information to assist in the apprehension of persons suspected of killing or seriously injuring law enforcement officers and to aid in the location of missing law enforcement officers (ORC § 5502.53).

334.6.1 CRITERIA

A Blue Alert shall be activated if both of the following criteria exist (ORC § 5502.53):

- (a) The Department confirms that an officer has been seriously injured or killed, and a suspect has not been apprehended, or that an officer is missing while on-duty under circumstances warranting concern for the officer's safety.
- (b) There is sufficient descriptive information about the suspect or the circumstances surrounding an officer's injury, death or disappearance to indicate that activation of a Blue Alert may help locate a suspect or the missing officer.

334.6.2 PROCEDURE

Upon receiving and verifying that the criteria for a Blue Alert have been met, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Blue Alert data into the LEADS/NCIC database with the appropriate code. An in-state Blue Alert message will automatically be generated to the following:
 1. Adjacent counties
 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 3. Ohio Attorney General's Office
 4. Ohio media

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- (b) Use the NLETS Blue Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Blue Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Blue Alert.

334.7 MEDIA ALERTS

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) The Public Information Officer will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:
 1. The person's identity, age and description.
 2. A photograph, if available.
 3. Pertinent vehicle description.
 4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
 5. The name and contact number of the Public Information Officer or other authorized media liaison.
 6. A contact number for the public to call with leads or information.
- (b) The press release should be faxed to local television and radio stations.
- (c) The information in the press release should also be forwarded to local law enforcement agencies.
- (d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation or immediately upon locating the person identified in the public alert.

Victim and Witness Assistance

336.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY

The Medina Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Medina Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON

The member or officer responsible for an investigation will serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Medina Police Department regarding benefits from crime victim resources.

336.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is responsible for ensuring procedures are adequate to:

- (a) Inform victims of felony or other enumerated offenses of the following after a suspect in their case was taken into custody (ORC § 2930.05):
 1. The name of the suspect taken into custody, whether it be an adult or juvenile.
 2. Whether the defendant or alleged juvenile offender is eligible for pretrial release or for release from detention.
 3. The department's telephone number.
 4. The victim's right to telephone the Department to ascertain whether the suspect has been released from custody.
- (b) Promptly return victim's property when it is no longer necessary to be kept as evidence (ORC § 2930.11).
- (c) Assist victims with the rights afforded to them under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

As soon as practicable after initial contact with a victim of a felony or other enumerated offenses, the investigating member shall ensure the victim is provided (ORC § 2930.01; ORC § 2930.04):

- (a) The case number and business telephone number to contact the handling investigator.
- (b) The office address and business telephone number of the prosecutor who will handle the case.
- (c) A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case.
- (d) A handout with rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

336.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (42 USC § 3796gg-4; 42 USC § 10603f).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (ORC § 2743.51 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number and any applicable case or incident number.
- (j) A telephone number that a domestic violence victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program (ORC § 2935.032 (C)(3)).
- (k) The Ohio Attorney General Office's Victims' Rights Pamphlet (ORC § 109.42; ORC § 2930.04).

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- (l) Information regarding the Ohio Secretary of State's address confidentiality program (ORC § 111.42).
- (m) Rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

336.7

Hate or Prejudice Crimes

338.1 PURPOSE AND SCOPE

The Medina Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (USDOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability (18 USC § 249).

338.2 DEFINITIONS

Definitions related to this policy include:

Prejudice, Bias or Hate Crime - A crime motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim.

338.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

338.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

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- (b) A supervisor should be notified of the circumstances as soon as practicable.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned officers will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Restraining Order) through the courts, City Prosecutor, or Law Director.

338.5 SPECIAL OPERATIONS DIVISION RESPONSIBILITIES

If a case is assigned to the Special Operations Division, the assigned investigator will be responsible for following up on the reported hate or prejudice crime by:

- (a) Coordinating further investigation with the City Prosecutor and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

338.6 STATE HATE CRIME REPORTING

This department shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Office of Criminal Justice Services (OCJS). This shall be conducted by Records personnel or assigned to the Detective Bureau.

338.7 FEDERAL HATE CRIME REPORTING

The Records personnel should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Bureau procedures and in compliance with (28 USC § 534 (a)).

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338.8 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation, and will attend periodic training that incorporates a hate and prejudice crime training component.

Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Medina Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or the member's supervisors.

340.2 POLICY

The continued employment or appointment of every member of the Medina Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Ohio constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

340.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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340.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Medina Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

340.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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340.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

340.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Civil Service of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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340.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on department premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

340.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law

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enforcement agency or that may result in criminal prosecution or discipline under this policy.

- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

340.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

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- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Media Protection

341.1 PURPOSE

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

341.1.1 SCOPE

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Medina Police Department. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Medina Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Medina Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported.

Any inadvertent or inappropriate CJI disclosure and or use will be reported to the Medina Police Department Local Agency Security Officer (LASO).

341.2 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic Media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, back-up medium, optical disk, flash drives, external hard drives or digital memory card. "Physical Media" includes printed documents and imagery that contain CJI.

341.2.1 PROTECTION

To protect CJI, Medina Police Department personnel shall:

- (a) Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
- (b) Restrict access to electronic and physical media to authorized individuals.
- (c) Ensure that only authorized users remove printed form or digital media from the CJI.
- (d) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See section pertaining to Sanitation/Destruction)
- (e) Not use personally owned information systems to access, process, store, or transmit CJI unless the Medina Police Department has established and documented the specific terms and conditions for personally owned information system usage.
- (f) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business

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center computers, convention center computers, public library computers, public kiosk computers, etc.

- (g) Store all hard copy CJI printouts maintained by the Medina Police Department in a secure area accessible to only those employees whose job function requires them to handle such documents.
- (h) Take appropriate action when in possession of CJI while not in a secure area while not in a secure area:
 - (a) CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - (b) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and/or privacy screens. CJI shall not be left in plain view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
- (i) Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have some CJI access permissions and need to keep CJI protected on a need to know basis.
- (j) Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back- up tapes, mobile devices, laptops, etc.

When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

341.2.2 MEDIA TRANSPORT

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, back-up medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

- (a) The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
- (b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

Medina Police Department personnel shall:

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- (a) Protect and control electronic and physical media during transport outside of controlled areas.
- (b) Restrict pickup, receipt, transfer and delivery of such media to authorized personnel.

Medina Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

- (a) Use of privacy statements in electronic and paper documents.
- (b) Limiting the collection, disclosure, sharing and use of CJI.
- (c) Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
- (d) Securing hand carried confidential electronic and paper documents by:
 - (a) Storing CJI in a locked briefcase or lockbox.
 - (b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
 - (c) Package hard copy printouts in such a way as to not have any CJI information viewable.
 - (d) For mailed or shipped CJI, the agency must document procedures and only release to authorized individuals. **DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL.** Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery.
- (e) Not taking CJI home or when traveling unless authorized by the Medina Police Department LASO. When disposing of confidential documents, use a shredder.

341.3 MEDIA SANITATION AND DISPOSAL

The Medina Police Department shall sanitize, that is, overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Sanitation or destruction should be witnessed or carried out by authorized personnel. Physical media should be securely disposed of when no longer required, using formal procedures.

The Medina Police Department recognizes two different categories for the disposal of hardware:

- (a) **Hardware transferred internally:** Hardware may not require sanitization if it is transferred to another user within the same department. Hardware that is either transferred to a different department or to an employee with less authority must be sanitized as *hardware transferred externally*. End users may choose to sanitize personal information from hardware using a sanitization tool provided by or approved by IT.
- (b) **Hardware transferred externally:** All hardware transferred externally must be sanitized according to methods defined in the policy. This scenario includes:

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- (a) Hardware transferred to private ownership, including sale as surplus.
- (b) Hardware donated to charitable organizations.
- (c) Hardware returned at the end of a lease.
- (d) Hardware returned to a vendor for servicing or maintenance.
- (e) Hardware released to an external agency for disposal.

Consult with IT prior to disposing of any computer equipment. The IT Administrator is the primary contact for sanitization issues. They will provide an approved sanitization tool and provide assistance in properly sanitizing the hardware. The IT Administrator or their designee should be notified that the equipment has been properly sanitized before it can be put in surplus, transferred or donated.

341.3.1 TECHNICAL GUIDELINES

Two different methods may be used to sanitize hardware:

- (a) Physical destruction. Hardware may be sanitized through crushing, shredding, incineration, or melting.
- (b) Digital sanitization. Deleting files is insufficient to sanitize hardware. A digital sanitization tool must be used. The tool must conform to one of the following standards:
 1. RCMP TSSIT OPS-II (Royal Canadian Mounted Police Technical Security Standards for Information Technology, Appendix OPS-II).
 2. DoD 5220-22.M.
 3. The Gutman Wipe.
 4. Pseudo Number Random Generator PRNG Stream with eight passes. IT can supply software to perform digital sanitation. Any other software used to perform digital sanitation must be approved by IT.

341.4 BREACH NOTIFICATION AND INCIDENT REPORTING

The Medina Police Department shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

341.4.1 ROLES AND RESPONSIBILITIES

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

- (a) Medina Police Department personnel shall notify his/her supervisor or LASO, and an incident report must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken to be taken in response to the incident.

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- (b) The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.

341.4.2 PENALTIES

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Department Technology Use

342.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS

Definitions related to this policy include:

Computer System - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Medina Police Department that are provided for use by Department employees.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications, including shareware (software available for trial use). This does not include files created by the individual user.

Temporary File, Permanent File or File - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Department computers or systems. A Department supervisor or designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

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Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related to the employee's duties, an alleged or suspected violation of any Department policy, request for disclosure of data, or a need to perform or provide an agency service.

342.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Department use without the express written authorization of an employee's supervisor.

342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Department. If an employee must copy data onto a disk and download it on a non-Department computer, the employee shall scan the disk for viruses before loading the data on a Department computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises or on a Department computer system. The Department and individuals can be subject to civil damages per title copied, along with criminal penalties including fines and imprisonment.

342.6 INTERNET USE

Access to Department technology resources, including Internet access provided by, or through, the Department, shall be strictly limited to Department-related business activities. Data stored on, or available through, Department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or Department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Department use and that shall not be intentionally accessed include, but is not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No copyrighted and/or unlicensed software program files may be downloaded without authorization of the Information Technology (IT) Department or, when related to criminal investigations, the Chief of Police or designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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Department Technology Use

342.6.1 RELATED POLICY

See related Policy 212 regarding Electronic Mail and Instant Messaging

342.7 INTRODUCTION OF SOFTWARE

Introduction of software by users should only occur as a part of the automated maintenance or update process of Department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization by the IT Department.

342.8 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage, and are responsible for the correct use, operation, care and maintenance of the system.

Employees shall ensure Department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Employees should not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor. Password length, format, structure and content shall meet the prescribed standards required by the system or as directed by a supervisor and shall be changed at intervals as directed by a supervisor.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.

L.E.A.D.S. (Law Enforcement Automated Data System)

343.1 PURPOSE AND SCOPE

This policy administers and controls the use of L.E.A.D.S. in accordance with State of Ohio and the Ohio State Highway Patrol guidelines.

343.2 ACCOUNT ACCESS VALIDATION

Primary responsibility for account management belongs to the Terminal Agency Coordinator (TAC).

All accounts shall be reviewed at least every six months by the terminal agency coordinator (TAC) or his/her designee to ensure that access and account privileges commensurate with job functions, need-to-know, and employment status on systems that contain Criminal Justice Information. The TAC may also conduct periodic reviews.

All guest accounts (for those who are not official employees of the CJA) with access to the criminal justice network shall contain an expiration date of one year or the work completion date, whichever occurs first. All guest accounts (for private contractor personnel) must be sponsored by the appropriate authorized member of the administrative entity managing the resource.

The TAC must disable all new accounts that have not been accessed within 30 days of creation. Accounts of individuals on extended leave (more than 30 days) should be disabled. (Note: Exceptions can be made in cases where uninterrupted access to IT resources is required. In those instances, the individual going on extended leave must have a manager approved request from the designated account administrator or assistant.

The TAC must be notified if a user's information system usage or need-to-know changes due to a change in job description or termination.

The TAC will remove or disable all access accounts for separated or terminated employees immediately following separation from the agency.

The TAC shall cooperate fully with an authorized security team that is investigating a security incident or performing an audit review.

343.3 SECURITY

Network password security is an important part of keeping information secure. The Criminal Justice Information System (CJIS) policy and LEADS Security policy mandate password compliance in a number of ways. The following are requirements pertaining to password:

- Every 60 days passwords change per LEADS Security Policy
- A user cannot reuse the last 10 passwords

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- Password complexity requires each of the following: Upper Case character, Lower Case character, Symbol, Number, and a Special Character
- Passwords must be at least 8 characters in length
- Lockout is after 3 invalid attempts
- Lockout duration is until the account is unlocked by Admin/HD/Site Admin

343.4 PHYSICAL PROTECTION

The provision contained within this section provide guidance fo agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI).All physical, logical, and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI.The full lifecycle of CJI must be protected from insider and outsider threats by implementing and adhering to appropriate access control methods.

A physically secure location is a facility or an area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the FBI CJI and associated information systems.The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls.Security perimeters shall be defined, controlled, and secured.Restricted non-public areas in the Medina Police Department shall be identified with a sign at the entrance.

343.4.1 VISITOR ACCESS

A visitor is defined as a person who visits the Medina Police Department facility on a temporary basis who is not employed by the Medina Police Department and has no unescorted access to the physically secure location with the Medina Police Department where FBI CJI and associated information systems are located.

Visitors shall:

1. Show MPD personnel a valid form of photo identification.
2. Check in before entering a physically secure location by signing a visitor log.
3. Be accompanied by MPD escort at all times to include delivery or service personnel. An escort is defined as an authorized personnel who accompanies a visitor at all times while within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.
4. Follow MPD policy for unescorted access.
 - (a) Noncriminal Justice Agency (NCJA) like city or county IT who require frequent unescorted access to restricted areas will be required to establish a Management Control Agreement between the Medina Police Department and NCJA. Each NCJA employee with CJI access will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.

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- (b) Private contractors/vendors who requires frequent unescorted access to restricted areas will be required to establish a Security Addendum between the Medina Police Department and each private contractor personnel. Each private contractor personnel will appropriately have state and national fingerprint-based record background check prior to this restricted area access being granted.
5. Not be allowed to view screen information mitigating shoulder surfing.
6. Individuals not having any legitimate business in a restricted area shall be courteously escorted to a public area of the facility. Strangers in physically secure areas without an escort should be challenged. If resistance or behavior of a threatening or suspicious nature is encountered, sworn personnel shall be notified or call 911.
7. Not be allowed to sponsor another visitor.
8. Not enter into a secure area with electronic devices unless approved by the MPD Local Area Security Officer (LASO) to include cameras and mobile devices. Photographs are not allowed without permission of the MPD assigned personnel.
9. All requests by groups for tours of the MPD facility will be referred to the proper agency point of contact for scheduling. Remaining visitor rules apply for each visitor within the group. The group leader will provide a list of names to the individual assigned to conduct the tour for instances of emergency evacuation and accountability of each visitor while on agency premises.

343.4.2 AUTHORIZED PHYSICAL ACCESS

Only authorized personnel will have access to physically secure non-public locations. The Medina Police Department will maintain and keep a current list of authorized personnel. All physical access points into the agency's secure areas will be authorized before granting access. The agency will implement access controls and monitoring of physically secure areas for protecting all transmission and display mediums of CJI. Authorized personnel will take necessary steps to prevent and protect the agency from physical, logical and electronic breaches.

All personnel with CJI physical and logical access must:

1. Meet the minimum personnel screening requirements prior to CJI access.
 - (a) To verify identification, a state of residency and national fingerprint-based record checks shall be conducted within 30 days of assignment for all personnel who have direct access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI.
 - (b) Support personnel, private contractors/vendors, and custodial workers with access to physically secure locations or controlled areas (during CJI processing) shall be subject to a state and national fingerprint-based record check unless these individuals are escorted by authorized personnel at all times.
 - (c) Prior to granting access to CJI, the Medina Police Department on whose behalf the contractor is retained shall verify identification via a state of residency and national fingerprint-based record check.

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- (d) Refer to the *CJIS Security Policy* for handling cases of felony convictions, criminal records, arrest histories, etc.
2. Complete security awareness training.
 - (a) All authorized MPD, Noncriminal Justice Agencies (NCJA) like city or county IT and private contractor/vendor personnel will receive security awareness training within six months of being granted duties that require CJI access and every two years thereafter.
 - (b) Security awareness training will cover areas specified in the *CJIS Security Policy* at a minimum.
3. Be aware of who is in their secure area before accessing confidential data.
 - (a) Take appropriate action to protect all confidential data.
 - (b) Protect all terminal monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.
4. Properly protect and not share any individually issued keys, proximity cards, computer account passwords, etc.
 - (a) Report loss of issued keys, proximity cards, etc. to authorized agency personnel.
 - (b) If the loss occurs after normal business hours, or on weekends or holidays, personnel are to the MPD point of contact to have authorized credentials like a proximity card de-activated and/or door locks possibly re-keyed.
 - (c) Safeguard and not share passwords, Personal Identification Numbers, Security Tokens and all other facility and computer systems security access procedures.
5. Properly protect from viruses, worms, Trojan horses, and other malicious code.
6. Web usage--allowed versus prohibited; monitoring of user activity.
7. Do not use personally owned devices on the MPD computers with CJI access.
8. Use of electronic media is allowed only by authorized MPD personnel. Controls shall be in place to protect electronic media and printouts containing CJI while in transport. When CJI is physically moved to a secure location to a non-secure location, appropriate controls will prevent data compromise and/or unauthorized access.
9. Encrypt emails when electronic mail is allowed to transmit CJI-related data such in the case of Information Exchange Agreements.
 - (a) If CJI is transmitted by email, the email must be encrypted and email recipient must be authorized to receive and view CJI.
10. Report any physical security incidents to the MPD's LASO to include facility access violations, loss of CJI, loss of laptops, cellular devices, thumb drives, CDs/DVDs and printouts containing CJI.
11. Properly release hard copy printouts of CJI only to authorized personnel in a secure envelope and shred or burn hard copy printouts when no longer needed. Information should be shared on a "need to know" basis.

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12. Ensure data centers with CJI are physically and logically secure.
13. Keep appropriate MPD security personnel informed when CJI access is no longer needed. In the event of ended employment, the individual must surrender all property and access managed by the local agency, state and/or federal agencies.
14. Ensure the perimeter security door securely locks after entry or departure. Do not leave any perimeter door propped opened and take measures to prevent piggybacking entries.

343.5 DISSEMINATION

Messages and/or throughput of any kind accessed through LEADS shall be restricted to the use of authorized personnel only, for the administration of criminal justice. The data shall not be shared, sold, transmitted, or disseminated to any non-law enforcement agency, non-criminal justice agency, or any unauthorized person. (See exceptions in paragraph A9 or rule 4501:2-10-03 of the LEADS Administrative Code.) All LEADS/CCH printouts disseminated to non-Medina Police personnel will be stamped with agency it is provided to (e.g. Medina Municipal Court; Medina City Prosecutor's Office; Medina County Probation Department; etc.) Road and weather information may be made available to the general public. Fatal crash data, when properly designated, is available to the news media. Hazardous material files/data is to be available to fire and emergency management personnel.

- At no time is anyone not employed with a Criminal Justice Agency to be given a copy of a LEADS/NCIC printout
- Drivers license information requested by persons not employed with a Criminal Justice Agency will not be given out. This includes persons wanting to check on their own driving records and insurance companies checking out potential customers. Inquiries of this nature should be referred to the Bureau of Motor Vehicles.
- Access to the building will be limited to people on official police business, unless they have approval from the Chief of Police or another Department member.
- Uses of any Departmental equipment by anyone other than department members shall be approved by the Chief of Police or the highest ranking officer on duty at the time with written notice approval forwarded to the Chief of Police.

343.6 DISCIPLINE

In the event of a computer security violation (disclosure of sensitive or classified information to unauthorized individuals or agencies or for personal use), consideration should be given as to the extent of loss or injury to the systems, individuals, or agencies involved. Unauthorized modification, destruction or dissemination of any system data, loss of computer processing capability or loss by theft of any computer system media is prohibited, e.g., chip Rom memory, optical or magnetic storage mediums, hardcopy printouts, etc.

- A violation of this policy shall initiate an investigation at the direction of the Chief of Police or the Safety Director.

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- Disciplinary measures shall consist of verbal reprimand for a minor violation, written reprimand for repeated violations or those of a more serious nature, up to and including prosecution.

343.6.1 MAINTAINING LEADS CERTIFICATION

LEADS requires its Operators to maintain certification in order to access information from the LEADS system. Certification must be renewed every two years, which the user is automatically advised of each time user logs into the system. It is the responsibility of each user to maintain his/her certification. Failure to do so may result in disciplinary action.

Users with operator or inquiry status are required to read and sign off on the bi-monthly LEADS newsletter, The Leading News. Failure to do so will result in loss of all Operator access to the LEADS system to include systems on station, as well as in the police motor vehicle fleet, e.g., license plate, want/warrant information, etc. Disciplinary action may also result.

343.7 LEADS ACCESS VIA IOS DEVICES

Accessing LEADS data is possible on certain IOS devices. Only city owned, issued, deployed and controlled Apple devices (iPhone, iPod Touch and iPad) running IOS 5.1.1 or greater are approved for the use of this application and technology. Devices must remain in original factory configuration. No devices that have been "jail broken" or "rooted" will be permitted under any circumstances. No personal devices are eligible for this technology.

343.7.1 USE AND SECURITY REQUIREMENTS

All personnel using approved iOS devices to access LEADS are required to follow the acceptable use policy of other agency owned equipment concerning criminal justice information. All current LEADS security policy requirements and CJIS security policy requirements shall be adhered to.

Configuration Requirements:

- (a) The device must maintain a passcode of no less than 4 characters and activate the passcode automatically after no longer than 5 minutes of idle time. The passcode must be configured to be entered each time the device is accessed from a power down or idle state.
- (b) The device must be configured to automatically wipe the device after a maximum of 10 failed passcode attempts.
- (c) The device must be configured to be located remotely (using GPS location) and wiped remotely (command given to initiate wipe.)

343.7.2 AUTHORIZATION FOR REMOTE WIPE

The user must authorize the agency to initiate a remote wipe upon the loss of a device, termination of the user without inspection of the device, or upon probable cause that the device is being used

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in violation of the LEADS Policy, LEADS security policies or any applicable policy of the agency. The wipe will remove all data from the device, including personal data not related to LEADS.

343.7.3 INSPECTION

The device may be inspected by the LEADS TAC, OJIC representative, agency security personnel (LASO) or personnel directed to make such inspections for compliance. Reasonable time will be afforded for the request to be met by personnel.

343.7.4 SURRENDER FOR INVESTIGATIVE PURPOSES

Any device that is an integral part of any criminal investigation and that may hold evidentiary information or data of a criminal nature must be surrendered immediately when requested by investigative personnel in the course of duty. Any password, access code or device lock must also be supplied when requested. Failure to provide the aforementioned may result in disciplinary action, criminal action, termination or any combination thereof.

343.8 PROCEDURES

Pick-up Radius (PUR): When the Medina Police Department is the entering agency for a 'Want or Warrant' entry into the L.E.A.D.S. system, the following PUR Codes should be used, unless exigent circumstances exist. The OIC or on call Detective (felonies, misdemeanors), will make the final determination on original charges, while the entering Communications Operator will determine those issued by the courts.

- PUR 1 (Nationwide)-Any felony (F1 through F5). Distances can be limited by specific felony.
- PUR 2 (Anywhere in Ohio)-Misdemeanors. (M1 through M4)
- PUR 3 (100 mile radius)-Misdemeanors (M1- M4), most misdemeanor warrants, bench warrants.
- PUR 4 (County of want and adjacent county)-Minor misdemeanors.
- PUR 5 (County of want)

Report Preparation

344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

344.2 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.2.1 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.3 REPORT CORRECTIONS

Shift Sergeants or OICs shall review reports for content and accuracy. If corrections are necessary the Shift Sergeant or OIC will send the employee a notification via Case Management and ensure the corrections are made. Shift Sergeants or OICs are required to verify a proper disposition has been assigned to all completed incidents. Shift Sergeants or OICs are required to approve all completed reports by using Case Management at the end of their shifts.

344.4 RECORDS MANAGEMENT SYSTEM

The Records Management System is comprised of the Zuercher Suite. The Zuercher Suite includes CAD and MOBILE.

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CAD is used by dispatchers to capture call information from persons: date/time, nature, location, assigned officers, etc. Certain calls can be documented within the Call For Service via MOBILE.

Examples of such calls are:

- Street Obstructions
- DAV
- Medic calls with no police intervention
- Unable to Locate (UTL) or Gone on Arrival (GOA)
- Agency Assists
- Alarms
- COP (details provided in comments by officer)
- Traffic Stops (when warning was issued)

344.4.1 CASE REPORTS

The following information shall be completed for **Case Reports**:

- Offenses
- Clearance
- Disposition
- Occurred Times

The **Names**, **Vehicle** and **Property forms** shall be completed as applicable with current and complete information.

The **Media Narrative** shall be used for:

- Press releases, and should contain minimal details.
- Should not be used in lieu of Investigative Narratives.

The **Initial Narrative** shall answer the following questions:

- Who
- What
- Where
- When
- Why
- How

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344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Bureau for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Bureau may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

344.6 CRIMINAL ACTIVITY REPORTING

When a member responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether the victim desires prosecution.

Written reports are required in all of the following situations unless otherwise approved by a supervisor.

- a) All arrests
- b) All felony crimes
- c) All misdemeanor crimes
- d) Non-felony incidents involving threats or stalking behavior
- e) Traffic citations
- f) Situations covered by separate policy. These include:
 - 1. Use of Force Policy
 - 2. Domestic Violence Policy
 - 3. Child Abuse Policy
 - 4. Adult Abuse Policy
 - 5. Hate or Prejudice Crimes Policy
 - 6. Suspicious Activity Reports Policy
 - 7. Missing Persons Policy

344.6.1 NON-CRIMINAL ACTIVITY

The following incidents shall be documented in a Case Report:

- a) All assigned investigations
- b) Responses to medical calls where care is given or police intervention is required. Examples are: Narcan deployments, AED, CPR, etc.
- c) Any found property or found evidence.
- d) All traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy).

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e) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

f) All protective custody detentions

g) Whenever the employee believes the circumstance should be documented or at the direction of a supervisor.

344.6.2 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigation Policy.

344.6.3 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

344.6.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment. In addition to the written report the City of Medina *Incident Form* will be completed and forwarded through the appropriate Chain of Command

See attachment: [MPD Incident form.jpg](#)

Staff Notification

345.1 PURPOSE AND SCOPE

Staff notification procedures are established to ensure that significant police events, operations, and related conditions within, or affecting, the City of Medina, are recorded and disseminated to appropriate administrative, operational, and support personnel within the Police Department in a sufficient and timely manner. While specific situations and notification procedures are contained in this written directive, nothing herein precludes supervisors or managers from establishing additional notification requirements and procedures for their subordinates. Furthermore, the regular, formal or informal exchange of information among members of the department to facilitate operations and investigations is strongly encouraged.

Notification of the Mayor, Safety Director or other Department Directors will be made only by the Chief of Police or in his absence the acting Chief of Police

345.1.1 PERSONAL NOTIFICATION

Some circumstances or events require prompt, personal notification of the Chain of Command. The supervisor on duty is responsible for ensuring the proper notifications are made. Notifications may be made by dispatch at the discretion of the supervisor on duty.

345.1.2 CHIEF OF POLICE

The Chief of Police, or a lieutenant in the Chief's absence, will be notified immediately in the event of any of the following;

- Homicide
- Officer-Involved shooting
- Police vehicle involved in crash resulting in death or serious injury
- Death or serious injury to any MPD employee
- Death or serious injury to any citizen resulting from the actions of any MPD employee
- Any missing child
- Hostage, barricaded suspect, or active shooter situation, including mutual aid response to assist other agencies.
- Complaints against members of the agency that are of a criminal nature.
- Any incident where there may be a question as to the agency's liability or those which may result in heightened community interest.
- Any other unusual occurrence, at the discretion of the on-scene commander.
- Any contact and or special requests made by elected officials including members of City Council.

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Staff Notification

345.1.3 LIEUTENANTS

A Lieutenant will be notified and will respond in the event of any:

- Homicide, officer-involved shooting, or serious assault that may result in loss of life.
- Hostage, barricaded suspect, or active shooter situation.
- Police vehicle involved in a traffic crash resulting in death or serious injury to the officer or any other person.

A Lieutenant will be notified, but may choose not to respond in the event of any:

- On-duty injury or illness to any member of MPD that requires hospital treatment.
- Emergency or other circumstances requiring the call-out of additional personnel.
- Radio or computer system failure affecting police operations.

345.1.4 SUPERVISORY NOTIFICATION

Officers investigating, involved in, or otherwise having knowledge of any significant events or circumstances occurring in, or affecting, the City of Medina or the Medina Police Department, will promptly notify their supervisors. Events or circumstances requiring supervisory notification include, but are not limited to:

- Any violent felony.
- Any dead body or remains.
- Any missing child.
- Any high-risk situation, including hostage situations, barricaded suspects, snipers or active shooters, etc.
- Any bomb threat, explosive device, or hazardous materials spill.
- Any apparent hate crime or bias crime.
- Any traffic crash involving a fatality, serious injury, OVI, hit-skip, a public safety vehicle, or a government vehicle.
- Any recovered weapons, narcotics, cash, jewelry, or property of significant value.
- Any situation that requires a Patrol officer to leave the city limits or that requires extensive or time-consuming follow-up investigation.
- Any damage or loss to police vehicles or equipment.
- Any discharge of a firearm by an officer.
- Any use of force by an officer.
- Any injury to an MPD employee.
- Any injury, illness, or death of a person while in custody or as the result of an officer's actions.

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- Any case in which a law enforcement officer or public official is arrested or is a suspect.
- Any situation that presents a potential conflict of interest for an officer in performing official duties, such as cases involving family or friends of the officer.
- Any situation in which a citizen requests to speak to a supervisor.

345.1.5 STAFF INCIDENT LOG

Supervisors are responsible for preparing a synopsis of significant events, operations, or conditions that occurred during their tour of duty and sending it by e-mail to the group MPD COMMAND before going off duty. This entry is not to be used as a substitute for an offense/incident report, crash report, use-of-force report, pursuit report, citizen complaint form, or any other required documentation.

Events requiring Staff Incident Log notifications include, but are not limited to, the following:

- Major crimes or incidents.
- Significant ongoing series of crimes.
- Police pursuits, uses of deadly force, or uses of force resulting in injury.
- Any injury, illness, or death of a person while in custody or as the result of an officer's actions.
- Any damage or loss to police vehicles or equipment.
- Any case in which a law enforcement officer or public official is arrested or is a suspect.
- Any Crisis Response Team callout or mutual aid request or response.
- Any other situation that, in the opinion of the supervisor, is likely to result in media or public interest.

345.1.6 FORMAT FOR STAFF INCIDENT LOG

The Staff Incident Log notifications will be prepared in the following format:

- Type of offense or incident
- Date, Time, and Location of occurrence
- Case Number
- Investigating Officer
- Supervisor in Charge
- Victim's Identity
- Arrested person's identity
- Any other significant subject's identity (witnesses generally should not be included)

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- Summary of event, generally in 50 words or so (this is not the place for an extensive narrative or commentary)

Responsibility: The ranking Patrol supervisor on duty at the time of occurrence is responsible for preparing and sending the Staff Incident Log notification. For incidents handled by the Special Operations Division or a special unit, the supervisor in charge of the investigation or operation is responsible for preparing and sending the Staff Incident Log notification. The Administrative Assistant to the Chief of Police will maintain a copy all Staff Incident Log notifications in accordance with public records laws and retention schedules. Prior to release of any Staff Incident Log notification, all information considered exempt from disclosure under public records law will be redacted.

345.1.7 OFFICER SAFETY NOTIFICATIONS

A specific, present threat to the safety of MPD officers should be broadcast over the radio on Channel One and sent via Mobile Data Terminals. All officer safety information should be disseminated by email to the group Police, including any information broadcast on Channel One or sent via MDT. If there are any questions about the appropriate method of dissemination, the on-duty Patrol supervisor will decide.

The sources of this information may include, but are not limited to, teletypes received through LEADS, notifications from other law enforcement agencies, and information received directly by an officer or dispatcher.

345.1.8 ADMINISTRATIVE MESSAGES

Messages such as job announcements or other administrative information will be distributed by e-mail to the affected personnel and, where appropriate, posted on divisional bulletin boards.

Media Relations

346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities allowing the prompt release of records in accordance with the mandates of the Ohio Public Records Law (ORC § 149.43).

346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Shift Sergeants and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized and bona fide members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities (ORC § 2917.13(B)). Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

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1. Reasonable effort should be made to provide media representatives with access to a media command post, separate from the operations command post, near the location of the incident providing it will not interfere with emergency operations or a criminal investigation.
 - (c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.
 - (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

346.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. This log will consist of data classified as public and should generally contain:

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- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Ohio Public Records Act (ORC § 149.43). Questions concerning the mandates of the Ohio Public Records Act should be resolved through legal counsel.

346.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and the Personnel Files policies). When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Medina Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

348.2 POLICY

Medina Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A criminal subpoena may be served upon a member in accordance with Ohio Crim. R. 17 by personally serving the named member, reading the subpoena aloud to the member or by leaving it at his/her usual place of residence. Civil subpoenas may be served upon a member in the same manner except that service may also be achieved via United States mail, certified with a return receipt requested (Ohio Civ. R. 45).

Subpoenas shall not be accepted without properly posted fees pursuant to applicable law (Ohio Crim. R. 17; Ohio Civ. R. 45).

348.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the Law Director or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Medina Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Medina Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

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No member shall be retaliated against for testifying in any matter.

348.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

348.3.3 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

348.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

348.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

348.5.1 NOTIFICATION

Notification shall be made by email message from the Chief of Police or his designee to the employee's departmental email address and said email shall be sent before 7:00 PM the day before the court appearance that the court appearance has been canceled. Notification is accomplished once the message has been sent.

Upon the commencement of a trial, appearances will be coordinated by the prosecuting attorney.

348.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

Carry of a firearm by officers into court rooms or court buildings is subject to local court security rules and shall only be permitted while the officer is acting within the scope of his/her duties as

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determined by the Chief of Police (ORC § 2923.123). When armed, officers shall carry their badge and Department identification.

348.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

348.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current Collective Bargaining Agreement.

Special and Auxiliary Officers

350.1 PURPOSE AND SCOPE

The Medina Police Department Specials Unit was established to supplement and assist sworn police officers in their duties. This unit provides professional, sworn reserve, auxiliary and special function officers who can augment regular staffing levels (ORC § 737.051).

350.1.1 DEFINITIONS

Medina City Ordinance 129.02, AUXILIARY POLICE UNIT.

(a) Establishment; Executive Head. Council hereby establishes an Auxiliary Police Unit within the Police Department with the Director of Public Safety as the executive head. (Ord. 66-76. Passed 5-24-76.) (b) Appointment and Removal of Officers. The Director of Public Safety shall make all appointments and removals of Auxiliary Police Officers which shall not exceed forty persons at any given time. (Ord. 173-02. Passed 11-25-02.) (c) Rules and Regulations. The Chief of Police may, from time to time, prescribe general regulations for the organization, training, administration, control and conduct of the Auxiliary Police Unit. (d) Pension Fund Ineligibility; Unclassified Service. Members of the Auxiliary Police Unit are not eligible for membership in the Police Relief and Pension Fund under Ohio R. C. 741.31 to 741.54, and shall not be in the classified service of the Municipality.

(e) Division into Two Sections. The Auxiliary Police Unit shall be divided into three sections to be determined by the Director of Public Safety, one section of which shall qualify as Peace Officers and be authorized to perform all the functions of a Police Officer including, but without limitation, carrying weapons and making arrests. The other section within the Auxiliary Police Unit shall not be qualified as Peace Officers, shall not carry weapons nor make arrests, but shall function as Traffic Control Officers and perform other duties requiring the services of a Police Officer. (Ord. 66-76. Passed 5-24-76.)

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE AND AUXILIARY OFFICERS_ DEPUTIES

The Medina Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

Special officers who work part-time and hold certification by the Ohio Peace Officer Training Commission (OPOTC) under ORC § 109.71 are considered peace officers.

350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as sworn police officers before appointment.

Before appointment as a Special officer, an applicant must have completed a state-approved basic academy or extended basic academy (OAC § 109:2-1(A)(1)).

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350.2.2 APPOINTMENT

Applicants who are selected for appointment as a Special officer shall, on the recommendation of the Chief of Police, be sworn in by the appointing authority and take the Oath of Office as required for the position. Members of the special unit serve at the appointing authority's discretion.

A Special officer shall complete the minimum training required by OPOTC, unless prior training in another state, the military or other certifying entity has been deemed equivalent by OPOTC. Upon completion of the required hours of training, the applicant must take and pass the state certification examination.

350.2.3 EMPLOYEES WORKING AS RESERVE AND AUXILIARY OFFICERS

Qualified employees of this department, when authorized, may also serve as special or auxiliary officers. However, the Department shall not utilize the services of a special, auxiliary or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a special or auxiliary officer for reduced or no pay). Therefore, the Specials and Auxiliary Coordinator should consult with the Civil Service prior to an employee serving in a special, auxiliary or volunteer capacity (29 CFR 553.30).

350.3 DUTIES OF RESERVE AND AUXILIARY OFFICERS

Specials and auxiliary officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of special and auxiliary officers will usually be to augment the Patrol Division. Special and auxiliary officers may be assigned to other areas within the Department as needed. Special and auxiliary officers are required to work a minimum of 16 hours per month.

Specials and auxiliary officers may act only in a supplementary capacity to the regular force.

350.3.1 POLICY COMPLIANCE

Police special and auxiliary officers shall be required to adhere to all Department policies and procedures. A copy of the policies and procedures will be made available to each special and auxiliary officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a sworn full-time officer, it shall also apply to a sworn special and auxiliary officer, unless by its nature it is inapplicable.

350.3.2 RESERVE AND AUXILIARY OFFICER ASSIGNMENTS

All special and auxiliary officers will be assigned to duties by the Special and Auxiliary Coordinator or designee.

350.3.3 RESERVE AND AUXILIARY COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Special and Auxiliary Officer Program to a Special and Auxiliary Coordinator.

The Special and Auxiliary Coordinator shall have the responsibility of, but not be limited to:

- (a) Assigning special and auxiliary personnel.

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- (b) Conducting special and auxiliary meetings.
- (c) Establishing and maintaining a special and auxiliary call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring individual special and auxiliary officer performance.
- (f) Monitoring the overall Special and Auxiliary Program.
- (g) Maintaining liaison with other agency Special and Auxiliary Coordinators.

350.4 SUPERVISION

Special and auxiliary officers perform some of the duties of a peace officer and shall be under the immediate supervision of a sworn peace officer and may not be employed as a full-time officer.

350.4.1 RESERVE AND AUXILIARY OFFICER MEETINGS

All special and auxiliary officer meetings will be scheduled and conducted by the Specials and Auxiliary Coordinator. All special and auxiliary officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Specials and Auxiliary Coordinator.

350.4.2 IDENTIFICATION OF OFFICERS

All special and auxiliary officers will be issued a uniform badge and a Department identification card. The uniform badge shall be labeled "Special" or "Auxiliary". The identification card will be the standard identification card with the exception that "Special" or "Auxiliary" will be indicated on the card.

350.4.3 UNIFORM

Special and auxiliary officers shall conform to all uniform regulation and appearance standards of this department.

350.4.4 INVESTIGATIONS AND COMPLAINTS

If a special or auxiliary officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Specials and Auxiliary Coordinator, at the discretion of the Patrol Division Commander in compliance with the Personnel Complaint Procedure Policy.

Special and auxiliary officers are considered at-will employees. Any disciplinary action that may have to be administered to a special or auxiliary officer shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

350.4.5 RESERVE AND AUXILIARY OFFICER EVALUATIONS

While in training, special and auxiliary officers will be continuously evaluated using standardized daily and weekly observation reports. The special or auxiliary will be considered a trainee until all of the training phases have been completed. Special and auxiliary officers having completed their

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field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that special or auxiliary officer.

350.5 FIREARMS

Special and auxiliary officers shall successfully complete Department-authorized training in the use of firearms and have their appointment approved by the City prior to being issued a Department firearm or otherwise acting as an officer on behalf of the Medina Police Department (OAC § 109:2-1-12(A)(2)).

Special and auxiliary officers may purchase a duty firearm as specified in the Duty Firearms Policy. The firearm will be the same as is currently being used by the Patrol Division. Any special or auxiliary officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Duty Firearms Policy.

350.5.1 CONCEALED FIREARMS PROHIBITED

Special and auxiliary officers shall possess a valid Ohio concealed firearm permit in order to carry a firearm when off-duty (ORC § 2923.125), otherwise carrying a concealed firearm is prohibited. An instance may arise where a special or auxiliary officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the special or auxiliary officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

350.6 EMERGENCY CALL-OUT FOR RESERVE AND AUXILIARY PERSONNEL

The Specials and Auxiliary Coordinator shall develop a plan outlining an emergency call-out procedure for special and auxiliary personnel.

350.7 REPORTS TO THE OHIO PEACE OFFICER TRAINING COMMISSION

This department shall report the following information regarding special and auxiliary officers to OPOTC pursuant to ORC § 109.761:

- (a) Within 10 days, any appointment or employment as a special or auxiliary officer.
- (b) Within 10 days, any termination, resignation, felony conviction, death or guilty plea as a special or auxiliary officer.
- (c) Annually, a roster of all special and auxiliary officers.

Outside Agency Assistance

352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

352.2 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from department, the Shift Sergeant may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

A sheriff may request aid, and this department is required to furnish aid, as is practicable (ORC § 311.07(B)).

352.2.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Medina Police Department shall notify his/her supervisor or the Shift Sergeant and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

352.2.2 PROVIDING LAW ENFORCEMENT SERVICES

The Department may also provide law enforcement services at the direction of the Chief of Police, as authorized by resolution of the City legislative authority (ORC § 505.431; ORC § 511.236; ORC § 737.041).

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Outside Agency Assistance

352.3 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.4 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

352.5 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Division Commander or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
 - 1. The use of the supplies and equipment.
 - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Officer should maintain documentation that the appropriate members have received the required training.

352.6 POLICY

It is the policy of the Medina Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

Death Investigation

360.1 POLICY

It is the policy of the Medina Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

360.2 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

360.3 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

360.3.1 CORONER REQUEST

The Coroner shall be called and notified of all known facts concerning the time, place, manner and circumstances in all sudden or unexpected deaths or deaths due to other than natural causes including, but not limited to (ORC § 313.12(A)):

- (a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.
- (b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.
- (c) Unexplained or unexpected perinatal and postpartum maternal deaths.
- (d) Deaths under suspicious, unusual or unexpected circumstances.
- (e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.
- (f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.
- (g) Deaths that occur during, in association with, or as the result of diagnostic, therapeutic or anesthetic procedures.
- (h) Deaths due to culpable neglect.
- (i) Stillbirths of 20 weeks or longer gestation unattended by a physician.
- (j) Sudden deaths of persons not affected by recognizable disease.

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- (k) Unexpected deaths of persons notwithstanding a history of underlying disease.
- (l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.
- (n) Deaths of persons not seen by their physician within 120 days of demise.
- (o) Deaths of persons occurring in an emergency department.
- (p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is history or evidence of maternal trauma.
- (q) Unexpected deaths of children.
- (r) Solid organ donors.
- (s) Unidentified bodies.
- (t) Skeletonized remains.
- (u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.
- (v) Deaths associated with the decedent's employment.
- (w) Deaths of nonregistered hospice patients or patients in non-licensed hospice programs.
- (x) Deaths attributable to acts of terrorism.
- (y) Death of a developmentally disabled person, regardless of the circumstances.

360.3.2 SPECIAL CIRCUMSTANCE DEATHS

The Coroner, a Deputy Coroner or an appointed Coroner Investigator is required to investigate the site of the death of any child under 2 years of age who dies suddenly when in apparent good health, absent contrary religious beliefs. The investigation is required to incorporate the examinations required by law (OAC § 3701-5-14).

360.3.3 SEARCHING DEAD BODIES

The Coroner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (ORC § 2108.12(A)(1)). If a donor document is located, the Coroner shall be promptly notified.

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Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer shall first obtain verbal consent from the Coroner.

Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Coroner.

The name and address of this person shall be included in the narrative of the death report.

360.3.4 DEATH NOTIFICATION

Officers investigating a traffic collision and who discover any person who is deceased or is pronounced dead at the scene, or who suffers a serious, life-threatening injury in a motor vehicle accident, is responsible for identifying the person and notifying the person's next of kin (ORC § 4501.80).

Identification of victims and notification should be done without delay although proper and accurate identification of victims is necessary prior to making any notification to the next of kin. Identification resources include the next of kin registration database maintained for law enforcement by the Bureau of Motor Vehicles and the Coroner.

Notification to the next of kin of a deceased person shall be made, in person, by the officer assigned to the incident in compliance with Department training on death notifications. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

In non-traffic deaths, when notification is not performed by the Coroner, and if a deceased person has been identified as a missing person, this department should attempt to locate family members and inform them of the death and location of the deceased missing person's remains as described above.

In all notifications, the notification shall be documented and the Coroner shall be informed whether the notification has been made.

Should a human death result from a fire, this department may notify the state or City fire marshal as allowed by law.

360.3.5 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue a "John Doe" or "Jane Doe" number for the report.

360.3.6 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body including

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dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body shall be forwarded to the Coroner for entry into the Ohio Bureau of Criminal Identification and Investigation database, the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) file (ORC § 313.08).

360.3.7 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.3.8 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Special Operations Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Shift Sergeant or Special Operations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests and provide a report.

360.3.9 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Occupational Safety and Health Administration or the Ohio Public Employment Risk Reduction Program is notified by telephone or electronic notification with all pertinent information.

360.4 PREGNANCY-ASSOCIATED DEATH INVESTIGATIONS

Officers investigating the death of a woman while pregnant or within one year after pregnancy should make sure, when applicable, that the pregnancy-associated mortality review board receives information and documentation as provided in ORC § 3738.02 and ORC § 3738.05.

Identity Theft

361.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

361.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (ORC § 2913.49(B)) shall initiate a report for crimes occurring in this jurisdiction.
- (b) For incidents of identity theft occurring outside this jurisdiction officers may either:
 1. Complete a courtesy report to be forwarded to the agency where the crime was committed or if the location is unknown, to the victim's residence agency.
 2. If no report is taken, encourage the victim to promptly report the identity theft to the law enforcement agency where he/she resides.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Ohio Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

361.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access <http://www.ohioattorneygeneral.gov/consumerlaws> for further information.

Employees of this department shall notify the Records Manager of any breach of the security of any Department information systems if personal information is reasonably believed to have been

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accessed and acquired by an unauthorized person that could cause a material risk of identity theft or other fraud to a resident of Ohio (ORC § 1347.12(B)(1) and ORC § 1349.19(C)).

The Records Manager shall notify the person whose personal information has been breached using any of the methods allowed pursuant to ORC § 1347.12(E) (ORC § 1347.12(B)(1)).

The notification may be delayed if it is reasonably believed that the disclosure would impede a criminal investigation or jeopardize homeland or national security (ORC § 1347.12(D)).

361.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or the FBI at <http://cincinnati.fbi.gov> and <http://cleveland.fbi.gov>.

Private Person's Arrests

363.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to state law.

363.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

In circumstance where applicable, officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) individuals shall be informed of the requirement to inform the person to be arrested, prior to making the arrest, of the intention to arrest him/her and the reason for the arrest (ORC § 2935.07).
- (d) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ORC § 2935.06).

363.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been committed and he/she has reasonable cause to believe the person to be arrested committed the felony (ORC § 2935.04).
- (b) When reasonable information exists that the accused stands charged in the courts of any state with a crime punishable by death or imprisonment for a term exceeding one year (ORC § 2963.12).

363.3.1 DETENTIONS BY PRIVATE PERSONS

A private person may detain another for subsequent arrest by a peace officer under the following circumstances:

- (a) Museums, archival institutions, libraries, merchants, and their agents and employees who have probable cause to believe the person to be detained is a shoplifter or has otherwise committed a theft of their property (ORC § 2935.041(A), (B), and (C)).
- (b) Motion picture presentation facilities and their agents and employees who have probable cause to believe a person is or has been recording in violation of ORC § 2913.07 (ORC § 2935.041(D)).

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363.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual upon a misdemeanor citation or pending formal charges.

363.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Medina Police Department witness statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

Officers shall complete a law incident report regarding the circumstances and disposition of the incident.

Naloxone Protocols

366.1 PURPOSE

The purpose of this policy is to formalize operational guidelines for the application of Naloxone.

366.2 DEFINITION

Naloxone (also known by the brand name Narcan) is a pure opioid antagonist that is used to counter the effects of an opioid overdose.

366.3 USE

Naloxone is used for an unresponsive patient suspected of an opioid drug overdose. Individuals suspected of an opioid overdose may be identified by one or more of the following signs or symptoms:

- Blue tinged skin, especially the lips and fingertips
- Slow or irregular breathing
- Gurgling, gasping (agonal) breaths
- Breathing has ceased
- Slow, erratic or non-existent pulse
- Vomiting
- Pale, clammy skin
- Limp muscles
- No response or very slow response to stimuli

366.4 PROCEDURES

Along with external factors such as reported drug use or the presence of drugs and drug paraphernalia, the most important signs to consider when determining if a person is experiencing an opioid overdose are the presence of breathing and the responsiveness to stimulation. Three effective methods to test the response to stimulation are:

- Yelling the subject's name
- Sternal Rub which is rubbing your knuckles along the center of the individual's rib cage
- Rubbing your knuckles over the upper lip

If the subject is responsive, monitor and assist as needed. If there is no response, assess the subject's pulse and breathing.

If there is no pulse:

- Start CPR

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- Attach AED
- Continue CPR/AED until Medics arrive
- Naloxone may be given, but do not interrupt CPR/AED.

If the subject has a pulse, but is not breathing, or has slow, shallow or agonal breathing, or is turning blue:

- Start CPR
- Attach AED
- Open Naloxone package and assemble applicator
- Deliver 1 mg of Naloxone into each nostril for a total dose of 2 mg.
- If there is no response after 2 to 3 minutes, deliver a second 2 mg dose.

Naloxone can take several minutes to begin working and will stop working in 30 to 45 minutes. If there is no improvement in the subject's condition, administer a second dose 2 to 3 minutes after the first dose.

366.4.1 SAFETY CONSIDERATIONS

Once the Naloxone has been administered, the subject may experience withdrawal signs and symptoms which could include any or all of the following:

- Restlessness
- Insomnia
- Diarrhea
- Vomiting
- Cold flashes with goose bumps
- Kicking movements
- Muscle and bone pain

Obviously some of the withdrawal symptoms can pose a safety risk for the first responders. It is recommended that the subject is handcuffed either before or immediately after Naloxone is administered. The recommended handcuffing position is double-locked in front with a belly belt or with the hands otherwise secured to the subject's waist to restrict their arm movement. Also be prepared to roll the subject onto their side in the Recovery Position once they begin breathing unassisted. Avoid placing the subject on their chest. The Recovery Position will help ensure the airway remains clear and open. It will also help ensure that any vomit or other fluid will not cause them to choke.

In all cases involving the administration of Naloxone, LST will be called to the scene (Emergency Response). LST will continue medical treatment and the patient will, without exception, be

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transported to an emergency department for further treatment. If there is a need for an officer to ride with LST, approval needs to be given by a supervisor.

Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Medina Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

367.2 POLICY

It is the policy of the Medina Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

367.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law

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enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

367.4 TYPES OF LEP ASSISTANCE AVAILABLE

Medina Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.5 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

367.6 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

367.7 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to

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communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

367.8 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

367.8.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.

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- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

367.8.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

367.9 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

367.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Medina Police Department will take reasonable steps and will work with the Civil Service to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

367.10.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language

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is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

367.11 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

367.12 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

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Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

367.13 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

367.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

367.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

Communications with Persons with Disabilities

369.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

369.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

369.2 POLICY

It is the policy of the Medina Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

369.3 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members

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should ask the individual to communicate back or otherwise demonstrate their understanding.

- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

369.4 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Medina Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

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369.5 TYPES OF ASSISTANCE AVAILABLE

Medina Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

369.6 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

369.7 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

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369.8 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

369.9 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

369.10 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

369.11 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related

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report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

369.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

369.12.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

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- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

369.13 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

369.14 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

369.15 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

369.16 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.16.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech.

Pupil Arrest Reporting

372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

372.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall notify the appropriate school resource officer (SRO) either by phone or by e-mail, and advise them of the nature of the incident and arrest. The school resource officer shall then notify the appropriate school personnel. The SRO will contact the Shift Supervisor/OIC who will be responsible for notifying the SOD supervisor and the Chief of Police.

372.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

372.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

372.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

Biological Samples

373.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

373.2 POLICY

The Medina Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

373.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample are persons who have been (ORC § 2901.07):

- (a) Arrested for or convicted of a felony offense.
- (b) Convicted of a misdemeanor violation, an attempt to commit a misdemeanor violation or complicity in committing a misdemeanor violation arising out of the following:
 - 1. Aggravated murder
 - 2. Murder
 - 3. Kidnapping
 - 4. Rape
 - 5. Sexual battery
 - 6. Unlawful sexual conduct with minor
 - 7. Gross sexual imposition
 - 8. Aggravated burglary
 - 9. Felonious sexual penetration
 - 10. Interference with custody
- (c) Convicted of a sexually oriented offense or a child victim-oriented offense that is a misdemeanor if the offender is a Tier III sex offender/child-victim offender, as defined in ORC § 2950.01.

373.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

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373.4.1 COLLECTION

The following steps should be taken to collect a sample:

- (a) Verify that the individual is required to provide a sample pursuant to ORC § 2901.07 and that his/her identity has been verified as required under OAC § 109:5-5-02.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Ohio Law Enforcement Gateway (OHLEG). There is no need to obtain a biological sample if one has been previously obtained (OAC § 109:5-5-02).
- (c) Use the designated collection kit provided by the Ohio Bureau of Criminal Investigation (BCI) to perform the collection and take steps to avoid cross contamination.

373.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

373.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

Chaplains

375.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Medina Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

375.2 POLICY

The Medina Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

375.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

375.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Medina Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

375.4.1 RECRUITMENT

Chaplains should be recruited as needed with approval from the Safety Director. Recruitment should be consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

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375.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Chief of Police.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

375.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Medina Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Medina Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

375.6 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

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Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Medina Police Department.

375.6.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

375.6.2 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Medina Police Department operations, provided the Shift Sergeant has been notified and has approved the activity.
- (b) Chaplains shall not be evaluators of members of the Department.
- (c) In responding to incidents, a chaplain shall never function as an officer.
- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Chaplains shall serve only within the jurisdiction of the Medina Police Department unless otherwise authorized by the Chief of Police or the authorized designee.
- (f) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

375.6.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

375.6.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.

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- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

375.6.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

375.7 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Officer, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

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- Officer injury or death
- Sensitivity and diversity

Public Safety Video Surveillance System

377.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

377.2 POLICY

The Medina Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City with the approval of the Chief of Police and the Mayor/Safety Director to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

377.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

377.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.

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- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.
- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Sergeant's office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Sergeant or trained personnel in Dispatch are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

377.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

377.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

377.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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377.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

377.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

377.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

377.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

377.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Chief of Police.

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Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

377.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

377.8 TRAINING

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Child and Dependent Adult Safety

379.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult or Vulnerable Person Abuse Policy.

379.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Medina Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

379.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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379.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Department of Aging, if appropriate.
- (e) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

379.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

379.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

379.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

379.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

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Child and Dependent Adult Safety

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Service Animals

381.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Medina Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

381.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

381.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities. Service animals may accompany the handler or companion person into, and is entitled to the full use of services to which the general public is invited (ORC § 955.43).

The following are some examples of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

381.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with

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service animals with the same courtesy and respect that the Medina Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

383.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

383.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support, members of the Medina Citizen's Police Academy Alumni Association, and youth involved in a law enforcement Explorer Post, among others.

383.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Medina Police Department volunteer include:

- (a) Residency in Medina County.
- (b) At least 18 years of age for all positions.
- (c) A valid driver license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor crime within the past 10 years, excluding minor and unclassified misdemeanor traffic offenses.
- (g) No condition involving mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

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The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

383.2 VOLUNTEER MANAGEMENT

383.2.1 EMPLOYEES WORKING AS RESERVE OR AUXILIARY

Sworn employees of this department, when authorized, may also serve as special or auxiliary officers. However, the Department must not utilize the services of a special or volunteer in such a way that it would violate employment laws or labor agreements. Therefore, the Special and Auxiliary Coordinator should consult Civil Service prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

383.2.2 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer.
- (b) Department policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.
- (e) CPR/first aid.
- (f) CERT/Citizens Emergency Response Training.
- (g) Search and rescue techniques.
- (h) Scenario-based searching methods.
- (i) Evidence preservation.
- (j) Basic traffic direction and control.
- (k) Roadway incursion safety.
- (l) Self-defense techniques.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

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Volunteer Program

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a sworn officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

383.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

383.4 CONFIDENTIALITY

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

383.5 PROPERTY AND EQUIPMENT

Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

383.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police . Volunteers shall have no property interests in their continued appointment. Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

383.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the

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volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

383.7 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The head of the Medina Citizen's Police Academy Alumni Association will be contacted for emergency call-out procedure for MCPAAA personnel.

Native American Graves Protection and Repatriation

385.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

385.2 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

Native American Human Remains - The physical remains of the body of a person of Native American ancestry.

Funerary Objects and Associated Funerary Objects - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Sacred Objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Objects of Cultural Patrimony - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

385.3 COMPLIANCE WITH NAGPRA

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4, et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene (43 CFR 10.4(d)):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture.

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Native American Graves Protection and Repatriation

- Tribal land - Responsible Indian tribal official

385.4 EVIDENCE AND PROPERTY RELEASE

If the scene has been investigated as a possible homicide prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure the proper transfer and repatriation of material collected, photographs and other records, to the appropriate agency or individual responsible for disposition of the site, and that any remains or artifacts are expediently processed (43 CFR 10.6).

Off-Duty Law Enforcement Actions

387.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Medina Police Department with respect to taking law enforcement action while off-duty.

387.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ORC § 2935.02, ORC § 2935.03(D) and ORC § 2935.04).

387.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law, and Department policy. All firearms and ammunition must meet guidelines as described in the Department Firearms Policy. When carrying firearms while off-duty, officers shall also carry their Department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

387.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

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Off-Duty Law Enforcement Actions

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

387.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Medina Police Department officer until acknowledged. Official identification should also be displayed.

387.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

387.4.3 RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

387.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

387.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Medina Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

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Off-Duty Law Enforcement Actions

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

390.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

390.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

390.2 POLICY

The Medina Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

390.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines shall be approved by the Chief of Police prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

390.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Department Use of Social Media

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the Department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

390.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

390.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Medina Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

390.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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Department Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

390.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

390.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

390.7.1 SOCIAL MEDIA ARCHIVING NOTICE

All commentary and/or posts made in response to social media used by the Medina Police Department will be stored and retained by the City's archiving vendor.

390.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Community Relations

391.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate or Prejudice Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

391.2 POLICY

It is the policy of the Medina Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

391.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy, #441).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

391.3.1 COMMUNITY ENGAGEMENT INITIATIVES

The Medina Police Department will utilize the following technology and programs to maximize community engagement:

- Facebook

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- Twitter
- City and Police Department Website
- WENS (Mass Notification System)
- Citizen's Police Academy
- Shop with a Cop
- AAA Safety Event
- Diversity Project
- DARE
- Kids Day of Play
- Back to School Rally
- Let's Make a Difference
- Bike to School
- Safety and Security Seminars with local business owners
- Suicide Prevention Coalition
- School Resource Officers
- Opiate Taskforce
- Participation in Community Events throughout the calendar year

391.4 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

391.5 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

Community Relations

391.6 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

391.6.1 STATE CERTIFICATION TESTING

Officers shall be required annually to read, sign and be tested on this policy.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Medina, respond to calls for assistance, act as a deterrent to crime, enforce state, local and federal laws when authorized or empowered by agreement or statute, and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Investigation of both criminal and non-criminal acts.
- (d) The apprehension of criminal offenders.
- (e) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (f) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.
- (g) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (h) Traffic direction and control.
- (i) Disasters, civic unrest and natural emergencies.
- (j) Assist in the service of civil papers.

400.1.2 TERRORISM

It is the goal of the Medina Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report.

The Shift Supervisor should ensure that all terrorism-related reports are forwarded to the Special Operations Division supervisor in a timely fashion.

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400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Medina Police Department.

400.2.1 CRIME REPORTS

A Law Incident Report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.2 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.3 BULLETIN BOARDS

A bulletin board will be kept in the road room and the Detective Bureau for display of suspect information, investigative reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard. Material posted shall be marked with the posting officer's unit number.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Medina Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

402.2 POLICY

The Medina Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

402.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report any information as required in the Traffic Citations Policy.

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Video Recorder recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 ADMINISTRATION

Each year, the Patrol Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

The report should be included in the annual departmental year end report.

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402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Chief of Police.

Shift Briefing

404.1 PURPOSE AND SCOPE

Shift Briefing is generally conducted at the beginning of the officer's assigned shift. Shift Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct shift briefing. However, officers may conduct shift briefing for training purposes with supervisor approval.

Shift Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

404.2 SHIFT BRIEFING AND ROLL CALL TRAINING

Shift Briefing and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Shift Briefing and roll call training should incorporate short training segments on a variety of subjects and may include:

- (a) Review and discussion of new or updated policies.
- (b) Present and discuss proper application of existing policy to routine daily activities.
- (c) Present and discuss proper application of existing policy to unusual activities.
- (d) Reviewing recent incidents for training purposes.

404.3 PREPARATION OF MATERIALS

The supervisor conducting shift briefing and/or roll call training, or the officer if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

404.4 RETENTION OF SHIFT BRIEFING AND ROLL CALL TRAINING RECORDS

Shift Briefing and roll call training materials and a curriculum or summary shall be retained for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the Medina Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

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406.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Ride-Alongs

410.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

410.1.1 ELIGIBILITY

The Medina Police Department ride-along program is offered to residents, students and those employed within the City. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

410.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander or Shift Sergeant.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Shift Sergeant. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver license, address and telephone number.

The Shift Sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, explorers, qualified volunteers, chaplains, reserves, auxiliary and police applicants with approval of the Shift Sergeant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle

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at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

410.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, t-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the express consent of the Shift Sergeant. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 CIVILIAN EMPLOYEE RIDE-ALONGS

Off-duty civilian employees of this department may ride-along with on-duty officers. Off-duty civilian members of other law enforcement agencies will not be permitted to ride-along with on-duty officers without the express consent of the Shift Sergeant.

In the event that such a ride-along is permitted, the off-duty civilian member shall not be considered on-duty and shall not participate in any law enforcement activity except as emergency circumstances may require.

410.2.5 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Criminal History System check prior to approval (provided that the ride-along is not an employee of the Medina Police Department).

410.3 OFFICER'S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Shift Sergeant.

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The Shift Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Shift Sergeant with any comments that may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

- (a) The ride-along will follow the directions of the officer.
- (b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.
- (e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.
- (f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.
- (g) Ride-alongs shall be returned to his/her home, the place of the ride origin or to the station when the ride-along is terminated.

Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Ohio law, the following represents the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous Material - A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

A hazardous material response shall be in compliance with the County Chemical Emergency Response and Preparedness Plan (ORC § 3750.01 et seq.; OAC § 3750-1-01 et seq.).

The fire department, under the Ohio Fire Service Emergency Response Plan (OFCERP) for Hazardous Materials/WMD Incident Response, is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards. Fire department personnel have the primary role and authority in a HAZMAT incident. The OFCERP provides a central contact number for requests for assistance and operations support (888-822-4900).

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (b) Safely attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (c) Notify the appropriate fire department.
- (d) Provide first aid to injured parties if it can be done safely and without contamination.
- (e) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

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- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

412.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Division Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

Suspicious Mail/Package

413.1 PURPOSE AND SCOPE

The purpose of this policy is to protect the public and safety forces in the handling of suspicious mail or packages suspected of being tainted with a biologically threatening substance.

413.2 DISPATCH/RECORDS RESPONSIBILITY

- (a) Obtain name, address, phone, business name (if applicable).
- (b) Ascertain if the mail/package is opened. If not, advise the caller to NOT open the mail/package. Advise the caller to prevent anyone else from touching it.
- (c) Advise the caller to place suspicious mail/package in a zip lock baggie, if available. If the item is too large to be placed in a zip lock baggie, advise the caller to place the item in a plastic trash bag secured with a twist tie.
- (d) If a baggie is not available, advise the caller to not handle the item any further.
- (e) If a suspicious substance is observed (powder, foam, liquid, etc.) contact the on-duty fire officer for consideration of using the Medina County Haz-Mat team.
- (f) If a citizen brings the item to the police department lobby, ask them to take it outside to the front steps and contact the on-duty fire officer. Do not permit the item to remain in the lobby which would put employees and others at risk.
- (g) If a citizen deposits a suspicious item(s) in the police department lobby drawer, do not touch it and try to keep the public away from it until an officer can be summoned to handle it with the proper protective equipment.
- (h) If a suspicious item arrives at the police department, the item shall not be opened. Using rubber gloves, the item should be placed in a zip lock bag. An officer shall be assigned to file a report and secure the item.

413.3 OFFICER RESPONSIBILITY

- (a) Respond promptly to the scene and take custody of the suspicious item(s).
- (b) If the item is not a zip lock bag, place it immediately into one while wearing rubber gloves and a protective mask. The gloves worn while handling the item should also be sealed in the first bag to prevent cross contamination.
- (c) Place the item in the trunk of the patrol vehicle. The trunk of any police vehicle used to transport an item must be decontaminated with a 10 to 1 water to bleach solution.
- (d) Prepare a list of persons who may have come in contact with the suspicious item, including names, dates of birth, addresses, and phone numbers.

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- (e) Transport the suspicious item to the police department. Enter the item into Property with an appropriate property sticker then secure it in a second zip lock bag.
- (f) Place the item, double bagged, in a garage storage cabinet and complete the required property sheet.
- (g) A copy of the report shall be forwarded to the Medina County Department of Health and the Akron officer of the Federal Bureau of Investigation.
- (h) If a person is exposed or possibly exposed, they should wash their hands with soap and water and seek medical treatment for prevention and analysis. According to the Ohio Department of Health, "Getting biologics or suspected biologics on the skin or clothing is not an exposure route for biologics and does not produce a victim. Handling an unopened envelope is not an exposure route for biologics and does not produce a victim."
- (i) The responding officer will advise the complainant that the suspicious item will not be sent for analysis unless a suspicious substance is observed, a direct threat is received or a subsequent illness or medical condition develops.
- (j) The officer will determine whether the complainant wants the suspicious item returned or destroyed after a holding period of 30 days.

413.4 PROPERTY CUSTODIAN RESPONSIBILITY

Upon completion of the 30 day holding period, the suspicious item will be destroyed by incineration unless a suspicious substance is observed, a direct threat is received or an illness or medical condition develops.

Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

414.2 POLICY

It is the policy of the Medina Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume

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the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

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414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (Division Commander).

If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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Hostage and Barricade Incidents

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department Division Commander or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

414.6 SWAT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

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414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

SWAT Operations

415.1 PURPOSE AND SCOPE

The purpose of the SWAT operations policy is to establish guidelines for SWAT call-outs and training for officers assigned to the SWAT team.

415.2 SWAT CALL-OUTS

The following protocol will be followed in the event of an MCSO SWAT call-out:

Officers assigned to SWAT will be deployed based on their current work schedule. Officers working day shift or afternoons will be used for call-outs between 6am and 6pm. Officers working the night shift will be used between 6pm and 6am. The goal is to avoid sending an officer who recently finished a 10 hour shift to a call that would last an undetermined amount of time. Instead, that officer would be better utilized in a reserve capacity and could provide relief to the initial responders.

Officers will be organized into two teams based on their current assigned work schedule. The teams will be referred to as TEAM A and TEAM B.

415.2.1 CALL-OUT PROCEDURE

Upon the receipt of a call-out page from the MCSO to activate the SWAT team, each Medina officer assigned to the SWAT team will prepare to be activated. Each officer will stand-by for further instructions in regards to their response.

The MPD SWAT commander will act as a liaison between the units on scene, the MCSO and the Chief of Police. The MPD SWAT commander shall be responsible for determining the personnel and assets needed from our department, then brief the Chief of Police for authorization for the call-out of our personnel.

The MPD SWAT commander will notify the active team or teams to respond based on the authorization received from the Chief of Police and the totality of the circumstances.

415.2.2 TRAINING PROCEDURE

Teams will attend monthly training on alternate months.

The entire team will be permitted to attend special training events involving expert guest instructors or pre-planned large scale training events.

MPD SWAT members will qualify with their issued firearms during the annual MCSO SWAT qualification and will not be required to again qualify with MPD. The MPD SWAT Commander shall insure the qualification records are copied and provided to the MPD firearms instructor for inclusion in the officer's qualification records.

Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Medina Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Medina Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 MEDINA POLICE DEPARTMENT FACILITY

If the bomb threat is against the Medina Police Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Medina Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

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416.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Medina, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

416.5.1 ASSISTANCE

The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Sergeant determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 - 1. Two-way radios
 - 2. Cell phones
 - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:
 - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Sergeant
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Sergeant should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Civil Commitments

418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORC § 5122.10).

418.2 POLICY

It is the policy of the Medina Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

418.3 AUTHORITY

If an officer has reason to believe that a person is mentally ill and subject to court order because he/she presents a substantial risk of imminent physical harm to him/herself or others, the officer may take, or cause the person to be taken, into custody and immediately transport him/her to an appropriate hospital for evaluation (ORC § 5122.10).

418.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

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Civil Commitments

Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

418.5.1 MANNER OF TRANSPORTATION

Officers should make an effort to take individuals into custody in the least conspicuous manner possible. The officer shall inform the individual (ORC § 5122.10):

- (a) Of the officer's name, rank/title and agency.
- (b) That the person is not being arrested.
- (c) That the person is being taken for examination by mental health professionals at a mental health facility identified by name.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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418.7.1 REQUIRED DOCUMENTATION

The application for emergency admission should include the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody and a description of probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. This statement shall be made available to the person or the person's attorney upon the request of either (ORC § 5122.10).

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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418.9.1 RETURN OF FIREARM

The officer taking custody of any firearm or other deadly weapon should issue the individual possessing such weapon a receipt that fully describes the weapon (including any serial number) and indicates the location where the weapon may be recovered, along with any applicable time limit for recovery (ORC § 2923.163).

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.

A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC 922 (d), ORC 2923.12 or ORC 2923.13(a)(5).

In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal as allowed by ORC 2981.12(2).

418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Medina Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Persons charged with domestic violence or associated offenses are not eligible for Citation Releases.

420.2 POLICY

The Medina Police Department will consider its resources and protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

420.3 RELEASE

A suspected offender may be released on issuance of a citation after fingerprints and photographs have been obtained as follows:

- (a) In cases of minor misdemeanors, officers shall not arrest the offender but shall issue a citation for all offenses in which the potential penalty does not exceed \$150 (ORC § 2935.26; Ohio R. Crim. P. 4.1(B)).
- (b) In all other misdemeanors, unless otherwise prohibited by law, officers having probable cause to arrest a person may, in lieu of making the arrest, issue the person a summons to appear if the officer reasonably believes that the summons will ensure the person's appearance. The officer shall also file a complaint describing the alleged offense (Ohio R. Crim. P. 4(3)).

420.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The offense is a minor misdemeanor (ORC § 2935.26(A)) and one of the following applies:
 1. The offender requires medical care or is unable to provide for his/her own safety.
 2. The offender cannot or will not offer satisfactory evidence of his/her identity.
 3. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to either:
 - (a) Appear at the time and place stated in the citation.
 - (b) Within seven days after receiving the citation, sign a plea of guilty and pay the total fine and costs by appearing in person or mailing the citation to the court.

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b.

The offense is Domestic Violence, Domestic Violence Threats or a violation of a protection order.

420.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the alleged offender.
- (c) The ability to identify the offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is a reasonable likelihood that criminal conduct by the individual will continue.

Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Medina Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Medina Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 1. Diplomatic-level staff of missions to international organizations and recognized family members
 2. Diplomatic agents and recognized family members
 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 2. Support staff of missions to international organizations
 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 4. Honorary consular officers

422.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

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Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

424.2 POLICY

The Medina Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

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- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.4.1 DECISION TO ADVANCE ON A SUSPECT

On-scene first responders shall make the decision whether to advance on the suspect. The multitude of variables in such a circumstance requires a rapid assessment of the situation and a decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following factors individually and collectively should be considered in deciding whether to advance on a suspect:

- (a) Whether the suspect's actions are or may be causing death or serious bodily injury.
- (b) The incident is not contained and there continues to be an immediate risk of death or serious injury to law enforcement and others.
- (c) The suspect is in a position of advantage (e.g. barricaded in a room or building).
- (d) The suspect is armed and has displayed or threatened violence.
- (e) Whether a hostage situation exists.
- (f) The suspect refuses to submit to arrest.

Examples of circumstances and possible decisions may include the following:

- If there is a barricaded suspect with no hostages, the officer should wait for additional assistance, including possible SWAT response, unless the incident is resolved in a timely manner.

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- If there is a barricaded suspect with hostages and no harm done to the hostages, the officer should wait for additional assistance or SWAT response.
- If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity that may result in death to hostages or others in the area, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

The authority to activate/notify the SWAT team rests solely with the Chief of Police or, in his absence, his designee.

424.5 PLANNING

The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

424.5.1 SCHOOL SAFETY DRILLS

The Patrol Division Commander or the authorized designee should cooperate with local school officials required to conduct school safety drills in conjunction with the Medina Police Department pursuant to ORC § 3737.73. The Department should consider information obtained during the drills when pre-planning department emergency responses to schools.

424.6 TRAINING

The Training Officer should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.

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- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Bicycle Patrol Unit

426.1 PURPOSE AND SCOPE

The Medina Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Patrol Commander.

426.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request of assignment to their appropriate Division Commander. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as they pertain to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

426.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Chief of Police.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating the performance of bicycle officers.
- (e) Coordinating activities with the Patrol Division.
- (f) Inspecting and documenting, no less than every three months, that bicycles not in active service are in a serviceable condition.
- (g) Other activities as required to maintain the efficient operation of the unit.

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Bicycle Patrol Unit

426.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

426.5 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio headset and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

426.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors and, front and rear lamps. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

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Bicycle Patrol Unit

Each bicycle shall be equipped with a steady or flashing red or blue warning light that is visible from the front and rear of the bicycle.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly, to be performed by a repair shop/ technician that is approved by the Department.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

426.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Ohio law unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

Immigration Violations

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Medina Police Department relating to immigration and interacting with federal immigration officials.

429.2 POLICY

It is the policy of the Medina Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

429.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, ethnicity, or national origin in any way that would violate the United States or Ohio constitutions.

429.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

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Immigration Violations

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

429.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

429.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

429.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

429.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

429.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

429.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

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Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Special Operations Division supervisor assigned to oversee the handling of any related case. The Special Operations Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

429.9 TRAINING

The Training Officer should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

Aircraft Accidents

435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

435.2 POLICY

It is the policy of the Medina Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

435.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

435.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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Aircraft Accidents

435.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

435.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

435.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.

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- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

435.8 DOCUMENTATION

All aircraft accidents occurring within the City of Medina shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

435.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

435.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

435.9 MEDIA RELATIONS

The Chief of Police or designee should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be

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coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Chief of Police or designee should coordinate with other involved entities before the release of information.

Field Training Officer Program

437.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Medina Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

437.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

437.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possess a basic training certificate from the Ohio Peace Officer Training Commission (OPOTC).

437.2.2 TRAINING

An officer selected as an FTO shall successfully complete a Field Training Officer's course approved by the Department prior to being assigned as an FTO.

All FTOs must complete a Field Training Officer update course approved by the Department every three years while assigned to the position of FTO.

437.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Patrol Division Commander or designee and should complete Department-approved supervisory training within one year of appointment to this position.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.

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- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

437.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Medina Police Department who has successfully completed a OPOTC approved basic academy and possesses an OPOTC basic training certificate within one year after commencing employment as a peace officer.

437.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

437.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Medina Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Medina Police Department.

437.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

437.6.1 FIELD TRAINING OFFICER

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

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- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

437.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

437.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Supervisor will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Supervisor will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

437.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

437.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

Contacts and Temporary Detentions

441.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

441.2 POLICY

The Medina Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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441.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Medina Police Department to strengthen community involvement, community awareness, and problem identification.

441.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

441.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

441.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

441.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

441.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

441.5.3 FIELD PHOTOGRAPHS OF CHILDREN

Field photographs may only be taken of a child with the consent of a juvenile court judge, except when the child has been (ORC § 2151.313):

- (a) Arrested or otherwise taken into custody for committing, or has been adjudicated as a delinquent child for committing, an act that would be a felony if committed by an adult.
- (b) Convicted of or pleaded guilty to committing a felony.
- (c) Arrested or otherwise taken into custody or has been adjudicated as a delinquent child for committing an act where all of the following apply:
 1. The offense is not a traffic offense or minor misdemeanor if committed by an adult.
 2. There is probable cause to believe the child may have been involved in the act.

The officer who photographs a juvenile shall immediately inform the juvenile court that the photographs were taken and shall provide the court with the identity of the juvenile, the number

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of photographs taken and the name and address of each person who has custody and control of the photographs or copies of the photographs (ORC § 2151.313(A)(2)).

441.5.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Sergeant with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Sergeant should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Sergeant will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

Photographs of children shall be retained in a file separate and apart from all photographs taken of adults until released to the juvenile court or as otherwise ordered by a juvenile judge (ORC § 2151.313(B)).

When a photograph of a child is taken in association with a particular case, before filing a complaint regarding the offense, the photograph may only be used in the investigation of the original offense and may only be released to the court.

After filing the complaint, the photograph may be used to investigate the original offense or to investigate any other juvenile delinquency offense involving the juvenile as a suspect. Photographs may also be used in a photo lineup when the child in the photograph has been adjudicated as a delinquent child for the commission of an act that would be a felony if committed by an adult, or convicted or pleaded guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs (ORC § 2151.313(C)).

441.5.5 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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441.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

443.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Medina Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

443.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

443.2 POLICY

The Medina Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

443.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

443.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any

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supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

443.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

443.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Bureau or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

443.4.2 STREET GANG PREMISES

Any building, premises or real estate, including vacant land, which is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity may be deemed a public nuisance as determined by the Law Director. The Special Operations Division supervisor may authorize members to collect information on such property for purposes of abatement, pursuant to ORC § 3767.01 through 3767.11 (ORC § 2923.43).

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443.4.3 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

443.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Officer to train members to identify information that may be particularly relevant for inclusion.

443.6 RELEASE OF INFORMATION

Special Operations Division members and Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

443.7 CRIMINAL STREET GANGS

The Special Operations Division supervisor should ensure that there are an appropriate number of department members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

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- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

443.8 TRAINING

The Training Officer should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises.

Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

Shift Sergeants

445.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

445.2 DESIGNATION AS OFFICER IN CHARGE (OIC)

When a Sergeant is unavailable for duty as Shift Sergeant, an Officer in Charge (OIC) will be designated by the Chief of Police. This policy does not preclude designating a less senior officer as an OIC.

IN-CAR CAMERA SYSTEMS

447.1 PURPOSE AND SCOPE

The Medina Police Department has equipped marked patrol cars with Mobile Video Recording (MVR) systems. The MVR is designed to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

447.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-Car Camera System and Mobile Video Recorder (MVR) - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MVR Technician - Personnel trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

447.2 POLICY

It is the policy of the Medina Police Department to use in-car camera systems to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

447.3 OFFICER RESPONSIBILITIES

Prior to beginning each shift, each officer shall perform an inspection to ensure that the MVR is performing properly. Officers shall verify the remote audio transmitter is functioning, the windshield and camera lens is free of debris and the camera is facing the intended direction. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

447.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the vehicle's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

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447.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. OVI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Dispatch
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Domestic violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

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- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

447.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

447.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

447.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene investigator properly retrieves the recorded media. The media shall be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

447.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MVR technician. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MVR systems

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- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

447.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

447.7 RECORDING MEDIA STORAGE AND INTEGRITY

All recording media and evidence will be retained as required by the established records retention schedule.

447.7.1 MVR RECORDINGS AS EVIDENCE

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Medina Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

447.8 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.

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- (d) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR-equipped vehicles to minimize the possibility of causing electronic or noise interference with the MVR system.
- (e) Officers shall not erase, alter, reuse, modify or tamper with MVR units or recordings.
- (f) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

447.9 TRAINING

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems.

Mobile Data Terminal Use

449.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

449.2 POLICY

Medina Police Department members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

449.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

449.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

449.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

449.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Shift Sergeant or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

449.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

449.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Sergeant are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

449.6 EQUIPMENT CONSIDERATIONS

449.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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449.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

Body Worn Cameras and Portable Recorders

451.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Medina Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

451.2 POLICY

The Medina Police Department provides members with access to body worn cameras (BWCs) and portable audio recorders for use during the performance of their duties. The use of recording devices, video and audio or both, is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

451.3 ADMINISTRATION

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

- (a) 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.
- (b) Video and audio recordings also enhance this department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide for officer's evaluation and training.
- (c) 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.

451.3.1 QUARTERLY REVIEWS

In accordance with the Ohio Law Enforcement Collaborative and pursuant to directive 17-001, sergeants shall complete quarterly reviews of randomly selected body cam videos and in-car videos of all officers under their command for the selected period. Sergeants will submit a memo to the Patrol Commander upon completion of the review. Supervisors or sergeants who discover minor, non-criminal policy violations will have discretion to resolve the issue with training or informal counseling. Should the policy violation rise to the level of more formal discipline, the supervisor will adhere to policies set forth in the Medina Police Department Policy Manual.

451.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

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451.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a body worn camera issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may wear a BWC or carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable audio recorder, the assigned member shall record his/her name, MPD identification number and the current date and time at the beginning and the end of the period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

451.6 ACTIVATION OF THE BODY WORN CAMERA

This policy is not intended to describe every possible situation in which the BWC should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Vehicle searches and/or inventory search
- (d) Self-initiated activity in which an officer would normally notify Dispatch
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same

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criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a BWC or change the recording media. However, the BWC should be activated in situations described above as soon as reasonably practicable.

451.6.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Ohio law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ORC § 2933.52).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

451.6.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

451.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

451.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

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Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

451.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

451.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

451.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy #808.

451.10 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy #310 for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

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- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

451.11 POLICY REVIEW

Annually, the Chief of Police or the authorized designee shall conduct a review of this policy for best practice and compliance purposes.

451.12 TRAINING

Initially, at least annually, or more frequently upon any updates, sworn members of this department shall certify in writing, or acknowledge electronically, that they have received, read, and understand this policy.

Foot Pursuits

460.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

460.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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460.3 GENERAL GUIDELINES

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with Dispatch or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

460.4 RESPONSIBILITIES IN FOOT PURSUITS

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460.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

460.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

460.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

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Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

460.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift Sergeant as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

460.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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460.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Automated License Plate Readers (ALPR)

462.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Medina Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

462.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Division Commander. The Administration Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

462.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official Department investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through LEADS before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access Ohio Law Enforcement Automated Data System (LEADS) data unless otherwise authorized to do so.

462.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Medina Police Department. Because such data may contain confidential information LEADS data is not open to public review.

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Automated License Plate Readers (ALPR)

ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Administration Division Commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established in the Department Records Retention Schedule identified in the Records Maintenance and Release Policy. Thereafter, ALPR data may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

462.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Medina Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Manager and processed in accordance with applicable law.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (e) ALPR system audits should be conducted on a regular basis.

Use of Automated External Defibrillator

467.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and define the requirements for the safe and effective use of the Automated External Defibrillator (AED) by employees of this department.

467.2 PHILOSOPHY

The protection and safety of the public are fundamental responsibilities of the law enforcement mission. The rendering of basic first aid to those injured is part of that responsibility. Recognizing that early defibrillation is a critical element of care and the only definitive treatment for sudden cardiac arrest, AED's will be made available whenever possible. Officers, who often arrive at the scene first, can respond to possible sudden cardiac arrest situations and treat a victim while emergency medical services personnel are en route.

467.3 SPECIAL TRAINING AND CERTIFICATION

All employees who carry or use an AED in their official capacity or while acting within the scope of their duties shall be trained and currently certified in accordance with either the American Red Cross CPR / AED or the American Heart Association CPR / AED approved training program. Employees will be re-certified every two (2) years.

467.4 MEDICAL DIRECTOR

The department's medical director shall oversee the department's training and certification program for employees using AED. The OIC, Special Operations Division shall insure that a roster of each employee certified in CPR/AED is forwarded annually along with copies of the employee's certification card to the department's medical director. The medical director shall also be consulted regarding the maintenance and testing of the AED units pursuant to manufacturer's guidelines.

467.5 COORDINATION WITH MEDICAL DIRECTOR

The OIC, Special Operations Division shall be charged with coordinating this program with the department's medical director and the Chief of Police. The OIC will also coordinate the department's efforts with the Medina Fire Department and Medina Life Support Team (LST).

467.6 REPORTING

An Incident Report summarizing the incident shall be submitted to the Chief of Police within 24 hours and the AED use reported immediately to the Shift Supervisor.

467.7 REQUEST FOR MEDICAL AID

When a call is received for a medical emergency, the dispatcher shall dispatch the call to Medina Fire Department and LST. The dispatcher shall monitor the phone line to obtain the necessary information as to the type of medical emergency being reported. The dispatcher will also dispatch

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the closest available officer to respond to any life threatening situation existing that could possibly benefit from use of an AED.

467.8 EXAMPLES OF LIFE THREATENING SITUATIONS

The following are types of medical aid calls that may be life threatening situations that could benefit from police response: (this list is not all inclusive)

- (a) Unconscious or non-responsive person
- (b) Drowning
- (c) Electrocutation
- (d) Heart attack
- (e) Any reported CPR in progress
- (f) Person down calls
- (g) Seriously injured
- (h) Person not breathing
- (i) Additional circumstances that may benefit from having an AED available for the safety of employees as well as the public are:
 - 1. During tactical operations for extraordinary incidents, criminal behavior or natural disasters.
 - 2. During the execution of search and arrest warrants or when employees may encounter violence because of the presence of illegal drugs, firearms, or suspects with prior assaults on peace officers.
 - 3. During any extremely physical or stressful training program for or by employees, conducted and/or controlled by this agency.
 - 4. Dispatch will then notify the on-duty field supervisor of the police officer response in support of Medina Fire Department and Medina LST response to the medical aid call.

467.9 OFFICER PROCEDURE

- (a) The responding officer will assess the scene safety.
- (b) Check for hazards such as downed power lines, hazardous materials (hazmat), smoke, traffic or fire.
- (c) Make sure there are no combustible liquid or gases present that could be ignited with the use of an AED.
- (d) Wear appropriate bio-hazard personal protection equipment (i.e. gloves).

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- (e) Upon arrival, the officer will immediately assess the patient to determine the presence of signs that would dictate the need for early defibrillation. If appropriate, the employee will attach the AED and proceed accordingly. The employee will continue until the arrival of Medina LST, at which time LST will take charge of the patient. The employee will assist LST as needed.

467.10 AED USAGE REPORT

If the AED is used, the supervisor will ensure that the primary responding unit completes the required patient summary form and an Incident Report. A copy will be forwarded to the OIC, Special Operations Division and the medical director for review.

467.11 EQUIPMENT MAINTENANCE

The officer as a part of a routine equipment check will check his or her issued AED at the start of each shift. The status indicator should show a green light, indicating the unit is ready for a rescue. If the indicator light is red, the unit will be taken off line and submitted to the OIC, Special Operations Division for repairs.

467.12 ANNUAL MAINTENANCE

The OIC, Special Operations Division Commander or his designee shall be responsible for maintaining and testing the AED according to manufacturer's guidelines. Annual maintenance will be performed to confirm that the AED diagnostics are functioning properly and to verify the case and accessory integrity.

467.13 AFTER USE MAINTENANCE

After the use of an AED, the shift supervisor will ensure that the primary responding unit replenishes the expended AED kit. The shift supervisor will also ensure that the OIC, Special Operations Division is notified of any replacement equipment that needs to be ordered.

467.14 MEDICAL QUALIFICATIONS

At no time will any employee of this agency claim to be medically qualified to provide treatment beyond basic CPR, or AED use.

467.15 ADDITIONAL INFORMATION PROVIDED BY MEDINA LST REGARDING AED USE

- **Question: Why would the PD AED advise No Shock Advised and then when LST arrives they shock the patient?**
 - All AEDs are programmed to shock the 'most common' rhythms that cardiac arrest patients are in. Minor differences in the speed and amplitude of the rhythm can equal No Shock Advised. Paramedics using manual defibrillators can shock a wider variety of rhythms.

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- When the police officer first arrives the heart is likely deprived of oxygen and after the officer provides CPR the heart is more oxygenated and more likely to be in a shock able rhythm when LST arrives. Good CPR can improve chances for a shock able rhythm and the possibility of converting it to a 'good' rhythm.
- LST can provide high flow oxygen and medications which can lead to a shock able rhythm that wasn't present when the police officer arrived.
- **Question: Will CPR always result in a shock able rhythm?**
 - No, but CPR provides the patient the best chance for survival, some patients will convert to a 'good' rhythm with CPR, medications, and fluids and no shock is needed.
- **Question: What about a patient that is unresponsive, but breathing slowly?**
 - Patients with agonal respirations, less than five a minute, are not breathing enough to survive and may go into a shock able rhythm soon. Any unresponsive patient should have the AED applied to them as they may deteriorate into a shock able rhythm.

Public Recording of Law Enforcement Activity

468.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

468.2 POLICY

The Medina Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

468.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

468.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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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.

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.

468.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

468.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

Crisis Intervention Incidents

469.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

469.1.1 DEFINITIONS

Definitions related to this policy include:

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.

469.2 POLICY

The Medina Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

469.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

469.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

469.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate. If the individual seems to be in a state of Excited Delirium, EMS should respond.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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469.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

469.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

469.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

Crisis Intervention Incidents

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy #306).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

469.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

469.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

469.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

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469.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

469.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (ORC § 109.742).

Medical Aid and Response

470.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

470.2 POLICY

It is the policy of the Medina Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

470.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex and age, if known.
 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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Medical Aid and Response

470.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

470.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

470.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

470.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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Medical Aid and Response

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

470.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received the required training (ORC § 3701.85). See the Use of Automated External Defibrillator Policy #466.

470.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training 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.

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Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (ORC § 3701.85).

470.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

470.8.3 AED TRAINING AND MAINTENANCE

The Training Officer should ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (ORC § 3701.85).

The 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).

470.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

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). See the Naloxone Protocols Policy (#465).

470.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Officer.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

470.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

470.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication.

470.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

470.11 ADMINISTRATION OF EPINEPHRINE

Members who have completed epinephrine administration training may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member (ORC § 2925.64; ORC § 3728.01; ORC § 4729.47).

470.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Officer.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

470.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

470.11.3 EPINEPHRINE TRAINING

The Training Officer should ensure that training is provided to members authorized to administer epinephrine.

470.12 FIRST AID TRAINING

Subject to available resources, the Training Officer should ensure officers receive periodic first aid training appropriate for their position.

Suspicious Activity Reporting

471.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

471.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

471.2 POLICY

The Medina Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

471.3 RESPONSIBILITIES

The Special Operations Division Commander and authorized designees will manage SAR activities.

The responsibilities of the Special Operations Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

471.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an incident report and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in an incident report and not included in the original incident report. The report number of the original incident should be included in the report as a cross reference.

Civil Disputes

472.1 PURPOSE AND SCOPE

This policy provides members of the Medina Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Ohio law.

472.2 POLICY

The Medina Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

472.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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Civil Disputes

472.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

472.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

472.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

472.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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First Amendment Assemblies

473.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

473.2 POLICY

The Medina 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.

473.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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473.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

473.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

473.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

473.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

473.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

473.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

473.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

473.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force #300, Handcuffing and Restraints #306, Control Devices and Techniques #308, and Conducted Energy Device #309 policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

473.8 ARRESTS

The Medina Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

473.9 MEDIA RELATIONS

The Chief of Police or authorized designee should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy #346).

473.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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473.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

473.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

473.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Medical Marijuana

475.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Ohio's medical marijuana laws.

475.1.1 DEFINITIONS

Definitions related to this policy include:

Medical marijuana - Can include any of the following marijuana products obtained from a licensed dispensary (ORC § 3796.06; OAC § 3796:8-2-01):

- (a) Oil, tincture, capsule, or edible forms
- (b) Metered oil or solid preparation for vaporization
- (c) Patches for transdermal administration or lotions, creams, or ointments for topical administration
- (d) Plant material

Registry identification card - A card issued by the State of Ohio Board of Pharmacy as evidence that an individual is registered as a patient or caregiver (OAC § 3796:7-1-01).

475.2 POLICY

It is the policy of the Medina Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Ohio's medical marijuana laws are intended to provide protection from prosecution to those who use, possess, administer, or cultivate marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Ohio medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Medina Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Ohio law and the resources of the Department.

475.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations involving a registered patient
- (c) Investigations involving a caretaker

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475.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

475.3.2 INVESTIGATIONS INVOLVING A REGISTERED PATIENT

Officers should not arrest or take enforcement action against registered patients who (ORC § 3796.22):

- (a) Obtain, use, or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Patients who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered patient.

475.3.3 INVESTIGATIONS INVOLVING A CAREGIVER

Officers should not arrest or take enforcement action against registered caregivers who (ORC § 3796.23):

- (a) Obtain or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Caregivers who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered caregiver.

475.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) The State of Ohio Board of Pharmacy may enter into reciprocity agreements with other states to allow their medical marijuana patient registration to be recognized in Ohio (ORC § 3796.16).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, have been lawfully obtained.
 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (c) A person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person was operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine (ORC § 3796.24).
- (d) Before proceeding with enforcement related to medical marijuana cultivators, processors, laboratories that test medical marijuana, and retail dispensaries, officers should consider conferring with appropriate legal counsel, the Ohio Department of Commerce, and/or the State of Ohio Board of Pharmacy.
- (e) Patients and caregivers shall not cultivate medical marijuana or manufacture medical marijuana extract unless specifically licensed to do so (OAC § 3796:7-2-05).

475.3.5 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person:

- (a) Operates a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana (ORC § 3796.22; OAC § 3796:7-2-05).
- (b) Uses, possesses, or administers medical marijuana on federal land or in other prohibited areas (ORC § 3796.24; OAC § 3796:7-2-05).

475.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

475.5 EVIDENCE

475.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Evidence Room member in writing when marijuana may be the subject of a medical claim.

475.5.2 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Evidence Room supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Evidence Room supervisor is not responsible for caring for live marijuana plants.

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Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor should, as soon as practicable, return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property.

The Evidence Room supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Evidence Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Special Operations Division supervisor.

Homeless Persons

477.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Medina Police Department recognizes that members of the homeless community are often in need of special protection and services. The Medina Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

477.1.1 POLICY

It is the policy of the Medina Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

477.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the homeless liaison officer. The responsibilities of the homeless liaison officer include:

- (a) Maintaining and making available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
 1. Proper posting of notices of trespass and clean-up operations.
 2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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477.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

477.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Vulnerable Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

477.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the

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officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the homeless liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property. If such property appears to involve a trespass, blight to the community or is the subject of a complaint, the responding officer should take appropriate action.

477.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

477.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Medina Police Department. Information provided by the Ohio Traffic Safety Office (OTSO) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address collision-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and may be substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation (ORC § 2935.27). Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.
- (e) The person's driver license will be suspended for failure to comply with the directions on the citation.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county in which the offense charged is alleged to have been committed (Ohio Traf. R. Rule 3(E)(1)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION OR PROVIDE SATISFACTORY IDENTIFICATION

A person who refuses to sign a traffic citation or provide satisfactory identification, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (ORC § 2935.26(A)(2); ORC § 2935.26(A)(3)). When reasonable under the circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest.

500.4 SUSPENDED OR REVOKED DRIVER LICENSE

If an officer contacts a traffic violator for driving on a suspended, revoked or restricted license and the violation is not an unclassified misdemeanor, the officer shall, without a warrant, arrest the violator (ORC § 2935.03; ORC § 4510.11; ORC § 4510.14). The officer shall not confiscate the violator's license, certificate of registration or registration plates if the violation is the result of a random selection license suspension (OAC § 4501:1-2-06).

In addition, if the violator is arrested for driving under an operating a vehicle under the influence (OVI) suspension, the officer shall seize the vehicle and its license plates if the vehicle is registered in the arrested person's name (ORC § 4510.41(B)(1)). At the time of the seizure, the arresting officer shall notify the arrestee, in writing, of the following:

- (a) The vehicle and its license plates are being seized.

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- (b) The vehicle will either will be kept by the Department or will be immobilized at least until the person's initial court appearance.
- (c) The court may order that the vehicle and license plates be released to the arrested person until the disposition of the charge.
- (d) If the arrestee is convicted, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle.
- (e) The arrestee may be charged expenses or charges.

The arresting officer shall ensure that the Bureau of Motor Vehicles (BMV) Form 2255 is completed as required and that written notice of the seizure is forwarded to the court of initial jurisdiction (ORC § 4510.41(B)(2)).

500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is available for use and is properly stored.

Traffic Stops

501.1 PURPOSE AND SCOPE

It is the purpose of this policy to establish guidelines for Medina Police Department officers in the enforcement of traffic laws and ordinances within the dictates of the U. S. Constitution and the Ohio Constitution. It is to insure that all citizens are dealt with fairly and to protect our officers from unwarranted accusations of misconduct when they act within the parameters of the law.

501.2 POLICY

It is the policy of the Medina Police Department to conduct traffic stops in a safe, professional, and courteous manner in accordance with the community policing philosophy of promoting positive interaction with community members. All officers are expected to enforce traffic laws, and stop and detain motorists or pedestrians whenever there is reasonable suspicion that they have committed, are committing, or are about to commit an infraction of the law. Traffic stops and resulting outcomes will not be based or influenced on drivers or occupant's race, age, sex, religion, ethnicity, or sexual preference. Racial and ethnic profiling are totally unacceptable and will not be condoned. Officers must conduct themselves in a dignified, respectful, and professional manner at all times.

This policy shall not preclude officers from stopping a person to offer assistance for an observable equipment problem, or someone who appears to be ill, lost, or confused. This policy does not prohibit stopping someone suspected of a crime based on a description that included one or more of those identified attributes, or considering a person's age when investigating curfew or liquor law violations.

501.3 PROCEDURE

Officers will receive initial and ongoing training in conducting professional traffic stops. Officer safety must be the paramount consideration in all stops, but this must not subsume common courtesy and respect. Risks involve not only the persons stopped, but vehicle occupants, traffic and other persons near the location of the stop.

Obviously, there is no such thing as a "routine traffic stop." Too many officers have been hurt as the result of a sudden, unprovoked attack. The following procedures shall be followed as closely as practicable for all traffic stops.

501.3.1 TRAFFIC STOPS

- Call in location of stop and license plate of vehicle to dispatcher.
- Overhead lights and car camera must be activated during all traffic stops.
- Officer safety is critical upon approaching the stopped vehicle.
- Check to see that the trunk/hatch area is secured.
- Be alert to furtive or suspicious movements by occupants.

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- Be alert to driver/occupant trying to exit vehicle or open door into officer.
- If a problem occurs or an officer is uncertain, approach should not be made until backup arrives.

Initiating contact with driver / Verbal Judo protocol:

- (a) Greeting (Good evening, sir/ma'am)
- (b) Introduction (My name is Officer _____ with the Medina Police Department)
- (c) Reason for Stop (The reason you are being stopped is _____.)
- (d) Any justification/excuse? (Is there any reason why you _____?)
- (e) Request Driver's License (May I have your driver's license? Remember to ask for OL separately from registration and insurance information, as they are generally kept in separate locations.) Request Registration and Insurance Information (May want to ask where they are located first, so you know what area of the vehicle they are going to be reaching in to retrieve same.)
- (f) Decision (It is the officer's discretion to issue either a verbal warning, written warning, or citation. The officer should advise the driver of the decision before returning back to the patrol vehicle.)
- (g) Closing (Return paperwork to driver, along with warning or citation. Explain waiver/appearance procedures. Ask if the driver has any other questions.)

Advise dispatch once stop is complete.

Attempt to make field notes on citation, warning, and/or in Records Management System immediately upon completing stop if possible.

If a vehicle or occupant search is conducted, the appropriate forced-answer forms in the Records Management System must be completed.

501.3.2 COMPLAINTS OF MISCONDUCT AT STOPS

Definition: Illegal Profiling: Unequal treatment of any person including stopping, questioning, detention, or arrest on the basis of their racial or ethnic characteristics, religion, gender, or sexual orientation. Any person may file a complaint with the department if they feel they have been stopped or searched based on illegal profiling. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed a complaint. Tools used in the investigation of such complaints shall include in-car video tapes, audio tapes, independent witnesses, and any other relevant means. All citizen complaints will be reviewed, acknowledged, and the complainant and officer informed of the results within a reasonable period of time.

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501.3.3 DATA COLLECTION

At the time of this policy, steps are in place to gather a database of information for all Medina Police Department traffic stops, including the above-mentioned attributes, and will be used to proactively ensure fairness for all members of the community.

Traffic Collision Response and Reporting

502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The Medina Police Department prepares traffic collision reports in compliance with ORC § 5502.11 and OAC § 4501-31-01(A). As a public service the Medina Police Department shall make traffic collision reports available to the public (ORC § 5502.12).

502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

- (a) The most appropriate route to the incident.
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene.
- (c) Potential for involvement of hazardous materials.
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing).
- (e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.
- (f) Provision of traffic control and protection of the scene.
- (g) Clearance of the roadway.

502.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses. Witnesses shall be asked to provide a written statement.
- (c) Determination if any crime has occurred and taking appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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Traffic Collision Response and Reporting

502.3.1 ACCIDENTS INVOLVING POLICE VEHICLES

- (a) Members shall report immediately to their Shift Sergeant/OIC or the communications operator any accident in which they become involved while operating a police vehicle.
- (b) The Shift Sergeant/OIC shall investigate all accidents involving a police vehicle unless he is involved. In that case, the State Highway Patrol shall be called to investigate the accident if it involves another motor vehicle and the damage is more than \$500. If it does not involve another vehicle and the damage is less than \$500, the shift commander may have another member of the Department make the report.
- (c) City of Medina Incident forms reports shall be made on all accidents involving police vehicles, no matter how minor the damage. The form shall be forwarded to the Chief of Police, Safety Director, Law Director and the Service Director. If the damage exceeds \$500, the employee will be notified to appear before the Mayor's office Accident Review Board. Any discipline resulting from the accident will not be redundant to that determined by the Chief of Police.
- (d) Regular accident reports shall be made any time a police vehicle is involved in an accident with another vehicle.
- (e) In any accident where the officer is found in violation of the law, and the damage is more than \$500 or the accident involves another motor vehicle and driver, he shall be cited by the shift commander. If it is the shift commander's accident, he shall be cited by his supervisor.
- (f) On-duty officer-involved accidents, both private property and roadway, will be reviewed by a three-member Accident Review Board comprised of: One officer chosen by the Chief of Police, One officer chosen by the officer involved, And a third officer chosen by the first two officers. Upon reviewing the accident, including officer's driving history, circumstances at the time of the accident, and any mitigating factors, the Board shall forward any discipline recommendations to the Chief of Police.

502.3.2 POST ACCIDENT DRUG AND ALCOHOL TESTING

Pursuant to the City of Medina's Drug Free Workplace Policy & Procedure (Medina ORD. 53-11) post-accident testing will be conducted whenever an accident occurs as defined below. For purposes of this policy, an accident is considered an unplanned, unexpected or unintended event that occurs on City property, during the conduct of the City's business, during working hours, or which involves City-supplied equipment, motor vehicles or motor vehicles that are used in conducting City business, or is within the scope of employment, and which results in any of the following:

- (a) A fatality of anyone involved in the accident;
- (b) Vehicular/equipment damage in apparent excess of \$500; or
- (c) Non-vehicular/equipment damage in apparent excess of \$500;

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- (d) Bodily injury to the employee and/or another person that requires off-site medical attention away from the City's place of employment. (See Policy 1042 On-Duty Accidents and Injuries)

When such an accident results in of the situations above, any employee who may have been involved in the accident will be tested for drugs and/or alcohol use.

Warning: If at the time of any post-accident/injury test there was reasonable cause to believe the employee used a prohibited substance or was under the influence of such substances, and the test result is positive or the employee refused to test, eligibility for compensation and benefits under the workers compensation laws of this state may be affected.

502.3.3 POST-ACCIDENT TEST TIMING

Pursuant to the City of Medina's Drug-Free Workplace Policy & Procedure, urine specimen collection (for a drug test) or breath/saliva (for an alcohol test) is to occur immediately after a need has been determined. At no time shall a drug specimen be collected after 32 hours from the time of the employment-related incident. Breath or saliva alcohol testing will be performed within two hours of the incident whenever possible, but within eight hours, or it won't be performed but the reason for the delay will be documented. If the employee responsible for an employment-related accident is injured, it is a condition of employment that the employee herein expressly grants the City, its officers and management, the right to request that attending medical personnel obtain appropriate specimens (breath, blood, and/or urine) for the purpose of conducting alcohol and/or drug testing. Further, all employees herein expressly grant the City, its officers and management, access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the employment-related accident, to include, but not be limited to, a full medical report from the examining physician(s) or other health care providers.

502.4 TAKING ENFORCEMENT ACTION

Officers typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Ohio law led to the collision, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.5 TRAFFIC COLLISION REPORTING

502.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize the Ohio traffic crash report prepared by the Ohio Department of Public Safety as required for the reporting of traffic collisions (OAC § 4501-31-01(A)). All traffic

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collision reports taken by members of this department shall be forwarded to the appropriate Shift Sergeant for review and approval.

502.5.2 RECORDS DIVISION RESPONSIBILITIES

Records Division personnel will be responsible for:

- (a) Forwarding all traffic accident reports involving a fatality, personal injury or property damage greater than \$1,000 to the Department of Public Safety within five days of the investigation (ORC § 5502.11 and OAC § 4501-31-01).
- (b) Upon the request of an owner whose real property received damage caused by the operation of a motor vehicle, providing the names of persons charged with any offense related to the damage as soon as possible after the persons are charged with the offense (ORC § 2935.28).

502.6 REPORTING SITUATIONS

502.6.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision on a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.6.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Medina Police Department and it results in a serious injury or fatality, the Patrol Commander or the Shift Sergeant should request the Ohio State Highway Patrol or other outside agency complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

502.6.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Patrol Commander or Shift Sergeant may request assistance from the Ohio State Highway Patrol or other outside agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

502.6.4 TRAFFIC COLLISIONS INVOLVING DEER KILLED BY MOTOR VEHICLE

A traffic collision involving the death of a deer entitles the driver of the motor vehicle to take possession of the deer provided that (ORC § 1533.121):

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- (a) Within 24 hours of the collision, the driver reports the accident to law enforcement.
- (b) Law enforcement inspects the carcass to determine the injuries are consistent with a motor vehicle accident.
- (c) Upon confirmation that the death has been caused as alleged, a certificate for legal ownership of the deer shall be issued to the driver by the law enforcement agency receiving the report.
- (d) If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution, charity or to another person.

502.6.5 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Department members shall refer to the Animal Control Procedures Policy when a traffic collision involves disposition of an injured animal.

502.7 NOTIFICATION OF PATROL COMMANDER

In the event of a serious injury or death-related traffic collision, the Shift Sergeant shall notify the Patrol Commander to relate the circumstances of the traffic collision. In the absence of a Patrol Commander, the Shift Sergeant or any supervisor may assign an investigator to investigate the traffic collision.

Vehicle Towing and Release Policy

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Medina Police Department and under the authority of ORC § 4510.41, ORC § 4511.67, ORC § 4513.60 and ORC § 4513.61 or other applicable municipal ordinance.

510.2 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages. In every instance when a vehicle is parked in lieu of being towed, the officer will document the facts in the report. The report must document the reasons, the location, and the efforts to secure the vehicle.

510.2.1 MANDATORY TOWING/IMPOUND

Officers shall order a motor vehicle and the license plates to be impounded for any of the following reasons:

- OVI Suspension**-When the driver and the vehicle owner are the same person, and the vehicle is being operated while the operator's/owner's driver license, permit or privilege is under suspension or revocation, or while the driver is in violation of any occupational driving privileges imposed as the result of an OVI arrest or conviction. (ORC 4510.14, 4510.41, 4511.192)
- Prior OVI Conviction**-When the driver of the vehicle has been arrested for OVI and has a prior OVI conviction with the previous six years. (ORC 4511.195(B)).

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- (c) **Wrongful Entrustment**-When the owner of the vehicle has knowingly permitted it to be operated by a person with no valid license, permit or privilege. (ORC 4511.203)

510.2.2 ARREST OF DRIVER

Officers may order a motor vehicle to be impounded when the operator of the vehicle is physically arrested and removed from control of the vehicle. (Medina City Ord. 303.08(a)(7)).

510.2.3 OTHER AUTHORIZED IMPOUNDS

In addition to legally mandated impounds, police officers are authorized by law to impound vehicles under certain circumstances to ensure compliance with the law, to facilitate criminal or traffic crash investigations, to provide for public safety, and to allow for the proper movement of traffic on streets and highways. Examples of circumstances under which vehicles may be impounded include, but are not limited to:

- (a) **Recovered Stolen Auto** - When the vehicle is a stolen vehicle (ORC 2913.02) or has been used without permission (ORC 2913.03), and the owner cannot or will not respond within a reasonable time ,“ generally thirty (30) minutes ,“ to claim the vehicle, or impoundment is necessary for evidence processing.
- (b) **Altered VIN** - When the vehicle is being operated on a public street or highway when there is probable cause to believe that the vehicle identification number (VIN) has been removed, defaced, covered, altered, or destroyed in such a manner that the identity of the vehicle cannot be determined by visual inspection at the scene. ORC 4549.63.
- (c) **Evidence** - When the vehicle is evidence in a criminal investigation and/or prosecution, or needs to be processed for physical evidence at the Medina Police Department or another law enforcement agency.
- (d) **Fleeing and Eluding** - When the vehicle has been operated to flee and elude the police and has been stopped or found abandoned in the course of the pursuit. ORC 2921.331.
- (e) **Driver License and Registration Violations** - When any motor vehicle is being operated by an individual who is an unlicensed driver or has no motorcycle endorsement, is under an FRA suspension, or an OVI suspension even if the operator is not the owner.

510.3 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

510.3.1 SECURITY OF VEHICLES AND PROPERTY

Department members impounding a vehicle shall complete a Towed Vehicle Inventory Checklist including a description of property within the vehicle. A signature is to be obtained from the tow

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truck operator and the checklist is to be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, [an_officer-deputy] should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

All property in a stored or impounded vehicle shall be inventoried and listed on the Towed Vehicle Inventory Checklist. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside, options to consider regarding locked containers include, but are not limited to, obtaining a written waiver of responsibility for the contents of the locked container.

510.3.2 INVESTIGATIVE HOLDS AND FOREITURES

Members shall determine if a "hold" should be placed on the vehicle for further investigation. An investigative "hold" can only be authorized by a Shift Supervisor, OIC, or a member of the Special Operations Division who is responsible for the follow-up investigation. It is not necessary to place a "hold" simply for proof of ownership. No vehicle, with or without a "hold" will be released without proof of ownership.

- If a vehicle is seized for a possible forfeiture, a felony packet will be forwarded to the SOD Supervisor with the accompanying charges. All vehicles subject to forfeiture will be towed directly to the City impound lot. The officer seizing the vehicle is not responsible for determining any liens, loans, or other encumbrances on the seized vehicle. (See Policy #606 Asset Forfeiture)
- A Motor Vehicle Forfeiture Form shall be completed by the seizing officer and forwarded with the felony packet to the SOD Supervisor.

510.3.3 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay

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the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound/Storage Report.

510.3.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.3.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the designated City of Medina tow company.

510.3.6 RECORDS BUREAU RESPONSIBILITIES

Records Bureau personnel shall, within five business days, search Ohio Bureau of Motor Vehicles records to identify the owner and any lien holder of a motor vehicle ordered into storage. Records Bureau personnel shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing of the notice (ORC § 4513.61).

The Vehicle File in the Records Management System will be completed for each towed vehicle so the information is immediately available for release should inquiries be made. Records Bureau personnel shall ensure that records are maintained of motor vehicles towed and/or disposed of by this department, as required by Ohio law (ORC § 4513.60 and ORC § 4513.61).

510.4 TOWING SERVICES

The City of Medina periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is seized pursuant to a violation of ORC § 4511.195 or ORC § 4511.203.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

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If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

510.4.1 GENERAL

- A. Towing services must be headquartered within the City of Medina.
- B. Owners will not be permitted to operate towing services under more than one name out of the same location.
- C. Towing service owners shall not be permitted more than one (1) towing service on a call list and duplicity of ownership shall be grounds for removal of all but one company from the call list.
- D. All towing service operators are expected to be familiar with and comply with the traffic laws of the State of Ohio.
- E. Towing services shall abide by the rules and regulations of the Medina Police Department's towing policy.
- F. These rules and regulations should not be construed in any way to conflict with any provision of state law. Should there be a conflict, state law will prevail.

510.4.2 STORAGE FACILITIES

- A. Towing services must be equipped to provide proper, safe, and secure storage for all vehicles towed and stored at the request of the Medina Police Department.
- B. The towing service shall be responsible for the storage, safekeeping and prevention of vandalism of all vehicles and their contents towed for the Medina Police Department.
- C. The towing storage facility must be:
 1. Located within the City of Medina.
 2. Secured:
 - (a) By fence at least five (5) feet in height constructed of chain link or similar metal fencing, wood, or metal panels secured to buried posts and sufficient to deter trespassers or vandalism. OR,
 - (b) By a natural barrier such as a vertical cliff or sufficient height so as to not allow access by foot, or a body of water deep enough so as to not allow access by foot.
 1. Wood lines, shrub rows, creeks and drainage ditches are not considered sufficient to deter trespassing or vandalism.
 3. Staffed or available for access between the hours of 8:00AM and 5:00PM Monday through Saturday (except holidays).
 4. Of sufficient size to accommodate all vehicles towed by the towing service for the Medina Police Department.

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- D. Towing services failing to meet the listed requirements will be removed from or denied placement on the call list.
- E. Towing services removed from the rotating call list due to non-compliance with storage facility regulations set forth in this sub-section, may re-apply for admission to the rotation call list once they have brought their facility into compliance.

510.4.3 INSURANCE

The towing company owner shall maintain the following policies or insurance.

- A. Worker's compensation insurance as required by statute.
- B. Garage liability insurance in an amount not less than \$500,000.
 - 1. Automobile hazard 2.
 - 2. Garage keepers legal liability covering perils of fire and explosion, theft of an entire automobile, riot and civil commotion, vandalism and malicious mischief in an amount not less than \$50,000.
- C. Automobile liability insurance in an amount not less than \$500,000 combined single limit.

Towing service operators shall have insurance agents submit a certificate of coverage to the Medina Police Department.

- Certificates of insurance must be submitted to the Medina Police Department prior to the renewal date.
- Insurance carriers shall notify the Medina Police Department immediately if a policy is canceled.
- The owner of the towing service shall make written notification to the Medina Police Department of any changes in insurance coverage at least ten (10) days prior to the change.

510.4.4 RATES AND CHARGES

Charges listed below are the maximum charges allowed for tows ordered by an officer of the Medina Police Department, and should not be construed as prohibiting any company from charging amounts less for services rendered:

- Class A tow truck per call within a 5-mile radius of the City of Medina boundaries: \$129.00
- Class A tow truck beyond a 5-mile radius of the City of Medina boundaries: \$129.00 / \$3.00 per mile over 5 miles.
- Storage of impounded vehicles will be \$17.00 per 24 hour period.
- Accident tows will vary due to different situations, equipment needed, extra personnel needed and extra time and supplies needed.

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- Tows of Medina police vehicles will be a flat \$35.00.

Disputes regarding service fees or allegations of overcharging by vehicle owners or insurance companies are hereby deemed to be civil disputes between the towing company and the party making the complaint.

- The Public Utilities Commission of Ohio (PUCO) can help resolve disputes between consumers and regulated towing companies. Before contacting the PUCO, you should contact the towing company to give them the opportunity to resolve the dispute directly.
- There are four ways to contact the PUCO with a complaint:
 - Fill out the online complaint form.
 - <http://www.puco.ohio.gov/puco/index.cfm/contact-us-form/index.cfm?navitem=righttop>
 - Call the PUCO call center at (800) 686-PUCO (7826), 8am to 5pm., Monday through Friday.
 - Fax your complaint to (614) 752-8351.
 - Mail your complaint to:

Public Utilities Commission of Ohio

Attn: CSD

180 E. Broad St.

Columbus, Ohio 43215-3793

Upon presentation of proof of ownership as required under division (D)(1)(b) of section 4513.60 of the Revised Code, the owner of a motor vehicle that is ordered into storage under division (A) (1) section 4513.60 of the Revised Code may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under section 4921.25 of the Revised Code if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under division (B)(3) of section 4513.69 of the Revised Code, if applicable. The owner of a motor vehicle shall not do either of the following:

- Retrieve any personal item that has been determined by the sheriff, or chief of police, as applicable, to be necessary to a criminal investigation;
- Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

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510.4.5 COMPLAINTS

The Medina Police Department will maintain a log of complaints lodged against towing companies that participate in the call lists. A towing company is subject to suspension or removal from a call list if either of the following occur:

- Excessive complaints: If a tow operator is the subject of two (2) or more documented complaints concerning fees and charges in any six (6) month period. Such suspension or removal shall be made without the consideration or adjudication of the reasonableness of the charges, but shall be due to the excessive complaints which reflect poorly upon the integrity of the Medina Police Department.
- Court adjudicated overcharging: If it is determined that a towing firm has charged excessive towing and/or storage fees on calls derived from the Medina Police Department on two (2) or more occasions in any six (6) month period.

510.4.6 EQUIPMENT

- A. Emergency Equipment.
 - (a) At least one (1) functional rotator beam type light or strobe light of the color(s) required by state law, shall be mounted on the top of the tow truck. All the emergency flashers and directional lights showing to the front must be amber in color.
 - (b) Sirens on tow trucks or service trucks are prohibited.
- B. Additinal Required Equipment.
 - (a) Flood lights mounted at a height sufficient to illuminate the scene at night.
 - (b) At least one (1) heavy duty push broom.
 - (c) One (1) shovel.
 - (d) One (1) axe or long handled hatchet.
 - (e) One (1) pinch-bar, pry bar, or crow bar.
 - (f) One (1) set of bolt cutters.
 - (g) Minimum of one (1) 5lb. Class ABC U.L. approved fire extinguisher.
- C. The appearance of tow trucks shall be reasonably good with equipment painted.
- D. All tow trucks shall display the firm's name, address, and telephone number. Such information shall be contrasting color to the truck and shall be painted or otherwise permanently affixed to both sides of the tow truck. All lettering shall be at least three (3) inches high. Magnetic signs will not be permitted.
- E. Towing services shall be responsible for carrying the equipment necessary for removal of glass and other debris from highways following an accident. The tow truck operator is responsible for utilizing the equipment for such removal.

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- F. All towing equipment that will be used for the actual lifting, pulling and towing of a vehicle shall be constructed by a commercial manufacturer and specifically designed for use with wreckers and towing equipment.
 - 1. This will include but is not limited to booms, winches, wheel lifts, tow straps, tire spoons, dollies and tire pinch bars.
 - 2. Home made equipment will not be acceptable.

510.4.7 TOW TRUCK CLASSIFICATIONS

- A. Class "A" for towing passenger cars, pick-up trucks, small trailers and etc.
 - 1. The tow truck chassis shall have a minimum manufacturer's capacity of 10,000 lbs GVWR.
 - 2. Boom capacity of not less than 8,000 lbs. and individual power winch capacity of not less than 8,000 lbs.
 - 3. Or wheel lift capacity of not less than 6,500 lbs.
 - 4. One hundred (100) feet or more of 3/8 inch cable on each drum.
 - 5. Belt-type cradle, tow plate or sling to pick up vehicles; cradle to be equipped with safety chain.
 - 6. Dual rear wheels.
 - 7. Dollies are optional providing:
 - (a) The responding towing company has the ability to quickly and safely remove a vehicle from the highway.
 - (b) The responding towing company has the capability of towing an all wheel drive, four wheel drive, or other vehicle where the manufacturer recommends against towing of the vehicle in a manner which may or will cause damage to the drive train.
 - 1. It shall be the responsibility of the Medina Police Department to notify the towing company that either dollies or a flat-bed wrecker will be needed at any particular accident or scene.
 - 2. It shall be the responsibility of the towing company and its employees to have knowledge as to which vehicles may be damaged if towed improperly as described by the manufacturer.
- B. Class "B" for towing large trucks, road tractors and trailers.
 - 1. The tow truck chassis shall have a minimum manufacturer's capacity of not less than 30,000 GVWR.
 - 2. Boom capacity of no less than 50,000 lbs and individual winch capacity of no less than 50,000 lbs.
 - 3. Two hundred (200) feet or more of 5/8 inch or larger cable.
 - 4. Air brakes constructed to lock the wheels automatically upon failure.

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- C. Class "C" vehicle transporter designed to tow or carry passenger cars, pick-up trucks, small trailers and etc. "damage free." This classification includes "wheel lift" and "car carrier" or "rollback" type vehicle transporters.
 - 1. Wheel lift: Tow trucks capable of lifting the vehicle by the wheels only, with no part of the towing apparatus contacting the vehicle body.
 - (a) Wheel lift tow trucks shall meet all class "A" requirements, excluding the belt type cradle tow plate or tow sling.
 - (b) Safety restraint straps (nylon straps with ratchets or the equivalent), shall be provided to secure the towed vehicles tires to the lift fork when so recommended by the equipment manufacturer.
 - 2. Car carrier vehicle transporters
 - (a) The truck chassis shall have a minimum manufacturer's capacity of 14,500 lbs GVWR.
 - (b) Two (2) lift cylinders, minimum three (3) inch bore or one cylinder designed by a commercial manufacturer to be utilized by a wrecker tilt-bed.
 - (c) Individual power winch pulling capacity not less than 8,000 lbs.
 - (d) Fifty (50) feet or more of 5/16 inch or larger cable on drum.
 - (e) Two (2) safety chains for securing a vehicle to the carrier bed.
 - (f) Carrier bed shall be a minimum of sixteen (16) feet in length and a minimum of eighty-four (84) inches in width inside the side rails.
 - (g) Cab protector constructed of solid steel or aluminum that extends a minimum of ten (10) inches above the height of the bed.

510.4.8 INSPECTION

- A. The Chief of Police or his designated representative may inspect all tow trucks and storage facilities annually prior to the expiration of the certificates of insurance. This inspection shall include the checking of equipment, insurance, storage facilities, and other requirements of this policy.
- B. The Chief of Police or his designated representative may also inspect towing services any time circumstances warrant an inspection.
- C. Refusal to submit to, or allow, either an equipment or storage facility inspection shall be grounds for the Medina Police Department to immediately remove the refusing towing service from the rotating call list.
 - 1. The refusing towing company may re-apply for admission to the rotating call list after a period of one hundred eighty (180) days from the date of the first refusal.

510.4.9 SERVICES AND PROCEDURES

- A. Tow trucks shall be available for immediate response twenty-four (24) hours a day.
 - 1. The towing service must respond within;

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- (a) Twenty minutes between the hour so of 8:00AM and 5:00PM.
 - (b) Thirty minutes between the hours of 5:00PM and 8:00AM.
 - (c) Or at the discretion of the requesting officer, the next scheduled towing company will be called and the first will lose its turn.
 2. Towing services cannot refer a call to another towing company or substitute another towing service, or substitute another services tow truck to either gain position on the call list or to avoid a turn on the call list.
- B. Only one (1) towing service shall be called to any one (1) vehicle accident or scene. If additional equipment or recovery vehicles are needed to adequately complete the tow (i.e. a tractor trailer roll over or difficult auto recovery), discretion of the responding towing service should be used in deciding what additional equipment will be needed an what towing service will provide the equipment. The assisting tow service must be on the Medina Police Department's rotation call list. The severity of the situation and the estimated response time of the assisting tow service will be weighed by the officer in charge of the scene, who may override the decision of the towing service and call a different towing service for additional equipment should conditions merit.
- C. When multiple cars are involved and multiple tow trucks are required;
1. If a towing service has two (2) tow trucks in the appropriate class, two (2) trucks will be requested from the same towing service provided both trucks respond simultaneously. No towing firm shall be called for more than two (2) vehicles per class from any one accident or occurrence.
 2. If more than two (2) trucks in any class are required, the next towing service on the rotating call list will be called for no more than two (2) tow trucks.
 3. If vehicles in need of towing will require tow trucks from different call lists, the next available towing service on each call list will be contacted. For example, in an accident involving an automobile and a tractor-trailer, the next class "A" and class "B" tow trucks will be called.
 4. The first tow truck arriving at the scene will tow the vehicle in its classification causing the greatest traffic hazard. This will be determined by the officer in charge of the scene.
- D. When a towing service receives a call for one class of tow truck, it will not affect the towing service's status on any other class lists.
- E. Towing services shall accept "collect calls" from the dispatcher or the Medina Police Department or lose their turn on the rotation.
- F. Towing service operators will not perform repair work on towed vehicles without the owner's written request.
- G. Hold orders placed by the commissioned officers of the Medina Police Department on vehicles stored for any reason shall be honored by the towing firm, provided no hold shall exceed fifteen (15) days unless such hold is supported by an appropriate warrant or court order.

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1. As a matter of practice, the Medina Police Department will, if at all possible, tow any motor vehicle that is expected to be held for any period of time, either as evidence or under Ohio's A.L.S. law to the City owned impound lot.
 - (a) Owners of motor vehicles stored at the Medina Police Department impound lot will not be charged storage by any towing firm.
 - (b) The Medina Police Department shall require a tow bill receipt (not a photo copy) showing that the original tow bill has been paid to the original towing firm prior to releasing any vehicle from impound.
 - (c) The Medina Police Department will not accept any money in any form from a vehicle owner to pass along to the towing service to pay their tow bill.
- H. When no hold or court order is placed, or when a hold order has expired, the vehicle shall be released to the owner upon proof of ownership and when the necessary financial transactions between the vehicle owner and the towing service are completed.
- I. Towing service operators shall transport a vehicle to any location requested by the owner/operator after financial obligations have been finalized.
- J. All tow trucks are prohibited from chasing or running wrecks without a bonafide call from a dispatcher or officer of the Medina Police Department or from the request of the vehicle owner. In addition to other penalties or sanctions provided by law, a tow service violating this rule on two (2) or more occasions in a six (6) month period shall be removed from all call lists.
- K. Calls received by tow trucks directly from the vehicle owners to respond to accident scenes shall be cleared through the Medina Police Department before the tow truck proceeds to the scene. No tow truck shall remove a vehicle at an accident scene without an investigation by a law enforcement agency.
- L. Soliciting for towing work at the scene of an accident is prohibited by the owner, operator, or representative of any towing service.
- M. When and how the emergency flashing lights are to be used is left up to the prudent discretion of the tow truck operator or the policy of the towing company.
- N. A towing service may request to be off duty for any length of time, provided they inform the dispatch center of the Medina Police Department to avoid losing their turn on the call list. Upon returning, the towing service will be placed back on the rotating list. Frequent requests to be placed in an off duty status without good cause shall be reason to be removed from the call list.
- O. Towing operators who fail to answer a call, or who fail to respond within the required time periods as required in section 510.3.8 (A)(1)(2) shall lose the call. If two calls are missed or refused within any six (6) month period, an investigation will be conducted by the Medina Police Department and suspension or removal from the call list will be considered.
- P. Towing companies may provide no more than one (1) alternate telephone number. "Call waiting" and "Call forwarding" are recommended.

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- Q. A chronological record of vehicles towed by the Medina Police Department pursuant to the rotation list shall be maintained and open to public inspection upon request and reasonable notice.
- R. The vehicle owner/operator shall be responsible for payment of towing and related service charges. Payment shall be rendered at delivery or release of the vehicle by the towing company.

510.4.10 PROVISIONS

Effective June 20, 2011, all towing companies on call lists shall be regulated by the requirements set forth in these rules and regulations. Towing services not complying with these requirements shall be removed from or refused placement on the call list.

Impaired Driving

514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating a vehicle under the influence of alcohol or drugs (OVI).

514.2 POLICY

The Medina 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.

514.3 INVESTIGATIONS

Officers should not enforce OVI laws to the exclusion of their other duties unless specifically assigned to OVI enforcement. All officers are expected to enforce these laws with due diligence.

The Patrol Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OVI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Ohio or another jurisdiction.

514.4 FIELD TESTS

The Patrol Commander should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of OVI laws.

514.5 CHEMICAL TESTS

A person implies consent under Ohio law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORC § 4511.191):

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- (a) The arresting officer has reasonable grounds to believe the person was operating or in physical control of a motor vehicle while under the influence of alcohol, a drug or a combination of the two.
- (b) An officer has arrested a person under the age of 21 and has reasonable grounds to believe the person was OVI (ORC § 4511.19(B)).
- (c) The person has been arrested for a substantially equivalent municipal OVI ordinance.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 BREATH SAMPLES

The Patrol Commander 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 Patrol Commander.

514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORC § 4511.19(D) (1)(b)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

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The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.4 STATUTORY NOTIFICATIONS

An officer arresting a person for OVI shall, prior to requesting that the person submit to a chemical test, read from a written form the mandatory statutory advice provided by ORC § 4511.192(B). The reading of the advice shall be witnessed by one or more persons and the witness shall certify to this fact by signing the form (ORC § 4511.192(A)).

If the arrestee has a previous conviction for OVI as described in ORC § 4511.191, the officer (ORC § 4511.191(A)(5)):

- (a) Shall request the person to submit to a chemical test.
- (b) Is not required to advise the person of the consequences of submitting or refusing to submit to a chemical test.
- (c) Is not required to provide the person with the written form described in this policy.
- (d) Shall advise the person that the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test.
- (e) At the time of arrest, shall advise the person that he/she may have an independent chemical test taken at his/her own expense and permit such testing (ORC § 4511.19(D)(3)).

If an officer does not ask the arrestee to submit to a chemical test, the officer shall seize the person's driver license and forward it to the court in which the person is to appear, pursuant to ORC § 4511.192(C). If the person is not in possession of his/her license, the officer shall order the person to submit it to this department within 24 hours of the arrest.

514.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORC § 4511.191).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If a person was arrested only for having physical control of a vehicle while under the influence pursuant to ORC § 4511.194, the officer shall not seize the person's driver license if the person submits to the chemical tests, regardless of the amount of alcohol or controlled substances indicated by the test (ORC § 4511.192(D)).

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514.6.2 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:

- (a) A search warrant has been obtained.
- (b) 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.

514.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

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If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION

514.7.1 DESIGNATION OF CHEMICAL TESTS

The type of chemical test to be administered to persons in violation of OVI laws shall be the type designated by the Department and administered at the direction of the arresting officer (ORC § 4511.191(A)(3)).

514.7.2 TIME TO CONSENT TO TEST

If an officer requests that a person consent to providing a chemical sample pursuant to Ohio law, failure to consent to the test within two hours of the alleged violation automatically constitutes a refusal (ORC § 4511.192(A)).

514.7.3 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or submits to the test and the results indicate a prohibited concentration of alcohol, controlled substance or metabolite of a controlled substance, the officer shall (ORC § 4511.192(D)):

- (a) Confirm the arrested person's residence and notify the Bureau of Motor Vehicles (BMV) of any change.
- (b) Within 48 hours, forward a sworn report to the BMV and the court in which the arrested person will appear that contains the statements required by ORC § 4511.192(D)(1)(d).
- (c) Provide a copy of the officer's sworn report to the arrested person, if available. A copy of an unsworn report may be provided to the arrested person provided that the report is complete when given to the person and that it is subsequently sworn to by the arresting officer (ORC § 4511.192(E)).

514.7.4 VEHICLE SEIZURE

An officer arresting a person for OVI shall seize the vehicle the person was operating at the time of the offense if the person is the registered owner of the vehicle and either of the following conditions apply (ORC § 4511.195(B)):

- (a) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to OVI, or an equivalent offense, within the last 10 years.
- (b) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to a felony OVI offense, regardless of when the conviction or guilty plea occurred.

514.8 RECORDS BUREAU RESPONSIBILITIES

Records Division employees will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

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514.9 ADMINISTRATIVE HEARINGS

Records Division employees will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the BMV.

514.10 TRAINING

The Training Officer should ensure that officers participating in the enforcement of OVI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OVI investigations. The Training Officer should confer with the prosecuting attorney's office and update training topics as needed.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

516.2 RESPONSIBILITIES

Employees of this department shall use the Ohio Uniform Traffic Ticket for all traffic offense citations (Ohio Traf. R. Rule 3(A)). The Chief of Police or designee shall determine whether to use the Ohio Uniform Traffic Ticket or adopt a local parking ticket for parking violations (ORC § 4521.03).

The Records Bureau shall be responsible for the issuance and accounting of all traffic citations provided to employees of this department (Ohio Traf. R. Rule 3(D)). Citations will be kept in a secure location and issued to officers by Records Bureau staff. Officers will sign for the citation books when issued, and the Records Bureau is responsible for maintaining records of parking tickets issued by members of this department (ORC § 4521.03(D)).

516.2.1 OFFICER RESPONSIBILITIES

The officer who issues a moving traffic ticket shall do all of the following (Ohio Traf. R. Rule 3(E)):

- (a) Complete the ticket with all available information and sign the ticket.
- (b) Serve a copy of the completed ticket on the defendant.
- (c) File the court copy with the court without unnecessary delay.
- (d) Notify the recipient that he/she must comply with the directions on the ticket or his/her license will be cancelled, he/she will not be eligible for the reissuance of a license for one year, and he/she will be subject to any applicable criminal penalties.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Commander may request the Patrol Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall

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complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Division Commander for review.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Bureau.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall complete the Citation Amendment Form indicating the specific corrections then forward the form to the Medina City Prosecutors Office. Copies of the citation and form shall be forwarded to the Shift Sergeant and Patrol Commander..

[See attachment: Citation Amendment Form.pdf](#)

516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be filed with the Records Bureau.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Bureau.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Ohio state law and local regulations (ORC § 4521.04).

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

- (a) A person who has been personally or constructively served with a parking ticket may complete a Request to Void Parking Violation form. The form will be kept in the Records Bureau. Upon completion the form will be forwarded to the issuing officer who will determine whether or not to void the ticket. The issuing officer will return the form to the Records Bureau. Records will contact the person to advise them of the officer's decision.
- (b) If the appellant wishes to pursue the matter beyond the request to void, the Parking Violations Bureau will conduct a hearing to determine if the person committed the parking infraction. The hearing will be conducted in compliance with 353.07 of the Medina City Ordinances.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, an appellant may petition the court for a hearing as required (ORC § 4521.06).

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516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for an administrative review must be postmarked within 21 days of issuance of the notice of parking violation or within 10 days of the mailing of the notice of delinquent parking violation.
- (b) Requests for administrative hearings must be postmarked within 15 days of the mailing of the results of the administrative review.
- (c) Requests for appeal to the court must be made within 20 days of the mailing of the administrative hearing results.
- (d) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation or provide satisfactory proof of their inability to pay before receiving an administrative hearing.
- (c) An appeal through the court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if the appellant's liability is overruled by the court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

516.8.1 COMPLETING JUVENILE CITATIONS

Officers issuing citations to juveniles shall:

- (a) Use ORC section 2152.021 (Alleged Juvenile Delinquent/Traffic Offender)
- (b) List the names of the parents
- (c) Obtain a current phone number
- (d) List the school the juvenile is currently attending

516.9 WRITTEN WARNINGS

Written warnings may be issued when an officer believes it is appropriate. The Records Bureau should maintain information relating to traffic stops in which a written warning is issued. Written

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warnings are retained by this department in accordance with the organization's records retention schedule.

Disabled Vehicles

520.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles that are within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 RELOCATION OF DISABLED VEHICLES

Members of this department shall not relocate a disabled vehicle by pushing or pulling. Officers shall position a patrol vehicle to reduce a hazard presented by the disabled vehicle and if necessary provide traffic control. Officers shall assist the motorist by contacting a tow truck, family or anyone able to assist.

Abandoned and Overtime Parked Vehicles

524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles or overtime parked vehicles on public or private property under the authority of ORC § 4513.60 and ORC § 4513.61.

524.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned Junk Vehicle - A motor vehicle meeting all of the following requirements (ORC § 4513.63):

- The motor vehicle has remained on private property for more than 48 hours without the permission of the property owner, or on a public street or upon or within the right-of-way of any road or highway for 48 hours or longer.
- The motor vehicle is three years old or older.
- The motor vehicle is extensively damaged, including but not limited to, any of the following: missing wheels, tires, motor or transmission.
- The motor vehicle is apparently inoperable.
- The motor vehicle has a fair market value of \$1,500 or less.

Private Residential Property - Private property on which is located (ORC § 4513.60(A)(3)):

- One or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures.
- Does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

524.2 VEHICLE STORAGE

524.2.1 PRIVATE PROPERTY

A vehicle, other than an abandoned junk motor vehicle, left on private residential or private agricultural property, that has not been established as a private tow-away zone, without the permission of the property owner, may be removed if (ORC § 4513.60(A)(1)) or Medina City Ordinance 303.081:

- (a) Upon complaint of any person adversely affected, the motor vehicle has been left for at least four hours.

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- (b) Upon complaint of the owner of a repair garage or place of storage, the motor vehicle has been left at the garage or place of storage for a period longer than that agreed upon.

524.2.2 PUBLIC PROPERTY

Any motor vehicle, including an abandoned junk motor vehicle, left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, may be removed if the motor vehicle has been left for 48 hours or longer. When such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately (ORC § 4513.61).

524.2.3 VEHICLE STORAGE REPORTING

Any vehicle in violation shall be stored by the authorized towing service or municipal, impound facility and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

The vehicle impound/storage form shall be submitted to the Records Bureau as soon as practicable following the storage of the vehicle. It shall be the responsibility of the Records Bureau to search Ohio Bureau of Motor Vehicles records within five business days of the tow to identify the owner and any lien holder of a motor vehicle ordered into storage. Records Bureau personnel shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing the notice (ORC § 4513.61).

524.3 UNLICENSED, DISABLED, ABANDONED VEHICLES

The City of Medina Traffic Code Chapter 303 does not permit any unlicensed or disabled vehicle to be stored on property where such use is not specifically permitted, unless the vehicle is stored inside a completely enclosed building.

Any vehicle found to be in violation on Chapter 303 shall be marked with a correction notice. If within 15 days the vehicle has not been brought into compliance, the City may have the vehicle towed from the premises at the owner's expense.

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Medina Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift Sergeant.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

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any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Special Operations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 REQUIRED RECORDING OF INDIVIDUALS

Both audio and video recording of custodial interrogations is statutorily required when an individual is suspected of committing a violation of any offense enumerated in ORC § 2933.81 and the interrogation occurs at the station, a jail, or other place of detention except when (ORC § 2933.81):

- (a) The suspect requests that the interrogation not be recorded. Any such request shall be preserved in a recording or in writing.
- (b) The recording equipment malfunctions.
- (c) There are exigent circumstances related to public safety.
- (d) The interrogation occurs outside of the state.
- (e) The statements are made during routine processing or booking.
- (f) The statements are made spontaneously and not in response to interrogation.

600.4.3 RECORD KEEPING AND RETENTION REQUIREMENTS

Electronic recordings of custodial interrogations shall be clearly labeled and retained as required by ORC § 2933.81(D).

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600.5 COLD CASE REGISTER

The Department should maintain a confidential cold case register for offenses, including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases should be revisited periodically for new information.

The Special Operations Division should submit cold cases to the Ohio Bureau of Criminal Investigation (BCI), which will provide investigative support in accordance with the BCI's Unresolved Homicide Initiative.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult or Vulnerable Person Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

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600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division

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Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 SCRAP METAL THEFT

To assist in scrap metal theft investigations, the Special Operations Division supervisor shall provide scrap metal dealers in this jurisdiction with an electronically searchable list of the names, descriptions and conviction information of persons known to be thieves or receivers of stolen property. A list may be requested from the appropriate clerk of the court or prepared pursuant to rules adopted by the Ohio Department of Public Safety (DPS). The list shall also be provided to DPS in the format and manner described in OAC § 4501:5-3-01. Following the initial submission of the list, if there are any updates, a new list shall be submitted to dealers and DPS on the first business day of each month (ORC § 4737.04; OAC § 4501:5-3-01).

An individual included on the list prepared by this department may request that his/her name be removed by filing an application with the Special Operations Division. The Special Operations Division supervisor or the authorized designee shall remove the applicant's name from the list if the individual has not been convicted of, or pleaded guilty to, either of the following (ORC § 4737.04):

- (a) A misdemeanor theft offense, as defined in ORC § 2913.01, within three years immediately prior to the date of the application
- (b) A felony theft offense within six years immediately prior to the date of the application

Crime Scene Processing

601.1 PURPOSE AND SCOPE

All crime scenes should be carefully examined for physical evidence and evaluated for the need for crime scene processing. The collection of physical evidence at crime scenes is of the utmost importance to identifying suspects and bringing investigations to successful conclusion.

All officers are responsible for locating, preserving and collecting physical evidence for use in investigation and any subsequent prosecution.

601.1.1 RESPONSIBILITY

- (a) The department has officers specially trained in crime scene processing and attempts to schedule coverage 24 hours a day, 7 days a week. If no Crime Scene Investigator is on duty, one may be called out as provided in this order. Additional Crime Scene Investigators may be called out to assist with extensive processing.
- (b) For homicides or major crime scenes requiring advanced equipment or techniques, the Ohio Bureau of Criminal Identification and Investigation may be called at the direction of the Special Operations Division supervisor or the Chief of Police.
- (c) Crime Scene Procedures: Investigating officers will be observant for the presence of physical evidence at all crime scenes. In major cases or when specialized equipment or techniques are needed to recover latent evidence, investigating officers will protect the scene and preserve possible physical evidence until the arrival of a Crime Scene Investigator or BCI. In all other cases, the investigating officer should locate, preserve and collect physical evidence. (See separate written directive on Property/Evidence Procedures.)
- (d) The officer who processes a crime or accident scene shall include in a report the events that transpire, including:
 - Date and time of arrival at scene;
 - Date and time of the request for service
 - Location of the crime
 - Name of victim(s), if known
 - Name of suspect(s), if known
 - Action taken at the scene, such as photographs taken, crime scene sketch made, evidence collected, etc.;
 - Case number (if available).

Major Crime Scenes: In all major cases, the crime scenes will be secured and a crime scene log will be utilized.

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When an investigation requires processing by a Crime Scene Investigator, the investigating officer will notify the on-duty Shift Sergeant or OIC for authorization to have a Crime Scene Investigator respond.

If circumstances indicate the crime scene processing will be of no value in a case normally requiring processing, the investigating officer will advise the supervisor. If a scene is not processed, the reasons and the authorizing supervisor will be noted in the report. The fact that others have been present and may have touched evidence is not alone sufficient reason for not processing a scene.

601.1.2 REQUIRED CRIME SCENE PROCESSING

The following cases require crime scene processing:

- Homicide or suspicious death, suicide:
- Arson
- Bank robbery
- Any robbery with a crime scene or serious injury.
- Any assault with a crime scene or serious injury.
- Any sexual assault with a crime scene or serious injury. (Rape examination kits will be handled by medical professionals.)
- Child endangerment with crime scene or serious injury.
- Any burglary or B&E.
- Traffic Fatality or potential fatality.
- Hit-skip crash involving serious injury.
- Theft from auto with felony value in loss or damage, loss of firearm or dangerous ordnance, or that is part of a crime pattern or series.
- Recovered stolen auto.
- Any other case when directed by a supervisor.

601.1.3 CASES REQUIRING ONLY PHOTOGRAPHY

The following cases normally require only photography, but will require authorization from a supervisor to initiate a call out:

- Robbery or assault with minor injury and no crime scene;
- Vandalism, criminal damaging or criminal mischief;

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- Natural death with no suspicious circumstances;
- Domestic violence;
- Damage to City property;
- Injury to police officers or complaints of injury by persons in police custody;
- Hit-skip crash with significant damage but no injury;
- Any other case when directed by a supervisor;

601.1.4 PHOTOGRAPHY PROCEDURES

The use of digital photography shall be the standard of the Medina Police Department unless in the opinion of the crime scene investigator or the assigned detective conventional film photography should also be used. At a minimum in all cases digital photography shall also be used.

When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for "life size" prints. (Note: An initial photograph shall be taken prior to the scale being placed using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view).

While taking digital photographs do not delete any photos once taken until they are transferred for long term storage. If the photograph does not look adequate then take additional photographs.

Video Photography of crime scenes may be used as a substitute or in addition to still photography for major crime scenes.

601.1.5 COLLECTION OF PHYSICAL EVIDENCE

Collection of known samples , " When the following types of physical evidence are collected from a crime scene, a known standard sample and a control standard sample will be collected for comparison, if possible, and the locations from which the samples were taken will be noted in the report:

- Blood and/or bodily fluids
- Hair
- Fibers
- Fabrics
- Glass
- Wood
- Metal
- Soil
- Paint

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- Footwear
- Tool marks

601.1.6 PROCEDURES FOR COLLECTING FINGERPRINTS/LATENT PRINTS

Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they should be lifted.

The lifted print is to be placed on a Latent Fingerprint Investigation card, unless other suitable means are used to lift the print, and the following information will be documented on the Crime Scene Report, and/or the Photo Log:

- Place of occurrence;
- Complainant;
- Complainant's address;
- Type of offense and date of offense;
- Date and time processed;
- Processed by (print name) initial;
- Location processed

A Property Receipt will accompany all lifted latent print of sufficient ridge detail for comparison. All latent prints of sufficient ridge detail for comparison will be sent to Ohio BCI&I or compared locally.

All latent prints of sufficient ridge detail for comparison will be retained and stored as evidence.

When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger and palm prints and/or the fingerprint classification number of the suspect.

Sexual Assault Investigations

602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse (#330) and Adult or Vulnerable Person Abuse (#326) policies.

602.1.1 POLICY

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

602.1.2 DEFINITIONS

As defined in Ohio Revised Code section 2907.01;

Sexual conduct - means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact - means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual activity - means sexual conduct or sexual contact, or both.

Sexual assaults often involve one or more of the following conditions:

- Force was used or threatened, even if there is no bruise or injury to the victim.
- The victim was afraid, even if this did not lead to the victim to physically resist.
- The victim is coerced into submitting.
- The victim was disabled and could not legally give consent (that is, the victim could not understand the nature or condition of the act due to illness or disability.)
- The victim was severely intoxicated or unconscious as a result of drugs or alcohol and was therefore unable to give informed consent at the time of the sexual act.
- The victim was under the age of legal consent at the time of the sexual act.

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602.1.3 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 29, Chapter 2907 (Sex Offenses).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY

It is the policy of the Medina Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (ORC § 2907.30).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

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An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator (ORC § 2907.30).

No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; ORC § 2907.10).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples from the victim should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Submit biological evidence to the appropriate crime laboratory within thirty days for a DNA analysis after it has been determined that any of the following offenses have occurred (ORC § 2933.82):
 - (a) A rape offense (ORC § 2907.02).
 - (b) A sexual battery offense (ORC § 2907.03).
 - (c) Gross sexual imposition with a victim less than 13 years of age (ORC § 2907.05).
 - (d) Any sexual assault involving a homicide or an attempted homicide offense (ORC § 2907.02).
- (b) Facilitate the testing of a suspect for disease as set forth in ORC § 2907.27 upon the request of a victim or the prosecutor.

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

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602.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A CIT trained member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in by the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Special Operations Division supervisor.

Classification of a sexual assault case as unfounded requires the Special Operations Division supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.8 CASE REVIEW

The Special Operations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- (a) Case dispositions.
- (b) Decisions to collect biological evidence.
- (c) Submissions of biological evidence for lab testing.

602.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Special Operations Division supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.10 TRAINING

Subject to available resources, periodic training will be provided to:

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- (a) Members who are first responders. This includes, but is not limited to:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to:
 - 1. Interviewing sexual assault victims.
 - 2. SART or multidisciplinary response team.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma (ORC § 2907.30).

Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Medina Police Department seizes property for forfeiture or when the Medina Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the assigned attorney. The forfeiture reviewer will be a member of the Special Operations Division.

Property subject to forfeiture - Includes the following (ORC § 2981.02; ORC § 2981.04; ORC § 2981.05):

- (a) Contraband involved in an offense.
- (b) Proceeds derived from or acquired through the commission of an offense.
- (c) An instrumentality that is used in, or intended to be used in, the commission or facilitation of any of the following offenses:
 1. A felony.
 2. A misdemeanor, when forfeiture is specifically authorized by a section of the Ohio Revised Code, or by a municipal ordinance that creates the offense or sets forth its penalties.
 3. An attempt to commit, complicity in committing or a conspiracy to commit either of the above.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Medina Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

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It is the policy of the Medina Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order.
- (b) Property subject to forfeiture that is not the subject of a court order but for which an officer has probable cause to believe qualifies as property subject to forfeiture (ORC § 2981.03).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property that reasonably appears to the officer to have a value disproportionate to the severity of the crime considering the impact of the offense on the community, the extent to which the owners participated in the offense and whether the offense was completed or attempted (ORC § 2981.09).

When deciding to seize property as an alleged instrumentality of a crime under ORC Chapter 2981.02, officers should consider:

- Whether the offense could not have been committed or attempted but for the presence of the property.
- Whether the primary purpose in using the property was to commit or attempt to commit the offense, and
- The extent to which the property furthered the offense.

606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

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- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

606.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

606.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

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- (a) Remaining familiar with forfeiture laws, particularly ORC § 2981.01 et seq., ORC § 2923.32 and ORC § 2925.42, and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

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3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ORC § 2981.03; ORC § 2981.11).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is secured in the property room.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the Department disposes of property as provided by law following any forfeiture.
 - (k) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (l) Upon completion of any forfeiture process, ensuring that no property is retained by the Medina Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives.

606.7 DISPOSITION OF FORFEITED PROPERTY

Assets forfeited shall be disposed of as set forth in ORC § 2981.12 and ORC § 2981.13.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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606.8 RECORDS REQUIREMENTS

Detailed records related to the amount of forfeited property acquired by the Department under ORC Chapter 2981 and the date the property was acquired shall be kept and open to public inspection (ORC § 2981.11).

Detailed records of the disposition of acquired property shall be kept and open to public inspection. These shall include, but not be limited to (ORC § 2981.11):

- (a) The manner in which property was disposed, the date of disposition, detailed financial records concerning any property sold and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.
- (b) The general types of expenditures made with amounts that are gained from the sale of the property and that are retained by the department, including the specific amount expended on each general type of expenditure, except for the identification of any specific expenditure that is made in an ongoing investigation.

Confidential Informants

608.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Medina Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

608.2 INFORMANT FILE SYSTEM

The Special Operations Division (SOD) supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer, position, address and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Evidence that a criminal history check has been made.
- (j) Briefs of information provided by the informant and his/her subsequent reliability; if an informant is determined unreliable, the informant's file will be marked as "Unreliable."
- (k) Name of officer initiating use of the informant.
- (l) Signed informant agreement.
- (m) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Special Operations Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police and the SOD Supervisor.

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608.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the SOD supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. A parent or legal guardian's written consent shall be secured prior to the use of any juvenile informant between the age of 13 and 17. Final approval to use a juvenile informant must be obtained from the Chief of Police or designee.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

608.3.2 INFORMANTS USED FOR COMPLIANCE CHECKS

A confidential informant may be used by this department to perform compliance checks for the purchase of beer, intoxicating liquor and tobacco products. The use of juvenile informants under the age of 13 years for compliance checks is prohibited. A parent or legal guardian's written consent shall be secured prior to the use of any juvenile informant between the age of 13 and 17. Final approval to use a juvenile informant must be obtained from the Chief of Police or designee.

Definitions related to this subsection include (ORC § 4301.635):

Compliance Check - An attempt on behalf of a law enforcement agency to purchase any beer, wine, mixed beverages or intoxicating liquor in the enforcement of any law or rule in which the age of the purchaser is an element of the offense.

Confidential Informant - A person who is under the age of 21 years who is engaged in conducting compliance checks.

608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department informant agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Medina Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential

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informant. Members of the Medina Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be met:

- (a) Officers shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as police officers, employees or agents of the Medina Police Department and that they shall not represent themselves as such.
- (e) The relationship between officers and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the SOD supervisor.
- (g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the SOD supervisor. Officers may meet informants alone in an occupied public place, such as a restaurant. When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer whenever reasonably possible.
- (h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

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The SOD supervisor will discuss the above factors with the Patrol Commander, the Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or designee. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15 percent.

608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.

- (a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized, not to exceed a maximum of \$500. Disbursement exceeding \$500 shall be approved by the Chief of Police.
- (b) A confidential informant may receive a cash amount for each quantity of drugs seized whether assets are also seized, not to exceed a maximum of \$500.

608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Chief of Police or designee and the Mayor or designee are required for disbursements over \$500. The disbursement of money shall be handled in accordance with established state law and City policies, ordinances and protocols. Payments of \$500 and under may be paid in cash out of the Narcotics Unit Buy/Expense Petty Cash Fund. The Narcotics Unit supervisor will be required to sign the voucher for amounts under \$500.

The Special Operations Division Buy/Expense Petty Cash Fund is a petty cash fund managed by the Narcotics Unit supervisor in compliance with the Cash Handling Security and Management Policy. These funds shall be maintained in a locked cash box secured in a locked cabinet, desk or drawer in the SOD supervisor's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Medina Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

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If funds distributed exceed \$600 in any reporting year the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant, then IRS Form 1099 should not be issued. In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to return a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file (26 CFR § 1.6041-3).

608.5.5 AUDIT OF PAYMENTS

At least once every six months the Chief of Police or designee shall conduct a thorough audit of all informant funds for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (ORC § 2933.83).

610.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY

The Medina Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Special Operations Division supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (ORC § 2933.83):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
 - 1. If applicable, the member shall advise the witness that the member does not know who the suspect is.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and any results.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any witness identification of one or more fillers in the lineup.
- (l) Other process direction adopted by the Ohio Attorney General under ORC § 2933.831.

The process and related forms should be reviewed at least annually and modified when necessary.

610.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (ORC § 2933.83).

610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

610.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (ORC § 2933.83)

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.

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7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
 - (d) When feasible, members should bring the witness to the location of the subject of the show up, rather than bring the subject of the show up to the witness.
 - (e) A subject of the show up should not be shown to the same witness more than once.
 - (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show up one at a time.
 - (g) The person who is the subject of the show up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
 - (h) If a witness positively identifies a subject of a show up as the perpetrator, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Medina Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The Medina Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Medina Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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Brady Material Disclosure

612.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.

Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

613.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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Unmanned Aerial System (UAS) Operations

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

613.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy(#614), which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

614.2 POLICY

It is the policy of the Medina Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

614.3 INCIDENT COMMANDER

The incident commander (see the Operations Planning and Deconfliction Policy #614) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The incident commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy (#614).

614.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the incident commander for review and classification of risk (see the Operations Planning and Deconfliction Policy #614).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the incident commander for review and classification of risk (see the Operations Planning and Deconfliction Policy #614).

Warrant Service

If the warrant is classified as high risk, service will be coordinated by the incident commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy #612).
- (i) "No-Knock" warrants shall be approved by the Chief of Police.

614.7 HIGH-RISK WARRANT SERVICE

The incident commander or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

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- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy #379).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

614.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy #300).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

614.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The incident commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

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- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the incident commander. The incident commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The incident commander should ensure that members of the Medina Police Department are utilized appropriately. Any concerns regarding the requested use of Medina Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the incident commander is unavailable, the Shift Sergeant should assume this role.

If officers intend to serve a warrant outside Medina Police Department jurisdiction, the incident commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Medina Police Department when assisting outside agencies or serving a warrant outside Medina Police Department jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy (#346).

614.12 TRAINING

The Training Officer should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

615.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

615.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

615.2 POLICY

It is the policy of the Medina Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 INCIDENT COMMANDER

The Chief of Police will designate a member of this department to be the incident commander..

The incident commander will maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The incident commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The commander will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

[See attachment: Threat Assessment.pdf](#)

615.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the incident commander.

The supervisor and incident commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

615.4.3 HIGH-RISK OPERATIONS

If the incident commander, after consultation with the involved supervisor, determines that the operation is high risk, the incident commander should:

- (a) Notify the Chief of Police.
- (b) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. SWAT (SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment

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5. Medical personnel
 6. Persons trained in negotiation
 7. Additional surveillance
 8. Canines
 9. Evidence Room or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (c) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (d) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (e) Coordinate the actual operation.

615.5 DECONFLICTION

Deconfliction is designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been deconflicted to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also share relevant updated information with participating agencies when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

615.6 OPERATIONS PLAN

The incident commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic

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- and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult or Vulnerable Person Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

615.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

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615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - (a) It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - (b) If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

See attachment: [MPD Operational Briefing.pdf](#)

615.8 SWAT PARTICIPATION

If the incident commander determines that SWAT participation is appropriate, the Chief of Police will be notified for approval. The incident commander and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

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615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy (#346).

615.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

615.11 TRAINING

The Training Officer should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor. Officers are required to surrender all Departmental property upon the order of a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any Medina Police Department-issued property or equipment assigned for their use.
 - 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Division Commander that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
 - 2. A review by the staff to determine whether misconduct or negligence was involved should be completed.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

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- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police, Lieutenant or Patrol Commander. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use, the period of its use and the terms of its use. Personal property of the type routinely carried by persons not performing law enforcement duties that is not a weapon are excluded from this requirement.

700.3.1 DEFINITIONS

Definitions related to this policy include:

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Police Uniform Regulations Policy.

700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Requests for compensation for damage to or loss of personal property used in police-related activities shall be submitted at the earliest possible time to the Chief of Police. The request shall be in writing and shall include a report to the extent of damage and the circumstances of loss or damage.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the finance department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

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- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Medina, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Lieutenant.

CITY OWNED ELECTRONIC DEVICES

701.1 PURPOSE AND SCOPE

The City of Medina provides electronic devices which shall include but is not limited to iPads and cell phones to assist you in performing your work more efficiently, and thereby, improving our service to the public. This policy is designed to address what are, and are not, appropriate uses for these important business tools.

The explicit privileges and restrictions set forth in this policy cannot possibly cover every situation that may arise in connection with the use of this new form of electronic communication. More important than any explicit statement made below is our City Owned Electronic Device, Internet and E-mail usage philosophy, which you are expected to understand and respect. This philosophy governs all of your on-line activities, and you are expected to act in accordance with it at all times.

First and foremost, electronic devices, Internet and E-mail access are provided to you as tools for conducting City business. That means you are expected to use your access primarily for business related purposes, i.e., to research relevant topics, obtain useful information for City-related business, and conduct business communications as appropriate. All of the City's computer systems, including electronic devices, are considered to be public property. All documents, files and E-mail messages are considered the property of the City of Medina, and may be subject to review without notice by City officials.

The City insists that you conduct yourself honestly and appropriately with electronic devices and on the internet and in the use of E-mail, and respect the copyrights, software license provisions, property rights, privacy and prerogatives of others, just as you would in any other business dealings. All existing City policies continue to apply to your conduct on the Internet and in the use of E-mail, including but not limited to those that deal with misuse of City resources, sexual harassment, information and data security, and confidentiality.

Second, you must be aware at all times that your electronic device, Internet and E-mail activities will be traceable to the City of Medina and will impact the reputation of the City. you must refrain from making any false or defamatory statements in any Internet forum for from committing any other acts which could expose the City to liability. Inherent in the City's Internet and E-mail access is the power to monitor the activities of every employee.

The City's electronic device hardware and direct connection to the Internet and extension of E-mail privileges offer many benefits and can enhance the productivity of the City employees in all areas. At the same time, they open the door to risks to the City's data and systems if appropriate security measures are not maintained. You

You shall not download files from sources which you have any reason to believe may be untrustworthy nor shall you open and read files attached to E-mail transmissions unless you have knowledge that they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the City's systems. You will be held accountable for any breaches of security caused by files obtained for non-business purposes.

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701.2 DETAILED INTERNET PROVISIONS

- (a) The City reserves the right to inspect any and all files stored on computers, iPads, or other electronic devices, which are the property of the City of Medina, in order to assure compliance with this policy. Employees and Council members have no personal privacy right in any matter created, received, stored in, or sent from any City computer system, or electronic device, which are the property of the City of Medina, in order to assure compliance with this policy.
- (b) The City's computer systems and electronic devices are intended to be used for legitimate business reasons with the goal of improving our service to the public.
- (c) City employees must seek approval from a supervisor before downloading any software from the Internet to a City owned electronic device. For use of the iPad, Council members will need to use a personal credit card to set-up an account with iTunes. Any software, E-mail messages, or files downloaded via the Internet into the City systems become the property of the City, and may only be used in ways that are consistent with licenses or copyrights. City Council members need not seek supervisor approval, but must follow the principals established by this policy.
- (d) E-mail and Internet communications are considered public records subject to disclosure to the public pursuant to the Ohio Public Records Act. City employees must seek appropriate guidance from supervisors before using the Internet and E-mail. City employees shall be familiar with and comply with the records retention policy applicable to E-mail as established by the City Records Commission. City Council members need not seek supervisor guidance, but must follow the principals established by this policy.
- (e) No employee shall send any messages of an obscene, libelous, vulgar or defamatory nature. Messages should no be written in a degrading or demeaning manner.
- (f) All communications and messages by City employees and City Council members shall not solicit support for or opposition to any partisan candidates, nor shall City employees and City Council members use their official capacity to attempt to influence, interfere with, or affect the results of any election unless doing so comports with the employee's job duties. The City's electronic devices, Internet and E-mail shall not be used to organize, solicit funds for, or otherwise actively participate in a fundraising function for a partisan political party or candidate. Because the participation in political activities is a complicated and fluid area of the law, employees are strongly advised to consult formally with the City Law Director prior to communication on the Internet or E-mail which has a potential political impact.
- (g) No employee or City Council member may use the electronic device, Internet, or E-mail for operating a business for personal gain, sending chain letters, soliciting money

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for religious or political causes, or any other purpose that interferes with normal City business activities.

- (h) No employee or City Council member may use City electronic communications facilities to deliberately propagate any virus or other hostile electronic communications facilities to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- (i) Each employee or City Council member using City electronic communications facilities shall identify himself or herself honestly, accurately, and completely at all times.
- (j) No employee or City Council member shall grant anyone who is not an employee of the City access to City electronic communications facilities.
- (k) The provisions of this section shall not apply to members of the Police Department and City Prosecutor's office when engaged in legitimate law enforcement activities, which, due to their nature, may require Internet and E-mail communications which would otherwise violate the provisions of this policy.
- (l) The electronic device hardware shall be covered for loss, accidental damage, or theft pursuant to the City of Medina's insurance coverage.

701.3 COMPLIANCE

Employees of the City of Medina must comply with each and every provision of this electronic device, Internet, and E-mail policy. Any City employee who violates this policy is acting outside the course and scope of his or her employment with the City. Any employee who violates this policy shall be subject to disciplinary action up to and including, if deemed appropriate, termination of employment. Any City employee who is aware of the violation of this policy by another City of Medina employee shall immediately report the violation to his or her supervisor or the City Law Director. Any Council member who violates this policy may be subject to public censure by the Medina City Council, if deemed appropriate.

701.4 NOTICE

The City shall take all appropriate steps to inform all employees and all Council members of the City of Medina of the contents of this policy. Each department supervisor will distribute a copy of this policy to current and future employees who have contact with City computer systems. The Council Clerk shall provide a copy of this policy to Council members. Before being authorized to access and utilize City computer and iPad equipment for Internet and E-mail communication, a City employee and/or City Council member shall sign the City of Medina's Internet Access Agreement.

701.4.1 IPAD AND CELL PHONE MANAGEMENT NOTICE

All City owned electronic devices will be managed by City IT staff through a management software application. The purpose of this management software is to be able to do any all of the following in case of loss or theft: GPA locate the device, lock the device, erase the device, monitor installed

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applications, send a message to the device, remove undesirable imbedded functionality, and require the end user to use a password to lock the device when not in use. Employees are forbidden to remove this management application/software from their device and understand when powered on and connected to the Internet, the management of their device is possible.

701.4.2 TEXT ARCHIVING NOTICE

For employees issued a City owned cellular phone, they shall use the City issued phone when text messaging City related business. The use of this phone is primarily for business purposes. Any and all text messages sent or received via the City issued phone will be stored and retained through the City's archiving vendor.

Any employee using a City issued Iphone is strictly prohibited from sending text messages using Imessage.

701.5 RETURN POLICY

At the end of service to the City, all employees utilizing City owned electronic devices shall return them to their immediate supervisor. Devices will be turned over to the City IT staff to be wiped of any and all information stored on the City owned electronic device.

701.6 CONCLUSION

The City of Medina has provided electronic devices, Internet, and E-mail access to its employees and Council members for the purpose of performing work efficiently and effectively in the context of available communication technologies. While compliance with this detailed policy is mandatory, it should not impede your legitimate use of these facilities. The purpose of this policy is to ensure that all use is consistent with the law and with the ethical and business practices which the City follows.

Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the internet.

702.2 POLICY

The Medina Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or -funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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702.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provision of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Medina Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

702.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.

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- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (ORC § 4511.204).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORC § 4511.204). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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702.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to the Patrol Commander for repair.

704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- emergency road flares
- 2 sticks yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask

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- 1 sharps container
- 1 K-9 Noose
- 1 pair of bolt cutters
- 1 pry bar
- 1 sledge hammer
- 1 broom

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place or operate a vehicle in service that has less than one-quarter tank of fuel. Officers shall refuel their vehicles at the conclusion of their shifts. Vehicles shall only be refueled at an authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents such as LEADS printouts should be removed and shredded.

Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Medina to provide assigned take-home vehicles.

706.2 POLICY

The Medina Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Shift Sergeant shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Sergeant. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

706.3.3 UTILITY TASK VEHICLE

The Utility Task Vehicle (UTV) shall only be used for official business. The primary purpose of the UTV is to increase effective movement of law enforcement officers, citizens, prisoners, and equipment from one point to another when operating at a designated event or assigned operation. Its use may also be authorized for unplanned events that qualify as unusual occurrences or emergency need.

The UTV shall only be used by personnel who have received official training on the operation, capabilities, and limitations of the vehicle. The UTV is designed to be driven primarily on non-paved surfaces and as such, maneuverability may be impacted when driving on public roadways necessitating the operator to be mindful of speed and roadway conditions. The transportation of prisoners or citizens shall be limited to short-term distances to an authorized emergency vehicle or staging area. Absent exigent circumstances, children necessitating child restraints shall not be

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transported in the UTV. All operators of the UTV shall drive with due regard for the safety of their passengers and the public.

706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously

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unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.9 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.10 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.11 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.12 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.13 CIVILIAN MEMBER USE

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Medina City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Medina is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Medina may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

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- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Division Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

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- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Medina Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Shift Sergeant on the shift assignment roster.

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706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Response and Reporting Policy #502).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.7 TOLL ROAD ACCESS

Law enforcement vehicles are exempt from incurring toll road charges while being used in the performance of official duties (ORC § 5537.16; OAC § 5537-4-05).

The administrative person assigned to fleet operations shall maintain a record of all exempt and nonexempt license plates and shall notify the Ohio Turnpike and Infrastructure Commission or other appropriate toll road authority regarding department vehicles that traverse the toll roads while in the performance of their official duties in order to prevent toll charges from occurring (ORC § 5537.16).

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than while in the performance of their official duties shall pay the appropriate toll charge or utilize the appropriate personal toll way transponder.
- (b) Members passing through a toll plaza or booth while in the performance of their official duties shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

706.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Cash Handling, Security and Management

710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and to ensure the public trust.

710.2 PETTY CASH FUNDS

The employee designated as a fund manager and authorized to maintain and manage petty cash funds is the Administrative Officer designated by the Chief of Police. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

710.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

710.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate petty cash audit by those persons involved in the transfer.

A separate audit by the Chief of Police or the City should be completed on a random date approximately once each year on each petty cash fund.

710.5 ROUTINE CASH HANDLING

Members of the Department authorized to routinely handle cash as part of their assignment are the Narcotics officer and property custodian/clerk. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants and Property Procedures Policies).

710.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon

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as reasonably practicable, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of \$1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.

Personal Protective Equipment

711.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

711.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

711.2 POLICY

The Medina Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

711.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

711.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.95.

711.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the

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prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.133.

711.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

711.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

711.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

711.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

711.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (OAC § 4167-3-03; 29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.

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- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

711.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

711.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (OAC § 4167-3-03; 29 CFR 1910.134):

After initial testing, fit testing for respiratory PPE shall be repeated (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

711.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

711.8 RECORDS

The Administrative Division Commander is responsible for maintaining records of all:

- (a) PPE training.

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- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
 - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule, OAC § 4167-3-03 and 29 CFR 1910.134.

711.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (OAC § 4167-3-03; 29 CFR 1910.132).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (OAC § 4167-3-03; 29 CFR 1910.134).

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Medina Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance.

The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority.

Access to Dispatch shall be limited to Dispatch members, the Shift Sergeant, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 DISPATCH SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Dispatch Supervisor.

The responsibilities of the Dispatch Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that the victim's health and safety needs are met, as well as steps that the victim may take to preserve evidence.

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2. Ensuring dispatcher compliance with established policies and procedures.
 3. Procedures should be consistent with the requirements of OAC 5507-1-06, including requirements that 9-1-1 calls are always an emergency function and guidelines regarding the transfer of calls (OAC 5507-1-06).
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Sergeant contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 lines.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
 5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
 - (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Bureau of Motor Vehicles (BMV) records, Ohio Law Enforcement Automated Data System (LEADS) and NCIC).
 - (d) Monitoring department video surveillance systems.
 - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
 - (f) Notifying the Shift Sergeant or field supervisor of emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.

800.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

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If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Sergeant shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.5.3 STATE-MANDATED NOTIFICATION

Dispatchers who receive a call about an apparent drug overdose should make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity from prosecution for minor drug possession (ORC § 128.04).

800.5.4 CHECKUPS ON FIRE & EMS PERSONNEL

Dispatchers shall follow the following procedures for checkups on Fire & EMS personnel:

- (a) Dispatch will do 10 minute checkups for all Fire and EMS calls. The checkups will be done even if law enforcement is on scene.
- (b) For EMS calls, the checkups will be done every 10 minutes until the ambulance leaves the scene or they advise no need for further.
- (c) The CAD timer will be set for 10 minutes initially after the first checkup. The timer should be reset to alarm again in 10 minutes. The timer will be set to alarm in 10 minutes by selecting **Check Status 10 minutes**.
- (d) During a Fire call, checkups should be done every 10 minutes through the duration of the fire to provide a benchmark of fire tactics or unless advised no need for further. The checkups will be done through whatever fire unit establishes command. If no command has been established, ask whom has command.

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- (e) If a tactical channel is being utilized during the call, checkups shall be done on that designated talk group. If the fire department is using a tactical channel that is not monitored in dispatch, continue the checkups with IC over MARC's main Fire channel.
- (f) Document all checkups in CAD on the call for service. If checkups are done and not answered, document every attempt the checkup is done in the call for service.
- (g) If a checkup is not answered, dispatch the appropriate law enforcement officer for the jurisdiction to the Fire/EMS unit to check on them.
- (h) If you have a call where checkups were done and not answered, print the call for service and leave for the Communications Supervisor.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Medina Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on member unit number. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

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- Incident number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as BMV records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

800.9 TRAINING AND CERTIFICATION

The Dispatch Supervisor shall ensure that all dispatchers receive initial and ongoing training (ORC § 4742.01 et seq.; OAC § 5507-1-07).

Training shall include providing notice to individuals who call about an apparent drug overdose of the immunity from prosecution available under ORC § 2925.11 (ORC § 128.04).

800.9.1 TRAINING STANDARDS

Dispatchers should acknowledge in writing that they received annual training and testing to become proficient in:

- Obtaining complete and accurate information from callers requesting law enforcement assistance.
- Accurately classifying and prioritizing requests for assistance.
- Obtaining and accurately relaying information that may affect responder and/or citizen safety.

Priority Dispatch System Use

801.1 PURPOSE AND SCOPE

Call receiving and dispatch for assistance shall be provided in a standardized manner following approved Priority Dispatch System (PDS) protocols for caller interrogation, assigning determinant codes, and providing post dispatch and pre-arrival instructions.

The purpose of this policy is to provide all Emergency Dispatchers (ED's) with approved procedures and practices for safe and effective Emergency Dispatching. Those procedures and practices include interrogating the caller; assigning an accurate determinant code; providing telephone assistance; and communicating necessary information to police personnel and other responders.

801.2 PROCEDURE

I. PRIORITY DISPATCH SYSTEM (PDS) PROTOCOLS:

- (a) A flip-card file, containing PDS protocols for Emergency Dispatching, shall be provided for each call-taking position for ProQA users. [A software program containing PDS protocols for Emergency Dispatching - ProQA™ - shall be loaded at each call-taking position].
- (b) These protocols provide standardized interrogation questions, post-dispatch instructions, pre-arrival instructions and priority dispatch determinant codes.
- (c) The protocol flip-card file shall be kept at every call-taking console at all times and be available for each discipline used by a particular ED.
- (d) The PDS protocols have been approved by Agency Department Heads and the Director of Agency.
- (e) The PDS protocols shall be used and followed on all incoming calls where assistance is requested unless specifically stated otherwise by local agency authority.

II. INTERROGATION:

- (a) All attempts to obtain Case Entry and Key Question information from the caller will be made by utilizing good communication techniques and reading the questions exactly as written in the protocol.
- (b) If the scripted protocol question is not understood, or the caller does not initially provide an answer, the ED may re-phrase the question in an appropriately clarified form.
- (c) Questions may only be omitted if the answer is obvious or has already been clearly provided.
- (d) EDs may adjust the script to address first party callers. (e.g. "How old are you?" vs. "How old is he/she?").

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- (e) For languages other than English, the ED will use a translator to ask the protocol questions and provide all instructions contained in the protocol, whenever possible.

III. DETERMINANT CODES AND RESPONSES:

- (a) The PDS interrogation protocols will be used to select and enter the applicable PDS determinant code in the designated field of the CAD call-entry screen.
- (b) Response configurations and modes will not be altered at this time by the use of the PDS.

IV. RELAY OF INFORMATION TO RESPONDING UNITS:

- (a) The following shall be regarded as the minimum information to be passed to all responding personnel.
 1. The location of the incident
 2. The Chief Complaint
 3. The PDS determinant code
 4. Safety issues
 5. The age, status of breathing and the consciousness of patients for EMD users.
- (b) Any critical incident information that the call taker receives after responders have been alerted, and prior to their arrival on scene, will be passed to responding units. This includes any responder safety information and drastic changes in scene circumstances or patient condition.

V. POST-DISPATCH INSTRUCTIONS:

- (a) The ED giving PDIs will follow the protocol, giving instructions appropriate to each individual call, and avoiding free-lance information.
- (b) PDIs shall be provided to the caller whenever possible and appropriate to do so.

VI. PRE-ARRIVAL INSTRUCTIONS (PAIs):

- (a) PAIs shall be provided directly from the scripted text listed on each PAI Panel in the protocols. The ED giving PAIs will follow the script, avoiding free-lance information, unless it enhances and does not replace the written protocol scripts.
- (b) PAIs shall be provided to the caller whenever possible and appropriate to do so.
Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.3 INCIDENT ADDRESS VERIFICATION

Address verification shall be completed in a standardized manner following approved practices and procedures as contained in this policy.

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I. ANSWERING THE EMERGENCY PHONE LINES:

- (a) All emergency phone lines will be answered in the following manner: " Agency 911, what's the address of the emergency?"
- (b) If the caller is unable to provide a numeric address, the ED will say, "Please give me the best location you have for the incident."

II. CAD SYSTEM ENTRY AND VERIFICATION:

- (a) The ED will enter the address or location provided by the caller into the CAD system using the most accurate information available from the caller (This could be a numeric address, intersection, business, landmark, etc.)
- (b) Where ANI/ALI information is available AND the caller is calling from the exact location where help is needed, the ED will verify the address information obtained by using the ANI/ALI screen, accepting the address given by the caller ONLY when the ANI/ALI information exactly matches the caller's information. If there is no ANI/ALI match, the ED will verify the address using step C (below).
- (c) Where ANI/ALI information is not available OR the caller is not at the actual location where help is needed, the ED will verify the address (or location) by stating the following: "Please repeat the address/location for confirmation."
- (d) For all residential (or suspected residential) locations where there is no ANI/ALI information OR ANI/ALI information does not match the exact location given by the caller, the ED will ask "Is this a house or an apartment?" and correctly enter this information into the CAD incident.
- (e) For all non-residential locations, the ED will obtain all necessary access information, which may include: building name, business name, floor number, office or suite number, specific entrance instructions, and intersection or street segment (for roadway incidents).
- (f) Once the ED has entered the address/location into the CAD system, he/she will geo-verify the entered address/location by ensuring that CAD returns a valid address or location AND it matches the initial information entered and obtained from the caller.
- (g) The ED will then ask for and verify the phone number using the same process described above in B and C.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.4 PRIORITY DISPATCH CASE ENTRY COMPLIANCE STATEMENT

Each Emergency Dispatcher answering a request for assistance shall ask for and attempt to obtain all case entry information after location and call back number have been obtained and verified on

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every case. It is the intent of this policy that the Case Entry protocol shall be followed 100% of the time, with the exception of fourth party calls.

The purpose of the proper case entry procedure is to ensure and to affect an increase in protocol compliance. This will lead to more accurate coding of calls, provision of the correct pre-arrival and post-dispatch instructions and unit response configuration and mode assignments

The case entry questions shall be asked by the ED, in order and phrased as shown below, to obtain the following information:

1. "Agency" 9-1-1 what's the address of the emergency?
2. What's the phone number you're calling from?
3. What's your name?
4. Okay, tell me exactly what happened?

It is recognized that a minority of callers may refuse or be unable to provide the answers to case entry questions. EDs shall not be held accountable for this provided they have made a reasonable attempt to ask these questions initially. EDs will receive regular feedback from the QIU and will be requested to explain and justify any errors or omissions. The agency expects 100% compliance on attempts to gather case entry level information. Outside agency (fourth party) referrals may be the only exception to this policy.

801.5 CALLER MANAGEMENT AND CUSTOMER SERVICE

Emergency Dispatchers (ED's) shall handle all calls for emergency assistance using established caller management and customer service practices. It is understood that not all callers will be calm and/or cooperative. ED's will anticipate those situations and respond as trained professionals, following protocols to the best of their ability and providing emotional care and comfort to callers.

I. CALLER REASSURANCE AND EXPLANATIONS:

- (a) Once Case Entry is complete, or whenever necessary to maintain caller focus, the ED will use reassuring statements and brief explanations.
- (b) Politely but firmly focus the caller on answering all questions as you ask them. If callers lose their focus, get agitated or uncooperative; say "It's important I get this information so we can get the right help to you." Repeat this as often as necessary using repetitive persistence.

II. COPING WITH DISTRESSED, HYSTERICAL, AGGRESSIVE AND ABUSIVE CALLERS:

- (a) It is recognized that some callers will be highly distressed, uncooperative and, at times, abusive. Callers behave this way because they are frightened and feel helpless. When faced with these callers, the ED will maintain a professional demeanor and caring approach.

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- (b) The ED will remain calm and courteous at all times. Maintain normal speaking volume and a professional, caring voice tone, avoiding yelling, and any display of anger or contempt.
- (c) Whenever possible, the ED will give clear, brief explanations as to what he/she is doing and why.
- (d) The ED will continually reassure callers that he/she is there to help. It may be necessary to repeat this.
- (e) The ED will whenever possible, obtain and use a caller's first name or title (Jane, Bill, Mr. Jones, Mrs. Stevens, etc.).
- (f) The ED will use 'REPETITIVE PERSISTENCE.' Give the caller an action, followed by a reason for complying with the action. Repeat this, using exactly the same phrasing, and in a calm level voice, as often as is necessary until the caller listens and cooperates.
- (g) The ED will, when necessary, use 'POSITIVE AMBIGUITY (promise only what you can deliver).' Do not 'lie' to the caller, even if motivated by kindness. Do not make promises or create unrealistic expectations for the caller.
- (h) During pre-arrival instructions, the ED will give the caller firm but gentle encouragement.
- (i) When the caller is unable to answer questions after the ED makes multiple attempts to employ sound caller management techniques, the ED will calmly ask the caller to speak to someone else.
- (j) The ED will never make any statements that foster or create feelings of helplessness, guilt or panic in a caller.
- (k) The ED will never threaten a caller in any way, or engage in any discriminatory, derogatory or demeaning behavior toward the callers, patients, family members or bystanders, explicitly or implicitly, through language, attitude, or voice intonation.

III. CALLER MANAGEMENT FOR THIRD PARTY CALLS:

- (a) The ED will not assume that third party callers know nothing, even if they say they know nothing.
- (b) The ED will always attempt to ask all Case Entry and Key Questions of third-party callers when possible.
- (c) Once the ED has made several attempts to gather information without success, he/she may choose to terminate the call, once it has been determined that the caller has no further information and cannot or will not get close to the incident

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

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801.6 EMERGENCY DISPATCHER CERTIFICATION

Staff employed in the position of Communication Operator are required to have an initial certification as an Emergency Dispatcher and to maintain this qualification through the re-certification process. The purpose of this section is to inform all Emergency Dispatchers (ED's) of the requirements for certification and re-certification.

I. EMERGENCY DISPATCHER CERTIFICATION:

- (a) All current and future personnel employed in the position of (911) Communication Center Call-takers/Operators are required to be certified as an Emergency Dispatcher (ED) through the National Academy of Emergency Dispatch (NAED).
- (b) Agency will provide the necessary training and re-training opportunities to facilitate obtaining and maintaining this certification.
- (c) In the event that an employee does not pass the certification examination on the first attempt, he/she will be provided with supportive training based on feedback received from the NAED. Any ED student who does not pass the certification exam will then be invited to take the re-test, conducted by the NAED via telephone.
- (d) Should the Communications Operators still be unsuccessful in passing the re-test, they will be invited to attend another complete ED training course. They will then take the certification examination and if necessary, the re-test on one occasion.

II. RECERTIFICATION:

- (a) Communications Operators are required to maintain current ED certification as mandated by the NAED. This currently requires completion of at least 24 hours of Continuing Dispatch Education per two-year period and achieving a passing score in an open book ED examination at two-year intervals.
- (b) Agency will provide all necessary opportunities for completion of the Continuing Dispatch Education requirement. It will also maintain CDE records and a record of ED certification status.
- (c) Details of CDE requirements are contained in a separate CDE-specific policy.

III. CERTIFICATION EXPIRATION, REVOCATION OR SUSPENSION:

- In the event that a Communications Call-taker's NAED certification expires or becomes void due to suspension or revocation, the employee will be removed from call-taking responsibilities until such time the certification is reinstated or renewed. **Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.**

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801.7 PRIORITY DISPATCH CONTINUING DISPATCH EDUCATION, PROCESS, ROLES AND RESPONSIBILITIES

The Continuing Dispatch Education (CDE) process shall follow a standardized procedure as detailed below and as required by the National Academy of Emergency Dispatch to meet EMD, EFD and EPD re-certification standards. The purpose of this section is to provide all dispatch personnel with ongoing education and skills maintenance for the use of the Priority Dispatch System. Such Continuing Dispatch Education processes shall be sufficient to meet the requirements of the National Academy of Emergency Dispatch for re-certification.

PROCEDURE:

I. CDE PROGRAM MANAGEMENT:

- (a) The Dispatch Review Committee (DRC) shall be responsible for defining the topics that the CDE program will address.
- (b) Appropriate CDE topics may be identified in a number of ways:
 - 1. As a result of the DRC's recommendations (based on the QIU's findings)
 - 2. Via direct requests for further action by the QIU
 - 3. Via requests from ED's
- (c) The QIU Coordinator shall be responsible for scheduling educational opportunities as necessary to address the needs identified above.
- (d) The QIU Coordinator shall be responsible for ensuring that necessary educational opportunities are:
 - 1. Delivered by qualified personnel (as defined by the DRC)
 - 2. Adequate in their content / format to address the identified learning need / objective
 - 3. Relevant to ED's and their associated work
 - 4. Attended by all ED's
- (e) The QIU Coordinator shall be responsible for ensuring that appropriate records are maintained regarding the CDE program in the QIU filing system and for each ED individually.
- (f) The QIU Coordinator shall be responsible for ensuring that a CDE Lesson Plan is completed to an adequate standard for all classroom based education.

II. MEETING NAED RE-CERTIFICATION REQUIREMENTS:

- (a) The QIU Coordinator shall be responsible for ensuring that all EDs are given adequate opportunity to meet NAED re-certification requirements.
- (b) If it appears likely that an ED will not meet NAED re-certification requirements, the QIU Coordinator must inform that individual's Supervisor at the earliest opportunity.

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- (c) ED's are ultimately responsible for ensuring that they attend sufficient educational opportunities to meet NAED re-certification requirements. They must alert their Supervisor of any likely problems in this area.

III. TYPES OF CDE:

- (a) The following are acceptable formats and their associated maximum hours for CDE:
 - (a) Workshops and seminars (16 hours minimum / maximum)
 - (b) Attendance at planning and management meetings (e.g. DRC) (8 hours maximum)
 - (c) Quality assurance and case review (8 hours maximum)
 - (d) Review of (medical, fire or police) related audio, video and written materials (4 hours maximum)
 - (e) Public education (4 hours maximum)
 - (f) Protocol review (4 hours maximum)
 - (g) Miscellaneous, such as ride-a-longs and work experience (4 hours maximum)
- (b) The minimum CDE requirement in any given year shall be 12 hours of completed CDE per ED, at least eight hours of which shall be didactic in nature.
- (c) In addition to the CDE hours, types, and topics discussed above.
- (d) The bulk of the subject matter accepted as fulfilling NAED requirements will be directly related to the science of Emergency Dispatch and the use of the protocol. However, other related material will be considered by the NAED for its educational relevance.

IV. CDE PROGRAM OBJECTIVES:

- (a) Development of a better understanding of telecommunications and of the ED's specific roles and responsibilities.
- (b) Improving skill in the use or application of all component parts of the protocol, including interrogation and prioritization.
- (c) Providing opportunities for discussion practice of skills, and for constructive feedback of performance.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.8 PRIORITY DISPATCH PROTOCOL COMPLIANCE/PERFORMANCE MANAGEMENT AND REMEDIATION

It is the policy of the Communications Center to comply with the Priority Dispatch System (PDS) protocols. ED's are required to meet regular minimum performance/compliance requirements as detailed below. Remedial training and education will be provided for EDs that do not meet minimum

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compliance levels. The purpose of this section is to provide clear ED performance requirements and minimum compliance levels, and remedial training and education for individuals scoring below minimum levels.

PROCEDURE:

I. COMPLIANCE: Each individual ED is required to meet the following average PDS compliance scores:

- 95% Case Entry compliance
- 95% Chief Complaint selection accuracy
- 90% Key Question compliance
- 90% Post Dispatch Instructions
- 95% Pre-Arrival Instructions
- 90% Final Dispatch Determinant Code accuracy
- 90% Cumulative Overall Score

Understanding that it will take a reasonable period of time for a newly trained and certified ED to reach the above performance standards, the following procedures will be followed:

- (a) Within two months of becoming certified, each ED shall achieve a 75% compliance rate in all the above-listed performance areas. Any dispatcher not achieving a 75% compliance rate as listed above shall receive remedial training.
- (b) Within three months of becoming certified, each ED shall achieve an 80% compliance rate. Any dispatcher not achieving an 80% compliance rate as listed above shall receive remedial training.
- (c) Within four months of becoming certified, each ED shall achieve an 85% compliance rate.
- (d) Within five months of becoming certified, each ED shall achieve a 90% compliance rate to all performance areas listed above.
- (e) After six months of becoming certified, each EDs shall achieve and maintain the compliance rates detailed in this policy. Any dispatcher not maintaining these compliance rates in any one month will be subject to remedial training and/or a performance improvement action plan.

This policy does not exclude the need for discipline when considering individual cases of gross negligence and/or gross improper behavior, or cases of persistent failure to use the protocol system and/or in the manner trained. This policy does not exclude any other existing disciplinary process.

II. DISCIPLINE VS. QUALITY IMPROVEMENT:

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- (a) When compliance becomes a discipline versus quality improvement problem, the quality improvement unit will identify the individual to the Communications Director/Supervisor.
- (b) All on-line remedial training shall be handled by the individual's direct supervisor or an appointed qualified ED or training officer.
- (c) All discipline cases shall be handled according to current disciplinary policy and via the chain of command for the individual concerned.

III. TRIGGER POINTS FOR DISCIPLINARY ACTION:

An ED may be subject to disciplinary action after sufficient remedial training and performance improvement interventions have not yielded desired results. Disciplinary action may result from any of the following:

- (a) In the first six months after certification as an ED: Failure to achieve the required compliance levels as detailed above in two out of three months.
- (b) Following a six month period of certification as an ED:
 - 1. Failure to achieve 95% Case Entry compliance in two out of three months.
 - 2. Failure to achieve 95% Chief Complaint selection accuracy in two out of three months.
 - 3. Failure to achieve 90% Key Question Protocol compliance in two out of three months.
 - 4. Failure to achieve 90% Post Dispatch Instruction compliance in two out of three months.
 - 5. Failure to achieve 95% Pre-Arrival Instruction compliance in two out of three months.
 - 6. Failure to achieve 90 % Final Determinant Coding compliance in two out of three months.
 - 7. Failure to achieve 90 % Cumulative Overall Score in two out of three months.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.9 LOCAL ED RESPONSE ASSIGNMENT PLAN

The Communications Center will maintain the most current response assignment plan, using response assignments for each of the determinant descriptors (sub-determinant codes) approved by the Steering Committee. A review of the response assignment plan should be done annually. Any recommended changes should be submitted to the Steering Committee. The Steering Committee will make final any changes to the response assignment plan upon approval of the Chief of Police .

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The purpose of this section is to ensure the response assignment plan is maintained and kept current with changes in law, policy, procedures, research and standards. In order to meet the needs of the local community, the response assignments will subject to annual review and revision.

PROCEDURE:

- (a) The Communications Center Supervisor will evaluate the Priority Dispatch System (PDS) response assignment plan annually, by comparing response assignments for each PDS determinant descriptor to available data, including disposition information, local policies and procedures, and the availability of system resources.
- (b) The Chief of Police will make final decisions on proposed changes to the response assignment plan and provide this plan to the Steering Committee. The Communications Center supervisor will list specific PDS codes for which response changes are made, with a written rational for each change.
- (c) The Steering Committee will ensure that approved changes are made to the response assignment plan.
- (d) All agency personnel will be notified in writing of response plan changes no later than seven (7) days before actual implementation of the new plan.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.10 OVERRIDING SOFTWARE FINAL CODING RECOMMENDATION

The Emergency Dispatcher (ED) may override the ProQA recommended coding to a higher priority when the caller spontaneously reports a serious sign, symptom, situation or condition not identified by the standard protocol questioning, where that situation or condition may require a more urgent response than the one assigned to the ProQA-recommended code for that case or when the ED suspects such a situation exists due to conflicting, ambiguous, or suspicious information provided by the caller.

The purpose of this section is to provide ED's with a defined procedure for overriding the standard PDS Determinant Code when the ED suspects a more serious condition or situation exists.

PROCEDURE:

- (a) The ProQA software will display the recommended determinant coding immediately after all Key Questions have been answered on the button in the upper right-hand portion of the screen, next to the word "SEND" (e.g. "SEND: 3-D-1).
- (b) When the ED in his or her judgement, believes that a higher determinant coding is necessary based on the conditions stated in this policy, he/she will select the override determinant code from the override codes highlighted in yellow on the lower portion of the screen.

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- (c) The ED will make a special note in the text of the case explaining his/her rationale for the upgrade.

801.11 PRIORITY DISPATCH PROTOCOL USE FOR COMBINED INCIDENTS

For any incident requiring an emergency response from multiple public safety entities (EMS, fire, police or sheriff, etc), the ED shall first invoke the Priority Dispatch System protocol (EMD, EFD or EPD) that best provides for safety and scene stabilization. This includes gathering information, initiating a response and providing instructions to protect callers, victims, bystanders, and responders from injury or harm, particularly for cases involving serious crimes or hazardous conditions. Once primary safety concerns and scene stabilization issues have been addressed, the calltaker will use a second Priority Dispatch protocol whenever necessary, to gather further information, determine the correct coding, assign responses, and provide instructions to callers.

The purpose of this section is to provide a standardized procedure for call taking and protocol use in situations requiring a combined response from multiple public safety agencies: local EMS, fire, police, sheriffs, lifeguards, transit security, state police, federal and provincial authorities, etc. Whenever the caller(s), victim(s), patient(s), bystanders or first responders are in any danger from violent or threatening persons or scene hazards, it is the first responsibility of ED to provide sufficient interrogation and instructions to protect lives, as well as secure and maintain the safety of all involved.

PROCEDURE:

I. COMBINED LAW ENFORCEMENT/EMS CASES WITH DANGER PRESENT:

- (a) For incidents requiring both police and EMS responses, the ED will immediately invoke the Standard Law Enforcement Response:
 - 1. Assaults, sexual assaults, shootings, stabbings, suicide attempts, violent or disruptive psychiatric events, dangerous animal attacks, homicides or attempted homicides, riots, fights, suspected terrorist attacks, SWAT team cases and any other cases involving violent crimes and In-Progress or just occurred crimes where suspects may be present.
- (b) When an EMS response is required, the ED will invoke the Medical Priority Dispatch System (MPDS) protocol, following the completion of all necessary and Standard Police Response questions, dispatch coding, and instructions. Any MPDS questions already answered through a Standard Police Response interrogation will be considered obvious, and ED's are not required to ask those questions a second time.
- (c) The ED will assign the correct MPDS coding to the case and provide all necessary post dispatch and pre-arrival instructions when it is safe to do so.
- (d) For cases where a serious crime is in progress or just-occurred, and there is a patient/victim who needs medical attention, EMS responders will be directed to 'stage' a safe

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distance from the incident scene until law enforcement personnel have secured the scene for other responders.

II. COMBINED LAW ENFORCEMENT/EMS CASES WITH NO IMMEDIATE DANGER PRESENT:

- (a) For crimes with injuries or illness, where there is no immediate danger present, such as past criminal events where the assailant is gone or cases where the crime occurred at a different location, the ED shall first use the Medical Priority Dispatch System (EMD) protocol and complete all EMD questions, dispatch coding and instructions before invoking the Standard Police Response protocol. For example:
- (b) A sudden cardiac arrest, unconscious or potential heart attack case, accompanied by some past criminal activity (chronic drug addiction, child neglect, endangering a minor, stolen property, etc.) would call for using the MPDS protocol first.

III. COMBINED FIRE/EMS CASES WITH FIRE OR HAZARD PRESENT:

- (a) For incidents requiring both a fire and EMS response, the calltaker will immediately invoke the Standard Fire Response for all cases reported as occurring now, involving:
 - (a) Fires, natural disasters, hazardous materials incidents, major transportation accidents, structural collapse, entrapments, land or water rescues, or any incident that requires and immediate response from specialized fire apparatus to contain hazards or protect life.
- (b) When an EMS response is required, the ED will invoke the Medical Priority Dispatch System protocol following the completion of all necessary FPDS questions, dispatch coding, and instructions. Any MPDS questions already answered through FPDS interrogation will be considered obvious, and calltakers are not required to ask those questions a second time. The ED will assign the correct MPDS coding to the case and provide all necessary post dispatch and pre-arrival instructions when it is safe to do so.

IV. COMBINED FIRE/EMS CASES WITH NO FIRE OR IMMEDIATE HAZARDS PRESENT:

- (a) For fires or fire incidents where there is no immediate danger present and EMS ambulance is needed, the ED shall first use the Medical Priority Dispatch System protocol, and complete all EMD questions, coding and instructions before invoking "Fire Dispatch" protocol. For example: A serious injury traffic accident with a minor gasoline spill, or a car fire that has been extinguished with a serious burn victim, would receive MPDS interrogation, coding, and instructions before fire is dispatched.
- (b) When a fire response is required, the ED will invoke the standard fire response following the completion of all MPDS questions, coding and instructions. Any fire dispatch questions already answered through MPDS interrogation will be considered obvious, and ED's are not required to ask those questions a second time.
- (c) The ED will assign the correct fire dispatch coding to the case and provide all necessary post-dispatch and pre-arrival instructions when it is safe to do so.

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V. COMBINED LAW ENFORCEMENT/FIRE CASES WITH CRIMINAL RISK TO RESPONDERS:

- (a) For incidents requiring both a law enforcement and fire response, the calltaker will immediately invoke the standard police response for all cases determined to be:
 - o Riots or mob actions (including those with looting, arson, explosions, release of toxic materials, persons trapped, etc.)
 - o Suspected terrorist acts (including those with explosions, release of toxic materials, hostage situations, use of weapons of mass destruction, etc.)
 - o SWAT Incidents (including those involving trapped victims, explosions, fires, or release of toxic materials, etc.)
 - o Any incident where suspected criminal activity may interfere with firefighters' actions
- (b) When a fire response is required, the calltaker will invoke the standard fire response protocol following the completion of all police response questions, coding and instructions. Responding fire units may be required to stage at a safe location until law enforcement has secured the scene for firefighter activities. Any fire response questions already answered through the standard police response interrogation will be considered obvious, and ED's are not required to ask those questions a second time.
- (c) The ED provide all necessary post-dispatch and pre-arrival instructions when it is safe to do so.

VI. COMBINED LAW ENFORCEMENT/FIRE CASES WITH NO CRIMINAL RISK TO RESPONDERS:

- (a) For all incidents not suspected to be any of the above the ED will immediately invoke the standard fire response where criminal suspects pose no immediate risk to firefighters or firefighting activity. For example:
 - o Fires intentionally set with suspects gone or in custody by security, etc.
 - o Intentional releases of toxic materials with suspects gone or in custody by security, etc.
 - o Rescues and persons trapped with suspects gone or in custody, etc.
- (b) When a law enforcement response is required, the ED will invoke the standard police response following the completion of all standard fire response questions, coding and instructions. Any police response questions already answered through standard fire response interrogation will be considered obvious, and calltakers are not required to ask those questions a second time.
- (c) The ED will provide all necessary post-dispatch and pre-arrival instructions when it is safe to do so.

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801.12 DUPLICATE INCIDENTS/MULTIPLE CALLERS FOR SAME EVENT

When more than one call is received for the same incident, the (ED) must complete the Case Entry interrogation, then determine if a complete ED interrogation is required, based on the caller's answer to Case Entry questions.

The purpose of this section is to provide all Emergency Dispatchers (ED's) with a standard procedure for handling incidents where multiple calls are received by ED for (potentially) the same event. Traffic accidents, shootings, assaults, and injuries in public places, are common events that generate multiple calls from different callers but for the same event.

PROCEDURE:

- The ED shall answer every emergency call with the expectation that the caller will be reporting new information not yet received from previous callers, including those cases where an incident record may already exist for the address/location provided by the caller.
- The ED will complete Case Entry according to standard Priority Dispatch System procedures for MPDS, FPDS or PPDS.
- Before determining a reported event to be a duplicate of an active incident, the ED must confirm that the address/location and incident description is the same as an existing incident already entered in CAD. (Note: more than one shooting, traffic accident, Hazmat event, or any other injury or illness may occur in close proximity to each other, requiring a separate incident and response).
- When the caller is a third-party caller (not in the immediate vicinity of the event/victim), and the ED determines the event to be a duplicate incident, and no new information is offered by the current caller during the Case Entry interrogation, the ED may terminate the phone call once Case Entry interrogation is completed.
- If new information is provided by the caller during Case Entry, the ED must complete the Key Question interrogation, and assign a final coding according to standard Priority Dispatch System procedures for MPDS, FPDS or PPDS.
- When the caller is a first or second-party caller (either a victim/patient or someone with the victim/patient), the ED must complete the Key Question interrogation, assign a final coding, and provide DLS instructions according to standard Priority Dispatch System procedures for MPDS, FPDS or PPDS

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.13 EMERGENCY RULE

In situations of extreme over-capacity in the emergency call center, the ED may suspend Pre-Arrival Instructions (PAIs) and suspend or discontinue Post-Dispatch Instructions (PDIs) once Case Entry, Key Questions and final coding are completed. Specifically, if there are unanswered

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emergency calls waiting in the 9-1-1 queue, the ED will make every effort to answer those calls after any case(s) currently being processed are given a Final Determinant Code and the needed first responders are notified (or will be imminently notified by a co-worker).

The purpose of this section is to ensure that ED's complete the minimum Priority Dispatch System requirements for a safe and effective response during situations of extreme system overload.

PROCEDURE: I. EMERGENCY RULE SITUATIONS:

- (a) Every attempt should be made to complete the interrogation sequence; at a minimum Case Entry and Key Question information will be correctly obtained, and a final Determinant Coding assigned.
- (b) The following are the acceptable reasons for calltakers to suspend or discontinue the PDS protocol:
 - 1. Mass Casualty Incidents (while both phone and radio traffic extreme).
 - 2. Extreme weather conditions
 - 3. Emergency situations effecting comm. Center operations.

II. TRACKING OF EMERGENCY RULE CASES:

- (a) The ED must record all incidents where he/she applies the Emergency Rule.
- (b) A report will be generated at the beginning of each month to determine the number of emergency rule calls recorded in the CAD for the previous month.

III. RELEASING THE CALLER:

- (a) When faced with an Emergency Rule situation, the ED will release the caller with the following statement (or similar);
 - (a) An EMD example, "I need to hang up now to take another call, the paramedics are on their way. If he/she gets worse in any way, call us back immediately.
 - (b) An EPD example, "I need to hang up now to take another call, the police have been notified, if the situation gets worse in any way, call us back immediately.
 - (c) An EFD example, "I need to hang up now to take another call, the fire department is on the way. If the situation gets worse in any way, call us back immediately.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.14 PRIORITY DISPATCH LANGUAGE TRANSLATION POLICY

Regardless of the language used by a caller, call receiving and dispatch for police assistance shall be provided in a standardized manner following approved Priority Dispatch System (PDS) protocol scripts for caller interrogation and provision of post dispatch and pre-arrival instructions. ED's with the appropriate language skills must therefore ensure that any translation of the protocol

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scripts, whether using a foreign-language card set or spontaneous translation, reproduces the same meaning, syntax and phrasing as contained in the English language PDS.

The purpose of this section is to provide all Emergency Dispatchers (ED's) with the requirements for use of the PDS when the caller speaks a language other than English.

PROCEDURE:

I. PRIORITY DISPATCH FOREIGN LANGUAGE PROTOCOLS:

- (a) (Only for systems with Spanish protocols) PDS flip charts, containing Spanish/other language protocols for Emergency Dispatching, shall be made accessible to all call-taking positions.
- (b) (Only for systems with Spanish/other language protocols) These flip chart protocols shall be used by ED's skilled in the Spanish language for the interrogation of Spanish-speaking callers to the 911 system, and for the provision of PDIs and PAIs.
- (c) (Only for systems with Spanish protocols) It is recognized that the Spanish language version of the PDS protocols may not always contain language understood by all persons that speak Spanish, given the cultural and geographic diversity of the Spanish speaking population. Subsequently, ED's with the necessary language skills may translate those words and phrases necessary to facilitate the caller's understanding of the question or instructions in their own words after the scripted protocol question or instruction has been attempted.

II. TRANSLATION WHERE NO FOREIGN LANGUAGE PROTOCOL IS AVAILABLE:

- (a) ED's with the appropriate language skills may translate either the English or Spanish language versions of the protocols into any other language in their own words, so long as the translation contains the same meaning as the original protocol text.
- (b) If an ED with the necessary language skills is not available, and the caller is unable to understand and/or converse in English, then the ED must make every reasonable effort to obtain the minimum information necessary to affect a dispatch to the caller/victim's location. If an ED gets a verified address but no other reliable information, the ED will use the following protocol Chief Complaints;
 1. Protocol 32 for Medical
 2. Protocol 53 for Fire
 3. Protocol 134 for Police

III. LANGUAGE TRANSLATION SERVICE:

- (a) When an ED does not understand the caller's language, he/she will use the center's approved language translation service (e.g. ATT, Language-Line, State Service, etc).
- (b) The ED will attempt to determine the caller's native language by asking (in English) "Which language do you speak?" If the caller does not understand a question, the ED

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may rephrase the question or attempt to verify through other questions (e.g. "Which country are you from?" etc).

- (c) Once the caller's language is determined, the ED will contact the approved language line number. Once connected to a language-line operator, announce his/her name/dispatcher ID, agency ID and authorization code. The language-line operator will ask which language is needed, then proceed to call the translator.
- (d) When connected to the translator the ED will say: "Hello translator, this is the 911 center, can you please repeat my questions to the caller in his/her language?"
- (e) The ED will state all Case Entry & Key Questions to the translator, and then assign a determinant code when sufficient information is obtained.
- (f) If the call is delayed with a difficult/lengthy translation, the:
 - (a) EMD will code the case; 32-B-4 (Unknown Problems, language not understood in the center), and send the case to the dispatch queue, then continue with the EMD protocol questions, and when possible reconfigure the case to a more specific determinant code.
 - (b) EFD will code the case: 53-B-4 (Unknown Situation/Investigation), and send the case to the dispatch queue, then continue with the EFD protocol questions, and when possible reconfigure the case to a more specific determinant code.
 - (c) EPD will code the case; 134-D-1 (Unknown 3rd party caller, as no further information for verification is available), and send the case to the dispatch queue, then continue with the EPD protocol questions, and when possible reconfigure the case to a more specific determinant code.
- (g) All relevant Post-Dispatch and Pre-Arrival Instructions will be provided through the translator by reading them exactly as scripted to the translator.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.15 QUALITY IMPROVEMENT PROCESS, ROLES AND RESPONSIBILITIES

The quality improvement process shall follow a standardized procedure as detailed below and as required by the National Academy of Emergency Dispatch to meet accreditation standards.

The purpose of this section is to provide all dispatch personnel with the necessary understanding and skills as they relate to the efficient and effective provision of quality assurance for the Priority Dispatch System. Such quality assurance processes shall be sufficient to meet the requirements of the National Academy of Emergency Dispatch for accreditation of the Medina Police Department Communications Center as a Dispatch Center of Excellence (ACE).

PROCEDURE:

I. QUALITY IMPROVEMENT CASE REVIEW:

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- (a) A sampling of at least 25 PDS cases per discipline per week shall be randomly selected and evaluated by the Quality Improvement Unit.
- (b) An approximately equal number of calls shall be reviewed for each individual ED.
- (c) Minimum protocol compliance levels will be set and issued in a separate "Incremental Compliance Policy."

II. CASE REVIEW FEEDBACK PROCESS:

- (a) Completed Case Evaluation Records (CERs) generated by the AQUA database will be forwarded to Shift Supervisors/Lead Dispatchers on a regular basis.
- (b) Shift Supervisors/Lead Dispatchers will distribute each CER to the relevant dispatcher. Both the Supervisor and the ED may add their comments to the forms and both must sign it.
- (c) When circumstances dictate, the Supervisor will develop an action plan and document this on the form. A deadline for completion of the action plan will be given. Action plans may be necessary if remedial training is required.
- (d) Supervisors may use the form to request further QIU follow-up or action if required. Examples of QIU action include requests for a particular Continuing Dispatch Education topic to be covered, a letter of commendation be submitted, or that a problem be raised at the Dispatch Review Committee meeting.
- (e) Completed forms must be returned to the QIU within 14 days of receipt by the Supervisor.
- (f) The QIU must be informed of the completion of any action plan noted on the form.
- (g) A copy of the completed form will be kept by the QIU in the ED's QIU file.

III. QIU DATABASE / INDIVIDUAL ED COMPLIANCE REPORTS:

- (a) Compliance data for individual ED's shall be generated from the AQUA database and forwarded to Shift Supervisors on a monthly basis. Data on individual dispatcher's performance will be treated as confidential; viewed only by the ED's supervisor and the necessary administrative, training and quality improvement staff.
- (b) Action plans will be developed, when necessary, based on average and/or cumulative compliance scores. A deadline for completion of the action plan will be given.
- (c) Supervisors may use the form to request further QIU follow-up or action if required.
- (d) Completed forms must be returned to the QIU within 14 days of their receipt by the Supervisor.
- (e) The QIU shall be informed of the completion of any action plan noted on the form.
- (f) A copy of the completed form will be kept by the QIU in the ED's QIU file.

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IV. QIU DATABASE / SHIFT COMPLIANCE REPORTS:

- (a) Compliance data for each shift overall may be generated from the AQUA database and posted on the Priority Dispatch System bulletin board in dispatch at monthly intervals by the QIU.
- (b) Shift compliance scores may be reviewed by administrative staff, and corrective action taken when necessary.
- (c) The QIU will be informed of the completion of any action plan.
- (d) A copy of each Shift Compliance Report will be kept by the QIU in the Shift's QIU file.

V. QIU DATABASE / DISPATCH SUMMARY COMPLIANCE REPORTS:

- (a) Quality Improvement Summary Compliance Report will be generated from the AQUA database and copied to each member of the Dispatch Review Committee at monthly intervals. The Steering Committee will receive quarterly updates on monthly (center-wide) compliance.
- (b) The DRC will review the Quality Improvement Summary Compliance Reports at monthly intervals. The DRC will identify performance issues and recommend actions for performance improvement.
- (c) The Steering Committee will review the Dispatch Summary Compliance Report at quarterly intervals. The Steering Committee will evaluate and approve any policy changes and resource allocation plans proposed by the DRC.

VI. DISPATCH FEEDBACK REPORTS:

- (a) These forms will be made available to all field personnel who respond to EMD, EFD and EPD calls for service. They will be utilized to provide feedback from the field to dispatch in the event of exemplary dispatcher performance or if a case proves problematic.
- (b) Completed forms will be forwarded directly to the QIU via the internal mail.
- (c) Upon receipt of a form, the QIU will review the tape of the relevant call and evaluate the case for compliance to protocol.
- (d) A reply to the initiator of the query or feedback will be provided within 14 days of receipt of the form by the QIU.
- (e) Copies of completed Dispatch Feedback Reports will be kept by the QIU in the relevant ED's file and in a file dedicated to the completed Dispatch Feedback Reports.
- (f) Copies of Dispatch Feedback Reports will be distributed by the QIU to the Communications Director, the employee (ED) identified in the report and the communications centers shift supervisor.

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Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

801.16 PRESS INFORMATION

Effective on the date of this policy, all dispatch staff will follow the procedure described below to alert the dispatch center administration of ED cases of potential interest to the press. The purpose of this section is to provide staff with a procedure which will ensure that cases potentially providing opportunities for positive publicity are identified in a timely manner to the Chief of Police or his designee.

PROCEDURE:

I. PRE-ARRIVAL INSTRUCTION CASES:

- (a) By definition, this will include all fire calls where pre-arrival instructions were given.
- (b) The QA Officer will review the previous day's (or weekend's) cases at the beginning of each of his/her shifts to identify those calls for which PAIs were given.
- (c) The QA Officer will then briefly review the audio recording of each of these calls for examples of exemplary performance, unusual or interesting circumstances, or significant impact and patient outcome.
- (d) The audio recordings of cases which are identified as being of special interest will then be taken immediately to the Communications Supervisor. They will then personally review the recordings and will pass details of those s/he feels to be suitable to the Public Information Officer.
- (e) The Public Information Officer will handle initial contacts with the press and coordinate any further related activity.

II. CALLS OF POTENTIAL PRESS INTEREST OTHER THAN PAIs:

- (a) Supervisors should make a special attempt to identify any call which may be of interest to the press which does not fall into the category of PAI administration. The involvement and support of all dispatch staff will be essential to facilitate this.
- (b) Supervisors should promptly pass an audio recording of such calls to the Communications Supervisor.
- (c) The Communications Supervisor will then follow the same steps as identified in Section I above.

III. PROBLEMATIC CASES:

- (a) Supervisors must make every attempt to identify problematic cases that may attract adverse press interest.

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- (b) Details of these cases, accompanied by an audio recording, must be passed to the Communications Supervisor with the utmost urgency. This will allow adequate time for preparation of a response.

Thank you in advance for your cooperation. Inquiries should be directed to the Communications Supervisor or the PDS QIU.

801.17 OBVIOUS/EXPECTED DEATH (NO EMD)

ED's will handle obvious death and expected death cases by following the PDS protocol and local procedures approved by the system Medical Director or Approving Authority.

The purpose of this section is to provide ED's with a medically approved process for potential obvious death and expected death situations.

PROCEDURE:

I. OBVIOUS DEATH DEFINITION:

- (a) For dispatch purposes 'Obvious Death' is defined as a patient's condition that can be identified as incompatible with life, after all information has been obtained on the Case Entry protocol, and on the appropriate Chief Complaint. Resuscitative measures including PAIs for breaths and chest compressions will not be provided in any 'Obvious Death' and 'Expected Death' situation.
- (b) Once the ED determines the patient to be not conscious and not breathing, through proper application of the PDS System, the following conditions may be considered by the dispatcher to constitute 'Obvious Death':
 1. Cold and Stiff in a warm environment
 2. Decapitation
 3. Explosive gunshot wound to the head
 4. Decomposition
 5. Non-recent death (confirmed as being greater than six hours)
 6. Severe injuries obviously incompatible with life
 7. Incineration
 8. Submersion (confirmed as being greater than 24 hours)
- (c) The dispatcher must be sure that the presence of at least one of the above conditions is unquestionable. The ED must get specific answers to all applicable PDS questions to arrive at an 'obvious death' determination.
- (d) Once the ED determines the patient to be not conscious and not breathing, through proper application of the PDS, the following conditions may be considered by the dispatcher to constitute 'Expected Death':

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1. Terminal Illness
2. DNR Order

- (e) The ED must get specific answers to all applicable PDS questions to arrive at an 'expected death' determination.

II. ACTIONS OF ED'S IN THE EVENT OF UNQUESTIONABLE OBVIOUS DEATH OR EXPECTED DEATH:

- (a) Code all expected death cases as 112-B-1.
- (b) Code all obvious death cases as 112-Omega-1 in Police, code as 72-A-2 in Fire, and inform responders of specific obvious death condition determined.
- (c) Do not provide PAIs.
- (d) If possible, keep the caller on the line and provide emotional support.

III. CASES REQUIRING PRE-ARRIVAL INSTRUCTIONS:

- (a) EDs shall attempt pre-arrival instructions on all cardiac/respiratory arrest cases where the obvious death and expected death determinants (112-B-1 and 112-Omega-1) are not applied.
- (b) When pre-arrival instructions are required (as defined in 'A' above), EDs are not to ask permission to give PAIs. Do not say "Would you like me to tell you how to do CPR?"
- (c) If the caller refuses to follow PAIs, say, "The ambulance is on its way, but this is important to give the patient the best possible chance until it arrives." Repeat as necessary.
- (d) If the caller stills refuses to administer aid, ask if there is someone else you can speak to.
- (e) If no one else is available attempt to keep the caller on the line and provide emotional support. Make it clear that if they change their mind about providing patient care you will tell them exactly what to do.
- (f) Remain polite and courteous at all times.

Thank you in advance for your cooperation. Please direct inquiries to the Communications Supervisor or the PDS QIU.

Evidence Room

802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, preservation, storage, security and disposition of evidence and other property. Evidence should be maintained by the department only as long as necessary for use in any pending investigation or prosecution, and non-evidentiary property should be maintained only until it can be returned to its rightful owner or otherwise disposed of in accordance with the law. All members of this department shall promptly submit all evidence and non-evidentiary property in accordance with this written policy. Members shall not retain evidence or non-evidentiary property in their personal possession, nor shall they destroy or otherwise dispose of any evidence or non-evidentiary property except as provided in this policy. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (ORC § 2981.11).

802.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Department. The property officer reports to the Special Operations Division supervisor and is responsible for the security of the Evidence Room. Evidence Room keys are maintained only by the property officer and the Special Operations Division supervisor. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's office. The property officer and the Special Operations Division supervisor shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than the property officer must be accompanied by the property officer or the Special Operations Division supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

802.2 DEFINITIONS

Definitions related to this policy include:

Contraband - Includes property or evidence that is illegal to possess and cannot be returned to the owner.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a criminal case. This includes photographs, documents temporary and latent fingerprints.

Found Property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value related to a criminal investigation.

Property - Includes all items of evidence, items taken for safekeeping, found property and contraband.

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Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

802.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the Chain of Custody sheet. A Property Report shall be completed in the Records Management System. 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 shall be entered into Property and secured. The property documentation must be completed to document the release of the property. The owner or his/her designee shall sign the documentation acknowledging receipt of the item.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the Property Report in the Record Management System (RMS) describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) Items shall be submitted in a sequential/consistent manner.
- (c) The officer shall seal and mark each item of evidence with initials and date.
- (d) 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.
- (e) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (f) Complete a Chain of Custody form. A Chain of Custody form shall be completed for all stored property including found property. The form shall be placed in the bin on the Property Room door.

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- (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 form placed into a numbered property locker indicating the location of the property.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be packaged and booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in a temporary property locker.

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Sergeant. 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 property officer 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.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime should be released directly to the property officer 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 property officer, or placed in the bicycle storage area until a property officer can log the property.
- (d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.
- (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.

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- (f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 TESTING OF BIOLOGICAL EVIDENCE

The Evidence 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).

802.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and rifle boxes for rifles.

Syringes and needles should be disposed of or stored in the sharps container. If a syringe requires testing, the needle should be removed then the syringe should be packaged in an envelope.

A property tag shall be securely attached to the outside of all items or group of items packaged together. All containers shall be sealed, initialed and dated.

802.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in a property locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. Presumptive tests should only be conducted by officers who have been certified in field testing narcotics and dangerous drugs. When conducted, the result of this test shall be included in the officer's report.

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Narcotics and dangerous drugs, with the exception of opioids and synthetic opioids, shall be packaged in an envelope of appropriate size, available in the property room. Suspected opioids and/or synthetic derivatives shall be packaged in 4"x6" polyethylene zip-lock bags which are available in the property room. The booking officer shall initial the sealed envelope or zip-lock bag and the initials shall be covered with clear packing tape. Controlled substances shall not be packaged with other property.

A full description of the item, along with the total weight of the item as seized, will be documented in the Records Management System property report. 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 Evidence Room. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the Special Operations Division supervisor.

A completed property tag shall be attached to the outside of the container. The chain of custody receipt shall be completed.

802.4.3 RIGHT OF REFUSAL

The property officer has the right to refuse any piece of property that is hazardous or that has not properly documented or packaged. Should the property officer refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

802.5 RECORDING OF PROPERTY

The Property Custodian receiving custody of evidence or property shall maintain Property Reports in the Records Management System and Chain of Custody sheets for all property stored in the Evidence Room. The Property 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 in the Property Report (ORC § 2981.11(B)(1)(a)).

Computerized Property Reports shall record the property number, the date received, case number, tag number, item description, item location and date disposed. This number shall be recorded on the property tag and the Chain of Custody sheet.

Any changes in the location of property held by the Medina Police Department shall be noted in the Property Report.

802.6 PROPERTY CONTROL

Each time the Property Custodian receives property or releases property to another person, he/she shall enter this information into the property report in the Records Management System. Officers desiring property for court shall contact the Property Custodian at least one day prior to the court day.

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802.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in the Records Management System (RMS) and on the Chain of Custody label shall be completed. No property or evidence is to be released without first receiving authorization from a supervisor or investigator.

Request for analysis of items shall be made in the property report and on the Chain of Custody label and submitted to the property officer. This request should be filled out at the time of submission.

802.6.2 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 Property Custodian releasing the evidence must complete the required information in the Records Management System property report and on the Chain of Custody report. The lab forms will be transported with the property to the examining laboratory.

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property report and on the Chain of Custody form stating the date, time and to whom it was released.

The Property 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 Evidence Room or released to another authorized person or entity.

The return of the property should be recorded in the property report and on the Chain of Custody form, indicating date, time and the person who returned it.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The property officer shall not release any property without authorization from an appropriate authorized member of the Department. The Special Operations Division 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, a property officer shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

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802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available.

Release of all property shall be properly documented in the property report and on the Chain of Custody form.

A Property Custodian shall release the property to the owner or his/her designee 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.

Release of unclaimed or forfeited property to an authorized finder shall be completed 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 reports and Chain of Custody forms (ORC § 2981.11(B)(1)(b)).

802.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following are satisfied:

- (a) Photographs of the property are filed and retained by the Evidence 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.

802.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

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.

802.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or ORC § 2923.13.

The Department shall make best efforts to identify the owner and shall retain the firearm for at least 90 days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms suitable

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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)). Pursuant to the authorization of a judge, eligible firearms may be exchanged for credit with an authorized firearms retailer.

802.6.9 FIREARMS RECEIVED FROM CORONER'S OFFICE

When a firearm is delivered to this department by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Chief of Police or the authorized designee shall give the firearm to the person who has been assigned the rights of disposition for the deceased person, upon request, and if the person is lawfully allowed to possess the firearm. The Chief of Police or the authorized designee shall keep a record of the person to whom the firearm is given, the date of delivery, and a description of the firearm. If the person who has been assigned the rights of disposition for the deceased person does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Chief of Police (ORC § 313.14).

802.7 DISPOSITION OF PROPERTY

The Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it shall be described in a local newspaper, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)).

The Property Custodian shall request a disposition or status on all property which has been held in excess of 90 days and for which no disposition has been received from a supervisor, detective or investigating officer.

All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13). Any item(s) entered into property and assigned a property number can only be destroyed by the Property Custodian through a Court Forfeiture Order signed by a judge.

Upon any release or disposal of any property, the proper notation shall be made in the property and the Chain of Custody form 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)).

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802.7.1 EXCEPTIONAL DISPOSITIONS

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

- 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

802.7.2 UNCLAIMED MONEY

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

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Evidence 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 Special Operations Division Supervisor

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Evidence 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.

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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 Special Operations Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

802.7.4 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the property officer shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The property officer should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

802.7.5 MEDICAL MARIJUANA

The investigating member should advise the property officer and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The property officer shall store marijuana, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

802.8 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)).

802.9 INSPECTIONS OF THE EVIDENCE ROOM

- (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 Division Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.

Records Bureau Procedures

804.1 PURPOSE AND SCOPE

The Administrative Officer designated by the Chief of Police shall keep the Department Records Bureau procedures continuously updated to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

804.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 11-000001 would be the first new case beginning January 1, 2011.

804.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, and follow-up, related to a case shall be maintained within the Records Bureau, accessible only to authorized Medina Police Department personnel.

804.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Bureau. Copies of original reports shall be obtained in lieu of removing original reports and documents from the Records Bureau. Authorization from Records Bureau personnel must be obtained prior to removing original reports or documents.

804.3 RECORDS MANAGER TRAINING

The Administrative Officer designated by the Chief of Police to oversee the Records Bureau shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

Records Maintenance and Release

808.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

808.2 POLICY

The Medina 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).

808.3 CUSTODIAN OF RECORDS

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

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department division responsible for the original record.
 - 3. Making a copy of the current retention schedule readily available to the public.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 - 1. The Custodian of Records may limit the number of records requested by a person that the Department will physically deliver via mail or by another delivery service to 10 records per month unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or information contained in the records, for commercial purposes.
 - 2. Records in digital format that are publicly available on the internet may be limited as set forth in ORC § 149.43.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing a notice that incorporates this policy and ensuring that it is displayed in conspicuous places in all locations where department records are available to the public.
- (h) Maintaining current information on the department website that relates to public records release.

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Records Maintenance and 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.

808.3.1 RECORDS RETENTION SCHEDULE

See attachment: [2021 Records Retention Schedule \(RC-2\).pdf](#)

808.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

808.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORC § 149.43):

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - 2. The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.
- (c) If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied.
 - 1. The requester shall be provided with an opportunity to revise the request and shall be informed by the Custodian of Records of the manner in which records are maintained by the Department and how the records are accessed in the ordinary course of business.
- (d) A person requesting records may be asked to make a request for records in writing to expedite processing of the request and may be asked for his/her identity. Prior to such a request, the person shall be told that:
 - 1. There is no requirement to provide a written request.
 - 2. There is no requirement to provide his/her identity.
 - 3. There is no requirement to disclose the intended use of the records.
 - 4. The purpose of the written request or disclosure of the person's identity or intended use would benefit the person making the request by enhancing the ability of the Custodian of Records to identify, locate or deliver the records requested.

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- (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.

808.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; ORC § 4501.27; ORC § 149.45).
- (b) Victim information that may be protected by statutes, including photographs or images of victims as prohibited by ORC § 149.43 (ORC § 2907.11).
- (c) Juvenile-related information that may be protected by statutes (ORC § 149.435).
- (d) Confidential investigatory records of the Department that pertain to a law enforcement matter of criminal, quasi-criminal, civil, or administrative nature if release would create a high probability of disclosure of any of the following (ORC § 149.43):
 1. Identity of a suspect not yet charged with an offense to which the record pertains.
 2. Identity of an information source or witness to whom confidentiality has been reasonably assured. This also includes information provided by an information source or witness if the release would tend to disclose the person's identity.
 3. Confidential investigatory techniques, procedures, or specific investigatory work product.
 4. Information that would endanger the life or physical safety of a member, crime victim, witness, or confidential information source.
- (e) Certain types of reports involving but not limited to child abuse and molestation (ORC § 2151.421) and adult abuse (ORC § 5101.61).
- (f) Records pertaining to the residential or family information of peace officers and dispatchers (ORC § 149.43).
- (g) Personally identifiable information of a program participant of the Ohio Secretary of State's address confidentiality program (ORC § 149.43).
- (h) Restricted portions of recordings made by a dashcam or a member's body-worn camera as provided in ORC § 149.43(A)(1). Certain recordings may be disclosed with the consent of the subject of the recording or the subject's representative pursuant to the requirements of ORC § 149.43 (H)(1).

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- (i) Telephone numbers for a person involved in a motor vehicle accident or a witness of a crime as provided in ORC § 149.43.
- (j) Any other information that may be appropriately denied by ORC §149.43(A)(1).

808.5.1 ENHANCED RECORDS ACCESS BY JOURNALISTS

- (a) Journalists, as defined in ORC § 149.43, are entitled to enhanced access to certain records not available to the general public provided:
 - 1. The request is in writing.
 - 2. Journalists identify themselves by name, title, and employer's name and address.
 - 3. Journalists establish and sign a request that the information sought is in the public interest.
- (b) Records available to journalists but not the general public include:
 - 1. Personal residential addresses of an officer or dispatcher of this department (ORC § 149.43).
 - 2. The business name and address of a spouse, former spouse, or child of an officer of this department, only if employed by a public office (ORC § 149.43).
 - 3. Coroner records pursuant to ORC § 313.10.
 - 4. The name, county of residence, and date of birth of a person for whom the sheriff issued, suspended, or revoked a permit for a concealed weapon (ORC § 2923.129).
 - 5. The names, addresses, and telephone numbers of workers' compensation claimants subject to the requirements and restrictions in ORC § 4123.88(D).
 - 6. Limited information about minors involved in a school vehicle accident (ORC § 149.43).

808.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the City Prosecutor, Law Director 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.

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808.7 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.

808.8 SECURITY BREACHES

Members who become aware that any Medina Police Department system containing personal information may have been breached should notify the Records Manager as soon as practicable. The Records Manager shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (ORC § 1347.12).

Notice shall be given in the most expedient time possible but not later than 45 days following its discovery or notice of the breach consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired and to restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security but notice shall be made once it is determined that disclosure or notification will not compromise the investigation or jeopardize homeland or national security (ORC § 1347.12).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (ORC § 1347.12):

- (a) Social Security number
- (b) Driver's license number or Ohio identification card number
- (c) Full account number, credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account

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

808.9 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.

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808.10 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).

CYBER SECURITY INCIDENT RESPONSE

809.1 PURPOSE AND SCOPE

This policy ensures the Medina Police Department is prepared to respond to cyber security incidents, to protect MPD systems and data, and prevent disruption of government services by providing the required controls for incident handling, reporting, and monitoring,, as well as incident response training, testing and assistance.

An incident, as defined in National Institute of Standard and Technology (NIST) Special Publication 800-61, is a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard computer security practices. An incident response capability is necessary for rapidly detecting incidents, minimizing loss and destruction, mitigating the weaknesses that were exploited, and restoring computing services.

809.2 RESPONSIBILITIES

All users of Medina Police Department computing resources shall be aware of what constitutes a cyber security incident and shall understand incident reporting procedures.

Incident response support resources may include, for example, IT Help Desk, a response team (described below) and access to forensic services.

Establish a Cyber Security Incident Response Team (CSIRT) to ensure appropriate response to cyber security incidents. The CSIRT shall consist of members of the State IT Security Council and key personnel from other agencies as required.

809.2.1 AGENCY MANAGEMENT, INFORMATION TECHNOLOGY ORGANIZATION

Develop organization and system-level cyber security incident response procedures to ensure management and key personnel are notified of cyber security incidents as required.

Organizations that support information systems shall develop incident response plans and/or procedures that:

- Provides the organization with a roadmap for implementing its incident response capability
- Describes the structure and organization of the incident response capability
- Provides a high-level approach for how the incident response capability fits into the overall organization
- Meets the unique requirements of the organization, which relate to mission, size, structure, and functions
- Defines reportable incidents
- Provides metrics for measuring the incident response capability within the organization
- Defines the resources and management support needed to effectively maintain and mature an incident response capability

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- Is reviewed and approved by the Chief of Police or his designee.

Revise the incident response plan/procedures to address system/organizational changes or problems encountered during implementation, execution, or testing.

Distribute copies of the incident response plan/procedures to incident response personnel.

Communicate incident response plan/procedure changes to incident response personnel and other organizational elements as needed.

Provide incident response training to information system users consistent with assigned roles and responsibilities before authorizing access to the information system or performing assigned duties, when required by information system changes; and annually thereafter.

Organizations shall test the incident response capability for the information systems they support at least annually. Use organization defined tests and/or exercises to determine incident response effectiveness. Document the results.

Organizations that support information systems shall implement an incident handling capability for cyber security incidents that includes preparation, detection and analysis, containment, eradication, and recovery.

Coordinate incident handling activities with contingency planning activities.

Track and document information system security incidents. Retain and safeguard cyber security incident documentation as evidence for investigation, corrective actions, potential disciplinary actions and/or prosecution.

Promptly report cyber security incident information to appropriate authorities in accordance with organization incident reporting procedures.

Organizations that support information systems shall provide an incident response support resource integral to the organizational incident response capability that offers advice and assistance to users of the information system for the handling and reporting of security incidents.

Possible implementations of incident support resources in an organization include a help desk or an assistance group and, when required, access to forensics services.

Protected Information

810.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Medina Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

810.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Medina Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

810.2 POLICY

Members of the Medina Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

810.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Bureau of Motor Vehicles (BMV) records and Ohio Law Enforcement Automated Data System (LEADS) (OAC § 4501:2-10-03; OAC § 4501:2-10-06).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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810.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Medina Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (OAC § 4501:2-10-03).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

810.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (OAC § 4501:2-10-06(C)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

810.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (OAC § 4501:2-10-03):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

810.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

810.7 DEPUTY SUZANNE HOPPER ACT

The Records Bureau shall enter into NCIC information provided by a court regarding (ORC § 2929.44):

- (a) The conditional release of a person found incompetent to stand trial or not guilty by reason of insanity.
- (b) An order that a person convicted of an offense of violence receive a mental health evaluation or treatment for a mental illness.

Members of this department who have contact with a person who has such information entered into NCIC shall report the contact to the Department of Mental Health and Addiction Services, and, if the terms of the release require the defendant or person to receive mental health treatment, to the treatment provider.

810.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (OAC § 4501:2-10-03).

Ohio Law Enforcement Gateway (OHLEG)

811.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of Ohio Law Enforcement Gateway (OHLEG) records and information by members of the Medina Police Department.

This policy addresses OHLEG records and information that are used in the day-to-day operation of the Department and not the public records information covered in the Security and Release of Records Policy.

811.2 DEFINITIONS

Definitions related to this policy include:

OHLEG records and information-Any information or data that is collected, stored, or accessed via OHLEG by members of the Medina Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement(s). This includes all information contained in OHLEG databases that is not accessible to the public.

Agency Coordinator-The Chief or Designee that is the liaison between the Department and OHLEG Quality Assurance, who is responsible for training, authorizing or suspending access, policy oversight, and compliance with rules and regulations.

811.3 POLICY

Members of the Medina Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of OHLEG records and information. This policy is meant to supplement the existing OHLEG Rules and Regulations and OHLEG Data Security Policy. If there is any question of conflict with the OHLEG rules the most restrictive interpretation of the OHLEG rules should be applied.

811.4 ACCESS AND USE

The use of OHLEG is strictly limited to criminal justice purposes. Any member wishing to obtain OHLEG access must first complete a Web Check (BCI & FBI) Background Check, complete the OHLEG training, watch the OHLEG security video and read the OHLEG Rules and Regulations and Data Security Policy. Once the members sign a statement indicating that they have read and understand the OHLEG Rules and Regulations and Data Security Policy, the Chief of Police or Agency Coordinator may create a profile for the member, in accordance with current OHLEG Rules and Regulations.

A copy of the OHLEG Rules and Regulations and OHLEG Data Security Policy is available to all approved users of the OHLEG system via the OHLEG home page. These rules are not for public dissemination and members are responsible for understanding the contents of the OHLEG

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Ohio Law Enforcement Gateway (OHLEG)

Rules and Regulations and Data Security Policy and for the application of the rules in their use of OHLEG.

All applications and data are on a need to know basis. Any unauthorized access, use or dissemination of any data is considered a breach of security and could result in revocation of use and/or civil and criminal charges. All users must complete the attached "User/Agency Acknowledgement Form" acknowledging they have read and understand the OHLEG Rules and Regulations.

[See attachment: Data Security Acknowledgement.pdf](#)

811.4.1 ACCESS TO OHLEG RECORDS AND INFORMATION

OHLEG Records and Information shall not be accessed in violation of any law, order, regulation, user agreement or Medina Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access OHLEG information, and only when the member has a legitimate work-related reason for such access. Unauthorized access, including access for other than legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to (Ohio Rev. Code 109.57 and 2913.04).

If a member is terminated, their ability to lawfully access OHLEG is immediately canceled and they are prohibited from accessing OHLEG for any reason. If a member is suspended from duty they are not to access OHLEG for any reason until such time as they are reinstated to full duty status.

811.4.2 ACCESS TO FACIAL RECOGNITION DATABASE

Members assigned to Administrative, Investigative or Task Force positions may be granted access to the OHLEG Facial Recognition Database at the sole discretion of the Chief of Police.

The attached Facial Recognition Log will be maintained by each specific member documenting the details of each inquiry.

[See attachment: Facial Recognition Log.pdf](#)

811.4.3 ACCESS ON NON-DEPARTMENTAL EQUIPMENT

OHLEG has established both a web platform (www.ohleg.org) and a mobile platform (m.ohleg.org) so that officers in the field can have immediate access to OHLEG databases. Because the need arises for members to have immediate access to suspect and officer information, OHLEG access is permitted from non-agency owned computers, tablets, and smartphones so long as the same measures of security are utilized to prevent unauthorized access, viewing or dissemination.

811.5 SECURITY

OHLEG user authorizations are granted to individual agency members for their exclusive use. All OHLEG transactions are monitored by OHLEG and subject to audit procedures to verify proper usage and detect violations.

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Members accessing or receiving OHLEG records or information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving OHLEG information, such as documents or the website, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on a bulletin board, unattended table or desk, in an unattended vehicle, an unlocked drawer or file cabinet or on an unattended computer terminal).

Members are prohibited from sharing or giving their sign on credentials to any other person, leaving their sign-on credentials unprotected in any way or leaving a computer with open access to OHLEG unattended and available to unauthorized personnel.

811.5.1 RELEASE OR DISSEMINATION OF OHLEG RECORDS OR INFORMATION

OHLEG records or information may only be released to authorized recipients who have both a right to know and a need to know. Unless otherwise ordered, or when an investigation would be jeopardized, OHLEG information may generally be shared with authorized persons from prosecutor offices and or other law enforcement agencies who are assisting in an investigation or conducting a related investigation.

All OHLEG information that is printed with the intent to disseminate shall be marked with the requesting members name, signature, date, and the name/office of the receiving individual.

A member who is asked to release OHLEG information in violation of OHLEG Rules and Regulations should refer the requesting person to a supervisor.

811.5.2 SECURITY VIOLATIONS

Anyone becoming aware of a member operating OHLEG in violation of this policy, in violation of OHLEG Rules and Regulations or in a manner inconsistent with state or federal law shall immediately report the violation to a supervisor.

If a member discovers they have committed an OHLEG violation, they are to self-report the violation to their supervisor or the Agency Coordinator so the violation can be documented. The circumstances surrounding the violation can then be examined to determine if there is a need for additional training. Self-reporting does not relieve the user from the responsibility for committing the violation.

All OHLEG violations will be reported to OHLEG by either the Chief of Police or the Agency Coordinator.

Any serious OHLEG violations that rise to the level of a criminal offense will be investigated by the agency, OHLEG

811.6 AGENCY COORDINATOR

The Communications Division commander is the designated OHLEG Agency Coordinator. The Agency Coordinator shall be responsible for training, applications, policy oversight, and internal audits. Internal audits may be conducted periodically. All violations of this policy, OHLEG rules, or OHIO law will be reported to the Chief of Police. Immediate steps shall be taken to correct the situation and a determination will be made concerning the need for additional training for individual users or the entire agency. The violation and resulting report will be forwarded to OHLEG.

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The Agency Coordinator is responsible for assisting the Chief with overseeing compliance with OHLEG Rules and Regulation and the Data Security Policy.

811.7 TRAINING

All members authorized to access OHLEG information shall complete the training program that complies with OHLEG requirements and identifies authorized access and use of OHLEG information, as well as its proper handling and dissemination. In accordance with OHLEG Rules and Regulations, members will watch the OHLEG security video and read the OHLEG Rules and Regulations and Data Security Policy bi-annually.

Computers and Digital Evidence

812.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

812.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.
- (c) If the computer is off, do not turn it on.
- (d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
 - 1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
 - 2. Disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.
- (e) If the computer is part of a network or is a server, consult a computer forensic examiner for advice before attempting a seizure.
- (f) Label each item with the case number, evidence sheet number and item number.
- (g) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.
- (h) Store all computer items into the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.
- (i) At minimum, officers should document the following in related reports:

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1. Where the computer was located and whether it was in operation.
 2. Who was using it at the time.
 3. Who claimed ownership.
 4. If it can be determined, how it was being used.
- (j) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

812.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data, cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner as soon as practicable for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

812.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, disks or any other storage media is required, forward the following items to a computer forensic examiner or Ohio BCI: A copy of reports and a synopsis of the case involving the computer, including the evidence/property sheet.

- (a) A copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.
- (b) A list of the items to search for (e.g., photographs, financial records, e-mail, documents).
- (c) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.

812.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write-protection tab or switch, it should be activated.
- (b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Evidence Room to copy the contents to an appropriate form of storage media.

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- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where it would be subject to excessive heat, such as in a parked vehicle on a hot day.
- (e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

812.4 SEIZING PCDS

Personal communication devices such as cellular phones, PDAs or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Do not turn the device on or off. The device should be wrapped in no less than six sheets of heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead, all the data may be lost.

812.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

812.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

812.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) Audio, video, images and/or any digital data recorded shall be saved to a CD-R/DVD-R as soon as practicable.

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- (b) The CD-R/DVD-R will be submitted into evidence following appropriate property procedures.

NOTE: All recorded data, to include audio, video and images recorded while on-duty are the sole property of the Medina Police Department and are subject to records retention policies and related laws.

812.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. The following procedures are to be followed:

- (a) Files should not be opened or reviewed prior to downloading and storage.
- (b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

812.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only the Property Custodian or Records Bureau personnel are authorized to copy original digital media that is related to case documentation and held as evidence. Only BCI examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

Animal Control

818.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

818.2 POLICY

It is the policy of the Medina Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

818.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

818.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

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Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

818.5 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

818.6 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty and animal fights (ORC § 959.13; ORC § 959.15; ORC § 959.16).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

818.6.1 NOTIFICATION TO SOCIAL SERVICE AGENCY

Members who have knowledge or reasonable cause to suspect that a violation involving a companion animal (as defined by ORC § 959.131) has occurred or is occurring shall immediately notify the appropriate social service agency of the violation when the member (ORC § 959.08):

- (a) Has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.
 - 1. An older adult is a person age 60 or older who suffers from the infirmities of aging or who has an impairment that prevents the person from protecting the person (ORC § 959.07).
- (b) The violation may have an impact on the child or older adult residing with the alleged violator.

Members who fail to comply with the requirements of ORC § 959.08 shall be subject to discipline (ORC § 959.10).

See the Child Abuse and Adult or Vulnerable Person Abuse policies for additional guidance.

818.6.2 SOCIAL SERVICE AGENCY NOTIFICATION PROCEDURE

Members may make the notification in writing or via email. Notification should contain the following information if known (ORC § 959.09):

- (a) The name and description of the companion animal involved.
- (b) The address and telephone number of the owner or other person responsible for care of the companion animal.
- (c) The nature and extent of the suspected abuse.
- (d) Any other information that may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.

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Information that is confidential or information that the member reasonably believes would jeopardize a pending criminal investigation may be excluded from the report (ORC § 959.09).

818.7 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

818.8 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

818.9 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Sergeant will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

818.10 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Medina Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy (#324). Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy (#902).

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Medina Police Department prior to being released or transported to a housing or other type of facility.

Facility Administrator - The Chief of Police or a designee shall be the Facility Administrator officially charged by law with administration of the Temporary Holding Facility.

900.2 POLICY

The Medina Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours (OAC § 5120:1-7-02(A)(5)).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Medina Police Department, but should be transported to a county facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

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- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy #318).
 - 1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy #468.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

A Supervisor shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 DETAINABLE PERSONS

Detainees who fall within the following classifications may be detained in the Temporary Holding area with the approval of the Shift Sergeant. Detainable persons include detainees arrested and detained pending:

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- (a) Posting of bail.
- (b) Release on Own Recognizance.
- (c) Citation release per the Citation Release Policy (Policy #420).
- (d) Transportation to the county jail.
- (e) In-custody interview or other investigation.
- (f) Transfer to court.

900.3.4 TEMPORARY DETENTION OF FEMALES

During reception, male and female detainees shall not be placed in unsupervised areas together.

Whenever one or more female detainees are in custody, there shall be at least one female employee who shall be available and accessible to the female detainees.

Female detainees shall be separated by sight, sound and touch from male detainees at all times.

In the event there is no female employee readily available to conduct searches and the required monitoring, the female detainee shall be transported to the county jail or released pursuant to another lawful process (e.g., citation or own recognizance release).

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.3.5 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by members of this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy (Policy #324).

900.3.6 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift Sergeant.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the appropriate mental health facility.

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The officer should promptly notify the Shift Sergeant of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Sergeant shall determine whether the individual will be immediately released or transported to jail or other facility.

900.4.1 RECEIPT OF DETAINEES

The arresting officer and/or booking employee should:

- (a) Conduct a Booking Search as provided in the Custody Searches Policy #902 of each detainee booked into the Temporary Holding Facility.
- (b) Remove all contraband, hazardous items, belts, shoes and jackets from the detainee.
- (c) Inventory, secure and record all property removed from the detainee as provided in Policy #902.
- (d) Complete the following fingerprint cards:
 1. Two fingerprint cards (one with an ITN number, one without an ITN number) and an FBI disposition card.
 2. Juveniles arrested for a felony offense shall be fingerprinted and photographed.
- e. Take two photos; one front view and one profile.
- f. Complete any required Medina Police Department booking forms.
- g. Before the booking procedure is completed, the arresting officer or booking employee shall log the detainee into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the detainee is to be held in the facility and shall include those detainees whose admittance was for booking only.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:

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- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
- (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

The Facility Administrator is responsible to ensure that a log is kept in the booking area of the Temporary Holding Facility and that all appropriate entries are made.

(a) All adult booking should be logged into the Temporary Detention Facility log. The following are the minimal required entries to be completed by the booking officer and personnel responsible for maintaining prisoners in the facility:

1. Arrestee's name.
2. Case number.
3. Reason for arrest and charges.
4. Date and time of booking.
5. Arresting officer's name and unit number.
6. Dates and times of arrestee checks/observations.
7. Routine activities (e.g. medications, visits, phone calls, etc.)
8. Incidents and problems.

(b) A medical, dental, and mental health screening form shall be completed on all arrestees to determine if there are any physical or mental disorders that require prompt attention.

(c) The Patrol Commander and Shift Sergeant should make periodic checks to ensure the log entries are being made.

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(d) The Facility Administrator should review all Temporary Holding Facility logs and shall report to the Chief of Police.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Medina Police Department. They should be released or transferred to another facility as appropriate.

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900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Sergeant shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

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900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Medina Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

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

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2901.10).

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Sergeant shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Sergeant shall attempt to prove or disprove the claim.

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900.8 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Patrol Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Medina Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Shift Sergeant, Chief of Police and Special Operations Division Commander
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the Law Director
- (f) Notification of the Coroner
- (g) Evidence preservation

A suicide or suicide attempt by a detainee while housed in the temporary holding facility shall be documented on the appropriate report and forwarded to the facility manager. If the incident involves a completed suicide, the facility manager shall ensure that a copy of the report is forwarded to the Division of Parole and Community Services within 30 days (OAC § 5120:1-12-09).

900.9 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Medina Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier.

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If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.10 ASSIGNED ADMINISTRATOR

The Patrol Division Commander will ensure that any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

900.11 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Emergency Medical Standards for Arrestees

901.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that those arrested by the Medina Police Department are treated for medical emergencies and complaints in a timely fashion.

It is the policy of the Medina Police Department to see that necessary treatment is obtained for medical emergencies and other complaints of injuries that necessitate immediate treatment.

901.1.1 PROCEDURES

The following procedures will be followed to provide medical treatment to those in custody of the Medina Police Department.

- (a) A medical emergency includes, but is not limited to, difficulty breathing, severe bleeding, chest pains/possible heart attack, unconsciousness, compound bone fractures, and any other condition deemed by officer or supervisor to be emergencies.
- (b) Any person in custody of the Medina Police Department with an observed medical condition will be offered treatment for such condition.
- (c) If the medical condition is an emergency, Medina Life Support Team will be summoned to the location. They will assess the person and make recommendation for treatment. If transport to emergency room by ambulance is necessary, the officer will either follow the ambulance or ride inside with the arrestee, whichever the Shift Sergeant or OIC determines is appropriate.
- (d) If the medical condition is not an emergency and the person requests medical treatment, the officer may transport the person in a patrol vehicle to an emergency room for treatment.
- (e) If the person refuses to consent to treatment but treatment is necessary in the judgment of the officer or supervisor, the person will be transported to an emergency room so a doctor can assess and determine whether to treat without consent or to disregard treatment.
- (f) First Aid kits are located in the trunk of each patrol vehicle as well as in the hallway near the Records Bureau. The kits are to be restocked by the Medina Life Support Team as needed.
- (g) If the person is treated at the Medina Hospital emergency room, upon release, a copy of the release will be retained by the officer for Medina Police Department records. The report number will be placed on the release form and filed with the report. This medical record will not be released with copies of the report.
- (h) No medications will be administered to arrestees by Medina Police Department officers. If a person arrested has medication on his person, these will be placed with property in an envelope to be returned to the arrestee upon release or given to booking

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officers upon booking into the MCSO jail. Certain maintenance medications such as inhalers, insulin, nitro, etc. are exceptions.

- (i) Any arrestee complaining of dental problems necessitating immediate attention will be taken to Medina Hospital emergency room for assessment and/or treatment.
- (j) Arrestees requiring mental health services will be treated according to Medina Police Department policy (#418 Mental Illness Commitments).

Shift Sergeants, OICs and officers must keep in mind that medical costs in treating arrestees becomes the responsibility of the Medina Police Department. It is up to the arresting officer and/or the supervisor to determine whether the arrestee needs to be charged immediately with an offense or should the charge be delayed until medical treatment has been provided. The charge/charges can be filed once medical treatment has been completed. This does not apply to injuries sustained during an arrest.

Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Medina Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Medina Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

902.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Medina Police Department identification number and information regarding how and when the property may be released.

902.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

902.5 STRIP SEARCHES

No individual in temporary custody at any Medina Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining probable cause include, but are not limited to:

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- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Medina Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Chief of Police shall be obtained prior to the strip search unless there is a legitimate medical reason or medical emergency (ORC § 2933.32(5)).
- (b) All members involved with the strip search shall be of the same sex as the individual being searched (ORC § 2933.32(B)(6)).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (ORC § 2933.32):
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.

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3. The written authorization for the search, obtained from the Chief of Police. If the strip search was conducted before or without the granting of written authorization by the Chief of Police, the legitimate medical reason or medical emergency that made obtaining written authorization impracticable.
 4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written report shall be retained and a copy shall be provided to the individual searched (ORC § 2933.32(C)(2)).

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with authorization from the Chief of Police and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Chief of Police authorization does not need to be in writing.

902.6 BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

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- (a) No individual shall be subjected to a physical body cavity search without written approval of the Chief of Police and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, registered nurse or licensed practical nurse who is registered or licensed to practice in Ohio who is of the same sex as the individual to be searched may conduct a physical body cavity search (ORC § 2933.32(B)(4)).
- (c) All persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present (ORC § 2933.32(B)(6)).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search (ORC § 2933.32(B)(4); ORC § 2933.32(B)(6)).
- (e) All such searches shall be documented in a written report, including (ORC § 2933.32):
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Chief of Police's written approval.
 - 4. Legal counsel approval if the search was conducted for a legitimate medical reason or medical emergency without a warrant.
 - 5. A copy of the search warrant.
 - 6. The name of the individual searched.
 - 7. The time, date and location of the search.
 - 8. The medical personnel present.
 - 9. The names, sex and roles of any department members present.
 - 10. Any contraband or weapons discovered by the search.
- (f) A copy of the written report shall be retained and shall be provided to the individual who was searched or other authorized representative (ORC § 2933.32(C)(2)).

902.6.1 CIVIL AND CRIMINAL LIABILITY

Officers should read and be familiar with Sections D and E of 2933.32 of the ORC which describe civil and criminal sanctions for failure to properly conduct body cavity and strip searches.

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Officers should be aware that there are **NO** provisions in 2933.32 for consent to search. Body cavity searches can only be conducted with a valid search warrant and written authorization. Strip searches can only be conducted with written authorization.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Medina Police Department and that are promulgated and maintained by the Civil Service.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Medina Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

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

1000.3 RECRUITMENT

The Department 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:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

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

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

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1000.4 SELECTION PROCESS

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

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 VETERAN PREFERENCE

Veterans or reservists of the United States Armed Forces who are residents of Ohio, separated from the armed forces under honorable conditions following more than six months of active duty and are candidates for job openings shall receive preference as applicable (ORC § 124.23(C)).

In the event that ratings are equal, candidates who are eligible for veteran's preference shall receive priority in rank on eligibility lists and in original appointments over non-veterans on the list. Ties among veterans or reservists shall be decided by priority of filing the application. A tie between a veteran and a reservist shall be decided in favor of the veteran (ORC § 124.26).

1000.4.2 APPLICATION PROCESS

The Administration Division Commander shall maintain documentation defining a fair and impartial application process.

- (a) All elements of the process, including physical ability testing, shall be job-related and nondiscriminatory.
- (b) All elements of the process shall be administered, scored and interpreted in a uniform manner.

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1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Medina Police Department.

1000.5.1 NOTICES

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

1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the candidates should not be required to provide passwords, account information or access to password-protected social media accounts.

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

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

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

1000.5.3 DOCUMENTING AND REPORTING

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

1000.5.4 RECORDS RETENTION

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

1000.6 DISQUALIFICATION GUIDELINES

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

- Age at the time the behavior occurred

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- 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.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Civil Service should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards for training and certification established by the Ohio Peace Officer Training Commission (OPOTC) prior to permanent employment as a peace officer (ORC § 109.73).

1000.8 ANNUAL REVIEW AND ANALYSIS

The Civil Service Director should review the personnel recruitment and hiring process annually. This analysis will be documented.

1000.9 TRAINING

Annual recruitment and hiring training should be provided for those members involved in recruitment and hiring activities. Training should include, but is not limited to, the recruitment and hiring plan, the department's equal employment opportunity plan, recruitment and hiring qualifications, the department's application and selection processes, and the department's annual review/analysis of the recruitment and hiring process.

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1000.10 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the Medina Civil Service to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Department's evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The Medina Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for his/her input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1002.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every 90 days *	Evaluated Yearly	Length of Probation
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

*Probationary employees should be evaluated after 3 mos., 6 mos., and after 1 year.

1002.4.1 AUXILIARY AND RESERVE OFFICER EVALUATIONS

Special officer evaluations are covered in the Special Officers Policy.

1002.4.2 VOLUNTEER EVALUATIONS

Volunteer evaluations are covered in the Volunteers Policy.

1002.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period.

1002.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed anytime the rater or the rater's supervisor determines one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

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Evaluation of Employees

1002.6.1 RATINGS

The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1002.7 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1002.8 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

1002.9 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to City Civil Service.

Special Assignments and Promotions

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Medina Police Department.

1004.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Medina Civil Service.

1004.3 POLICY

The Medina Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1004.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) SWAT member
- (b) Detective
- (c) Bicycle Patrol officer
- (d) Canine handler
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.)

1004.4.1 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative

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7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1004.4.2 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Division Commander interview - The Division Commander will schedule interviews with each candidate.
 1. Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendations to the Chief of Police.
- (c) Assignment by the Chief of Police.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

1004.4.3 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Ohio Peace Officer Training Commission (OPOTC) or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

Anti-Retaliation

1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1008.2 POLICY

The Medina Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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Anti-Retaliation

1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police, Safety Director or the Law Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1008.7 WHISTLE-BLOWING

Ohio law protects employees who report violations of a state or federal statute, an ordinance or regulation of the City, or department policy when there is a reasonable belief that the violation is one of the following (ORC § 4113.52):

- (a) A criminal offense that is likely to create an imminent risk of physical harm to persons or a hazard to public health or safety
- (b) A felony
- (c) An improper solicitation for contribution
- (d) Fraud or misuse of public resources (ORC § 124.341)

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Chief of Police for investigation pursuant to the Personnel Complaints Policy.

1008.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Ohio and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a crime and/or domestic violence incident (see Domestic Violence Policy Firearms section).

1010.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Ohio (see generally ORC § 737.052 and ORC § 737.162).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

- (a) State law prohibits any person convicted of a felony, a fugitive from justice, an unlawful user or addict of any controlled substance, a person who is mentally ill or illegally in the United States from possessing a firearm.
- (b) If a person is convicted of a crime involving family violence or stalking or is currently subject to a restraining order, injunction or other order for protection against domestic violence, it may be unlawful for the person to carry a concealed weapon.

1010.4.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certification.

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Reporting of Employee Convictions

1010.5 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1012.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Civil Service, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

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- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1014.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and state law (29 USC § 2601 et seq.; ORC § 124.38 et seq.).

1014.2 POLICY

It is the policy of the Medina Police Department to provide eligible employees with a sick leave benefit.

1014.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy #1040).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1014.3.1 NOTIFICATION

All members should notify the Shift Sergeant or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1014.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1014.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Civil Service as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

City of Medina Family and Medical Leave Policy (FMLA)

1015.1 PURPOSE AND SCOPE

The City of Medina adopts this policy in order to define the City's policy and procedure with regard to Family and Medical Leave.

1015.2 ELIGIBILITY

An employee who has been employed by the City of Medina for at least twelve (12) months and who has actually worked at least 1,250 hours of service during the twelve (12) month period immediately preceding the commencement of the leave is eligible for Family and Medical Leave as provided in this policy. For employees not eligible for, or otherwise not entitled, to Family and Medical Leave under this policy, the City will review the individual's circumstances involved.

An eligible employee will be permitted a total of twelve (12) work weeks of family and medical leave for all reasons, except that employees qualifying for "military caregiver leave" may be entitled to twenty-six (26) work weeks as set forth in this policy. All leave is measured forward from the date the employee first uses family and medical leave.

In the event a husband and wife are both employed by the City, and either or both request leave due to the birth of a child or the placement of a child with the employees in connection with adoption or foster care (bonding leave), the aggregate number of work weeks of family and medical leave to which both employees are entitled shall be limited to cumulative twelve (12) work weeks during the applicable twelve (12) month period. In other words, a cumulative total of twelve (12) weeks of bonding leave is available to the parents of a child. The leave may be used by one parent or split between both parents.

1015.2.1 CIRCUMSTANCES REQUIRING LEAVE

Leave must be taken for one of the following circumstances:

- (a) Incapacity due to a pregnancy, prenatal medical care or child birth.
- (b) The placement of a child with the employee in connection with adoption or foster care.
- (c) To care for a child, parent or spouse who has a serious health condition (see definition below)
- (d) Because of an employee's own serious health condition (see definition below) that makes the employee unable to perform the essential functions of his or her position, including a workers' compensation qualifying injury.
- (e) Military related leave (as described in this policy).
- (f) Because of any "qualifying exigency," arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty and is being deployed to a foreign country or is a member of the National Guard or Reserves who has been notified of an

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impending call to active duty status in the Armed Forces for deployment to a foreign country.

- (g) To care for a covered service member, including qualified Veterans or "Caregiver Leave." (see below for definitions)

"Qualifying exigency" means:

- Short notice deployment (notice of seven or less days)
- Military events and related activities
- Child care and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation (five days for each instance)
- Post-deployment activities
- Additional activities agreed to by the employer and employee

1015.2.2 REQUIREMENTS

An eligible employee shall be required to use all available accrued vacation, holiday, personal, and sick leave (if applicable, see below) concurrently with unpaid family and medical leave.

- Use of paid sick leave may be allowed only when the circumstances for family and medical leave also meet the requirements for sick leave under the City's sick leave policy or applicable collective bargaining agreement.

An eligible employee will be required to provide the City with thirty (30) days advance notice of the employee's desire to take family and medical leave where leave is foreseeable. When the leave is not foreseeable thirty (30) days in advance, the employee shall provide as much advance notice as is practicable. In any case in which the leave is for "qualifying exigency," the employee must provide reasonable and practicable notice.

- Employees may request family and medical leave and/or the City may designate any qualifying leave as family and medical leave.

1015.2.3 CERTIFICATION /RECERTIFICATION OF SERIOUS HEALTH CONDITION

An employee requesting family and medical leave because of the employee's serious health condition or to care for a child, spouse or parent must provide medical certification of the serious health condition of the employee or individual requiring care. Forms are available from the Director of Finance. The Certification should be submitted within fifteen (15) days of the employee's initial absence or leave request. It is the employee's responsibility to make sure the Certification is complete and provided in a timely manner.

The City may require that the employee obtain re-certification regarding the serious health condition of the employee or the employee's child, spouse or parent in certain circumstances.

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Employees and family members who have a serious health condition lasting longer than a year must provide a new medical Certification each year.

The City, at the City's expense, may require examination of the employee by an independent second health care provider. Should a conflict arise between the opinions of the two (2) health care providers, a third opinion will be sought. The third opinion will be provided by a health care provider mutually agreeable to the employee and the City. The expense of a third opinion will be paid by the City. The finding of the third health care provider is final and binding.

[Form WH-380E Certification of Health Care Provider for Employee's Serious Health Condition; Form WH-380F Certification of Health Care Provider for Family Member's Serious Health Condition]

1015.2.4 CERTIFICATION WHEN LEAVE IS DUE TO QUALIFYING EXIGENCY

Employees needing family and medical leave for a qualifying exigency must provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates the covered member is on active duty and is being deployed to a foreign country or is a member of the National Guard or Reserves who has been notified of an impending call to active duty status in the Armed Forces for deployment to a foreign country, and the dates of the member's active duty service. The employee also must provide a statement of the facts regarding the qualifying exigency for which family and medical leave is requested.

[Form WH-384 Certification of Qualifying Exigency for Military Family Leave]

1015.2.5 INTERMITTENT/REDUCED LEAVE

The employee may take family and medical leave intermittently (take time off periodically) or use leave to reduce the workweek or workday, resulting in a reduced hour schedule when leave is taken:

- (a) When medically necessary to care for a spouse, son, daughter or parent who has a serious health condition
- (b) When medically necessary because of the employee's serious health condition;
- (c) For a qualifying exigency; or
- (d) To care for a covered servicemember.

If leave is requested for any of these reasons, the City may require the employee to temporarily transfer to an alternative position which has equivalent pay and benefits and better accommodates recurring periods of absences or a reduced schedule. Leave for planned medical treatment should be scheduled to avoid disruption of City operations. Intermittent leave and/or a reduced hour schedule are not permitted for the birth or placement of a child for adoption or foster care.

1015.2.6 RETURNING FROM LEAVE

It will not be considered a break in service when an employee takes leave in accordance with this policy, provided the employee returns to work at the expiration of the leave. However, an

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employee is not entitled to the accrual of any other employment benefits that would have accrued if not for taking off leave.

An eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or to a similar position of equivalent pay, benefits and other terms and conditions of employment. The City will require the employee's health care provider to certify that the employee is able to resume work as a condition of return to employment.

During any period that an eligible employee takes family and medical leave, the City will maintain the employee's group health insurance as if the employee was not on leave. The employee will be responsible for paying the employee's share of the health insurance costs during the leave. If an employee is contributing to the health insurance premium prior to the leave, the City will continue to make payroll deductions to collect the employee's share of premium while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Director of Finance each month. The City's obligation to maintain the employee's insurance shall cease if the employee is more than thirty (30) days late in tendering his or her share of the premium. The City will provide fifteen (15) days' notification prior to ceasing the premium payment.

Insurance coverage may end at the completion of family and medical leave if an employee does not return to work or has extended the leave. A COBRA notice will be sent at this time, if applicable.

1015.2.7 FAILURE TO RETURN

If the employee fails to return to leave, the employee shall reimburse the City for the total insurance premium paid by the City unless the failure to return is due to:

- (a) Continuation, recurrence, or onset of a serious health condition
- (b) Other circumstances beyond the employee's control

In such cases, the City may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the City. If an employee does not report to work or request and receive further approved leave after the family and medical leave expires, the employee will be absent without leave and may be subject to disciplinary action up to and including termination.

1015.2.8 NOTICES PROVIDED BY CITY

Employees who may be eligible for family and medical leave will receive written notice from the City outlining the employee's rights and obligations. [WH-381 Notice of Eligibility and Rights & Responsibilities]

The City will provide employees who have requested or who are required to take family and medical leave with a Designation Notice. [WH-382 Designation Notice]

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1015.2.9 DEFINITIONS

Parent - The biological parent or person standing in place of the parent (in loco parentis) to the employee when the employee was a child. "In-laws" are not included.

Child - A biological, adopted, foster, or step-child; a legal ward; or a child of a person who has standing in loco parentis who is under 18 years of age or 18 years of age or older and incapable of self care because of a mental or physical disability.

Serious Health Condition - A serious health condition is generally defined as a physical or mental condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. The continuing treatment requirement may be met by:

- A period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment.
- Incapacity due to pregnancy
- Incapacity due to a chronic condition

Intermittent Leave - Leave taken in separate blocks of time due to a single qualifying reason.

Reduced Leave Schedule - Leave that reduces an employee's usual number of working hours per work week or work day.

1015.2.10 CAREGIVER OR COVERED SERVICEMEMBER LEAVE

An eligible employee who is the spouse, son, daughter, parent or next of kin (nearest blood relative) of a "covered servicemember" is entitled to leave to care for that covered servicemember who has a serious injury or illness.

A "**covered servicemember**" is a member of the Armed Forces who has a "serious health, illness or injury" incurred by the member on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. "Covered servicemember" also includes veterans who are undergoing medical treatment for a "qualifying serious injury or illness" sustained in the line of duty who were members of the Armed Forces within five years preceding the need for medical treatment.

Serious injury or illness means:

- Undergoing medical treatment, recuperation, or therapy
- Is an outpatient
- Is otherwise on the temporary disability retired list. It also includes service-related aggravation of existing or preexisting injuries.

Next of kin means: the nearest blood relative other than the covered servicemember's spouse, parent, son or daughter (blood relatives with custody, brothers and sisters, grandparents, aunts and uncles and first cousins). A covered servicemember may designate in writing a blood relative

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as next of kin for purposes of caregiver leave. If this is done, the designated person is the only next of kin for these purposes. When no designation is made, all eligible family members are considered next of kin and each may take family and medical leave consecutively or simultaneously. The City may require confirmation of a "next of kin" relationship.

Duration of Caregiver Leave: An eligible employee may take up to twenty-six (26) work weeks of leave in a single 12-month period to care for the covered servicemember. Leave to care for a covered servicemember, even if combined with other qualifying family and medical leave, may not exceed 26 weeks in a single 12-month period. For purposes of caregiver leave, the 12 month period commences on the date the employee first takes leave to care for a covered servicemember.

Notice for Covered Servicemember Leave: When leave is foreseeable based on planned medical treatment for a serious injury or illness of a covered servicemember, the employee must provide 30 days' notice. If 30 days' notice is not practicable, notice must be given as soon as practicable.

Use of Paid Time Off for "Covered Servicemember" Leave: An eligible employee may elect to use paid time off as is set forth on p. 4.

Certification: Medical Certification of leave to care for a covered servicemember is required. Certification may be provided by a health care provider with the U.S. Department of Defense ("DOD"), the U.S. Department of Veterans Affairs, a DOD Tricare network or a DOD non-network Tricare authorized private health care provider. [Form WH-385 Certification of Serious Illness or Injury for Covered Servicemember for Military Leave]

Communicable Diseases

1016.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Medina Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1016.2 POLICY

The Medina Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE PREVENTION AND MITIGATION

1016.3.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

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- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.3.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1016.4 POST EXPOSURE

1016.4.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1016.4.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name and Social Security number of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup and notifications)

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The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Illness and Injury Reporting and the Illness and Injury Prevention policies).

1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

A written opinion/evaluation should be obtained from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted.

1016.4.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1016.4.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. It is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Submitting a complaint to compel testing under ORC § 3701.247.
- (c) Requesting notification from a medical facility under ORC § 3701.248.

Since there is the potential for overlap between the different manners in which source testing may occur, the member's supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The supervisor coordinating the testing should seek the consent of the individual for testing and consult the Law Director to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.5 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

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1016.6 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Medina Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY

The Medina Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORC § 3794.02).

1018.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Medina Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1018.4 ADDITIONAL PROHIBITIONS

Members shall not be allowed to smoke in areas of ingress or egress to any department facility (ORC § 3794.02).

1018.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage is in place to provide notice of restricted tobacco use areas (ORC § 3794.06).

Personnel Complaints

1020.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Medina Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY

The Medina Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, and municipal rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1020.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief of Police, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief of Police, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1020.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1020.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1020.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

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1020.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the appropriate Division Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Division Commander and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Law Director and Civil Service for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Division Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

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2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
 - (i) Ensuring that the procedural rights of the accused member are followed.
 - (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member designated by the Chief of Police, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Medina Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order

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to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1020.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

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1020.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1020.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1020.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1020.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

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The Medina Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1020.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

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Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1020.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1020.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

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1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate (see also the Temporary Modified-Duty Assignments Policy).

1020.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy (#1026).

1020.16 STATE REPORTING REQUIREMENT FOR SUSPENSIONS

The Chief of Police or the authorized designee shall notify the Director of Public Safety in writing of an officer's suspension and the cause of the suspension (ORC § 737.12).

Seat Belt Procedure

1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Child Passenger Safety Seat System - An infant or child passenger restraint system that meets federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571.

1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than 4 years of age or weighing 40 pounds or less (ORC § 4511.81(A)).

An approved child booster seat should be used for all children younger than 8 years of age and less than 4 feet 9 inches in height (ORC § 4511.81(C)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance that requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

1022.3 TRANSPORTING PRISONERS

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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1022.4 INOPERABLE SEAT BELTS

No Department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

Body Armor

1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY

It is the policy of the Medina Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Medina Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required, subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.4 RANGE OFFICER RESPONSIBILITIES

The Range Officer should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1026.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Ohio.

1026.3 PERSONAL INFORMATION SYSTEM RECORDS

The Records Manager or the authorized designee shall be responsible for the Medina Police Department personal information system and shall adopt, implement and communicate rules and procedures for the personal information system, including the maintenance, use, security, access, inspection, disclosure and dispute resolution related to the system (ORC 1347.01 et. seq.).

Personnel records maintained in the personal information system are subject to the rules and procedures established by the Records Manager. Those rules and procedures apply in the event of any conflict with this policy.

1026.4 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Election of employee benefits.
- (c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (d) Original performance evaluations will be maintained by Civil Service. These should be permanently maintained.
- (e) Discipline records, including copies of sustained personnel complaints.
- (f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment.
 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
 2. Any member response shall be attached to and retained with the original adverse comment.

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

- (g) Commendations and awards.

1026.5 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

1026.6 TRAINING FILE

An individual training file shall be maintained by the Training Officer for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the member's training file.

1026.7 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Chief of Police. Access to these files may only be approved by the Chief of Police.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

1026.8 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

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- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1026.9 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Mayor, Law Director or other attorneys or representatives of the City in connection with official business.

1026.9.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.9.2 RELEASE OF PERSONNEL INFORMATION

Residential and familial information including the home address and telephone number of an officer and any photograph of an officer who holds a position that may include undercover or plain clothes assignment that is in the possession of the Department is not a matter of public record and shall not be disclosed without a court order (ORC § 149.43(A)). However, the actual personal residence of an officer may be released by the Custodian of Records to a journalist, but only if the journalist makes a written request including the journalist's name, title, name of the journalist's employer, address of the journalist's employer and a statement that the information would be in the public interest pursuant to the provisions of ORC § 149.43(B)(9).

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1026.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Commendations and Awards

1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for commending exceptional employee performance or meritorious acts by citizens.

1030.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by a supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person in charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

A written commendation may also be made by a member of the public regarding any Department employee.

Written recommendations for a citizen's meritorious acts may be made by any member of this department or any member of the public.

1030.3 MERITORIOUS OR COMMENDABLE ACTIONS

1030.3.1 MERITORIOUS AWARDS PROGRAM

Effective Date: December, 2010 **Number:** 10 PO 0530 The Medina Police Department Meritorious Awards Program is created for the purpose of providing professional recognition for employees of the department who distinguish themselves in the performance of their official duties.

1030.3.2 MEDAL OF VALOR AWARD

Purpose: The purpose of this award is to provide professional recognition to Medina Police Department employees for acts of exceptional valor and bravery. **Eligibility Criteria:** To receive this award, an individual's actions must clearly exhibit all of the following characteristics:

- (a) The act(s) must have been performed freely and knowingly with great risk to personal safety and life.
- (b) The act(s) must have demonstrated personal courage, and selflessness.
- (c) The act(s) must have been performed while confronting a known or suspected criminal adversary or threat to public safety.

1030.3.3 DISTINGUISHED SERVICE AWARD

Purpose: The purpose of this award is to provide professional recognition to an employee who performed an act or service of exceptional merit or value to the Medina Police Department.

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Eligibility Criteria: To receive this award, an individual must display exceptional skill, ingenuity, loyalty, and/or devotion to duty over an extended period of time.

1030.3.4 PURPLE HEART AWARD

Purpose: To provide professional recognition to an employee who is wounded or seriously injured during the performance of his/her duties.

Eligibility Criteria: To receive this award the recipient must, while performing his/her official duties:

- (a) Receive wounds or serious bodily injury while in direct confrontation, combat, or enforcement-related activities with a known or suspected criminal adversary or
- (b) Receive wounds or serious bodily injury as a result of an assailant or 3. Receive wounds or serious bodily injury as a direct result of their employment with the Medina Police Department (minor strains, sprains, or abrasions; non-pursuit auto accidents, etc., do not qualify for this award).

1030.3.5 HOSTILE ACTION AWARD

Purpose: The Hostile Action Award is intended to provide professional recognition to employees who come under hostile fire while performing their duties.

Eligibility Criteria: To receive this award, the employee must have been subjected to direct fire (by means of gunfire or explosives) while performing his/her duties. It is not necessary to have returned fire.

1030.3.6 LIFE SAVING AWARD

Purpose: The Lifesaving Award recognizes employees who have performed a lifesaving act, without placing themselves in danger.

Eligibility Criteria: A lifesaving act performed by a Medina Police Department employee that did not expose the employee to personal risk or injury.

1030.3.7 POLICE COMMENDATION AWARD

Purpose: The purpose of this award is to provide professional recognition to an employee who performed a special act or service of significant merit or value to the Medina Police Medina Police Department.

Eligibility Criteria: To receive this award, an individual must display significant skill, ingenuity, loyalty, and/or devotion to duty during the performance of a special act or service.

1030.3.8 SUSTAINED SUPERIOR PERFORMANCE AWARD

Purpose: The purpose of this award is to provide professional recognition to an employee who provides sustained superior performance of significant merit or value to the Medina Police Department.

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Eligibility Criteria: To receive this award, an individual must display sustained superior performance while displaying significant skill, ingenuity, loyalty, and/or devotion to duty during an identified evaluation period.

1030.3.9 OUTSIDE AWARDS

Officers who have earned meritorious awards from previous law enforcement employment may also wear the award on their uniform. A copy of the award certificate should be forwarded to the Chief of Police for approval and inclusion in the officer's personnel file.

1030.3.10 AWARD SELECTION PANEL

An officer whose actions merit consideration of an award should be nominated by his or her supervisor. The nomination should explain which award(s) the supervisor believes the officer has earned, as well as an explanation of the officer's actions.

The nomination should follow the chain of command to the Chief of Police, who will convene an awards panel. This group will determine whether the actions of the officer justify receiving the award. If presented the award, the officer shall display the ribbon when in their Class A or C uniform.

1030.3.11 DESCRIPTION OF AWARDS

Each recipient of a Medal of Valor Award, Distinguished Service Award, Purple Heart Award, Hostile Action Award, Life Saving Award, Police Commendation Award, and Sustained Superior Performance Award will be presented with a ribbon for uniform wear.

The official supplier to be used is Davis & Stanton Police Awards, PO BOX 551587, Dallas, TX 75355-1587. (214) 340-1321; (800) 222-2593.

Ribbons listed below are from Davis & Stanton Police Awards, PO BOX 551587, Dallas, TX 75355-1587. The Davis & Stanton item number is displayed along with the MPD Award title.

- Medal of Valor Award , " B201
- Distinguished Service Award , " K210
- Purple Heart Award , " L211
- Hostile Action Award , " K110
- Life Saving Award , " E104
- Police Commendation Award , " P115
- Sustained Superior Performance , " P315

1030.4 HONORARY AWARDS

1030.4.1 CHIEF'S AWARD

Purpose: The purpose of the Chief's Award is to recognize outstanding and exceptionally significant service in the public interest. The Chief's Award is the Department's highest award for

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non-members and will be given to those organizations or individuals that have demonstratively provided outstanding cooperation and/or superior support to the Medina Police Department.

Eligibility Criteria:

- (a) A notable and significant contribution by a private citizen, or Government official which materially assisted the Department in carrying out its overall mission.
- (b) Leadership, skill, or ability in administration or in performance of duty which was of great value to the Department.
- (c) An act or service of significant benefit to the Department which involves unusual personal effort, competence, or bravery during an emergency or under exceptionally adverse conditions.

Description of the Award:

- Award certificate, signed by the Chief of Police. Inscription on the certificate will be determined by the Chief of Police or designee.
- Personalized commendatory letter signed by the Chief of Police.

1030.4.2 HONOR AWARD

Purpose: This award has been established to provide a means for the Medina Police Department to recognize high ranking Government officials or individuals from the private sector who have significantly contributed to Medina Police Departments' overall mission. This award is for recognition of significant acts by non-Department employees.

Eligibility Criteria:

- (a) An individual with a long-standing working relationship with the Medina Police Department who is retiring from his/her present position or
- (b) Outstanding perseverance and competence demonstrated while working with the Medina Police Department to accomplish its mission over an extended period of time or
- (c) Outstanding assistance and/or cooperation with the Department through advisory services or the allocation of human or material resources that effectively aided in accomplishing the Medina Police Department's overall mission.

Description of Award: One of the following inscriptions will be used on a wall certificate:

- "In recognition and appreciation of your outstanding contribution and invaluable assistance to the overall mission of the Medina Police Department."
- "In recognition and appreciation of your outstanding contribution and invaluable assistance to the investigative responsibilities of the Medina Police Department."

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1030.4.3 LIFETIME ACHIEVEMENT AWARD

Purpose: To recognize a former or retired Medina Police employee's outstanding and significant service to the Department. The Lifetime Achievement Award is for employees with a long-standing history of exemplary service and contribution to the Medina Police Department's overall mission.

Eligibility Criteria:

- (a) Retired or separated with 20 years or more of service with the Medina Police Department, and
- (b) An individual whose outstanding career materially and significantly contributed to the overall success of the Department.

Description of Award: The following inscription will be used:

- "In recognition and appreciation of your lifetime of outstanding service to the mission of the Medina Police Department."

1030.4.4 ADVOCATE AWARD

Purpose: This award recognizes a retired Medina Police Department employee who continues to advance the work of the men and women of the Medina Police Department.

Eligibility Criteria:

- (a) Significant advancement of the Medina Police Department mission after retirement.
- (b) Consistent representation of the Department's interests in situations where Department employees do not have a voice.
- (c) Exemplification of the values of the Medina Police Department extended family, particularly during times of great need.

Description of Award: The following inscription will be used:

- "In recognition and appreciation of your dedication to the continued advancement of the overall mission of the Medina Police Department."

1030.4.5 NON-AWARD RECOGNITION

Purpose: Non-award recognition may be used as a means of enhancing an official award or when an official award is not appropriate.

Examples: Examples of non-award recognition are:

- (a) **Letters of Commendation.** This type of non-award recognition may be signed by the Chief of Police. Letters should be requested by the employee's supervisor and forwarded to the Chief of Police.
- (b) **Certificates of Appreciation.** This award is used to recognize organizations and individuals who provide assistance to the agency. The certificate is available for presentation to individuals or organizations at the recommendation of a supervisor and the approval of the Chief of Police.

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- (c) **Individual Citations.** In unusual cases individual citations may be prepared in certificate form.
- (d) **Organizational Citations.** With the approval of the Chief of Police, an organizational citation prepared in certificate form, a plaque, or a nominal trophy may be used to recognize contributions not otherwise covered by the Awards Program.

Fitness for Duty

1032.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1032.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Sergeant or the employee's Division Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Civil Service to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 18 hours in one day (24-hour period)
- 30 hours in any two day (48-hour period)
- 84 hours in any seven day (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, off-duty work, general overtime and any other work assignments.

1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.

Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy provides guidelines regarding meals and breaks.

1034.1.1 MEAL PERIODS

Sworn employees and Communications Operators shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall take their meal breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed 30 minutes unless authorized by a supervisor.

1034.1.2 15-MINUTE BREAKS

Each employee is entitled to two 15-minute breaks, near the midpoint, for each five-hour work period. Only one 15-minute break shall be taken during each five hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Patrol officers will be subject to call, and shall monitor their radios while on breaks. When patrol officers take their breaks away from their vehicles, they shall do so only with the knowledge of the Communications Center.

1034.1.3 COMMUNICATIONS OPERATORS

Communications Operators shall be permitted to suspend their assigned activity, subject to immediate call at all times, for the purpose of having meals during their tour of duty. Meals shall be eaten within a reasonable length of time.

Communications Operators shall be permitted to suspend their assigned activity during their tour of duty whenever necessary for personal relief.

The Communications Operator will advise the Shift Commander that they wish to take a break for a meal and/or personal relief. The Shift Commander will either assign someone or take the duty of Communications Operator themselves for the period needed.

When two or more Communications Operators are working, they will be responsible for relieving each other.

Lactation Break Policy

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1035.3 LACTATION BREAK TIME

Employees wishing to express breast milk for their nursing child shall be permitted to do so during any authorized break. A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are per se reasonable.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid.

Employees desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such. No expressed milk shall be stored at the Department beyond the employee's shift.

Outside Employment

1040.1 PURPOSE AND SCOPE

The department recognizes that members working off-duty provide additional police protection to the community and therefore provide added safety at no cost to the city. It also recognizes that members have the ability to supplement their income through outside employment. However, the department has the right and the responsibility to control outside activities that may result in mental and physical fatigue, exposure to civil liability, or conflict of interest with official duties.

1040.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - Any concurrent employment of members of the Medina Police Department in any capacity by any other person, firm, corporation, agency, or organization and not paid by the City.

Off-duty Employment - Any outside employment of sworn personnel of the Medina Police Department, whether in uniform or in plain clothes that would require the use of any degree of police authority, specifically including volunteer work as well as work done for profit.

Sworn Personnel - Any member of the Medina Police Department who has been sworn in as a police officer for the Medina Police Department, regardless of rank or title, including special police officers.

Members - All members of the Medina Police Department, whether sworn or non-sworn, full-time, part-time, or special/reserve.

1040.1.2 RESTRICTIONS

Members of the Medina Police Department shall not solicit, accept, or engage in outside or off-duty employment except in accordance with the provisions of this directive. Members shall not accept or engage in outside or off-duty employment unless and until their requests have been approved as required by this directive.

- (a) Members' primary concern must be their duties as employees of the Medina Police Department so that they are mentally and physically at their optimum, are available for emergency call to duty, and avoid conflicts of interest.
- (b) Sworn personnel engaged in off-duty employment are able to secure such employment only because of their positions with the Medina Police Department. Therefore, they are, in effect, representing the Medina Police Department and must conform to the standards of conduct and performance established by the department.
- (c) The ability to work outside or off-duty employment is a privilege, subject to revocation or denial by the Chief of Police if it is determined that such employment presents a conflict of interest with the goals and objectives of the department, the duties of

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the member, and/or the laws of Ohio, or that the member is not eligible for such employment or for other cause.

- (d) Members engaged in off-duty employment for a separate and independent employer are not entitled to aggregate the hours for purposes of overtime regulations under the Fair Labor Standards Act or current collective bargaining agreements.

1040.1.3 PROHIBITED EMPLOYMENT

Certain types of outside and/or off-duty employment are prohibited, including, but not limited to:

- (a) Any outside or off-duty employment that presents a potential conflict of interest for members of the Medina Police Department.
- (b) Any outside or off-duty employment that is in any manner related to providing security or any other service for gambling activity whether or not that activity is purported to be for charitable purposes. Except when the gambling activity is operating under a current year Charitable Bingo License issued by the Ohio Attorney General pursuant to Ohio Revised Code, Section 2915.08. If any other gambling activity other than that specified by the current year license is observed or should have been observed by an experienced officer then all Medina Police personnel will immediately terminate their employment relationship with the organization operating the gambling activity and report the activity to the Chief of Police.
- (c) Any outside employment that involves the member's privileged access to, or use of, law enforcement records, services, or other resources for other than the official business of the Medina Police Department.
- (d) Any outside employment as a private security officer, private investigator, bail bondsman, bill or debt collector, motor vehicle re-possessor, or process server, including any ownership in such a firm, or any fees or compensation received from such a firm, except that the Chief of Police may approve such employment for special police officers on a case-by-case basis.
- (e) Any outside or off-duty employments for towing companies that perform police impounds or are on the rotation list to provide service in the City of Medina.
- (f) Any outside and/or off-duty employment for an individual or organization whose business, operations, ownership, personnel, clientele, and/or reputation is of questionable integrity or might put the officer or the department into a compromising position.
- (g) Any outside employment that involves holding a commission as law enforcement officer with any other private or public agency, except that the Chief of Police may approve such employment on a case-by-case basis.
- (h) Any off-duty employment outside the boundaries of the City of Medina.

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- (i) Any off-duty employment related to strikes, labor disputes, political events, protests, or public demonstrations, unless approved by the Chief of Police.
- (j) Any outside or off-duty employment for any liquor permit premises where alcoholic beverages are sold by the glass for consumption on premises is prohibited. Special events or festivals holding a temporary "F" permit may be approved by the Chief of Police on a case-by-case basis.

1040.2 OBTAINING APPROVAL

All requests for off-duty employment shall be forwarded to the Chief of Police in the approved format. Requests must contain, at a minimum, the following information:

- (a) Date, time, location, and duration of the event or assignment;
- (b) The name, address, phone number and Workers' Compensation or self-insured number of the employer;
- (c) Nature of event and premises, and the expected attendance;
- (d) Nature of duties to be performed by officers and any anticipated problems; Whether a marked patrol car or other departmental vehicles or equipment will be needed;
- (e) The name and position of the person requesting the off-duty services and the name of a contact person; and
- (f) Arrangements for payment to officer working off-duty
- (g) The Chief of Police shall review the application for compliance with the criteria established by this directive and approve or disapprove the request, notifying the applicant accordingly. For requests received on short notice, after hours, or on weekends, the request and approval may be made orally, but the required documentation must be submitted the next working day.
- (h) The Patrol Lieutenant may authorize the use of marked patrol cars or other departmental vehicles/equipment for an off-duty assignment. If authorized, the appropriate form must be completed by the assigned officer for each time the car or equipment are used (e.g., if a car is used five days in a row for the same job, five forms must be completed). The forms are to be returned to the Chief of Police for submission to the Finance Director for billing.
- (i) If there is any disagreement whether the request should or should not be approved, or whether the use of departmental vehicles or equipment should be authorized, the matter shall be referred to the Chief of Police, whose decision shall be final.
- (j) Files of all requests for off-duty employment, whether approved or denied, shall be maintained by the Administrative Assistant.
- (k) Inquiries about the availability of officers for off-duty employment will be referred to the current Patrol Lieutenant.

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Annual Requirement: All Requests for Off-duty and/or Outside Employment must be submitted annually by the employee and authorized by the Chief of Police.

1040.3 PROHIBITED OUTSIDE EMPLOYMENT

All requests for outside employment (other than off- duty employment) shall be submitted to the Chief of Police for review. Requests must contain, at a minimum, the following information:

- (a) Name and title of the member;
- (b) Name, location, and business and activity of the proposed employer;
- (c) Nature of the work to be performed;
- (d) Anticipated hours per week; and
- (e) Any potential area for conflict of interest.
- (f) The division commander shall review the application for compliance with the criteria established by this directive and also review the employee's job performance and sick leave usage for the past two years. The division commander shall forward the request to the Chief of Police with a recommendation to approve or deny the request. The decision of the Chief shall be final.
- (g) Files of all requests for outside employment, whether approved or denied, shall be maintained by the Administrative Assistant, and copies shall be placed in the personnel files of the respective members.

Annual Requirement: All Requests for Off-duty and/or Outside Employment must be submitted annually by the employee and authorized by the Chief of Police.

1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Sworn personnel engaged in approved off-duty employment assignments are deemed to be acting within the course and scope of official duties. Matters that require police action shall take precedence over the off-duty employer's needs or requests.

- (a) Sworn personnel engaged in off-duty employment assignments shall conform to all departmental rules, regulations, policies, and procedures.
- (b) Sworn personnel on off-duty assignments are expected to be the primary unit for handling any calls for service or reports at that location. Backup officers will be dispatched as needed. Sworn personnel shall be responsible for completing any required reports of police action. If an arrest is made, an on-duty patrol officer will transport and book any prisoners and any associated evidence or property. However, the off-duty officer will be responsible for filing the criminal charges.
- (c) Sworn personnel working off-duty assignments shall be fully equipped and shall wear the complete uniform.

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- (d) Assigned officers shall check in by radio or telephone with the Communications Center, giving the location and hours of the assignment, no later than the starting time of the assignment. Upon arrival at the assignment post and again at the completion of the assignment, the assigned officer shall notify the Communications Center by radio or telephone. The dispatcher will record the officer's extra-duty assignment in the CAD system.
- (e) When working off-duty, the member shall be covered by the outside employer's Workers' Compensation or insurance for any accidental illness or injury that occurs while the member is engaged in that employment.
- (f) Members shall be compensated directly by the outside employer and are responsible for all tax liabilities related to that compensation.

1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Members are prohibited from working outside or off-duty employment:

- (a) Prior to satisfactory completion of the Field Training Program;
- (b) While on sick leave, injured-on-duty leave, or workers compensation;
- (c) While on modified/light duty assignment;
- (d) While under investigation for alleged misconduct, disciplinary suspension or on administrative leave with pay;
- (e) During the hours when they are on on-call status for the department; or
- (f) During hours that would conflict with their regular duties, including scheduled work hours, scheduled overtime, and court appearances (however, they may use earned leave as long as that leave would normally be granted).

Revocation of Privileges: The Chief of Police may revoke a member's off-duty employment privileges in conjunction with any of the following:

- The officer has been relieved from duty pending an investigation, administrative action, or as a result of disciplinary action, or while under investigation for alleged misconduct;
- Poor performance or improper conduct while working on duty;
- An officer is placed on light-duty status;
- An officer is placed on Administrative Leave for any reason.
- A demonstrated lack of sound judgment.

An officer who has had his off-duty employment privileges revoked may appeal the action to the Chief of Police or designee. After a review of the circumstances, the Chief of Police, or designee, may modify the action as necessary.

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It is understood that members' regular duties at the department may often require them to work more than 40 hours in a week. Therefore, full-time members shall not work more than 20 cumulative hours of outside and/or off-duty employment in any one week without specific approval in writing by the Chief of Police. Such approval shall not be granted to any employee on probationary status.

1040.3.3 SPECIAL RESTRICTIONS

Once per month the Patrol Lieutenant shall post an offer list of available off duty employment. For a period of two days following the posting, full-time officers of both divisions shall be given first preference in order of seniority to accept available work.

- If after two days, unfilled off duty employment opportunities are still available any Part Time Officer shall be eligible to fill the request.
- If unfilled opportunities still remain Special Officers will be eligible to fill the request.
- A list will be prepared monthly by the officer assigned as the Specials Liaison listing the volunteer hours worked to date by the Special Officers in the calendar year. For purposes of this policy administrative hours (meetings, preparation, stand by, etc will not be counted) Sworn Special Officers will then be offered the opportunity to pick in order of their standing on the list. The Sworn Special Officer with the highest accumulated volunteer hours picks first and the picks continue downward to the lowest accumulated hours.
- The Special Officers shall have two days to make their picks and then the Patrol Lieutenant will open any remaining unfilled off duty employment opportunities to unsworn Specials and sworn officers from outside agencies with law enforcement authority within the borders of the City of Medina. Responsibility for scheduling rests with the Patrol Lieutenant.
- The officer who accepts the request for outside employment is responsible for fulfilling the request.

1040.4 DEPARTMENT RESOURCES

On-duty Patrol supervisors shall have supervisory responsibility over all off-duty assignments during their shifts. They should make periodic checks of off-duty assignment posts to ensure compliance with this directive.

Illness and Injury Reporting

1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational illnesses and work-related injuries.

1042.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - Any occupational illness or work-related injury received or contracted in the course of the employee's employment. This may include a psychiatric condition arising from an occupational illness or work-related injury, or from being the victim of sexual abuse/misconduct while at work (ORC § 4123.01).

1042.2 POLICY

The Medina Police Department will address occupational illnesses and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORC § 4123.01 et seq.; OAC § 4123-3-01 et seq.).

1042.3 RESPONSIBILITIES

1042.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1042.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational illness or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1042.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational illness or work-related injury should review the reports for accuracy and determine what additional action should be taken. The reports shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Division Commander to ensure any required Public Employer Risk Reduction Program (PERRP) reporting is made as required in the Illness and Injury Prevention Policy (OAC § 4167-6-01).

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1042.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Civil Service. The Chief of Police should ensure that incidents involving seven days or more of total disability or death are immediately forwarded to the Civil Service so that timely reporting to the Ohio Bureau of Workers' Compensation may be accomplished (ORC § 4123.28; OAC § 4123-3-03).

Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1042.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1042.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1042.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation for the illness or injury is not affected.

Personal Appearance Standards

1044.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards to ensure employees shall be clean and well-groomed when on-duty, shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police.

1044.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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Personal Appearance Standards

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be small and worn only in or on the earlobe.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1044.3 TATTOOS

The appearance of a police officer is the most common symbol of government authority and professionalism. An officer's appearance is a visual representation of the department and government in general. Therefore, it should be assumed that reasonable restrictions will be placed on police officers and department employees who choose to have visible tattoos or body art.

Tattoos or body art that are extremist, indecent, sexist, racist, offensive, inappropriate for the law enforcement community, or would otherwise undermine the Medina Police Department's mission or its ability to maintain the public's trust and respect are prohibited.

An employee shall not have any tattoos or body art of the head, face, neck (above the collar), scalp, or hands (below the wrist bone) unless authorized by the Chief of Police due to special circumstances.

Officers who wish to obtain additional visible tattoos shall obtain written approval for the design and composition of the tattoo prior to its application from the Chief of Police.

The final determination on the interpretation of a tattoo shall be made by the Chief of Police. The Chief of Police or designee maintains the authority to order the covering of any tattoo.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Police Uniform Regulations

1046.1 PURPOSE AND SCOPE

The uniform policy of the Medina Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Duty Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The Medina Police Department will provide uniforms for all employees who are required to wear them upon their initial hiring. Maintenance of the uniforms is the responsibility of the individual employee. Employees will be provided with a uniform allowance as stated in the current Collective Bargaining Agreement.

1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures, which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

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- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (j) If the uniform is worn while in transit an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- (k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (l) Mirrored sunglasses will not be worn with any Department uniform.
- (m) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or a designee.
 - 1. Wrist watch.
 - 2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Division Supervisor.

1046.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with the following:

- (a) White long sleeve shirt with navy tie.
- (b) Navy blue "Ike" style jacket.
- (c) Navy blue eight point hat.
- (d) Polished shoes.

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Police Uniform Regulations

Boots with pointed toes are not permitted.

1046.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

- (a) The long or short sleeve navy blue shirt may be worn with the collar open. No tie is required. No tie is to be worn with the short sleeve shirt.
- (b) Service "Stars" shall be displayed on the left sleeve. One star indicates five years of service.
- (c) A black crew neck under shirt must be worn with the uniform.
- (d) All shirt buttons must remain buttoned except for the last button at the neck.
- (e) Polished shoes or patent leather shoes.
- (f) Boots with pointed toes are not permitted.
- (g) Socks, if showing, shall be black or navy blue.

1046.3.3 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as SWAT, Bicycle Patrol, and other specialized assignments.

1046.3.4 FOUL WEATHER GEAR

The uniform and equipment specifications manual lists the authorized uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stars and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stars shall be sewn 3 inches from the bottom of the cuff. The stars are to be worn on the left sleeve only.
- (c) The regulation nameplate shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

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- (d) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or a designee. All officers who have completed Crisis Intervention Training (CIT) shall wear the CIT pin above the name tag.
- (e) The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Badges shall be worn on the outermost garment. Sworn non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (f) The designated insignia indicating the rank of sergeant or above shall be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

1046.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Chief of Police or a designee.

1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 1. T-shirt alone.

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2. Open-toed sandals or thongs.
 3. Swimsuit, tube tops or halter tops.
 4. Spandex type pants or see-through clothing.
 5. Distasteful printed slogans, buttons or pins.
 6. Denim pants of any color.
 7. Shorts.
 8. Sweatshirts, sweatpants or similar exercise clothing.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or a designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Medina Police Department or the morale of the employees.
- (g) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Medina Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Medina Police Department to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

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- (c) Replacement of items listed in this order as optional shall be done as follows:
1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Medina Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or a designee.

Medina Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or a designee.

Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department.

1050.1.1 DEFINITIONS

Definitions related to this policy include:

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Personal Relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign

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any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1050.2.1 EMPLOYEES RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or a designee of such actual or potential violations through the chain of command.

Department Badges

1052.1 PURPOSE AND SCOPE

A Medina Police Department badge and uniform patch as well as the likeness of these items and the name of the Medina Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or a designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Medina Police Department with the written approval of the Chief of Police or a designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

1052.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

- (a) Civilian personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn officer.

1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or a designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Medina Police Department. The following modifications shall be included:
 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 2. The badge number portion displays the acronym of the employee association.

Performance History Audits

1056.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- An officer's ability to detect crime
- An officer's work ethic
- An officer's work assignment and shift
- An officer's physical abilities, stature, etc.
- Randomness of events

1056.2 RESPONSIBILITIES

Under the authority of the Division Commander, the Chief of Police is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each officer to the appropriate Division Commander. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

The Division Commander will also forward a copy of each Performance History Audit Report to the Law Director for review and retention as attorney work product and confidential personnel information.

1056.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audit will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1056.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police or a designee of Medina Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include, but are not limited to:

- (a) The frequency and findings of use-of-force incidents.

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- (b) Frequency of involvement and conduct during vehicle pursuits.
- (c) Frequency and findings of citizen complaints.
- (d) Number of commendations, compliments and awards (citizen and Department).
- (e) Claims and civil suits related to the employee's actions or alleged actions.
- (f) Canine bite incidents.
- (g) Internal affairs investigations.
- (h) Frequency and reasons for case rejections by a prosecutor.
- (i) Intentional or unintentional firearm discharges (regardless of injury).
- (j) Vehicle collisions.
- (k) Missed court appearances.
- (l) Documented counseling memos.

1056.5 COMPILATION OF DATA

The Chief of Police will utilize secure systems and other methods to compile and track performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

1056.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Chief of Police will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1056.7 DATA ANALYSIS AND ACTION

Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

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If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and process set forth in the Personnel Complaints Policy.

1056.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audits Reports shall be considered part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Files Policy.

1056.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Chief of Police and all other locations within the Department one year from the date generated. The Law Director, however, shall retain a copy of Performance History Audit Reports for an additional one year period as attorney work product.

Political Activity

1057.1 PURPOSE AND SCOPE

The following regulations, subject to applicable laws, govern members in their participation in political activities.

1057.1.1 PARTISAN POLITICAL ACTIVITY

Employees are restricted in partisan political activity based on the following (ORC § 124.57, ORC § 3501.22 and OAC § 123:1-46-02):

Classified employees are prohibited from engaging in political activity, directly or indirectly, orally or by letter, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office. In addition, they may not solicit or receive, any assessment, subscription, or contribution for any political party or for any candidate for public office.

Unclassified service employees are prohibited from participating in any political activity during duty time and from soliciting political contributions from any state employee.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1057.1.2 PERMITTED ACTIVITY

Members shall be permitted to :

- (a) Register and vote in any election.
- (b) Express opinions as individuals, privately and publicly, on political issues and candidates.
- (c) Attend political conventions, rallies, fund raising functions and similar gatherings as individuals.
- (d) Actively engage in any non-partisan political function.
- (e) Sign political petitions as individuals.
- (f) Make personal financial contributions to political organizations.
- (g) Serve as election judges, clerks or in similar positions to perform non-partisan duties as prescribed by law.
- (h) Hold membership in a political party and participate in its functions to the extent consistent with law and the rules and regulations of this Department.

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- (i) Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

1057.1.3 PROHIBITED ACTIVITIES

Members are prohibited from:

- (a) Using their official capacity to influence, interfere with or affect the results of an election.
- (b) Assuming active roles in the management, organization, or financial activity of partisan political clubs.
- (c) Serving as officers of partisan political parties or clubs.
- (d) Becoming candidates for or campaigning for a partisan elective public office.
- (e) Soliciting votes in support of, or in opposition to, any partisan candidates.
- (f) Serving as a delegate to any political party convention.
- (g) Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature.
- (h) Organizing, selling tickets to, or actively participating in a fund raising function for a partisan political party or candidate.
- (i) Addressing political gatherings in support of, or opposition to a partisan candidate.
- (j) Otherwise engaging in prohibited partisan activities on the federal, state, county, or municipal level.

Employee Speech, Expression and Social Networking

1059.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1059.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1059.2 POLICY

Because public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and negatively impact the performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Medina Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1059.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Medina Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this department has had professional contact with, such as crime victims or the staff

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of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1059.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Medina Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Medina Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Medina Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law of the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Medina Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, data classified as confidential by state or federal law

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or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Medina Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1059.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Medina Police Department or identify themselves in any way that could be reasonably perceived as representing the Medina Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Medina Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1059.5 PARTISAN POLITICAL ACTIVITY

Employees are restricted in partisan political activity based on the following (ORC § 124.57):

- (a) Classified employees are prohibited from engaging in political activity, directly or indirectly, orally or by letter, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office. In addition, they may not solicit or receive any assessment, subscription, or contribution for any political party or for any candidate for public office.
- (b) Unclassified service employees are prohibited from participating in any political activity during duty time and from soliciting political contributions from any state employee.

1059.6 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if it is accessed through department computers or networks.

1059.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

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- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1059.8 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Illness and Injury Prevention

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Medina Police Department, in accordance with the requirements of the Ohio Public Employment Risk Reduction Program (PERRP) (ORC § 4167.01 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1060.2 POLICY

The Medina Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1060.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Division Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet applicable standards.

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- (f) Establishing a process to ensure illnesses and injuries are reported as required under PERRP (OAC § 4167-6-01).

1060.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. Ensuring department compliance to meet standards regarding the following:
 - (a) Communicable diseases (OAC § 4167-3-05; 29 CFR 1910.1030)
 - (b) Heat and cold stress
 - (c) Personal Protective Equipment (PPE) (See the Personal Protective Equipment Policy)
 - (d) Emergency Action Plan (OAC § 4167-3-05; 29 CFR 1910.38)
 - (e) Employment risk reduction standards (ORC § 4167.07)
- (e) Making available the hazards and correction record to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the investigation/corrective action report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Preparing the annual summary of work-related illnesses and injuries by January 15 of each year and forwarding the report to the Chief of Police for approval. Once approved,

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the report shall be sent to PERRP no later than February 1 for the previous year (OAC § 4167-6-01).

- (i) Conducting and documenting a regular review of the illness and injury prevention plan.

1060.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention, including injury and illness reports (OAC § 4167-6-01); such forms and reports shall be submitted to the Administration Division Commander.
- (e) Notifying the Administration Division Commander when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.
- (f) Reporting incidents to the Ohio Bureau of Workers' Compensation - Division of Safety and Hygiene that involve the death of a member, the hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye (OAC § 4167-6-10).

1060.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or

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remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on a hazards and correction record form. This form should be forwarded to the Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1060.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1060.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete a hazards and correction record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1060.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an investigation/corrective action report.

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- (h) Completion of a hazards and correction record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1060.9 TRAINING

The Administration Division Commander should work with the Training Officer to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1060.9.1 TRAINING TOPICS

The Training Officer shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.

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- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1060.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with this policy and state law (OAC § 4167-6-01; OAC § 4167-6-09).

1060.10.1 MONITORING AND MEASURING

The Department shall maintain accurate records of employee exposure to potentially toxic materials, carcinogenic materials and harmful physical agents that are required to be monitored or measured under any Ohio PERRP standard (OAC § 4167-6-09).

Each affected employee or employee representative shall have the opportunity to observe and/or participate in any monitoring or measuring of such regulated exposures and may undertake his/her own monitoring or measuring of such regulated exposures (OAC § 4167-6-09).

1060.10.2 RETENTION OF RECORDS

All records and reports required to be maintained in accordance with the Ohio PERRP shall be retained for five years (OAC § 4167-6-01).

1060.10.3 ACCESS TO RECORDS

The Department shall provide, upon request, records for inspection and copying by any state or county representative as allowed by law. In addition, the Department shall post a copy of the annual summary report as required by OAC § 4167-6-01.

Current or former employees may review records regarding the individual employee's exposure as well as the required log and summary of all recordable occupational injuries and illnesses (OAC § 4167-6-01; OAC § 4167-6-09).

Line-of-Duty Deaths

1061.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Medina Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1061.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1061.2 POLICY

It is the policy of the Medina Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1061.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Sergeant and Dispatch.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Sergeant should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths (#310) and Staff Notification (#345) policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Sergeant or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve

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the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1061.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Sergeant or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

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- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Medina Police Department members may be apprised that survivor notifications are complete.

1061.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1061.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1061.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1061.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1061.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Medina Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1061.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (Division Commander) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1061.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1061.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 1. Honor Guard
 - (a) Casket watch
 - (b) Color guard
 - (c) Pallbearers
 - (d) Bell/rifle salute
 2. Bagpipers/bugler
 3. Uniform for burial
 4. Flag presentation
 5. Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1061.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Medina Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

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1061.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Survivor's benefit (ORC § 145.45)
 - 2. Death benefit (ORC § 742.63; ORC § 742.446)
 - 3. Education benefit (ORC § 3333.26)
 - 4. Volunteer Peace Officers' Dependents Fund (ORC § 143.09)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1061.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 - 1. Paying survivors' travel costs if authorized.
 - 2. Transportation costs for the deceased.
 - 3. Funeral and memorial costs.
 - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1061.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's Division Commander should be the department's contact point for the media. As such, the Division Commander should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the Division Commander.
- (c) Prepare necessary press releases.
 - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the Division Commander should request that the media withhold the information from release until proper notification can be made to survivors. The Division Commander should ensure that media are notified when survivor notifications have been made.

1061.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy (#375).

1061.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1061.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1061.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty, provided any financial obligations are properly approved through established City protocols.

Attachments

Annual Review Directive.pdf

RC2 Police Approved_Page_12.jpg

OCLEAC Standard 1.pdf

RC2 Police Approved_Page_16.jpg

Domestic Violence form 2.JPG

RC2 Police Approved_Page_07.jpg

MPD Incident form.jpg

City of Medina Incident Report Form

Name of Employee / Contractor Involved: _____

Department / Job Site: _____ Date of Incident: _____

Time: _____ A.M. / P.M. Location: _____

Description of Incident: _____

Witness(es): (name, address, phone) _____

Were any safety regulations violated: _____ If so, please explain: _____

Personal Injury	
Name of Injured Employee / Contractor: _____	Age: _____ Sex: _____
Department: _____	Nature of Injury: _____
Degree of Injury: <input type="checkbox"/> First Aid <input type="checkbox"/> Doctor Visit <input type="checkbox"/> Hospital <input type="checkbox"/> Other _____	
Equipment Damage	
Type of Equipment: _____	Estimated Damage: _____
Other Persons or Property Damage	
Name of Injured Party: _____	Age: _____ Sex: _____
Address: _____	Phone: _____
Nature/Estimated Damage: _____	

Primary Cause: _____

Additional Comments: _____

Incident Report Completed By: _____ Department: _____

Police Report Made: _____ Yes _____ No _____ Police Report No. _____

* If the injury required treatment, time off work OR if property damage is over \$500.00 you may be required to appear at the next scheduled Accident Review Board meeting. You will be advised accordingly by your department head.

Date reviewed by Accident Review Board: _____

Distribution: Safety Director, Law Director, Service Director

RC2 Police Approved_Page_03.jpg

Data Security Acknowledgement.pdf

Bureau Of Criminal Investigations Ohio Law Enforcement Gateway Data Security Use Policy

All applications and data are on a need to know basis. Any unauthorized access, use or dissemination of any data is considered a breach of security and could result in revocation of use rights and / or civil and criminal charges.

Control and Maintenance

AGO Policy will be reviewed and revised in accordance with parameters established in the AGO Security Policy.

User Acknowledgment

I acknowledge that I have read and understand the above listed policy. I acknowledge that I am responsible for reading and understanding the OHLEG Rules and Regulations. I also state that I will adhere to these directives and that failure to do so may constitute a security violation resulting in denial of access to BCI OHLEG information resources as well as other products and services provided by the AGO. I also understand that violation of this policy will be reported to the appropriate authorities and may result in administrative, criminal, or other adverse disciplinary action deemed appropriate

PrintedName: _____ Date: _____

Signature: _____ ORI #: _____

Agency
Name: _____

Agency Acknowledgment

I acknowledge that I have read and understand the above listed policy. I acknowledge that I am responsible for reading and understanding the OHLEG Rules and Regulations. I also state that I am responsible for the users that are assigned to my charge and will adhere to these directives and that failure to do so may constitute a security violation resulting in denial of access to BCI OHLEG information resources as well as other products and services provided by the AGO. I also understand that violation of this policy will be reported to the appropriate authorities and may result in administrative, criminal, or other adverse disciplinary action deemed appropriate

PrintedName: _____ Date: _____

Title: _____

Signature: _____ ORI #: _____

RC2 Police Approved_Page_19.jpg

Lexipol Directive.pdf

MEDINA POLICE DEPARTMENT DIRECTIVE

TO: ALL EMPLOYEES

FROM: PATRICK J. BERARDUCCI, CHIEF OF POLICE

COPIES: PROFESSIONAL STANDARDS OFFICER

SUBJECT: ADOPTION OF MEDINA POLICE POLICY MANUAL 2011

FILE #1200.4

DATE: May 17, 2011

Effective this date, Sergeant Brett McNabb is designated as the Professional Standards Officer for this department. He shall be responsible for maintaining the department policy manual and administering the associated Daily Training Bulletins.

In late 2010, the Medina Police Department contracted with Lexipol for a web based policy manual and training system.

Lexipol is America's leading source of risk management resources for public safety organizations, delivering its services through a unique, web-based development system with an integrated training component.

The Lexipol system has helped public safety agencies reduce risk and stay ahead of litigation trends, while communicating clear and concise policy guidance to their employees.

Sergeant Calvin Undercoffer was a member of the statewide peer development team, which first developed a Master Manual for Ohio. Sergeant Brett McNabb was then assigned to customize the Ohio Master Manual for the Medina Police Department. He was assisted by many people to include Lieutenants Robert Starcher and Dave Birckbichler.

The various policies which make up our manual have been developed in compliance with Federal and Ohio state law as well as accepted best practices from law enforcement agencies nationwide. The manual will be updated when case law changes.

You will be able to access the web based manual from any computer when you have questions and the version will always be current.

On April 7, 2011, Mayor Dennis Hanwell reviewed the draft of our updated policy manual and has approved it for adoption. Effective June 1, 2011 the Medina Police Department and the City of Medina will adopt and implement this updated manual.

Each employee will be receiving an email message with a hyperlink to the final draft of the policy manual. You are each required to review the final draft manual before June 1.

On June 1, 2011, you will each be required to log in to the Lexipol web site which hosts our manual and acknowledge receipt of the final version. Sergeant Brett McNabb will furnish each of you with specific log in instructions and is available to answer any questions you may have.

The second part of this process will be a product called Daily Training Bulletins or DTBs, which you will be required to read each day you are on duty and acknowledge.

The DTBs are designed to reinforce your understanding of our policies and are developed by Lexipol from our adopted policies. The DTBs should take no more than 5 to 6 minutes to complete and should become a regular part of your daily routine. Again they can be completed from any computer including the in car MDTs.

Your use of the DTBs is recorded on line and retrievable. Supervisors will be required by this order to monitor compliance with this directive.

Sergeant McNabb will forward to each of you more detailed instructions for your use of the manual and the DTBs.

If you have any questions regarding this order please contact Sergeant Brett McNabb.

So ordered.



Patrick J. Berarducci
Chief of Police

Citation Amendment Form.pdf



EDWARD R. KINNEY
CHIEF OF POLICE

Medina Police Department
150 West Friendship St.
Medina, Ohio 44256-1896
Office: 330-723-3181
Department: 330-725-7777
Fax: 330-722-4451
www.medinaoh.org

DATE:

TO: Medina City Prosecutors Office

FROM:

REF CITATION:

Please amend the above citation with the following information:

Correct/Add the SSN:

Correct/Add the DOB:

Correct the Date of stop to:

Correct the State of Registration of the Vehicle:

Correct the Location of the Traffic Stop to:

Correct the ORC/ORD From:

To:

Officer Signature:

Date of Issuance:

Court Date:

Other Corrections:

PLEASE ATTACH A COPY OF THE CITATION BEING AMENDED AND FORWARD WITH THIS FORM TO THE PROSECUTORS OFFICE (form may be placed in the City Prosecutor's box in Records)

Preserving the Past. Forging the Future.

RC2 Police Approved_Page_02.jpg

RC2 Police Approved_Page_08.jpg

MPD Operational Briefing.pdf

SUSPECT INFORMATION

SUSPECT'S NAME	DATE OF BIRTH	RACE	SEX
----------------	---------------	------	-----

ALIASES: PHOTO ATTACHED

DESCRIPTION / CHARACTERISTICS (*Height, Weight, Scars, Marks, Tattoos, Language Proficiency, Etc.*)

HOME ADDRESS & TELEPHONE NUMBER	WORK ADDRESS & PHONE NUMBER
---------------------------------	-----------------------------

- KNOWN TO BE ARMED
- FELONY ARRESTS
- HISTORY OF VIOLENCE
- MENTAL ILLNESS
- SUBSTANCE ABUSE
- SPECIALIZED TRAINING
- GANG AFFILIATION
- ANTI-GOVERNMENT
- OTHER:

DESCRIPTION: ASSOCIATES:

SUSPECT VEHICLE INFORMATION

YEAR	MAKE	MODEL	VEHICLE # 1		LICENSE / STATE
			COLOR		

CHARACTERISTICS:

YEAR	MAKE	MODEL	VEHICLE # 2		LICENSE / STATE
			COLOR		

CHARACTERISTICS:

UNDERCOVER / INFORMANT INFORMATION

NAME	ROLE	ELECTRONIC EQUIPMENT	VEHICLE
------	------	----------------------	---------

DESCRIPTION:

NAME	ROLE	ELECTRONIC EQUIPMENT	VEHICLE
------	------	----------------------	---------

DESCRIPTION:

BUST SIGNALS

- BUST: UC / CS IN TROUBLE: EQUIPMENT PROBLEMS:
- ABORT OPERATION: VISUAL SIGNAL:
- OTHER:

EMERGENCY INFORMATION

NEAREST HOSPITAL: MEDINA GENERAL HOSPITAL (330) 725-1000 1000 E WASHINGTON (SR 18), MEDINA

- LST NOTIFIED LST PARTICIPATING
- DISPATCH / COMMUNICATIONS NOTIFIED

PERSONNEL AND ASSIGNMENTS

NAME	CELL	ASSIGNMENT	RESCUE OP.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

TACTICAL PLAN (Synopsis)

CONTINGENCY / ABORT PLANS (e.g. Extraction, Barricade, Hostage, Fleeing, Rip-Off, Trips)

- LOCAL TRIP LONG TRIP FRONT MONEY
 PRE BUY SURVEILLANCE POST BUY SURVEILLANCE LONG WAIT

AGENCIES INVOLVED

CONTACT / LIASON:
PRIMARY RADIO:
PREPARED BY:

MARKED UNITS ON STAND-BY:
WIRE FREQUENCY:

K-9:
EMERGENCY CONTACT:

00001.jpg

RC2 Police Approved_Page_09.jpg

MPD Subject Control Report w forms.jpg

RC2 Police Approved_Page_01.jpg

RC2 Police Approved_Page_06.jpg

RC2 Police Approved_Page_15.jpg

Taser Pic.jpg

Incident # _____	Medina Police Department Use of Taser Report	Taser Serial # _____
-------------------------	---	-----------------------------

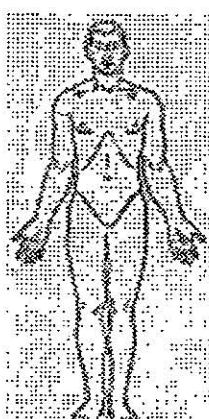
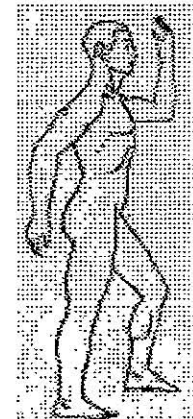
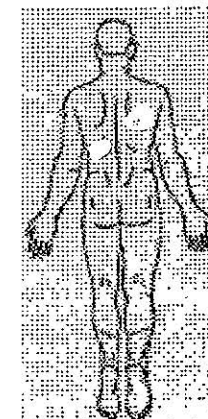

Cartridge Serial # _____

of Cycles _____ Penetration: Skin Clothing Miss

Taser Use Effective Yes No Deployment Successful Yes No

Drive Stun

of Cycles _____ **# of Applications** _____ **Counter Pressure Used** Y N

 Front	 R. Side	 Back	 L. Side	<p>Mark Probe Hits on Body With Circle and #</p> <p>Mark Drive Stuns on body with X</p>
--	--	---	---	---

Taser Probe Removal None Medic Hospital Personnel Subject Other

Subject Injury Resulting from Taser None Minor Serious

Incident Type _____

Subject Influence Yes No If known, Specify: _____

Deploying Personnel _____

Signature Badge

Supervisor _____

Signature Badge

Facial Recognition Log.pdf

RC2 Police Approved_Page_11.jpg

RC2 Police Approved_Page_04.jpg

RC2 Police Approved_Page_10.jpg

00002.jpg

Domestic Violence form 1.JPG

OCLEAC Standard 2.pdf

Citation Amendment form.jpg

RC2 Police Approved_Page_14.jpg

RC2 Police Approved_Page_17.jpg

2021 Records Retention Schedule (RC-2).pdf



Ohio History Connection
 State Archives of Ohio
 Local Government Records Program
 800 E. 17th Avenue
 Columbus, Ohio 43211-2474
 614.297.2553
localrecs@ohiohistory.org
www.ohiohistory.org/lgr

NOV 17 2021

STATE AND LOCAL
 GOVERNMENT RECORDS

RECORDS RETENTION SCHEDULE (RC-2)– Part 1

See instructions before completing this form. Must be submitted with PART 2

Section A and Section B must be filled out and signed by local government before submission to the State Archives

Section A: Local Government Unit

City of Medina

Police

(Local Government Entity)

(Unit)

D Hanwell

Dennis Hanwell

Mayor

11-16-2021

(Signature of Responsible Official)

(Name)

(Title)

(Date)

Section B: Records Commission

See ORC 149.38 – ORC 149.412 for Records Commission information

City of Medina

330-722-9020

(Telephone Number)

132 N. Elmwood

Medina

44256

Medina

(Address)

(City)

(Zip Code)

(County)

To have this form returned to the Records Commission electronically, include an email address:

scrow@medinaoh.org

I hereby certify that our records commission met in an open meeting, as required by Section 121.22 ORC, and approved the schedules listed on this form and any continuation sheets. I further certify that our commission will make every effort to prevent these records series from being destroyed, transferred, or otherwise disposed of in violation of these schedules and that no record will be knowingly disposed of which pertains to any pending legal case, claim, action or request. This action is reflected in the minutes kept by this commission.

D Hanwell

11-16-2021

Records Commission Chair Signature

Date

Section C: Ohio History Connection - State Archives

Digitally signed by Amanda

Amanda Rindler

Rindler

Date: 2021.11.24 09:36:01 -05'00'

Local Government Records Archivist

11/24/2021

Signature

Title

Date

Section D: Auditor of State

Martin E. Meeks

Digitally signed by Martin E.

Meeks

Date: 2021.12.02 16:17:56 -05'00'

Records Manager

Signature

Title

Date

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

Please Note: The State Archives retains RC-2 forms permanently. It is strongly recommended that the Records Commission retain a permanent copy of this form

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
GA-1a	Annual Reports	Until Scanned	Paper		<input type="checkbox"/>
GA-1b	Annual Reports	3 Years	Electronic		<input checked="" type="checkbox"/>
GA-2a	Inventory Records	Until Scanned	Paper		<input type="checkbox"/>
GA-2b	Inventory Records	2 Years or until revised	Electronic		<input type="checkbox"/>
GA-3a	Reports – Offense, Incident, Arrest	Until Scanned	Paper		<input type="checkbox"/>
GA-3b	Reports – Offense, Incident, Arrest	6 years	Electronic		<input type="checkbox"/>
GA-4a	Policy Manual Updates	Until Scanned	Paper		<input type="checkbox"/>
GA-4b	Policy Manual Updates	3 Years or until no further administrative value	Electronic		<input type="checkbox"/>
GA-5b	Computer Aided Dispatch Statistics	6 Years	Electronic		<input type="checkbox"/>
GA-6a	Copies of Computer-Generated Reports	Until Scanned	Paper		<input type="checkbox"/>
GA-6b	Copies of Computer-Generated Reports	Until no further administrative value	Paper		<input type="checkbox"/>
GA-7b	Criminal Arrest Statistics	6 years	Multi		<input type="checkbox"/>
GA-8b	Digital Memory Cards	Until downloaded to computer, erase and re-use	Electronic		

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
					<input type="checkbox"/>
GA-9a	External Correspondence - personal letters/memo, to/from division	Until Scanned	Paper		<input type="checkbox"/>
GA-9b	External Correspondence - personal letters/memos, to/from division	1 Year or until no further administrative value	Electronic		<input type="checkbox"/>
GA-10a	Vehicle Records	Until Scanned	Paper		<input type="checkbox"/>
GA-10b	Vehicle Records	6 Years or until no further administrative Value	Electronic		<input type="checkbox"/>
GA-11a	Informant or Source Forms Files (paid and unpaid)	Until Scanned	Paper		<input type="checkbox"/>
GA-11b	Informant or Source Forms Files (paid and unpaid)	6 Years after being made inactive	Electronic		
GA-12a	Inspection Forms, Reports and Audits (individual or facilities)	Until Scanned	Paper		<input type="checkbox"/>
GA-12b	Inspection Forms, Reports, and Audits (individual or facilities)	1 year	Electronic		<input type="checkbox"/>
GA-13a	Internal Correspondence - letters, memos, etc.	Until Scanned	Paper		<input type="checkbox"/>
GA-13b	Internal Correspondence - letters, memos, etc.	Originator to retain 1 year or until no further administrative value	Electronic		<input type="checkbox"/>
GA-14a	Intranet & Internet Postings on the division website	Until Scanned	Paper		<input type="checkbox"/>
GA-14b	Intranet & Internet Postings on the division website	Until no further administrative value	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
GA-15a	Labor Union Agreements/Negotiations	Until Scanned	Paper		<input type="checkbox"/>
GA-15b	Labor Union Agreements/Negotiations	15 Years from expiration	Electronic		<input type="checkbox"/>
GA-16a	Master Forms	Until Scanned	Paper		<input type="checkbox"/>
GA-16b	Master Forms	Until Revised, retain obsolete version until no further administrative value	Electronic		<input type="checkbox"/>
GA-17a	Meeting Minutes & Notes	Until Scanned	Paper		<input type="checkbox"/>
GA-17b	Meetings Minutes & Notes	3 Years	Electronic		<input checked="" type="checkbox"/>
GA-18a	Investigative Files – Non-Criminal	Until Scanned	Paper		<input type="checkbox"/>
GA-18b	Investigative Files-Non-Criminal	2 Years or in cases involving public officials 7 years after separation	Electronic		<input type="checkbox"/>
GA-19b	News Tapes	2 Weeks	Electronic		<input type="checkbox"/>
GA-20b	Offense Report Statistics	6 Years	Electronic		<input type="checkbox"/>
GA-21a	Operations & Activity Reports (not otherwise specified in this schedule)	Until Scanned	Paper		<input type="checkbox"/>
GA-21b	Operations & Activity Reports (not otherwise specified in this schedule)	6 Years	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
GA-22b	Personnel Assignment, Rosters, and/or Schedules (daily, weekly, monthly, off duty-details)	2 Years	Electronic		<input type="checkbox"/>
GA-23a	Petty Cash Ledgers	Until Scanned	Paper		<input type="checkbox"/>
GA-23b	Petty Cash Ledgers	3 Years after audit	Electronic		<input type="checkbox"/>
GA-24a	Phone Logs, Message Slips, FAX Forms, Calendars	Until Scanned	Paper		<input type="checkbox"/>
GA-24b	Phone Logs, Message Slips, FAX Forms, Calendars	Until no further administrative value	Electronic		<input type="checkbox"/>
GA-25a	Off Duty Request	Until Scanned	Paper		<input type="checkbox"/>
GA-25b	Off Duty Request	6 months after completion	Electronic		<input type="checkbox"/>
GA-26a	Travel Expense Forms	Until Scanned	Paper		<input type="checkbox"/>
GA-26b	Travel Expense Forms	1 year	Electronic		<input type="checkbox"/>
GA-27b	Cruiser Recordings-Non-evidentiary	Minimum 30 days	Electronic		<input type="checkbox"/>
GA-27c	Cruiser Recordings-Evidentiary	Minimum 30 days or until no longer of evidentiary value	Electronic		<input type="checkbox"/>
GA-28a	Impounded Vehicle Release Form	Until Scanned	Paper		<input type="checkbox"/>
GA-28b	Impounded Vehicle Release Form	2 Years	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2

See instructions before completing this form.

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
GA-29a	Audio/Video Request Forms	Until Scanned	Paper		<input type="checkbox"/>
GA-29b	Audio/Video Request Forms	2 Years provided no criminal/civil action pending	Multi		<input type="checkbox"/>
GA-30b	Telephone / 911 / Radio Recorder	2 Years	Electronic		<input type="checkbox"/>
GA-31a	Ohio Traffic Crash Reports	30 Days after scanning	Paper		<input type="checkbox"/>
GA-31b	Ohio Traffic Crash Reports	Indefinite	Electronic		<input type="checkbox"/>
GA-32a	Cash Register Receipts	Until Audited	Paper	Audited means: the years encompassed by the records have been audited by the Auditor of State and the audit report has been released pursuant to Sec. 117.26 O.R.C.	<input type="checkbox"/>
GA-33b	Security Camera Recordings	One cycle, then re-use provided no action pending	Electronic		<input type="checkbox"/>
GA-34a	Traffic & Parking Citations	2 Years	Paper		<input type="checkbox"/>
GA-35a	Public Records Requests	2 Years	Paper		<input type="checkbox"/>
GA-36a	Records Retention Schedule and Related Forms, Development	Until Scanned	Paper		<input type="checkbox"/>
GA-36b	Records Retention Schedule and Related Forms, Development	Permanent	Electronic		<input type="checkbox"/>
GA-37b	Booking Camera Video	One cycle then re-use provided no action pending	Electronic		<input type="checkbox"/>
GA-38b	Body Camera Footage Non-evidentiary	Minimum 30 days	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
GA-38b	Body Camera Footage Non-evidentiary	Minimum 30 days	Electronic		<input type="checkbox"/>
GA-38c	Body Camera Footage Evidentiary	Minimum 30 days unless kept for evidentiary value	Electronic		<input type="checkbox"/>
GA-39a	BCI Monthly Reports – Domestic Violence	Until Scanned	Paper		<input type="checkbox"/>
GA-39b	BCI Monthly Reports – Domestic Violence	2 Years	Electronic		<input type="checkbox"/>
GA-40a	Bicycle License Registration	Until Scanned	Paper		<input type="checkbox"/>
GA-40b	Bicycle License Registration	7 Years	Electronic		<input type="checkbox"/>
GA-41a	Warning Notice	Until no further administrative value	Multi		<input type="checkbox"/>
GA-42a	Solicitor Permits	Until Scanned	Paper		<input type="checkbox"/>
GA-42b	Solicitor Permits	Until no further administrative value	Electronic		<input type="checkbox"/>
GA-43a	Parking Citations	2 Years	Paper		<input type="checkbox"/>
BP-1a	Accounts Payable	Until Scanned	Paper		<input type="checkbox"/>
BP-1b	Accounts Payable	3 Years	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
BP-2a	Accounts Receivable	Until Scanned	Paper		<input type="checkbox"/>
BP-2b	Accounts Receivables	3 Years	Electronic		<input type="checkbox"/>
BP-3a	Assignment Order	Until Scanned	Paper		<input type="checkbox"/>
BP-3b	Assignment order	3 Years from Re-assignment	Electronic		<input type="checkbox"/>
BP-4a	Auto Auction Files	Until Scanned	Paper		<input type="checkbox"/>
BP-4b	Auto Auction Files	2 Years	Electronic		<input type="checkbox"/>
BP-5a	Background Investigation Files & Examinations (for employment but not hired)	Until Scanned	Paper		<input type="checkbox"/>
BP-5b	Background Investigation Files & Examinations (for employment but not hired)	2 Years	Electronic		<input type="checkbox"/>
BP-7a	Background Pre-Investigative Summary/Tracker	Until Scanned	Paper		<input type="checkbox"/>
BP-7b	Background Pre-Investigative Summary/Tracker	1 Year	Electronic		<input type="checkbox"/>
BP-8a	Budget Materials & Reports	Until Scanned	Paper		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
BP-8b	Budget material & reports	2 Years	Electronic		<input type="checkbox"/>
BP-9a	Change of Name, Address, Phone Number	Until Scanned	Paper		<input type="checkbox"/>
BP-9b	Change of Name, Address, Phone Number	1 Year	Electronic		<input type="checkbox"/>
BP-11a	Grant Records	Until Scanned	Paper		<input type="checkbox"/>
BP-11b	Grant Records	3 Years after audited	Electronic		<input type="checkbox"/>
BP-12a	Issued Equipment Records	Until Scanned	Paper		<input type="checkbox"/>
BP-12b	Issued Equipment Records	1 Year from Separation	Electronic		<input type="checkbox"/>
BP-13a	Master Personnel Files (Sworn/Civilian) Background Investigation Files, Application, Training Records, Separation Forms	Until Scanned	Paper		<input type="checkbox"/>
BP-13b	Master Personnel Files (Sworn/Civilian) Background Investigation Files, Application, Training Records, Separation Forms	2 Years from date of separation provided no litigation pending	Electronic		<input type="checkbox"/>
BP-15a	Payroll Spread Sheets	Until Scanned	Paper		<input type="checkbox"/>
BP-15b	Payroll Spread Sheets	Until No Further Administrative Value	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
BP-16b	Police Personnel Reports	6 Years	Paper		<input type="checkbox"/>
BP-18a	Unclaimed & Abandoned Vehicle Affidavit	Until Scanned	Paper		<input type="checkbox"/>
BP-18b	Unclaimed & Abandoned Vehicle Affidavit	2 Years	Electronic		<input type="checkbox"/>
BP-20a	Payroll Records (Summaries, Reports, Request Off, Time Sheets)	Until Scanned	Paper		<input type="checkbox"/>
BP-20b	Payroll Records (Summaries, Reports, Request Off, Time Sheets)	2 Years	Electronic		<input type="checkbox"/>
PD-1a	Fatal Accident Files	Until Scanned	Paper		<input type="checkbox"/>
PD-1b	Fatal Accident Files	21 Years provided no civil/criminal action pending	Electronic		<input type="checkbox"/>
PD-2a	Parade Permits	Until Scanned	Paper		<input type="checkbox"/>
PD-2b	Parade Permits	3 Years	Electronic		<input type="checkbox"/>
PD-3a	Request for Drivers License Exam (DL.15)	Until Scanned	Paper		<input type="checkbox"/>
PD-3b	Request for Drivers License Exam (DL.15)	6 Years	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PD-4a	School Bus Violation Investigations	Until Scanned	Paper		<input type="checkbox"/>
PD-4b	School Bus Violation Investigations	Until no further administrative value provided no criminal/civil action pending	Electronic		<input type="checkbox"/>
PD-5a	Special Event/Activity Plans	Until Scanned	Paper		<input type="checkbox"/>
PD-5b	Special Event/Activity Plans	2 Years from date of event	Electronic		<input type="checkbox"/>
PD-6a	BAC Log	Until Scanned	Paper		<input type="checkbox"/>
PD-6b	BAC Log	6 Years provided no criminal/civil action pending	Electronic		<input type="checkbox"/>
PD-7a	Citizen Ride-Along Request/Release	Until Scanned	Paper		<input type="checkbox"/>
PD-7b	Citizen Ride-Along Request/Release	2 Years	Electronic		<input type="checkbox"/>
PD-8a	Liquor Permits	Until Scanned	Paper		<input type="checkbox"/>
PD-8b	Liquor Permits	3 Years	Electronic		<input type="checkbox"/>
PD-9a	Health Screen Forms (Department of Health)	Until Scanned	Paper		<input type="checkbox"/>
PD-9b	Health Screen Forms (Department of Health)	7 Years	Electronic		

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PD-10a	Temporary Holding Facility Log (THF)	Until Scanned	Paper		<input type="checkbox"/>
PD-10b	Temporary Holding Facility Log (THF)	2 Years	Electronic		<input type="checkbox"/>
COM-1a	Subpoena Receipt Logs	Until Scanned	Paper		<input type="checkbox"/>
COM-1b	Subpoena Receipt Logs	1 Year	Electronic		<input type="checkbox"/>
COM-2a	Copies of TPO & CPO	Until Scanned	Paper		<input type="checkbox"/>
COM-2b	Copies of TPO & CPO	1 Year from cancellation or expiration	Electronic		<input type="checkbox"/>
COM-3a	LEADS Newsletter/Sign off record	Until Scanned	Paper		<input type="checkbox"/>
COM-3b	LEADS Newsletter/Sign off record	3 Years	Electronic		<input type="checkbox"/>
COM-5a	LEADS/CCH/FBI Log	Until Scanned	Paper		<input type="checkbox"/>
COM-5b	LEADS/CCH/FBI Log	2 Years	Electronic		<input type="checkbox"/>
COM- 6a	Business Emergency Contact Info	Until Scanned	Paper		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
COM-6b	Business Emergency Contact Info	Until no further administrative value	Electronic		<input type="checkbox"/>
COM-7a	Validations Form LEADS	Until Scanned	Paper		<input type="checkbox"/>
COM-7b	Validation Form LEADS	3 Years	Electronic		<input type="checkbox"/>
COM-8a	Warrant/Warrant Recall Notices/ Summons-Copies	Until Scanned	Paper		<input type="checkbox"/>
COM-8b	Warrant/Warrant Recall Notices/ Summons - Copies	Until No Further administrative value	Electronic		<input type="checkbox"/>
SOD-1a	Domestic Violence Case Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-1b	Domestic Violence Case Files	21 Years Provided no action pending	Electronic		<input type="checkbox"/>
SOD-2a	Juvenile Investigation Packages	Until Scanned	Paper		<input type="checkbox"/>
SOD-2b	Juvenile Investigation Packages	6 years provided no action pending	Electronic		<input type="checkbox"/>
SOD-3a	Locator Posters	Until Scanned	Paper		<input type="checkbox"/>
SOD-3b	Locator Posters	Until No Further administrative value	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
SOD-4a	Missing Person Packages/Dental Records Requests	Until Scanned	Paper		<input type="checkbox"/>
SOD-4b	Missing Person Packages/Dental Records Request	3 Years after case is closed	Electronic		<input type="checkbox"/>
SOD-5a	Aggravated Assault Case File Packages	Until Scanned	Paper		<input type="checkbox"/>
SOD-5b	Aggravated Assault Case File Packages	21 Years provided no criminal/civil action pending	Electronic		<input type="checkbox"/>
SOD-6a	Auto Theft Felony Packages	Until Scanned	Paper		<input type="checkbox"/>
SOD-6b	Auto Theft Felony Packages	6 years provided no action	Electronic		<input type="checkbox"/>
SOD-7a	Burglary Case Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-7b	Burglary Case Files	21 Years provided no criminal/civil action pending	Electronic		<input type="checkbox"/>
SOD-8a	D.O.A./ Suicide Case Files	5 Years	Paper		<input type="checkbox"/>
SOD-8b	D.O.A./Suicide Case Files	Permanent	Electronic		<input type="checkbox"/>
SOD-9A	Forgery-Fraud Case Files	Until Scanned	Paper		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
SOD-9b	Forgery-Fraud Case Files	10 Years provided no action pending	Electronic		<input type="checkbox"/>
SOD-10a	Fugitive Case Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-10b	Fugitive Case Files	6 Years	Electronic		<input type="checkbox"/>
SOD-11a	Homicide Case Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-11b	Homicide Case Files	Permanent	Electronic		<input checked="" type="checkbox"/>
SOD-12a	Pawnshop Receipts	Until Scanned	Paper		<input type="checkbox"/>
SOD-12b	Pawnshop Receipts	3 Years	Electronic		<input type="checkbox"/>
SOD-13a	Police Involved Shooting Investigations	10 Years	Paper		<input type="checkbox"/>
SOD-13b	Police Involved Shooting Investigations	Permanent	Electronic		<input type="checkbox"/>
SOD-14a	Robbery Case Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-14b	Robbery Case Files	21 Years provided no criminal/civil action pending	Electronic		<input type="checkbox"/> <input type="checkbox"/>
SOD-15a	Sexual Abuse Case Files	Until Scanned	Paper		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
SOD-15b	Sexual Abuse Case Files	21 Years provided no criminal/civil action pending	Electronic		<input type="checkbox"/>
SOD-16a	Annual Evidence & Property Inventory	Until Scanned	Paper		<input type="checkbox"/>
SOD-16b	Annual Evidence & Property Inventory	6 Years	Electronic		<input type="checkbox"/>
SOD-17a	Forfeiture Files	Until Scanned	Paper		<input type="checkbox"/>
SOD-17b	Forfeiture Files	6 Years, provided no action pending	Electronic		<input type="checkbox"/>
SOD-18a	Motion to Dispose of Property (Medina Municipal Court and Medina County Court)	Until Scanned	Paper		<input type="checkbox"/>
SOD-18b	Motion to Dispose of Property (Medina Municipal Court and Medina County Court)	3 Years	Electronic		<input type="checkbox"/>
SOD-19a	Property Room Register	Until Scanned	Paper		<input type="checkbox"/>
SOD-19b	Property Room Register	2 Years	Electronic		<input type="checkbox"/>
SOD-20a	Property & Evidence Chain of Custody/Transfer	Until Scanned	Paper		<input type="checkbox"/>
SOD-20b	Property & Evidence Chain of Custody/Transfer	6 Years or until associated property is disposed of	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PS-1a	Division Directive (Obsolete Editions)	Until Scanned	Paper		<input type="checkbox"/>
PS-1b	Division Directive (Obsolete Editions)	6 Years/ permanent	Electronic		<input type="checkbox"/>
PS-2a	Administrative & Supervisor Meeting Agendas	Until Scanned	Paper		<input type="checkbox"/>
PS-2b	Administrative & Supervisor Meeting Agendas	3 Years	Electronic		<input type="checkbox"/>
PS-3a	Grievance/Discipline Files	Until Scanned	Paper		<input type="checkbox"/>
PS-3b	Grievance/Discipline Files	6 Years	Electronic		<input type="checkbox"/>
PS-4a	Labor Relations Correspondence	Until Scanned	Paper		<input type="checkbox"/>
PS-4b	Labor Relations Correspondence	Duration of Contract	Electronic		<input type="checkbox"/>
PS-5a	Step 3 Grievance Responses	Until Scanned	Paper		<input type="checkbox"/>
PS-5b	Step 3 Grievance Responses	3 Years	Electronic		<input type="checkbox"/>
PS-6a	Administrative Proceeding Records	Until Scanned	Paper		<input type="checkbox"/>
PS-6b	Administrative Proceeding Records	4 Years provided not civil or criminal action is pending	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2

See instructions before completing this form.

City of Medina Police

(Local Government Entity) (Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PS-7a	Citizen Complaint Investigations	Until Scanned	Paper		<input type="checkbox"/>
PS-7b	Citizen Complaint Investigations	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-8a	Citizen Complaint Form	Until Scanned	Paper		<input type="checkbox"/>
PS-8b	Citizen Complaint Form	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-9a	Complaint Disposition	Until Scanned	Paper		<input type="checkbox"/>
PS-9b	Complaint Disposition	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-10a	Investigations of Complaints Classified as Withdrawn, Unfounded or Exonerated (entries & records)	Until Scanned	Paper		<input type="checkbox"/>
PS-10b	Investigations of Complaints Classified as Withdrawn, Unfounded or Exonerated (entries & records)	3 Years from the date complaint was classified provided, no subsequent corrective/disciplinary action and no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-11a	Criminal Rights Warning/Waiver	Until Scanned	Paper		<input type="checkbox"/>
PS-11b	Criminal Rights Warning/Waiver	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-12a	Injury to Prisoner Investigation Letters	Until Scanned	Paper		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PS-12b	Injury to Prisoner Investigation Letters	3 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-13a	Investigative Summary of Complaint	Until Scanned	Paper		<input type="checkbox"/>
PS-13b	Investigative Summary of Complaint	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-14a	Notification of Departmental Charges Original with Employee Copy in Package	Until scanned	Paper		<input type="checkbox"/>
PS-14b	Notification of Departmental Charges Original with Employee Copy in Package	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-15a	Notification of Internal Investigation & Notification of Rights	Until Scanned	Paper		<input type="checkbox"/>
PS-15b	Notifications of Internal Investigation & Notification of Rights	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-16a	Notification of Internal Investigation Original to Case File Copy to Officer	Until Scanned	Paper		<input type="checkbox"/>
PS-16b	Notification of Internal Investigation Original to Case File Copy to Officer	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/> <input type="checkbox"/>
PS-17a	Request & Consent for Release of Medical Information/Authority	Until Scanned	Paper		<input type="checkbox"/>
PS-17b	Request & Consent for Release of Medical Information/Authority	4 Years	Electronic		<input type="checkbox"/>

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PS-18a	Use of Force Investigation	Until Scanned	Paper		<input type="checkbox"/>
PS-18b	Use of Force Investigation	4 Years provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-19b	City Owned Gun Records	Until Sold or Traded	Multi		<input type="checkbox"/>
PS-20a	Firearms Qualifications Form	Until Scanned	Paper		<input type="checkbox"/>
PS-20b	Firearms Qualifications Form	2 Years from separation provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-21a	F.T.O. Files	Until Scanned	Paper		<input type="checkbox"/>
PS-21b	F.T.O. Files	Until separation provided no civil or criminal action pending	Electronic		<input type="checkbox"/>
PS-22a	Training Records	Until Scanned	Paper		<input type="checkbox"/>
PS-22b	Training Records	2 Years from separation provided no civil or criminal action pending	Electronic		
PS-23a	Instructor Certification Records	Until Scanned	Paper		
PS-23b	Instructor Certification Records	Until separation or expiration	Electronic		

Section E: RECORDS RETENTION SCHEDULE (RC-2) – Part 2*See instructions before completing this form.*

City of Medina

Police

(Local Government Entity)

(Unit)

(1) Schedule Number	(2) Record Title and Description	(3) Retention Period	(4) Media Type	(5) For use by Auditor of State or LGRP	(6) RC-3 Required by LGRP
PS-24a	Issued Equipment	Until Scanned	Paper		
PS-24b	Issued Equipment	6 Years	Electronic		
PS-25a	Ohio Peace Officer Roster Report CPT Requirements & Roster	Until Scanned	Paper		
PS-25b	Ohio Peace Officer Roster Report – CPT Requirements & Roster	6 Years	Electronic		
PS-26a	Special Officer Files	Until Scanned	Paper		
PS-26b	Special Officer Files	2 Years after separation provided no civil or criminal action pending	Electronic		
PS-27a	Taser Maintenance Records	Until Scanned	Paper		
PS-27b	Taser Maintenance Records	2 Years after equipment is removed from service	Electronic		
PS-28b	Taser, Data Port Records	Data port downloaded to disc annually, Data port overwritten when full, disc 20 Years	Multi		

Threat Assessment.pdf

**MEDINA POLICE DEPARTMENT
THREAT ASSESSMENT FOR WARRANT SERVICE**

Search Warrant Location:
 Arrest Warrant Name:
 Date: Officer Name on Warrant:

I. SUSPECT ASSESSMENT	YES	NO	Unknown	Points
A. Known to use or propensity for violence: 1 Homicide 2 Armed Robbery 3 Assault 4 Assault of Peace Officer ** 5 Other?:				
B. Is the suspect on Parole for crime of violence?				
C. Is suspect a drug abuser? <i>If yes, what type(s)?</i>				
D. Is suspect an alcohol/drug abuser with a history of violence?				
E. Is suspect mentally unstable? <i>If yes, describe condition:</i> <i>From where was this info obtained?</i>				
F. Does suspect have military/police background? <i>If yes, was speciality in special forces type training? If LE, what department?</i>				
G. Is the suspect currently/historically associated with an organization which is known or suspected of violent criminal actions/behavior? Can the organization be classified as: 1 Paramilitary 2 Terrorist 3 Religious Extremist 4 Gang 5 Other				
Total from "Suspect Assessment"				
II. Offense Assessment	YES	NO	Unknown	Points
A. Is the offense a felony?				
B. Is the offense a violent felony?				
C. Was "force" used in the commission of the offense?				
D. Were victims injured during the commission of the offense?				
E. Was/were officer(s) injured during the offense?				
Total from "Offense Assessment"				
III. Weapon Assessment	YES	NO	Unknown	Points
A. Is suspect known or believed to possess: 1 Rifle - Semi-auto or bolt/lever action 2 Rifle - full auto * 3 Shotgun 4 Handgun 5 Explosives * 6 Knives 7 Boobie Traps ** 8 Other				
Total from "Weapon Assessment"				
"YES" = 2 points "NO" = 0 points "Unknown" = 1 point				
<small>* If "yes" <u>MANDATORY</u> activation of ESU, if "Unknown" = 10 points ** If "yes" or "unknown", double the point value</small>				

IV. Site Assessment	YES	NO	Unknown	Points
A. Are there geographic barriers or considerations? (may include large area, upstairs apartments or rooms special terrain features, apartment complex, etc.) If "yes", describe:				
B. Is the site fortified? ** If "yes", describe:				
C. Does the site have counter surveillance personnel or monitoring devices? If "yes", describe:				
D. Are <u>ARMED</u> counter surveillance personnel present? *				
E. Are there more than 4 adults present at the site?				
F. Are there children, elderly persons, or handicapped persons present at the site? *** If "yes", describe:				
G. Are there animals at the site? If "yes", describe:				
H. Are there chemical or biological hazards at the site? **** If "yes", describe:				
Total from "Site Assessment"				
"YES" = 2 points "NO" = 0 points "Unknown" = 1 point				
* If "yes" MANDATORY activation of ESU, if "Unknown" = 10 points ** If "yes" or "unknown", double the point value				
*** if "yes" then subtract 5 points **** Only execute with officers certified to deal with these situations				

Threat Assessment Score		
1-18 Points = ESU Optional	Total from "Suspect Assessment"	
18+ Points = Automatic ESU Activation	Total from "Offense Assessment"	
	Total from "Weapon Assessment"	
ESU Not Activated ف	Total from "Site Assessment"	
ESU Activated ف	Overall Total	

"YES" = 2 points "NO" = 0 points "Unknown" = 1 point

* KEY	
*	If "Yes" MANDATORY activation of ESU, if "Unknown" = 10 points
**	If "Yes" or "Unknown", double the point value
***	If "yes" then SUBTRACT 5 points
****	If "Yes" then no service of warrant until officers/civilians certified to handle these situations arrive and can be consulted with. ESU activation may or may not be necessary.

Investigating Officer Signature: _____ Unit #: _____ Date: _____

Lieutenant/Chief Signature: _____ Unit #: _____ Date: _____

ESU Commander's Signature: _____ Unit #: _____ Date: _____

1. All Search Warrants must be approved by a Division Commander. The Chief of Police will approve all high risk warrants.
2. If the Search Warrant is for evidence collection or the search for fruits of a crime only and does not involve a drug case or the search for drugs, then administrative approval is all that is needed and no Threat Assessment sheet is needed.
 - a. If the investigative officer and/or the approving administrator feel the MCSO SWAT Team is needed for any reason with this type of search warrant, the team can be activated.
3. If the Search Warrant is for drugs or is the result of a drug investigation, the following procedures shall be followed:
 - a. A Threat Assessment sheet must be filled out by the investigating officer with the most facts about the case prior to calling for administrative approval.
 - b. The probable cause and case facts shall be given to the approving administrator as well as the Threat Assessment score. The approving administrator has the right to add or subtract from the score based on the information that is discussed.
4. Activation of the SWAT team
 - a. If the Threat Assessment score is 18 or greater, the SWAT Team will be automatically activated with approval from the Chief of Police.
 - b. If the suspect is known to possess a fully automatic rifle, the SWAT Team will be automatically activated with approval from the Chief of Police.
 - c. If the suspect is known to have explosives, the SWAT Team will be automatically activated with approval from the Chief of Police.
 - d. If the suspect is known to have armed counter surveillance personnel present, the SWAT Team will be automatically activated with approval from the Chief of Police.
 - e. If the investigating officer feels that the SWAT Team is needed even if the Threat Assessment score is below 18 and with the approval of the Chief of Police the SWAT Team will be activated.
5. The investigating officer who obtained the search warrant and has the most facts of the case will be in charge of the execution of the search warrant, subsequent arrests and search of the property, and will be responsible for the scene until the property/scene is relinquished back to the property owner.
 - a. If the SWAT Team is activated, the SWAT Team Leader and/or SWAT Team Commander will be in charge of the warrant execution and entry onto the property. Once the scene is secure and the SWAT Team Leader or Commander has indicated that the area is safe, the investigating officer will take charge of the search, subsequent arrests and be responsible for the scene until the property/scene is relinquished back to the property owner.

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**OCLEAC Standards Compliance
Checklist 5-19-2020.pdf**

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Medina PD Policy Manual

Medina PD Policy Manual

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