

NEW BOSTON POLICE DEPARTMENT VILLAGE OF NEW BOSTON, OHIO



DEPARTMENT MANUAL

RULES OF CONDUCT
DIRECTIVES & POLICIES

New Boston Police Department. Rules Manuel	Revised Date: November 20, 2020	Effective Date: December 31, 2012	Total Pages: 1
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FOREWORD OF DEPARTMRNT MANUAL BY CURRENT CHIEF OF POLICE

This manual of Department Directives serves as a standard of conduct for all personnel. It consists of the rules, policies, and procedures which are necessary for the consistent and professional operation of the Police Department. The Chief of Police will keep this manual up to date when new directives, polices or procedures are written by the Chief of Police.

The New Boston Police Department is progressive and innovative. The Department is constantly adapting to meet the needs of a changing society and to follow best practices. The information contained herein reflects the Department's ability to effectively respond to changing needs.

This manual is an important resource and all personnel are required to have a working knowledge of its contents. It is up to each individual to assist in accomplishing the Department's goals. In doing so, the New Boston Police Department will continue to be a professional Law Enforcement Organization.

By this forward statement of the current Chief of Police, all of the rules of conduct and directives contained within this manual are in effect and all personnel shall observe and obey the policies, directives, orders, and procedures of the Department.

By order of the Chief of Police:

Chief Steven Goins

Steven A. Goins
Chief of Police

Up To Date As Of:

November 24, 2020

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New Boston Police Department. Manuel Official Oath	Revised Date: November 20, 2012	Effective Date: December 31, 2012	Total Pages: 1
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Official Oath

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution and Laws of the State of Ohio, and the Laws and Ordinances of the Village of New Boston, and the Rules and Regulations of the New Boston Police Department, and that I will well and faithfully discharge the duties of the office of Police Officer, of the New Boston Police Department of the Village of New Boston, to which I have been appointed according to law and to the best of my ability.

New Boston Police Department. Manuel Code of Ethics	Revised Date: November 20, 2012	Effective Date: December 31, 2012	Total Pages: 1
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Department Code of Ethics

All Department personnel shall follow the Department Police Code of Ethics. The code of ethics identifies the attitudes and behaviors appropriate to the integration of the mission of the New Boston Police Department. The following ethical characteristics are applicable when serving the public as well as working with each other.

- 1.) **Dedication**; personal sacrifice for the greater good, upholding the responsibility accepted, willingness to serve others, professional, reasoned, and unbiased conduct.
- 2.) **Courage**; moral, willingness to do what is right even in the face of criticism, ability to stand up for unpopular beliefs in the face of the majority, strength to make the right decision, not just the easy one.
- 3.) **Physical**; commitment to placing the well-being of others before one's own, readiness to assist the public and fellow employees while recognizing physical risks.
- 4.) **Honesty and Trustworthiness**; truthfulness in all matters, dependability, self-discipline.
- 5.) **Respect for Human Dignity**; compassion and empathy when dealing with people, regardless of their circumstances or social status, fair, equal, civil treatment of all people regardless of their station in life or personal conduct, application of the golden rule.
- 6.) **High Moral Standards**; adherence to a high moral conduct, independent of the requirements of management or the possibilities of repercussions from co-workers, exhibition of honest, ethical behavior at all times, resistance to the temptation of corruption for either monetary or personal gain.
- 7.) **Physical and Mental Fitness and Competence**; physical and mentally ability to complete the task at hand.
- 8.) **Perseverance**; willingness to follow through no matter how daunting a job or investigation, drive to bring a project or investigation to successful conclusion, ability to keep working in spite of physical and mental exhaustion.
- 9.) **Sobriety in the Workplace**; no tolerance for substance abuse.
- 10.) **Respect for Law**; obedience to the laws one is empowered to enforce, willingness to apply to oneself the same standards applied to other.
- 11.) **Empowerment**; allowing others the latitude to do their job and the opportunity to succeed, realizing that short term failure can lead to long term success, granting authority commensurate with responsibility, making common sense an integral part of decision making.
- 12.) **Loyalty to Duty**; loyalty to the oath of office, loyalty to the missions accepted by working for the Department .

New Boston Police Department. Operating Principles	Revised Date: November 20, 2012	Effective Date: December 31, 2012	Total Pages: 1
<div>Operating Principles of the Department</div> <p>We Uphold Our Sacred Trust Guided by These Operating Principles</p> <ol style="list-style-type: none"> 1.) Adherence to the Constitution of the United States and the State of Ohio, the laws of the Village of New Boston and the directives of the Department, and the rules of conduct of the Department. 2.) Personal conduct based on honesty and integrity. 3.) Professional excellence demonstrated by dedication to serving the public as we would expect to be served. 4.) Complete service of the highest quality. 5.) Respect for the dignity of others. 6.) Responsibility for personal actions and the duties associated with our position and a demonstrated willingness to change in response to valid criticism. 7.) Compliance with all written rules, directives, policies, and orders. 8.) Teamwork and cooperation among the Department, with other public and private agencies, and with individuals in order to accomplish mutual objectives. 9.) Encouragement of employees' input and involvement. 10.) attention to the concerns of the public. 11.) Open internal and external communication facilitating individual growth, organizational effectiveness, and service to the public. 12.) Maintenance of a progressively trained, educated, and properly equipped work force. 13.) maintenance of an environment where promotion of the physical, emotional, and mental wellness of the individual ensures a healthy organization. 			

New Boston Police Department. General Law Enf. Ethics	Revised Date: November 20, 2012	Effective Date: December 31, 2012	Total Pages: 1
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General Law Enforcement Code of Ethic

As a Law Enforcement Officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

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

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

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

I know that I alone am responsible for my own standard of professional performance and will take every opportunity to enhance and improve my level of knowledge and competence, I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession.....

.....Law Enforcement

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Mission, Core Values, and Vision Statements

MISSION

We are in service with the purpose to protect, the passion to persevere, and the utmost pride in our performance.

CORE VAULES

Professionalism; demonstrating excellence with leadership, cooperation, dedication and attention to detail.

Respect; demonstrating appreciation for human dignity, diversity, and individual rights while holding reverence for human life above all else.

Integrity; consistently adhering to honesty and ethical behavior and accepting responsibility for our actions.

Discipline; exhibiting proper conduct and self control in the face of adversity through a commitment to training and organizational standards.

Enthusiasm; serving with passion and a sense of urgency to make a difference in our community.

Attention To Detail; excellence through commitment to accuracy and completeness.

Sense Of Urgency; direct response to calls for service while exercising due regards for other legitimate needs.

VISION

United in the spirit of teamwork, the New Boston Police Department will be a trustworthy, diverse, progressive and community-minded organization devoted to providing excellent public service. We will be unyielding in purpose and dedicated to live our Core Values, which reflect our genuine desire to care for the safety and well-being of our community and our employees.

New Boston Police Policies & Directives Chapter 1	Revised Date: May 31, 2018	Effective Date: December 31, 2012	Total Pages: 10 Page 1 of 11
Chapter 1: Rules of Conduct			
1.01 Obedience to Laws and Ordinances	All personnel within the police department shall obey the Constitutions of the United States and the State of Ohio and all federal, state, and local laws.		
1.02 Knowledge of Directives, Laws, and Ordinances	All personnel within the police department shall be thoroughly familiar with department rules, policies, directives, orders, and city, state, and federal laws that pertain to their employment.		
1.03 Violation of Rules or Department Directives	<p>A.) All personnel shall not commit or omit acts in violation of the explicit or implicit purpose of the Rules of Conduct, Policies, Directives, or orders of the Department. It is not necessary that every specific act which would constitute a violation be expressly prohibited in written form.</p> <p>B.) The Rules of Conduct are the most authoritative directives issued and shall be the basis for formal disciplinary action.</p>		
1.04 Cause for Dismissal	All personnel hold their positions during good behavior and efficient service, but may be suspended or dismissed for incompetence, gross neglect of duty, gross immorality, habitual intoxication, failure to obey orders given by proper authority, misfeasance, malfeasance, nonfeasance, or for any other just and reasonable cause.		
1.05 Residence Requirement/Change Notification	All personnel shall reside in Scioto County, Ohio unless waived by the Chief of Police on approval by the Mayor. Employees shall record their address, telephone number and or emergency telephone number with the Chief of Police. You will notify the Chief of Police within 24 hours of such change of address and telephone number.		
1.06 Conflicting or Illegal Orders	<p>All personnel who are given an otherwise proper order which conflicts with a previous order, rule, regulation or directive shall respectfully inform the supervisor issuing the second order of the conflict. The supervisor issuing the second order shall decide which order is to stand for that time period only and incident only. Under these circumstances, responsibility for the conflict rests with the supervisor who issues the second order. Personnel will not be held responsible for disobedience of an first order, regulation, rule or directive which they are ordered to disregard. If necessary, the supervisor issuing the second order shall write a letter to the Chief of Police explaining the reason for the conflicting order.</p>		
1.07 Insubordination	All personnel shall obey any lawful order of a supervisor or senior officer or any order relayed from a supervisor by an employee of the same or lesser rank. Insubordination includes, but is not limited to, any language or action directed toward a supervisor which is disrespectful, mutinous, insolent, or abusive.		

New Boston Police Policies & Directives Chapter 1	Revised Date: February 19, 2016	Effective Date: December 31, 2012	Total Pages: 10 Page 2 of 11
Rules of Conduct			
<p>1.08 Requirement to Take Action A.) All sworn personnel , regardless of duty status, shall take prompt, effective action regarding anything which comes to their attention requiring a police response within the Village of New Boston. 1.) Sworn personnel are not relieved of the responsibility for taking proper action when they are detailed to special duties. 2.) Sworn personnel assigned to undercover operations are exempted when taking action would seriously impair the success of the undercover assignment. 3.) Sworn personnel shall not enforce violations of traffic laws while in off-duty status unless in uniform and in a marked vehicle. 4.) Sworn personnel should not enforce violations of non-violent misdemeanors while in off-duty status. If no violent or the possibility of violence or life threatening situation is present then an on-duty officer needs to be called and response to the scene to handle situation. 5.) No exceptions apply in life-threatening situations. B.) All personnel who either engage in or become aware of another employee’s involvement in misconduct of a criminal nature or violation of a Department Rule of Conduct shall take immediate, appropriate action to stop said conduct, e.g., advising the employee and then reporting the conduct to a supervisor.</p> <p>1.09 Aid to Fellow Officers Sworn personnel, except when actually incapacitated, shall aid, assist, and protect fellow officers in time of danger or under circumstances where danger might reasonably be impending.</p> <p>1.10 Interference with Written/Electronic Communications A.) All personnel shall not request others to alter or withdraw reports, letters, requests, or other written/electronic communications without justification for doing so. B.) All personnel shall not add, modify, or delete information from any Department report where they , or a family member, are the victim, witness, or suspect.</p> <p>1.11 Care of Department Property All personnel are responsible for the proper care and use of Department property and equipment at all times. All personnel shall not loan individuals Department property without the permission of the Chief of Police.</p> <p>1.12 Uniform Appearance and Requirements All personnel required to possess uniforms shall maintain and wear those uniforms in accordance with the uniform regulations of the department.</p> <p>1.13 Maintaining Department Publications All personnel shall keep all issued manuals, texts, or references current.</p>			

New Boston Police Policies & Directives Chapter 1	Revised Date: May 31, 2018	Effective Date: December 31, 2012	Total Pages: 10 Page 3 of 11
Rules of Conduct			
1.14 Reporting for Duty and Call Off's	<p>A.) All personnel shall report for and remain on duty at the time and place required by their assignment, or as ordered.</p> <p>B.) All personnel shall be physically and mentally fit to perform their duties.</p> <p>C.) All personnel shall be properly equipped and able to immediately assume their duty.</p> <p>E.) All personnel calling in sick shall call in themselves (not someone else, or family member) to the dispatcher on duty at least 3 hours before their start of shift.</p>		
1.15 General Requirements	<p>A.) All personnel shall:</p> <p>1.) Be civil, orderly and courteous in their conduct and demeanor.</p> <p>2.) Maintain a strictly impartial attitude toward citizens, complainants, and violators.</p> <p>3.) Coordinate their efforts in order to attain the goals of the Department.</p> <p>4.) Be truthful at all times.</p> <p>5.) Carry out orders and directives as may be given them by Department Supervisors or Seniors Officers.</p>		
1.16 Requirement to Carry Badge, ID and Firearm	<p>A.) Sworn personnel on duty shall wear or carry their police badge, identification card and firearm with them at all times when on duty.</p> <p>B.) Sworn personnel off duty should carry their police badge and identification card and their firearm that they have qualified with under Department Firearm Regulations.</p> <p>C.) Sworn personnel shall never leave a firearm unattended or not secured either on duty or off duty at any place or location.</p>		
1.17 Arrest, Search, and Seizure	<p>Sworn personnel shall make arrests, searches, and seizures only in accordance with the law and Department policy and procedures.</p>		
1.18 Use of Force	<p>Sworn personnel shall use force only in accordance with the law and Department policy and procedures.</p>		
1.19 Use of Firearm	<p>Sworn personnel shall carry and use firearms only in accordance with the law, and when in the line of duty, in accordance with Department policy and procedures.</p>		
1.20 Display & Securing of Firearms	<p>Sworn personnel shall not draw or display their firearms in public or at any other location except for official inspection, cleaning, loading or unloading, or use. Any fire-arms kept in the Officer's locker the Officer will make sure their locker door is closed and locked at all times.</p>		
1.21 Public Statements and Appearances	<p>All personnel shall not publicly criticize or ridicule the Department, its policies, or other personnel by speech, writing, or other expression. All personnel shall not divulge current investigative information about any case or report.</p>		

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Rules of Conduct			
1.22 Gratuities	All personnel shall not solicit or accept from any person, business, or organization, any tangible or intangible property, promise, or service, or in any way use their official position, if it may be reasonably inferred that private interests conflict with police duties and responsibilities.		
1.23 Endorsing Products/Use of Badge, Patch or Equipment	All personnel without prior approval of the Chief of Police shall not use or allow to use their rank designation, name, photographs, or employment position with the Department as an endorsement of products or services, whether their own or another's, when the endorsement alludes to their affiliation with the Police Department.		
1.24 Personal Correspondence and Business	All personnel shall not use the Police Department as their personal mailing address, except to be displayed on their operator's license and vehicle registration as permitted by state law. All personnel shall not use the Department phone numbers as a personal phone number. All personnel shall not use Department letters and envelopes for their personal business.		
1.25 Visiting Prohibited Establishments	All personnel shall not knowingly visit or enter a house of prostitution, gambling house, or other establishment wherein the laws of the United States, the State, or local jurisdiction are regularly violated, except in the line of duty.		
1.26 Interference in Private Business	All personnel shall not interfere in the private business or affairs of another, other than in the course of official police business.		
1.27 Neglect or Inattention to Duty	All personnel shall not engage in activity or personal business which may cause or causes them to neglect or be inattentive to duty. These would include, but not limited to activities such as reading of non-job related materials, banking, picking up laundry, visiting friends or relatives, or cell phone and personal computer use and other errands of a personal nature.		
1.28 Associations with Known Criminals or Subversive Persons	All personnel except in the line of duty or when unavoidable, shall avoid associations or dealings with persons or organizations who they know, or should have known, are under criminal investigation or indictment or who are known to have involvement in criminal or subversive activity.		
1.29 Withholding Information	All personnel shall communicate to their immediate supervisor information or tips on crimes, suspects, criminal activity or other important matters of which they may be aware. All personnel shall report misconduct to a supervisor or senior officer.		

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Rules of Conduct			
1.30	Divulging Police Information		
	All personnel shall not divulge police information contained in police reports to anyone except as provided by law and Department procedures.		
1.31	Identifying Informants		
	All personnel shall not divulge the identity of persons giving confidential information to the Department except as directed by the Chief of Police.		
1.32	Recommending Professional or Businesses		
	All personnel shall not recommend a person or business to any non-department person with whom they have contact in the line of duty.		
1.33	Requirement to Attend Trials or Hearings		
	All personnel who have been subpoenaed or otherwise notified by competent authority to appear in court or at any hearing are required to comply with the notification. This requirement is excepted when personnel are notified by Court Liaison or the Court Prosecutor Office that their attendance is not necessary or when there is a legitimate conflict and prior permission to be absent is obtained.		
1.34	Unbecoming Conduct		
	All personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Department. Unbecoming conduct is behavior that implicitly or explicitly dishonors the Department and its members, reflects discredit upon the individual as a member of the Department or impairs the operation or efficiency of the Department or the individual. This includes but is not limited to derogatory, discriminatory, or harassing comments, gestures, or insinuations.		
1.35	Display of Material in Police Facilities		
	Only authorized material shall be posted within or upon Village Property. All personnel shall not post any type of personal notice or any cartoons, drawings, papers or other material that may be offensive or contain derogatory language. This includes material that contains sexual, ethnic, or racial slurs or demeaning to other protected persons. All personnel shall not deface, damage, destroy or tamper with material by department.		
1.36	Dependent Health Care Coverage		
	All personnel shall notify the Chief of Police and Village Clerk as soon as practical when their dependents become ineligible for health care coverage for any reason.		
1.37	Sick/Injury Reporting		
	All personnel shall not feign illness or injury, falsely report illness or injury, or otherwise deceive or attempt to deceive the Department as to a health condition. If a employee is injured on duty then a supervisor shall be notified and an Village Injury Report must be filled out and turned into the Chief of Police. All call-in for work shall be made by the employee themselves at least 3 hours before their shift.		

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Rules of Conduct			
1.38 Business Cards	Any business cards must be approved by the Chief of Police if the cards are going to be used in the course of police business by a employee. The card shall represent the Department in good taste and should only use logos approved by the Chief of Police.		
1.39 Alcohol/Drugs	<p>A.) All personnel shall not be under the influence of intoxicants or illicit illegal drugs while on duty or while in any part of their uniform.</p> <p>B.) All personnel shall not purchase or consume alcoholic beverages or have the odor of an alcoholic beverage on their breath while on duty or in any part of their uniform, except as required in the line of duty and with prior approval of the Chief of Police.</p> <p>C.) All personnel shall not consume, possess, or purchase illicit illegal drugs except as required in the line of duty.</p> <p>D.) All personnel shall not consume alcohol to the extent it renders them unfit to report for their next regularly scheduled tour of duty.</p> <p>E.) All personnel shall not possess intoxicants or illicit illegal drugs in police buildings, or vehicles, on police property or property leased to the Village for police use except as required in the line of duty, with the prior approval of the Chief of Police.</p>		
1.40 Over-the Counter Medication/Prescription Drug Use	<p>A.) All personnel shall use their counter medication or prescription drugs as directed by the labels showing how to use and by the directions of their doctor.</p> <p>B.) All personnel shall not abuse the usage of their prescription drugs.</p> <p>C.) All personnel shall notify their immediate supervisor if their ability to perform their duties may be impaired by prescription or over the counter drugs.</p>		
1.41 Expenditures of Department Funds	All personnel shall not incur expenditures of money or financial obligations in the name of the Department without prior authorization from the Chief of Police and or Village Clerk.		
1.42 Requirement to Give Name and Badge Number	All personnel shall give their name and rank or position to any person upon request. When answering phone calls, all personnel will identify themselves to the caller.		
1.43 Requirement to Submit Body Fluids	All personnel who are the subject of an investigation shall submit body fluids for analysis if doing so would aid the investigation and if ordered by the Captain or Chief of Police. All blood specimens will be taken by medical personnel under medically safe and sanitary conditions. All personnel will submit to the Village Drug testing policy.		

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Rules of Conduct			
1.44	Compliance with EEO Laws, Rules, Orders, Policies and Directives		
	All personnel shall obey federal, state, and local antidiscrimination statutes and Department and Village rules, orders, directives and policies pertaining to EEO.		
1.45	Stopping or Detaining Persons		
	A.) All personnel shall stop and detain persons only for an articulable reason and shall not stop or detain a person based solely on a common trait of a group (e.g., race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, etc.)		
	B.) All personnel stopping or detaining a person for any reason shall advise the person of the reason for the stop or detention as soon as practicable, but prior to termination of the contact. All personnel shall be courteous and express appreciation for their cooperation.		
1.46	Identifying Offenders		
	A.) All personnel shall take reasonable actions to identify any individual who does not have a picture ID and is being charged with a traffic violation or a criminal offense. Reasonable actions may include using OHLEG, or LEADS, or other official identification systems.		
	B.) All personnel shall document the actions taken within the arrest report or other Department document as may be required.		
	C.) Once a arrested person is booked into the Department without an ID, the Officer will take every step in actions to identify the arrested person before release		
1.47	Locker Inspections		
	All personnel upon being notified will submit to a locker inspection by the Captain or Chief of Police. All lockers will be kept in a clean and orderly manner.		
1.48	Riders in Police Cruisers		
	All personnel shall not allow unauthorized persons to ride in their police car when not in the line of duty or has nothing to do with official police business.		
1.49	Chain of Command		
	All personnel will follow the Department Chain of Command, unless it is an emergency in the line of duty.		
1.50	Radio Discipline		
	All personnel shall observe strict regulations during operations when communicating over police radios. This includes conduct manner, language usage. All communication shall be professional in conduct at all times.		
1.51	Officer in Charge		
	All personnel shall obey any supervisor or senior officer when a supervisor is not present on shift. All orders will be lawful and under the regulations of the Department.		

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Rules of Conduct			
<p>1.52 Evidence/Chain of Evidence/Found Property A.) All personnel shall secure any evidence for a case and fill out the proper impound forms. All evidence shall be processed in accordance with BCI evidence procedures for packaging. B.) All personnel shall fill out the evidence locker log book when putting evidence in the lockers. All chain of custody forms stay with the items inside the lockers. C.) All personnel shall keep an accurate listing showing chain of custody. D.) All personnel shall secure any found property (not evidence) to the department and attempt to identify the owner of the property and then notify the owner of the property. E.) No evidence or found property will be kept inside the police car for storage. F.) Personnel will use OHLEG RMS Report System to upload their property items and submit a chain of custody form with each separate evidence bag.</p> <p>1.53 Completion of Reports/Forms and Timely Submission All personnel shall complete all required reports, forms in a truthful manner and submit them to be approved by a supervisor. Reports or forms submitted late due to laziness or inattention to duty will be grounds for disciplinary actions.</p> <p>1.54 Answering Calls for Service All personnel shall be prompt to answer all calls from the dispatcher and shall not delay unless already tied up on another call. All calls for emergency will be handled before any non-emergency call.</p> <p>1.55 Case and Follow -Up Responsibility It is each Officer's responsibility to follow up on any reports they take and to take actions to help solve the crime or arrest the suspect. The Officer can ask the next shift Officer to assist in the follow up if necessary. All Officers shall leave any case information with what has been done on the case on the Captain's desk. If necessary the Captain will take charge of the investigation and assist in the follow-up.</p> <p>1.56 Leaving the Village All personnel on duty will notify the dispatcher if they are leaving the Village to follow up on a case, or having to go to court or grand jury. No on duty personnel will leave the Village unless it is within the line of duty. Meal breaks see Rule 1.63.</p> <p>1.57 Crime Scene Response A.) All Officers will secure any crime scene if necessary to prevent others from entering the restricted area. B.) In serious crime scenes, the Captain will be notified and will assist if necessary. C.) Evidence will be collected as in accordance with evidence collection procedures. D.) Photographs shall be taken of all crime scenes and evidence collected. E.) Ohio BCI can be called in to assist upon approval of the Captain or Chief of Police.</p>			

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Rules of Conduct			
1.58 Execution of Arrest Warrants	All Officers will not delay in executing an arrest warrant if the suspect can be found. When serving arrest warrants out of New Boston, all Officers will notify the local police department to help assist in serving the arrest warrant if necessary.		
1.59 Advising Suspects or Arrested Persons of Miranda Warnings	All personnel shall advised any person of their Miranda Warning Rights in accordance with the law.		
1.60 Payment of Personal Debts	All personnel shall so arrange their personal financial affairs so that creditors and collection agencies will not have to make use of the police department for the purpose of contacting and making collections.		
1.61 Sleeping on Duty	All personnel shall not sleep on duty at any time.		
1.62 Vehicle Operations	All personnel will operate their police car in an safe manner, and shall not drive recklessly at any times. All personnel will be attentive to their driving and not be distracted by using their cell phones. Any damage to a vehicle shall be reported to the Captain or Chief of Police in writing explaining the cause of the damage.		
1.63 Meal Periods on Duty	All personnel are allow 30 minutes for meal break per shift. All personnel will notify the dispatcher when on meal break. Only one Officer on a shift at a time can be on meal break. All Officers are still on call during meal break if a serious call comes in and you must response immediately. Officers can leave the Village to pickup food, i.e. McDonalds, Wendy's or others and come to back to have their meal period.		
1.64 Lawsuits or Initiating Lawsuits	All personnel will notify the Chief of Police if they are sued for something that occurs in the line of duty. Before initiating a lawsuit against someone for something that occurred in the line of duty, then the Chief of Police will be notified.		
1.65 Obeying Posted Memos or Directives	Over the course of time a supervisor will have to post a memo or directives on the board on something that has come up or that needs to be addressed and all personnel shall obey and follow the posted memo or directive. Each posted memo or directive will be placed in the Officer's mail box.		
1.66 Shift Change and Overtime	All personnel shall get approval from the Lieutenant or Captain or Chief of Police for a shift change prior to doing so. All overtime will have to be approved by a supervisor.		
1.67 Department Computers	All personnel shall use any Department computers for official use only, i.e., LEADS, NCIC, OHLEG, etc.		

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Rules of Conduct			
1.68 Long Distance Phone Calls	All personnel will use Department phones for official use when making phone calls.		
1.69 Off Duty Employment	All personnel will notify the Chief of Police if they obtain a second job and it can not interfere with the employee's current job within the Department.		
1.70 Resignations and Proper Notice	All personnel will notify the Chief of Police in writing if they intend to resign prior to at least two weeks to be considered to be in good standing within the Department. If not done, then a suitable notation will be made in the employee's personnel file and this may be grounds to not re-hire in the future.		
1.71 Retirements	All personnel shall notify the Chief of Police if they plan to retire and a possible retirement date. The Village Clerk will also have to be notify to help assist in the proper paperwork being filled out.		
1.72 Smoking in Police Buildings and Police Cars	All personnel shall not smoke within the Police Department Building. All personnel shall not smoke in any Police Department vehicles.		
1.73 Care for Police Cars	All personnel that use any Department vehicle shall help keep the vehicle in a clean and trash free. All personnel shall take out their trash items before leaving duty and it there is a spill of liquids inside the car then the Officer will take measures to have it cleaned up before leaving duty. If there is any one Officer who violates this procedure after being warned about the conduct, then that Officer will be prohibited from drinking, eating, or chewing tobacco inside the vehicles.		
1.74 Chewing Tobacco	No personnel shall be chewing tobacco products of any kind when dealing with the public, either while answering a call for service, taking reports, or on traffic stops.		
1.75 Use of Discretion	<p>A.) Except when prohibited by law, Department policy, directive, or a lawful order by a superior, all personnel shall have limited discretion in the performance of their duties.</p> <p>B.) When practical, sworn personnel shall avoid direct enforcement action in situations in which they have a personnel interest.</p> <p>C.) It is not possible to anticipate every type of situation personnel will encounter. When in doubt, personnel should consult with a supervisor or senior officer for guidance. If a sworn supervisor is not available then personnel shall use their own discretion based upon the Mission and Values of the Department, Official Oath and the Law Enforcement Code of Ethics to make a good faith effort to handle the situation appropriately. All personnel shall be able to justify any discretionary actions they take.</p>		

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Rules of Conduct

1.76 Officer Contacting Citizens by Texting or Other Means of Communications

Officers will not phone text or Facebook text or any other texting ways or contact by any other means to anyone that they have pulled over in a traffic stop or have arrested the person on a crime, unless it is official conduct, in the line of duty, and the Officer has informed a Supervisor that the Officer will be contacting a person they have pulled over or arrested for the purpose of their official case. Officers shall not contact a person they have pulled over on a traffic stop or have arrested for a crime for the purpose of attempting to go out on a date or start up a personal relationship. Officers will not offer any person that they have pulled over and issued a citation or have arrested for a crime any leniency or favors on the person's case if that person will go out on a date or have other personal contacts with the Officer.

Basically a Officer's job is to come to work and complete their assigned duties and not use their position as a Police Officer to meet and date persons they have pulled over or have arrested and then offer that person leniency or favors on their case if they meet the Officer for personal relationship reasons.

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2.0: Organizational Structure

Introduction

The New Boston Police Department is a semi-military organization that utilizes a rank structure to oversee each organizational component. The Department ranks and positions include, the Chief of Police, Captain, Lieutenant, Sergeant, Senior Officer on Shift, and Patrolman/Police Officer, and Civilian Police Dispatchers. When approved by the Chief of Police and the Mayor of New Boston the positions of Auxiliary Police Officer and Part-Time Police Officer will be created within the Department.

Chief of Police

All personnel of the Department are under the direct control and supervision of the Chief of Police. The Chief of Police is the Chief Administrator of the Department.

Captain

The Captain has supervision of all personnel directly under that rank and of all civilian employees within the Department. The Captain will assist the Chief of Police with carrying out all directives, policies and procedures of the Department. If there is no Captain the Lieutenants will assist the Chief of Police.

Lieutenant

The Lieutenant is a Supervisor within the Department and reports to the Captain. The Lieutenant will see that all Department directives, orders, and policies are carried out by all employees under their rank position.

Sergeant

The Sergeant is a Supervisor within the Department and reports to the Lieutenant and Captain. The Sergeant will see that all Department directives, orders, and policies are carried out by all employees under their rank position.

Senior Officer on Shift

The Senior Officer on Shift is in charge of the shift when no Supervisor is currently present on shift. The Senior Officer is determined by the years of service within the Department or by their hiring date. When there is a Senior Officer on shift without any supervisors present, all other Police Officers on that shift will obey and fall under the direction of the Senior Officer. The Senior Officer will act as a supervisor and see that all Department directives, orders and policies are carried out by all employees on that shift.

Patrolman/Police Officer

The Police Officer will be assigned to a shift and will directly be responsible for all calls of service given to them, patrol duties, takes reports, investigate crimes, makes arrests, traffic enforcement. This position's first chain of command is reporting to the Sergeant. However, this position is also directly under the control of any Supervisor and Senior Officer within the Department.

Civilian Dispatcher

This position is a non-sworn position within the Department and has the duties of dispatching and other department functions as directed by the Chief of Police. **The Chief of Police can appoint a Dispatcher as a "Lead Dispatcher" who will have supervision of dispatching procedures over other Dispatchers within the Department.**

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2.1: Duties and Responsibilities of Personnel

Introduction

Law Enforcement requires diverse responses to a variety of situations. No list of duties and responsibilities can be all encompassing.. The following duties and responsibilities reflect the minimum, expectations for personnel in the Police Department. It is incumbent upon all personnel to apply common sense to each task performed. The primary duties for all personnel are to uphold the law and to protect and serve the citizens of New Boston.

1.) Policy Statements

A.) The Chef of Police shall ultimately be responsible for the performance of the Police Department. To assist the Chief of Police in accomplishing the goals and objectives of the Department, personnel are delegated authority to perform the duties of their assignment.

B.) All personnel shall be accountable for their performance and shall be responsible for the use or misuse of their delegated authority.

C.) Supervisors shall be held accountable for the performance of the personnel under their immediate supervision.

2.) Duties and Responsibilities

A1.) All Sworn Personnel are to uphold the Constitution and laws of the United States, the State of Ohio, and the Village of New Boston. To protect life and property, to preserve the peace and obey all legal orders. Use the Mission and Values Statement, the Code of Ethics and Rules of Conduct as a guide for the conduct of Department business. Strive for a harmonious relationship with other employees in the Department and with all other public and private agencies. To maintain high ethical and moral standards at all times.

A2.) All Sworn Personnel shall complete and forward all reports, letters, citations, and other written materials as required by the Department. Ensure that all materials are complete, correct, neat, legible, and to be truthful in all matters.

A3.) All Sworn Personnel shall conduct a through investigation of all offenses and incidents within the area of responsibility or assigned to them. To properly use and maintain equipment and property and utilize it in the most efficient and economical manner possible.

A4.) All Sworn Personnel shall report serious breach of discipline, misfeasance, malfeasance, or nonfeasance to a supervisor of a higher rank. If in doubt to an appropriate course of action, to seek the advice of a supervisor of a higher rank. To advise your immediate supervisor of all activities and or conditions which may have a bearing upon the supervisor's duties and responsibilities.

A5.) Civilian Personnel shall perform the above duties and responsibilities if applicable to your assignment and to follow and complete all duties of your position.

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2.2: Directives, Orders, Policies , Email Communications To Employees

Introduction

Directives, Orders, and Policies are written in a outline format. Rules of Conduct and Department Policies are outlined in the Department Manual that each employee signs off on as being read and will follow. Any updated changes to the Department Manual will be given to each Employee so it can be added to their Manual and the old Policy can be discarded. Orders can be given verbally by a supervisor to an employee. **The Chief of Police or his designee is responsible for all written directives, orders, and policies of the department.**

Any new Directives or Procedures by the Captain or Chief of Police will be sent to each Department Employee by Department Employee Email Addresses where the Officers and Dispatchers will read and keep each new Directive that is issued. Through the Department Emails for Employees after each Employee reads the new Directive it will show a response back to the Captain or Chief that the Employee has read the new Directive. Employees should print off the Directive to keep for their file.

1.) Policy

A.) Department rules, policies, and procedures are intended to guide all personnel in the performance of their duties. When circumstances arise which are not specifically covered, personnel shall use their discretion and conduct themselves in such a manner so as to be consistent with the spirit of the Directive.

B.) Department personnel becoming aware of a policy or procedure requiring revision shall forward detailed information regarding the proposed change through their chain of command.

C.) The Captain is the only supervisor that will write all written directives or procedures that needs to be addressed, upon approval and under the direction of the Chief of Police. Those directives will be posted and handled out.

D.) All other supervisors will inform the Captain if they believe a procedure needs to be addressed and put into written form. During the course of a shift, any supervisor can give a verbal order to a lower ranking employee to see that the best outcome of a situation is handled.

E.) All personnel of the Department shall obey all legal directives, procedures, and orders that are posted or given to them while on duty.

F.) Each Employee will log into the Department Email Address each day to check for any new Directives that have been issued and each Employee will open up and read the email. Failure to check your Department Email address each day and failure to read any new Directives that are issued and are not followed will result in disciplinary action being taken against the Employee.

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2.3: Leaves, Vacation, Vacation Requests, Shift Switches, Personal Days , Holidays, Military Leave, Other Leaves

A.) Policy

1.) All personnel shall determine whether they will have a sufficient amount of accrued holiday time, vacation time, Sick-Time, Personal/Family Emergency Leave, or Personal Days time before submitting a leave request.

2.) No personnel shall turn in a leave request knowing that they do not have the accrued time to be off.

3.) No personnel will take off on leave or vacation unless it is approved only by the Chief of Police, or Captain.

4.) Personnel without a sufficient leave balance to cover the request and they take the leave and are not at work is subject to discipline and loss of pay.

5.) Employees can switch work shifts if both employees are in agreement and it is approved by the Captain or Chief of Police before doing it.

6.) An employee can request to take military leave if they are “call to duty” by the military or national guard for annual training.

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2.4: Sick and Injury Leave, FMLA, Restricted Duty

A1.) Sick Leave; All personnel shall be truthful in reporting off sick or having been injured on duty. Abuse of sick time is subject to strict discipline.

A2.) All personnel will call into the Dispatcher themselves when calling in sick and this must be done at least 3 hours before their start of shift unless there is an emergency that can be proven. Failure to do this is subject to loss of pay and being absent without permission.

A3.) All personnel on duty that becomes sick must notify the other shift officer or supervisor on duty before leaving and only then if the shift is covered by another officer.

A4.) When being on sick leave that is the purpose of the leave and the employee should be at home during their regular work hours, or be at doctor office, hospital, etc.

A5.) No personnel shall call off sick for the Department and work at another secondary job they may have.

A.6) All personnel must present a doctor excuse if they call off sick in 3 or more consecutive days. If there is abuse of sick time days then the Chief of Police can require all personnel to present a doctor excuse for each time that an employee calls off sick.

B1.) Injury Report/.Leave; All personnel injured on duty shall notify a supervisor and fill out the Village Work Injury Report and submit that to the Chief of Police and the Village Clerk.

B2.) If injured on duty, all personnel will seek immediate medical treatment, if necessary.

B3.) Sick leave, vacation leave, or other leave will be used until injury leave is certified by the designated authority.

B4.) If injury leave is certified, used other leave will be restored. If injury is not certified then no leave will be restored.

B5.) A supervisor designated by the Chief of Police or the Chief will investigate the cause of the injury and report the findings.

C1.) FMLA leave; will be directed by the Village Employee Manual as according to law.

D1.) Restricted Duty; there is no restricted duty or "light duty" within the Department unless approved by the Chief of Police and the Mayor of New Boston or Village Council.

D2.) If restricted duty is allowed, then all personnel will perform their requested assignment as directed by the Chief of Police.

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2.5: Career Evaluation and Promotional Assessment

1.) Policy Statement

A1.) Career Evaluation; the Chief of Police will determine if employee work evaluations will be conducted on each personnel within the Department.

A.2) If work evaluations are done, then the evaluations will be completed by the Captain, with input and advice from other supervisors within the Department for the evaluated personnel.

A3.) Evaluations should be done every six months for a review and the Captain will go over the review evaluation with the evaluated personnel.

A4.) Poor performance evaluation is subject for disciplinary actions, demotions, and termination.

B1.) Promotions; promotions shall be determined by the Chief of Police with possible input from other supervisors within the department. All promotions are final judgment approval of the Mayor of New Boston and the Village Council.

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2.6: Resignations, Retirements, Rehires and Dismissals

Introduction

The policies and procedures in this directive apply to the resignation and retirement of all Department personnel and to the dismissal of non-probationary personnel and probationary personnel.

1.) Policy Statement

A.) Personnel shall furnish a 2 or 3 week notice of their intention to resign or retire in order to leave in good standing.

B.) All personnel separating from the Department shall return all issued Department equipment and property, pay for damaged or lost items, before their final payroll check is released by the Department.

C.) All personnel who resign or retire while under criminal or departmental investigation, or who are facing criminal or departmental charges, shall not be afforded good standing status.

D.) All personnel who retire or resign in good standing and with a good work record may be considered for rehire.

E.) Non-probationary personnel; will be notified by the Chief of Police if they are pending possible termination of their employment after an internal investigation is completed.
Procedure for dismissal will be conducted as according to the Ohio Revised Code for Village Police Officers.

F.) Probationary personnel; personnel on probation can be terminated at any time before the end of their probationary period.

G.) Rehires; personnel who left in good standing can be rehired back within the department and any cost to update in training or certifications might have to be paid by the employee, unless waived by the Chief of Police.

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2.7: Equal Employment Opportunity, Nondiscrimination, and Americans with Disabilities Act

1.) Introduction

A.) Department policy as well as various Federal, State, and Village laws and executive orders from the Mayor's Office prohibit discrimination, harassment, and retaliation.

B.) When any employee of the Department believes they have been discriminated, or harassed or retaliated against in violation of Federal, State, or Village laws, they shall report that conduct immediately to a supervisor or the Chief of Police and or the Village's EEO Officer. A written report will be required.

2.) Policy Statements

A1.) Discrimination in employment with regard to race, color, religion, sex, including sexual harassment, national origin, disability, ancestry, age, genetic information, sexual orientation or military status is prohibited.

A2.) Any conduct whether verbal or physical, that is unwelcome and so severe or pervasive as to materially affect an individual's terms or conditions of employment is prohibited.

A3.) While the Department cannot dictate how a person must feel about another individual or group and may not be able to change negative attitudes, it does insist on proper behavior on the part of all employees toward both the public and other employees.

A4.) All employees of the Department and applicants to the Department shall be entitled to an equal employment opportunity.

A5.) Allegations of discrimination shall be fully investigated and those assigned to such investigations shall be accountable for their accuracy and integrity.

A6.) Upon completion of any investigation report, the Village's assigned EEO Officer shall be made aware of the findings.

A7.) Any employee of the Department who violates this directive shall be subject to discipline.

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2.8: Awards and Recognition

1.) Introduction

A.) Department personnel shall receive award ribbons for their conduct while on duty or off duty if it is related to their position as a police officer.

B.) The Award Ribbons List is posted in the front hallway of the Department showing each award ribbon and the description of each award ribbon. This list is the official Award Ribbon List of the Department.

2.) Policy Statement

A1.) An award recommendation may be submitted for an award by a Department employee who has firsthand knowledge of, but was not directly involved in the action that resulted in the nomination.

A2.) The nomination will be in written form and submitted to the Captain, who will then submit the request to the Chief of Police.

A3.) Once awarded an award ribbon, Officers can wear the ribbon on their duty uniform and dress uniform jacket.

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2.9: Citizens Complaints and Compliments

Policy Statement for Complaints:

A1.) All citizens complaints concerning Department personnel shall be forwarded to the Chief of Police in writing on the department form who will then investigate or assigned an Officer to investigate the complaint.

A2.) The standard of proof for determining the investigative finding of an allegation shall be a preponderance of the evidence.

A3.) Every effort should be made to ensure prompt and courteous action when responding to allegations of misconduct made against any officer or employee of the Department.

A4.) Corrective and discipline action shall be taken for all substantiated complaints by the Chief of Police. **All investigations for complaints will be completed within ninety days.**

A5.) The guilt or innocence of a person charged with an offense by an officer is a matter for a court of law and will not be the basis of a complaint against an officer.

A6.) Copies of the citizens complaint and compliment forms are online at the Department website and can be downloaded and filled out by the citizen to turn into the Chief of Police, or an officer or employee of the Department can print out a complaint form and give it to the citizen.

A7.) False allegations against an Officer is a crime and those cases will be forwarded to the prosecutor for consideration of any criminal charges being filed.

Definitions of Personnel:

Employee: All non-sworn civilians which includes dispatchers.

Officers: All sworn personnel with a OPOTA certificate and arrest powers.

Procedures for Complaint:

B1.) If a citizen calls into the dispatcher office and request to make a complaint against an officer or employee, then the dispatcher will notify an on duty supervisor or the Chief of Police if available. If no supervisor or the Chief of Police is not present, then the dispatcher will take down the citizen's name and phone number and that information will be given to the Captain or the Chief of Police to follow up on the complaint by calling the person back within 24hrs. Then the citizen will be instructed on how to obtain a complaint form and fill out.

B2.) If a citizen comes into the Department to make an complaint, then the dispatcher will notify an on duty supervisor or the Chief of Police. The complaint forms will be given out to the citizen to fill out and turn back in to the Chief of Police. If there is not a Supervisor working or if the Chief is not in office then the citizen's name and phone number will be taken down and given to the Captain or Chief of Police. Once a actual complaint form is turned in to the Chief, the Chief of Police or his designated Official will conduct an investigation into the complaint and findings within ninety days.

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2.9: Citizens Complaints and Compliments

Investigative Findings Procedures:

C1.) Cancelled for cause; the alleged misconduct could not have possibly occurred, example; employee was not working at the time of the alleged incident. The complainant is identified as a chronic complainer or appears to have a mental deficiency and fails to provide any credible or plausible evidence of misconduct warranting further investigation.

C2.) Exonerated; the evidence indicates the alleged conduct occurred, but the actions taken by the employee were lawful and no misconduct was substantiated.

C3.) Not Sustained; the alleged conduct could not be supported or refuted by a preponderance of the evidence.

C4.) Policy/Procedure; the alleged conduct occurred, but involved either the proper and non-discretionary use of an approved Department policy or directive, or the employee was following an direct order from a supervisor.

C5.) Sustained; the alleged conduct is supported by a preponderance of the evidence and is in violation of the Rules of Conduct or Directives of the Department.

C6.) Unable to Resolve; the investigation could not be properly investigated due to the complainant's or a critical witness' lack of cooperation in providing necessary or specific information.

C7.) Unfounded; the alleged conduct is refuted by a preponderance of the evidence.

C8.) Withdrawn; the complainant retracted the allegations through either verbal or written statement and wishes not to proceed any further.

1.) Preponderance of the Evidence; the greater weight of the convincing evidence outweighs or overbalances in your mind the evidence opposed to it. Simply put, more likely than not.

2.) The citizen making the complaint will be notified in writing by the Chief of Police of the findings and results of the investigation. All complaints and findings by the Chief will be given to the Mayor for his review and given to the Village Prosecutor or County Prosecutor for review if criminal conduct is found. Citizens can appeal the Chief's final decision to the Mayor.

3.) All complaints and the results of findings will be placed in the officer's or employee's personal file. All findings of C7 and C8 will be removed from the personnel file by the Chief.

Annual Reviews:

The Chief of Police or his designated Official will annually review all past complaints within that year and compile an summary that will be available to the public upon request.

Citizen Compliments

1.) Forms are online on the Department's website and can be printed out and filled in and turned into the Chief of Police, or an Department employee can print out the form for the citizen.

2.) Place a copy of the correspondence in the complimented employee's personnel file.

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2.10: Internal Department Misconduct Investigations & Department Discipline

1.) Policy Statement

Discipline is the process by which the Department ensures that an employee's conduct conforms to established standards. These standards include written rules, policies, procedures and verbal directives given by a Supervisor or Chief of Police.

Definitions of Personnel:

Employee: All non-sworn civilian employees which includes dispatchers and sworn officers.

Purpose of Discipline

A police agency must employ an open, effective, and efficient philosophy of discipline. Three factors form the first of two triads that managers must balance to maintain an effective disciplinary system: public trust, the police agency, and the police employee. All employees must be informed, trained, and oriented in the system in order to be accountable to the agency. Positive reinforcement should be employed to the greatest extent possible. The individual who wills to do the right thing, in the right way, receives the greatest reward. Self-discipline generates the positive benefits associated with being a member of a professional group: pride, esprit de corps, and high morale.

The vast majority of employees abide by law, policy, procedure, and rule. Most employees will follow the rules when given a clear set of expectations. The nature of police work involves the application of discretionary judgments, accumulated expertise, and the use of guiding values to solve a variety of problems. Police works not conducive to the formation of a comprehensive list of permissible and prohibited acts. Managers and supervisors must recognize that training, education, conduct, rewards, and punishments are interrelated and not separate elements.

The public's trust is impacted, however slightly; each time a manager adjudicates a complaint investigation or finds that an employee's conduct did not conform to law, policy, procedure, or rule. When an allegation of misconduct is sustained by the Police Department, corrective or disciplinary action imposed serves three purposes: to modify the employee's conduct, to set expectations for other employees, to assure the public that the Department strives to maintain the public trust by holding employees accountable.

Supervisory personnel are accountable for activities of employees under their immediate control. In many cases, the supervisor can convert a negative occurrence into a positive action by using the situation as a training vehicle or exercise. By comparing what the individual did that was less than acceptable with what should have been done, the supervisor is achieving several goals: to fulfill the responsibility to detect errors by subordinates; to bring the conduct to the attention of the subordinate and reinforces the subordinate's awareness that the supervisor cares about how the subordinate performs; to compare proper and improper methods and techniques and imparts to the subordinate the right way to perform.

It is better to prevent unprofessional conduct than to deal with it after the fact.

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2.10: Internal Department Misconduct Investigations & Department Discipline

Fairness & Consistency

Consistency within a discipline system means holding every employee equally accountable for unacceptable behavior. Unacceptable behavior for one is unacceptable for all, regardless of rank, status, or tenure.

Fairness within a discipline system means understanding the myriad of circumstances that contributed to the misconduct. Thus, disciplinary penalties for various infractions are expressed as ranges so that mitigating factors can be given appropriate consideration.

Discipline Philosophy

The effectiveness of the discipline system is dependent on the manager's ability to balance the triad of expectation, fairness, and consistency with the triad of public trust, police agency and police employee. An important objective of any discipline system is to make the corrective or disciplinary action fit the conduct. This requires the review of five factors: motivation, damage, knowledge, intent, and history during the penalty assessment phase of the discipline system. Speed and certainty of punishment are critical features for negative consequences to have any beneficial effect as deterrence. Managers must ensure that the discipline process proceeds in a timely manner. Proper case management from investigation to adjudication is important.

Administering discipline must be accompanied by frequent discussion of values and principles to help employees understand what they are and what they represent.

Positive Discipline/Positive Corrective Action:

- A.) An attempt by a supervisor to achieve voluntary behavioral modification through encouragement and persuasion.
- B.) Includes counseling, training, and professional assistance.
- C.) Negative Discipline; a form of punishment that can be meted out at different levels.
- D.) Supervisors should consider positive discipline first in situations that are minor in nature and when the officer or employee shows a genuine willingness to cooperate.
- E.) Supervisors can conduct administrative misconduct investigations as **directed by the Chief of Police or his designated Official.**

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2.10: Internal Department Misconduct Investigations & Department Discipline

Investigations to be made but not limited to:

- 1.) Action-Responses to Resistance/Aggression
- 2.) Injuries to prisoners
- 3.) Uses of firearms, handling and discharges
- 4.) Vehicle pursuits, Vehicle accidents
- 5.) Forced entry
- 6.) Lost, stolen or damaged Department property.
- 7.) Suspected abuse of sick leave, injury leave, etc.
- 8.) Strip or body cavity searches
- 9.) Violation of any traffic or criminal laws
- 10.) EEO complaints.
- 11.) Any violation of department rules, directives, or procedures.

Administrative Leave with Pay For Alleged Misconduct or Rules or Procedure Violations

The Chief of Police can place a Officer or Employee on administrative leave with pay pending the outcome of an internal investigation. The length of leave will be determined by the Chief of Police depending on the circumstances of the incident. If this occurs the employee will not have any authority to act within their official capacity of the department.

Interviews of Accused Officers & Employees:

- 1.) All Officers and Employees are entitle to have their Garrity Rights or Miranda Warnings given to them before any questioning if the incident requires them or **where more than likely criminal charges could arise out of the questioning of the officer or employee.**
- 2.) Upon request of the Officer or Employee, a copy of the written allegations will be given to the employee.

Forms of Discipline Actions:

- 1.) **Verbal Counseling:** Supervisor will document the verbal corrective action to the employee for any future references.
- 2.) **Written Reprimand:** The written reprimand will address the violation of rules or procedures and will be placed in the employee's personnel file.
- 3.) **Suspension of Duty without Pay.**
- 4.) **Demotion of Rank.**
- 5.) **Extension of Probationary Period for Probationary Employees**
- 5.) **Termination of Employment.**

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2.10: Internal Department Misconduct Investigations & Department Discipline

Procedures Verbal & Written Reprimands

A.) **Written reprimands for discipline will be done by the Chief of Police** when a employee as been found to have violated any directives, rules of conduct or procedures. The Captain will notify the Chief of Police in writing or forward a request from another Supervisor that a employee has violated a directive, rule of conduct or procedure and the Chief of Police will review the circumstances of the incident and make a determination.

B.) **Any Supervisor can give out verbal counseling to lower rank officers or employees.** If the action is merited of an written reprimand then the Supervisor will notify the Captain in writing, requesting the written reprimand. The Captain then will forward the written reprimand request to the Chief of Police for review.

C.) All Supervisors giving a verbal counseling to a Officer or Employee shall keep a record of that for future references with progressive discipline.

Procedures For Suspensions, Demotions, Termination, Probationary Employee Extension & Termination:

A.) All discipline of suspensions, demotions, terminations of Officers **are in accordance with 737.19 of the Ohio Revised Codes for Village Police Officers.** For Civilian Employees it is the determination of the Mayor upon investigative findings and recommendations of the Chief of Police.

B.) **If the Chief of Police suspends a Officer,** the Chief will certify in writing to the Officer the charge and or cause of the suspension and the Chief of Police will immediately certify in writing to the Mayor the cause of the Officer's suspension. **The Mayor will have five days to make a determination of discipline,** as according to 737.19 of the Ohio Revised Code for Village Police Officers.

C.) If the Mayor sustains the charges, the judgment of the Mayor may be for suspension without pay, or demotion of rank or termination of employment. **Suspensions of three (3) days or less are not appealable by the Officer** as according to 737.19 of the Ohio Revised Code for Village Police Officers. The Chief of Police can give a recommendation of discipline but the final judgment is the determination of the Mayor.

D.) Suspensions of officers for **more than three days can be appealed** to the Village Council within 5 days of the Mayor's judgment. In appeals to Council, their final judgement could be for more of a severe result than originally adjudicated by the Mayor in accordance with 737.19 of the Ohio Revised Codes. **All terminations of Officers can be appealed to the Court of Common Pleas as according to the Ohio Revised Code for Village Police Officers.**

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2.10: Internal Department Misconduct Investigations & Department Discipline

E.) Progressive Discipline will usually start out with verbal counseling then proceed to written reprimands, then proceed to suspensions and demotions, and then terminations. **However, the Chief of Police has the discretion to alter the order if the actions of the officer or employee so merits it upon review.**

F.) When a Officer or Employee is found in violation of breaking any Department procedures and rules, along with the appropriate discipline, the Officer or Employee will received re-training in that area to help them not commit those same actions. Any actions found to be in criminal nature will be reported to the Village Prosecutor and or County Prosecutor by the Chief of Police.

G.) If the allegation made are of criminal nature then the Officer or Employee will be placed on Administrative Leave with Pay until investigation is over. If an Officer or Employee is arrested and charged with a criminal offense at any time then they will be immediately placed on Administrative Leave with Pay until the criminal case is over. However, terminations of employment actions could take place during this time depending on the nature of the crime, if so, the Officer or Employee will be notified in writing by the Chief of Police and Mayor. The Officer will turned over his department badge, firearms and ammunitions during this process.

H.) Probationary Employees can have their probation period extended on the recommendation of the Chief of Police and approval of the Mayor. Generally this will occur if a employee is off of work for an extended period because of sickness or other personal reasons.

I.) Probationary Employees can be terminated without cause at any time before the probation period has ended. The Chief of Police will recommend this action to the Mayor for the Mayor's final judgment.

J.) All discipline actions results will be place into the personnel file of the employee.

Annual Review

All Employees will sign off on a "Reviewing Policy" sheet every year as to acknowledgment of receiving this policy being aware of the processes. The Chief or his designated person will compile a review report for the year of internal investigations of misconduct and will be made available upon request.

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2.11: Command Protocol and Unity of Command

Policy Statement

A.) Department personnel shall forward official communications through their chain of command, beginning with their immediate supervisor.

B.) Through what is commonly referred to as an Open Door policy, Department personnel are provided the opportunity and freedom to communicate to command officers any information or problem they feel needs immediate attention. However, this shall not be used to avoid addressing a problem through the chain of command. Unless an exception exists, issues or problems shall be referred to the immediate supervisor.

C.) Department personnel may bypass the chain of command if information must be brought to the immediate attention of a higher ranking supervisor, including the Chief of Police, but justification may be required. Discipline action is subject for repeated violation of going out of the chain of command when there is no justification.

Chain of Command

A.) Refer to the Organization Structure Directive 1.00 for listing of chain of command.

B.) The order of command is the Chief of Police, Captain, Lieutenant, Sergeant, Senior Officer on Duty, Senior Dispatcher on Duty.

C.) Senior Officer or Dispatcher on Duty is determine from their years of service or their hiring date of employment.

D) The Officer in Charge can be a employee that is appointed by the Chief of Police for a special detail or project as directed by the Chief of Police.

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2.12: Part-Time and Auxiliary Police Officers and Dispatchers

1.) Policy Statement

A.) Auxiliary Police Officer; is a non-paid position and must have a valid Ohio Peace Officer Certificate. Auxiliary may be required at their own expense to keep up with their certifications to be a valid Peace Officer and may be required to purchase their own uniform and equipment as directed by the Chief of Police.

B.) Part Time Police Officer; is a paid position and must have a valid Ohio Peace Officers Certificate. May be required at their own expense to keep up with their certifications to be a valid Peace Officer and may be required to purchase their own uniform and equipment as directed by the Chief of Police.

C.) Both Auxiliary and Part Time Police Officers shall fall under the same directives and procedures as any other full time Police Officer.

D.) Both Auxiliary and Part Time Officers will work a schedule that is approved and made by either the Lieutenant, Captain, and or Chief of Police only.

E.) Both Auxiliary and Part Time Officers shall perform law enforcement functions only when engaged in Department authorized duties.

F.) Both Auxiliary and Part Time Officers shall work in conjunction with a full time officer unless it is approved by the Lieutenant, Captain, and or Chief of Police.

G.) All appointments for Auxiliary and Part Time Officer are made by the Chief of Police on approval from the Mayor and Village Council.

H.) All appointments under this directives shall go through the same hiring and background procedures as a regular full time officer.

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2.13: Secondary Employment of Employees

1.) Policy Statement

A1.) Department personnel shall advise the Chief of Police of any secondary employment job either before being hired into the Department or during any time as a current employee within the Department.

A2.) Department personnel shall be permitted to engage in secondary employment as long as no conflicts exists between the secondary employment and the individual's employment with the Department, unless prohibited by Department Rules, Policies, Directives, or Orders.

A3.) Officers shall not work a special duty detail as a Police Officer unless there is a contract made by the Department with the business so desiring an off duty officer.

A4.) No Officer shall work in a bar as a bouncer or bartender, unless this type of business wants an off duty officer for security reasons and a Department special duty detail contract is made and approved by the Chief of Police.

A5.) Unless there is a Department Special Duty Detail Contract in place, no Officer shall use any Department resources or equipment for a secondary employment job.

A6.) If a Officer is working a special duty detail as an police officer, then they are bounded by the same rules of conduct and procedures and directives as any other regular on duty officer.

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2.14: Duty Hours and Reporting Information

1.) Introduction

A.) Duty hours and reporting information for the Department personnel have been established in order to provide continuous 24 hour police protection and a timely response to citizen's request for service, which includes all Police Officer and Police Dispatchers.

B.) Currently the Department has designated a fourteen (14) day work period. Village Ordinance 36-2020 as of October 6, 2020.

C.) As directed by the Chief of Police to give the best protection coverage during a 24 hour period, shifts can be an eight (8) hour shift or a twelve (12) hour shift.

D.) Shift Schedules will be done by the Captain and personnel will be placed on shifts as directed by the Chief of Police.

2.) Policy Statement

A1.) All personnel shall report on time at their schedule shift time and ready to assume duties, which includes being dressed in uniform with equipment.

A2.) No personnel shall leave their post or shift unless there is another scheduled employee ready to assume the shift duty. Employees can be held over as directed by a supervisor or the Chief of Police.

A3.) Lunch periods shall not exceed thirty minutes and personnel can not leave the Village to take a lunch period.

A4.) Personnel lunch periods are not "personal time" and shall not conflict with any police duties or obligations. Personnel will monitor the police radios and be ready to response if necessary to a call for service or emergency.

A5.) No personnel shall switch shifts unless if it approved by the Lieutenant or Captain, or the Chief of Police.

A6.) For a personal shift switch between personnel, it is up to the requesting party to get the other employee's approval to switch, however, approval must be made by the Captain, Lieutenant or Chief of Police before the actual shift switch is to take place.

A7.) No overtime can occur because of a shift switch unless it is approved by the Captain or Chief of Police.

A8.) Personnel held over on a shift will be responsible for providing patrol coverage and completion of all investigations and paperwork or reports that may arise during that time frame.

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2.15: Personnel Involved in Traumatic Events

1.) Introduction

A.) For purposes of this Directive, a traumatic event is defined as an incident where serious injury or death has occurred as a result of a use of firearm, a police action, or the operation of a Department vehicle.

B.) Involvement in a traumatic event may effect the ability of employees to carry out their assigned duties. The Department recognizes the need to provide assistance to personnel involved in these incidents without unnecessary limiting their availability to supervisors and investigators conducting administrative and criminal investigations.

C.) The Department will seek counseling with an professional counseling organization to assist the Department in assisting the involved officer with mental issues.

D.) All involved personnel upon the approval of the Chief of Police can be given administrative leave while under counseling care.

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2.16: Court Appearances

1.) Policy Statement

A.) Subpoenas are court orders, Department personnel shall respond to all call-ins/appearances unless a justifiable reason exists to be excused and all proper notifications have been made and approved.

B.) All personnel will respond to request to appear from Portsmouth Municipal Court, Common Pleas Court, Domestic Relations Court, and Grand Jury. If a Officer receives a subpoena from out of county or out of state then the Chief of Police should be notified.

C.) All Officers shall be at court proceedings or Grand Jury on time and have the correct case paperwork with you if needed.

D.) All Officers will appear in court or Grand Jury in their uniforms unless approved by the Captain or Chief of Police.

E.) If an day shift or afternoon shift Officer has to appear in court during working hours that Officer shall notify a supervisor so some type of arrangements can be made to cover the shift if needed.

F.) Officer shall not leave the court or Grand Jury proceedings unless advised to by a prosecutor or other court personnel that the proceeding is over.

G.) Currently, all personnel who has to appear in court on a case or Grand Jury proceeding can put in for three (3) hours overtime. Officers at court during their regular work hours can not put in for overtime. Overtime does not cover going to or going home from court.

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2.17: Sexual Harassment

1.) Introduction

Village Ordinance Number 12-96 was placed into effect on 04/02/96 adopting a Village Policy against Sexual Harassment.

2.) Policy Statement

A.) Sexual Harassment by any Department personnel shall not be tolerated under no circumstances..

B.) Sexual Harassment is defined as a continuing pattern of unwelcome sexual advances, request for sexual favors, or physical contact if a sexual nature by any Department personnel under any of the following conditions:

1.) When submission to the conduct involves a condition of the individual's employment, stated or implied.

2.) The individual's submission or refusal is used, or might be used, as the basis for an employment decision which affects the individual; and or

3.) The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile or offensive.

3.) The Village's appointed EEOC Officer is responsible for handling all complaints of sexual harassment and for insuring that all complaints are investigated fully and fairly, regardless of the manner in which they are made or the individuals involved.

A.) Department personnel are also subject to the Department completing an internal affairs investigation against any Department personnel who is alleged to have violated the Sexual Harassment policy and are subject to disciplinary action.

4.) The State of Ohio Civil Rights Commission is located at 220 Parsons Avenue, Columbus, Ohio 43266-0543, telephone number 1-614-466-2785. Any Department personnel who makes a complaint and is not satisfied with the outcome of an investigation can contact the Ohio Civil Rights Commission can make a complaint through that agency as well.

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2.18: Police Officer Job Position Descriptions

1.) Introduction

A.) The job position description of being an Police Officer for the New Boston Police are as followed but not limited to:

1.) Police Officers protect the lives, safety, property and peace of the citizens of the Village of New Boston by enforcement of municipal, state and federal laws and regulations.

2.) Police Officers may be required to sit and ride or get in or out of a police cruiser for periods of time depending upon their assigned duties. Police Officers patrol the streets, parks, residential and business areas of the Village providing a police presence and protection.

3.) Police Officers are required to have a working knowledge of police radios and other communication equipments and be able to respond to radio dispatched calls for citizens assistance and other police responsibilities and being able to operate a motor vehicle .

4.) Police Officers respond to traffic accident scenes and other emergency and disaster scenes and are expected to perform their duties in a professional manner being consistent with all Department Policies and Directives. In these situations Police Officers may be required to stand on their feet for long periods of time providing security and protection.

5.) Police Officers are required to make arrests of any suspect that has violated the laws of the municipality and the state which may required physical contact with a violent suspect and be able to physically defend and protect yourself and other citizens from being harm. Police Officers may encounter violent criminals, drunken or drugged persons, or come across a disorderly group or crowd of persons in a riot situation that require a Police Officer to be able to withstand physical force against them.

6.) Police Officers are required to have the physical strength, ability and stamina and speed to be able to maintain, carry and shoot firearms, including pistols, shotguns, rifles or other weapons during their course of employment and must be able to pass all firearms qualification requirements, which include being able to run, sit and stand while shooting a firearm.

7.) Police Officers must have the abilities to maintain the strength, agility, speed and stamina to meet the critical and non-critical demands of the position which include but not limited to; ability to walk, stand, run on paved and unpaved surfaces, work in conditions of heat, cold and other undesirable weather environments. The ability to jump or climb over fences, or other objects. The ability to lift, drag and carry injured persons up and down stairs or other rough terrains.

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2.19: Dispatcher Job Position Descriptions

- 1.) Dispatcher are usually the first contact an citizen has with a Police Department, either by telephone contact or by person when citizens come into the Department. Dispatchers must always present themselves in a professional manner in conduct and clothing appearances. Dispatchers are sometimes subjected to very stressful situations when dealing with citizens or emergency situations and must have the mental fortitude and stamina to be able to complete any task at hand that is consistent with the Policies and Directives of the Department.
- 2.) Dispatchers must have the ability and capability to obtain and retain knowledge of how to operate telephone systems, radio systems, computers systems and have the ability to operate all equipment in a manner that is consistent with the daily uses of working n a police department.
- 3.) Dispatchers may be required to take state certification tests and have the ability to pass those test and retain any certifications that are required.
- 4.) Dispatchers must be able to either stand on their feet for possible long periods of time or be able to sit down in a chair for periods of time depending upon the situation, working 8 hours shifts or being held over on the shift for extended periods of time due to emergencies.
- 5.) Dispatchers must be able to have the ability to type on computers or hand write in a legible and clear manner.
- 6.) Dispatchers must have the mental ability and capability to be able to be calm in emergency situations and have the ability and capability to verbally respond or communicate with other emergency personnel when an emergency situation is taking place.

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2.20 Hours of Work for Employees, Scheduling, Overtime, Pay Periods

Policy Statement

The Chief of Police or his designee will assign/schedule all employees in the Police Department what their hours of work will be for each day and what their days off will be.

1.) Shift Hours & Overtime

A.) Police Officers and Dispatchers can be assigned by the Chief of Police or his designee to either 8 hour shift days or 12 hour shift days.

B.) Police Officers and Dispatchers will be entitled to overtime pay rate when allowed by Federal, State or Village Laws and Ordinances.

2.) Pay Periods & Overtime Pay Rates

A.) With the passing of Village Ordinance 36-2020 on October 6th, 2020 by the Village Council, the Police Department is designated on a fourteen (14) day work period.

B.) Police Officers and Dispatchers will be entitled to overtime pay rate of one-half times the hourly rate shall be paid after the eightieth(80) hour of work in the fourteen (14) day work period. (Ordinance No. 36-2020).

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3.0: Firearms Regulations, Discharging Firearms

1.) Definitions

A.) Primary Service Firearm is the Department issued weapon as directed by the Chief of Police and given out by the Department to its Officers to use on duty.

B.) Alternate Firearm is a privately owned firearm authorized by the Chief of Police for an Officer to carry on duty as a back up firearm. Officers can carry and use their own personal rifle during their shift only if they have been qualified with the weapon as required by department qualification course.

2.) Policy Statement

A.) Sworn personnel shall annually meet the Department qualification standards with any firearm they intend to carry while on or off duty.

B.) Sworn personnel shall use Department approved weapons only when reasonable and within policy.

C.) Sworn personnel shall not use any weapon for a retaliatory or punitive purpose.

D.) Sworn personnel should not fire or deploy a weapon at a dangerous animal unless the animal poses an immediate threat to personnel or others, use of the weapon is reasonable, and the risk to human life is minimized.

E.) Sworn personnel should not fire a weapon to kill a diseased or injured animal unless its destruction is reasonable and humane.

F.) Carrying Loaded Firearms

1.) Full Time sworn personnel off duty can carry their Department issued firearm or another off duty weapon that has been approved by the Chief of Police and that Officer has qualified with the weapon.

2.) The Officer shall abide by all applicable laws for carrying loaded firearms.

G.) Only Certified Ordnance Personnel shall repair or alter any Dept. issued firearm

H.) Officers shall only use or deploy the Shotgun if they have been qualified to do so

I.) Officers shall only use or deploy the M-16 rifles if they have been qualified to do so.

J.) All Officers shall follow the Department Firearms Qualification Procedures as set by the Department Firearms Instructor to be able to use or deploy any weapons.

K.) If an Officer fails to qualify with their weapons, then that Officer can be subject to further actions by the Chef of Police, and will not be allowed to carry a firearm until qualifying.

3.) Deploying or Displaying Weapon

A.) Sworn personnel will only display or deploy their weapon in a professional official act of duty. No weapon will be displayed in a "horse playing manner".

B.) The Shotgun or M-16 rifle can be deployed if the Officer believes it is necessary to conduct a building search where possible entry has been made by a suspect.

C.) At no times will any civilian citizens be allowed to use or inspect any Department firearm unless approved by the Chef of Police.

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3.0: Firearms Regulations, Discharging Firearms

4.) Firearm Discharge:

Discharge is the event of a firearm discharging (firing) at a time not intended or intended by the user. An unintended discharge may be produced by an incompatibility between firearm design and usage, such as the phenomenon of cooking off a round in a closed bolt machine gun, a mechanical malfunction as in the case of slam-fire in an automatic weapon, user induced due to training issues or negligence and or carelessness, or a simple accident. An intended discharge of a firearm is a Officer knowingly discharging his firearm.

A.) All firearm discharges will be immediately reported to an on duty supervisor and to the Captain and Chief of Police.

B.) The Officer involved will make a offense/incident report up on the occurrence and submit that report to the Captain. The Captain and Chief of Police will review all reports of this nature. The Chief will have determination in contacting Ohio BCI to come in and conduct an investigation if necessary for the firearm discharge, especially if there is injuries to anyone that is a direct result of the firearm discharge.

C.) If any Officer is found negligence or careless or improper handling of an firearm that discharges then department discipline will be taken against the Officer, including possible criminal prosecution.

5.) Annual Review & Sign Off of Firearms Regulations Policy by Officers (Chapter 3)

A.) Each year Officers will review and acknowledge that they will follow and understand this regulation and sign off on the Firearms Regulations and Discharging Firearm Policy (Chapter 3). Most generally this review will be conducted during the Department's annual firearms qualifications date by the firearms instructor and or Captain.

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3.1: Chemical Agents and Intermediate Weapons (Tasers) Regulations

1.) Policy Statement

A.) Chemical Agents

1.) Sworn personnel shall carry only those chemical agents that have been authorized by the Chief of Police and that personnel shall have received training for Chemical Agents.

2.) Sworn personnel may use chemical spray to protect themselves or another person from harm, to effect the arrest or gain control of a physically aggressive/resistive subject, to prevent escape, or to prevent or stop the commission of a criminal offense.

3.) Sworn personnel should not use chemical spray on handcuffed subjects unless they pose a danger to themselves, officers, or the public i.e. kicking, head -butting, etc.

4.) Sworn personnel deploying a chemical agent shall make a reasonable effort to decontaminate exposed persons once the situation is under control. Decontamination may include exposure to fresh air, flushing the eyes with fresh water, or seeking medical attention. Sworn personnel may call EMS to the scene to help assist with flushing of the eyes with water.

5.) Sworn personnel shall complete a written report on the use of chemical agents.

B.) Intermediate Weapons/Impact Weapons

1.) Sworn personnel shall carry only those intermediate weapons authorized by the Chief of Police.

2.) The Chemical Mace Canister, Asp/Metal Baton, Wood Baton/Night Stick and Taser are authorized by the Chief.

3.) Sworn personnel shall have received training in the use of the baton and taser.

4.) Sworn personnel may use an intermediate weapon to protect themselves or another person from harm, to effect the arrest of or gain control of a physically aggressive/resistive subject, or prevent or stop the commission of a criminal offense in accordance with the training they have received for the proper usage of the weapons.

5.) Sworn personnel should not use an intermediate weapon on handcuffed subjects unless they pose a danger to themselves, officers, or the public.

6.) Intermediate weapons are not a substitute for deadly force.

7.) Sworn personnel shall complete a written report on the use of any intermediate weapon on a subject.

8.) Medical attention shall be given to any injured subject from a intermediate weapon.

C.) Tasers Usage

1.) Sworn personnel should only use or deploy the taser in the manner as trained for.

2.) The head, face, neck, or groin shall not be intentionally targeted on the subject when deploying the taser probes.

3.) Sworn personnel may target the neck or groin with the taser in drive-stun mode.

4.) Sworn personnel should not intentionally target the chest area above the sternum when deploying the taser probes.

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3.1: Chemical Agents and Intermediate Weapons (Tasers) Regulations

5.) Sworn personnel should consider the following when determining whether to use the taser:

- A.) Subject's age, weight
- B.) Subject's obvious physical disabilities.
- C.) Subjects who are in a position where a fall may cause substantial injury or death.
- 6.) Sworn personnel **shall not deploy the taser on small children, infirmed or elderly individuals, obviously pregnant females, or subjects who are driving a motor vehicle.**

7.) Sworn personnel shall not deploy the taser on subjects known to have come in contact with flammables, or in environments where flammables are obviously present.

8.) Sworn personnel should not use the taser on a fleeing subject unless the person has committed a known offense and is believed to pose an articulable threat to the officer or to another citizen. Note: Failure to Comply to Stop with no known offense committed or observed are not justification for using the taser.

9.) Sworn personnel shall not change or modify the taser.

10.) Once the taser reaches the 20% level, the battery shall be replaced.

11.) All accidental discharges of the taser shall be report to a supervisor.

D.) Taser Deployment

1.) Sworn personnel choosing to deploy a taser shall confirm that the weapon selected is a taser and **not a FIREARM.**

2.) Only approved taser cartridges shall be used with the taser.

3.) When feasible, sworn personnel should communicate to the subject that the taser is going to be deployed to attempt to gain compliance. This can be communicated to the subject by removing the air cartridge and displaying the laser on the subject and sparking the taser unit.

4.) If possible, sworn personnel should give loud verbal commend, Taser! Taser! Taser! Prior to firing the taser.

5.) Sworn personnel may use the taser in the drive-stun mode to gain control of suspects displaying active resistance. The drive-stun mode shall not be used with a live air cartridge in place.

E.) Taser Post-Use

1.) Any subject upon whom the taser is used, in either probe or drive-stun mode, shall be examined by EMS personnel and shall remain under observation by Department personnel until slated or released from custody.

2.) Sworn personnel shall request an EMS unit to respond to the scene to remove any probes that have penetrated the skin and are still attached to the subject.

3.) Sworn personnel shall call EMS personnel to the scene if any signs or symptoms of medical distress become evident.

4.) Taser cartridges used on a subject shall be submitted to the Property Room Officer.

F.) Annual Review & Sign Off of Chemical Agents Use, Intermediate Weapons Use and Taser Use. (Policy 3.1)

1.) Each year Officers will review and sign off on Chapter 3, Policy 3.1 and acknowledge that they understand the policy and will follow the policy. Most generally this review will be conducted during the Department's firearms qualifications date, by the Firearms Instructor and or Captain.

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3.2: Action-Response to Resistance; Use of Force , Deadly Force, Duty to Intervene, Neck or Choke Holds

1.) Definitions

A.) Action-Response; Resistance/Aggression; the exertion of energy or the use of force by personnel in the performance of their duties used to direct or control another's movements or actions. A Use of Force is used to control resistive or aggressive behavior toward the involved personnel, other personnel, third parties, or property, and results in the following Levels of Control.

B.) Action-Response Levels of Control

1.) A progression of techniques used to control a suspect's actions:

Level 0: Officer presence, verbal and non-verbal commands, searching, handcuffing, sparking taser for compliance. De-Escalation techniques such as talking with the person in a calm and non-aggressive tone or by backing away from the situation could be used before force is necessary.

Level 1: Empty hand control, pressure points, grounding techniques and joint manipulations. Use of chemical mace spray or the taser. If taser: one full or partial five-second cycle.

Level 2: Hard empty hand control (strike, punch, kick) or Use of impact weapon (baton).

Level 3: Deadly Force: In accordance with U.S. and Ohio Supreme Court decisions, specifically "Tennessee v. Garner" and "Graham v. Connor".

C.) Deadly Force; any force which carries a substantial risk that it will proximately result in the death of any person.

D.) Injury; are classified as Minor Injury is an injury that does not require transport to a medical facility. Serious Injury is an injury that requires transport to a medical facility for treatment.

E.) Duty to Intervene: A situation where another Officer shall stop another Officer from using deadly force techniques or excessive force to gain control of an suspect or arrest of an suspect.

2.) Policy Statement

A.) It is well established that police officers may use force to effect an arrest, to defend themselves, or to defend others,. An Officer should not desist from any official duty merely because resistance is offered. Police Officers shall not use more force than is reasonable in a particular incident.

B.) Once the person stops aggression towards the Officer and submits to control then the Officer will not use force against the person.

C.) Any Officer shall have an Duty To Intervene to stop another Officer from using excessive force or deadly force when the situation does not fall under the guidelines of when force can be used or deadly force can be used.

D.) Factors to be considered when determining the reasonableness of a use of force are:

- 1.) The severity of the crime at issue.
- 2.) Whether the suspect poses an immediate threat to the safety of the officer or others.
- 3.) Whether the suspect is actively resisting arrest.
- 4.) Whether the suspect is attempting to evade arrest by flight.

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3.2: Action-Response to Resistance: Use of Force, Deadly Force, Duty to Intervene, Neck or Choke Holds

E.) Officers shall use their training to guide them through an action-response to resistance incident. The preferred response to resistance and aggression is a trained technique. However, during a situation involving the infliction or threaten infliction of serious physical harm, the use of an untrained response (e.g., neck restraints), while not normally authorized, may be reasonable to end the threat and survive the encounter. The proper exertion of physical force used to control persons shall be consistent with Department Policy.

F.) Neck Restraint or Choke Holds is a deadly force technique and shall not be used unless the situation/incident arrest falls under the guidelines of when can an Officer use Deadly Force under Tennessee V. Gardner and Graham V. Connor which is deadly force can be used to protect the Officer from imminent death or serious physical harm or of another person from imminent death or serious physical harm.

G.) All action-responses to resistance/aggression; use of force or deadly force shall be reported consistent with Department policies. Involved personnel shall notify an on duty supervisor, or the Captain or Chief of Police. A Use of Force Form and a Uniform Offense/Incident Report for the narrative/facts will also be created by the Officer involved. **Officers will also record in the “Department Use of Force Log Book” on what type of force was used.**

H.) All use of force incidents will be reviewed by the Captain and or Chief of Police. The Chief of Police will have the determination in contacting Ohio BCI to investigate any use of force incidents. Any Officer found using excessive force against a person will be subject to department discipline and or criminal prosecution.

I.) All Department Officers will receive a copy of the Policy Manual which includes the use of force and deadly force policies. This will be done when Officers are first employed and during their course of employment if changes are made then each Officer will be given updated revisions to be added to their manual.

J.) All Department Officers will be annually trained and tested on the Department’s use of force and deadly force policies and directives and compliance documentation will be placed in each Officer’s personnel training file.

3.) Deadly Force: All actions will be in accordance with U.S. and Ohio Supreme Court decisions, specifically, “Tennessee v. Garner and “Graham v. Connor”.

A.) Sworn personnel may use deadly force when the involved personnel have reason to believe the response is objectively reasonable to protect themselves or others from the imminent threat of death or serious physical harm

B.) Sworn personnel may use deadly force upon a human being to prevent escape when there is probable cause to believe that the suspect poses a threat of imminent death or serious physical harm to the Officer or others, i.e., suspect is armed with a deadly weapon.

C.) Sworn personnel should avoid positioning themselves in the direct path of a moving vehicle.

D.) Sworn personnel in the direct path of a moving vehicle should attempt to take evasive action to avoid being struck by the vehicle.

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<p align="center">3.2: Action-Response to Resistance; Use of Force, Deadly Force, Duty to Intervene, Neck or Choke Holds</p>			
<p>Deadly Force</p> <p>E.) Sworn personnel may only fire a weapon at the driver or occupant of a moving vehicle where there is an articulable, reasonable belief that the subject poses an imminent threat of death, or serious physical harm to the Officer or others.</p> <p>F.) If reasonable, sworn personnel should give a verbal warning of the intention to use deadly force.</p> <p>G.) While sworn personnel have an affirmative duty to use that degree of force reasonable to protect human life, the use of deadly force is not reasonable merely to protect property interests.</p> <p>H.) The use of deadly force by sworn personnel should not create a danger to the public that outweighs the benefits of its use.</p> <p>I.) Sworn personnel shall not fire a warning shot.</p> <p>J.) Facts unknown to sworn personnel at the time deadly force is used cannot be considered in determining whether the involved personnel acted in conformity with this policy.</p> <p>K.) In an incident where it is an Officer related shooting and or shooting death, Ohio BCI shall be called to do the investigation. The crime scene shall be secured until BCI arrival. Investigations resulting in death shall be forwarded to the County Prosecutor who will determine if the case will be presented to a Grand Jury.</p>			
<p>4.) Adherence to Federal, State, Local Laws for Use of Force All Officers will adhere to and abide by all applicable federal, state, and local laws when using force against another person. Specifically under Tennessee v. Garner and Graham v. Connor when using deadly force.</p>			
<p>5.) Medical Care for Persons Injured During Use of Force When a person appears to be injured then the arresting officer shall call for EMS to come to the scene and examine the injured person. Injuries could be but not limited to cuts that are bleeding, knots or swelling, possible broken bones, or near unconscious or being unconscious or unresponsive. If the person appears to be having breathing problems the Officer will call for EMS to examine the person.</p>			
<p>6.) Annual Review & Acknowledgment By Officers of Chapter 3, Policy 3.2 Action-Response to Resistance; Use of Force & Deadly Force Each year Officers will review and sign-off acknowledgement that they understand and will follow Chapter 3, Policy 3.2. Most generally this review will be during the Department's firearms qualifications' date by the Department's Firearms Instructor and or Captain or Chief of Police.</p>			

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4.0: Mutual Aid

1.) Policy Statement

A.) The Department may, subject to available resources, provide assistance to a mutual aid participant. The Department may also request assistance from another law enforcement agency that has signed a mutual aid contract with the Department.

B.) New Boston Police Department has mutual aid agreements with the Portsmouth Police Department, Scioto County Sheriff Office, Ohio State Highway Patrol, Shawnee State University Police Department, Norfolk Southern Railroad Police Department, which represent all local policing agencies in the county.

C.) Department personnel responding to a request for mutual aid are considered to be acting within the scope of their employment and have the same police powers as officers of the requesting jurisdiction.

E.) In situations where both Department personnel and personnel from the requesting agency are present, the senior police officer who is in charge of the agency which requested assistance, shall have full command authority over personnel responding to such request. When a Department supervisor responds to a request for mutual aid, the Department supervisor shall maintain supervisory control of responding Department personnel and shall report to the senior officer of the requesting agency.

D.) All Department directives, rules, and policies shall be followed when responding to a mutual aid request.

F.) At times, court bailiffs are ordered to enter private premises to seize property involved in a civil action. Officers may be asked to standby in the event of a confrontation. Officers shall provide assistance when the bailiff has court papers signed by a judge. The officer's primary role is to preserve the peace.

2.) Procedures

A1.) If the request for aid is a vehicle pursuit by another agency then the Department Officer will refer to the Department vehicular pursuit policy.

A2.) If the Department Dispatcher receives the request for aid by phone or radio then the shift officer will respond to the aid request. If there is a supervisor on duty then the dispatcher will notify the supervisor of the aid request.

A3.) Aid Requests shall come from the requesting agency personnel to a Department Officer or Dispatcher to respond to a scene and not from a Department Officer hearing radio transmission from other agencies of something that is occurring and the Department Officer responds to that scene without being asked to by the requesting agency. In those circumstances, the Department Officer has no authority or arrest powers.

A4.) If at all possible, Department Officer responding to a scene for mutual aid should secure the scene if arrival is first. If at all possible any arrests should be deferred to the requesting agency for mutual aid since it is occurring in their jurisdiction, unless circumstances are present which causes the Department Officer to take immediate arrest actions.

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4.0: Mutual Aid

A5.) Department Officers making arrests in the requesting agency's jurisdiction will report those arrests to their immediate on duty supervisor or the Lieutenant, Captain, or Chief of Police. Additionally, the arresting officer will notify the requesting agency's on duty supervisor of the facts of the arrest before leaving the requesting agency's jurisdiction.

A6.) If the requesting agency Officer does not take control of the suspect, for booking and transport proposes, after a Department Officer has made an arrest, then the Department Officers will transport the suspect to the County Jail and book in the suspect under the appropriate Ohio Revised Code section for the offense committed. The Department Officer will do all arrest paperwork and see that criminal charges are filed in Municipal Court the next court day against the arrested suspect.

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4.1: Jurisdiction

1.) Definitions

A.) Concurrent Jurisdiction; enforcement authority shared by two or more law enforcement agencies at a particular location on a particular subject matter.

B.) Exclusive Jurisdiction; enforcement authority granted to only one law enforcement agency at a particular location or on a particular subject matter.

C.) Limited Jurisdiction; enforcement authority which is not absolute.

2.) Policy Statement

A1.) New Boston Police Officers have jurisdiction and arrest powers within the Village of New Boston and on any Village owned property.

A2.) New Boston Police Officers only have jurisdiction or arrest powers outside the Village of New Boston only on situations where mutual aid was requested by another law enforcement agency for that particular incident.

A3.) New Boston Police Officers when making jurisdictional arrests shall refer to the Department's Arrest, Summons and Citations directives in accordance with the Ohio Revised Code for Misdemeanor and Felony Arrests.

A4.) New Boston Police Officer can go outside the jurisdiction limits of New Boston to investigate any crimes that had occurred within the Village's jurisdictional limits. Arrest powers in those incidents are very limited for misdemeanors and will usually require an arrest warrant. Felony arrests do not require an arrest warrant if the offense occurred within New Boston. Investigating Officer shall consult with a supervisor in those incidents where an arrest might be made.

A5.) Other law enforcement agencies that have arrest powers without an arrest warrant within the Village of New Boston could include the Ohio State Highway Patrol, the Scioto County Sheriff Department, the Norfolk Southern Railroad Police Department, other State and or Federal Law Enforcement Officers. The Portsmouth Police Department would have arrest powers on any mutual aid request from the Department.

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4.2: Issuance of Traffic Tickets and Misdemeanor Citations

1.) This Directive outlines the procedures for issuing traffic tickets to adults and juveniles and misdemeanor citations to adults.

A.) Adults can be cited into New Boston Mayor's Court or Portsmouth Municipal Court, when using approved Department traffic tickets or criminal summonses.

B.) Juveniles have to be cited into Scioto County Juvenile Court when using Department traffic tickets.

C.) Be sure to write the name of the court in the appropriate lines on the ticket forms.

2.) Policy Statement

A1.) **For minor misdemeanor traffic violations committed by an adult or juvenile, physical arrest are prohibited by law** and the Department Officer making the traffic stop shall issue a traffic ticket or criminal summons for the observed traffic violation or minor misdemeanor violation.

A2.) If the traffic violation **is above an minor misdemeanor** then a physical arrest could be made by the Department Officer, but most generally and depending upon some type of certain circumstances, the Department Officer should issue a the ticket to appear in court.

A4.) On traffic tickets where the offender is a juvenile, the issuing Officer shall write in Juvenile Court and their address. For the date to appear, write in "to be notified by mail from Juvenile Court."

B.) Juvenile Traffic Tickets

1.) Issuing Officer shall use the Juvenile traffic offender code of 2152.02 along with the appropriate state traffic violation code on the ticket. For example for speed is 2152.02/4511.21. The 2152.02 must appear on all juvenile traffic tickets or the ticket is dismissed by the court.

2.) For court appearance and date, the issuing Officer shall write in on the ticket "to be notified by mail from Juvenile Court."

3.) All Juvenile traffic tickets must be cited into Juvenile Court.

C.) Adult Traffic Tickets

1.) Except when required by State Law, all adult traffic offenders shall be cited into New Boston Mayor's Court using Village Traffic Ordinance Numbers, unless approved not to by a supervisor. The only traffic charges that have to be heard and cited into Municipal Court are "driving under suspensions" and "2nd or more OVI offenses. Fleeing and Eluding offense tickets can be cited into Municipal Court under the discretion of the Issuing Officer.

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4.2: Issuance of Traffic Tickets and Misdemeanor Citations

2.) On Adult OVI tickets the issuing Officer shall use the appropriate OVI section number numbers, along with the test that was given, i.e. breath, blood, urine section. On Municipal Court cases the OVI State Statue must appear on the ticket, 4511.19 A1(a) and then whatever test given section, for example for breath is 4511.19A1(a)(h). On all Village OVI cases the Village Ordinance number for OVI must appear is 333.01A1(a) and then breath would be 333.01A1(a)(h).

3.) On Adult OVI cases where the person refused the test the State statue number used is 4511.19A1(a) or 333.01A1(a) for Village cases.

4.) On Adult OVI cases where blood is drawn at the hospital or urine is taken by the Officer without not knowing what the results are, the number to be used on the ticket is the 4511.19A1(a) for State OVI cases and 333.01A1(a) for Village OVI cases.

D.) Misdemeanor Criminal Citations

1.) The Arresting Officer may issue an misdemeanor citation in lieu of physical arrest.

2.) Circumstances where a criminal citations might not be issued:

- A.) potential harm to the public or the victim or the suspect themselves.
- B.) The likelihood the person will not appear in court.
- C.) The likelihood of recurrence of the criminal act any time prior to trial.

3.) Sworn personnel may issue a summons in lieu of an arrest when the **identify of the violator is known** and the violators appearance in court is reasonably assured, with the following EXCEPTIONS:

- A.) Assault on a police officer
- B.) Resisting Arrest
- C.) Domestic Violence
- D.) Violation of protection orders
- E.) Individuals displaying persistent violent or turbulent behavior after warning
- F.) Offenders who are unable to care for themselves due to a mental or physical condition.
- G.) Assaults where there was serious injury or injury requiring medical treatment to the victim.
- H.) Menacing by Stalking or Menacing where a weapon was brandished.
- I.) Criminal Child Enticement
- J.) Child Endangering

4.) The issuing Officer shall write out the complaint on the summons in long form and not use abbreviated phases such as "Shoplifting" and nothing else. Long Form is :you deprived the owner, state name, of property valued at, state value , without owners permission. The Officer will sign the summons in the two lines for officer's signature. Then the Court Clerk or Mayor will sign and seal the summons.

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4.3: Arrests and Prisoner Searches, Transport

1.) Policy Statement

A.) **No complaint/affidavit shall be signed and no arrest shall be made except upon probable cause.**

B.) All charges for misdemeanor violations shall be filed in the New Boston Mayor's Court using the Village Criminal Ordinance Number, unless the Captain or Chief of Police advises to file a misdemeanor charge at Municipal Court, **Except for misdemeanors that are required to be filed in a Municipal Court and they are:**

- 1.) All driving under suspension arrests or tickets.
- 2.) 2nd time or more OVI/DWI arrests or tickets
- 3.) Domestic Violence arrests (2919.25)
- 4.) Violence of Protection Order arrests (2919.27)
- 5.) Assault cases with serious injury or victim received medical treatment
- 6.) Menacing by stalking (2903.211)
- 7.) Child Endangerment where child was placed in serious physical danger

C.) All arrest warrants shall be executed by sworn Department personnel only.

D.) An individual shall not be arrested for a misdemeanor offense without a warrant unless sworn personnel witnesses the alleged offense occur, or there is probable cause to believe the individual committed any of the following specific offenses under the Ohio Revised Codes of:

- 1.) Offense of violence as defined in 2901.01
- 2.) Criminal child enticement 2905.05
- 3.) Public indecency 2907.09
- 4.) Domestic Violence 2919.25
- 5.) Violation of a Protection 2919.27
- 6.) Menacing by stalking 2903.211
- 7.) Aggravated trespassing 2911.211
- 8.) Theft offense as defined in 2913.01
- 9.) Felony drug abuse offense as defined in 2925.01
- 10.) OVI 4511.19 & 4506.15

E.) **Maintenance of Custody**

1.) Officers shall maintain custody and control over persons arrested for criminal or traffic offenses until such time as transfer of custody can be made to another law enforcement officer with arrest powers as described in the Ohio Revised Code.

2.) Arrested persons by Department Officers shall be taken to NBPD and processed and held in the NBPD prisoner cells until released from custody on bond or until transferred to the County Jail.

3.) If Department Officers arrest an individual on another in county law enforcement agency arrest warrant, then the Department Arresting Officer will contact that department who has the warrant to make arrangements to turn over the prisoners to them.

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4.3: Arrests and Prisoner Searches , Transport

4.) If a person is arrested on an adjoining county (to Scioto Co) arrest warrant after that adjoining county agency has confirmed their warrant and wants the subject held, then the Department Officer will made arrangements to meet an Officer from the other adjoining county at a certain location to transfer the prisoner over to them, or the prisoner can be taken to the Scioto County Jail per the adjoining county request after they send a TTY holder to the Scioto County Jail.

5.) For out of State arrest warrants, before making the arrest the warrant must be an extraditable offense and the out of State agency must TTY confirm they want the person held and arrested. The out of State agency must also TTY the Scioto County Jail for a holder for the prisoner.

F.) Arrest or Detention by Private Citizens

1.) When there is probable cause to believe a felony has been committed, any person may arrest and detain the person believed to have committed the offense until a warrant can be obtained. In those cases, the Department Officer shall take custody of the prisoner and transport the prisoner to NBPD for processing, the person making the detention needs to come to NBPD and make a written statement for the case. The Department Officer shall file all felony charges through Municipal Court.

2.) Private citizens, including security guards, do not have a right to make arrests for misdemeanors, except under the following:

A.) Store employees or agents may detain a person whom they have probable cause to believe committed a theft of merchandise.

B.) Employees or agents of a library or museum may detain a person whom they have probable cause to believe has tampered with property of the library or museum, or committed a theft of such property.

G.) Charges Filed by Citizens

1.) A citizen wishing to file charges against a person must make a police report first and then an investigation must be completed by the Department and if charges are warranted then the requesting citizen can sign an arrest warrant and complaint or the Department Officer can sign and file for an arrest warrant and complaint against the alleged offender.

H.) Arrests of Foreign Nationals

1.) Department personnel shall not arrest or detain persons for Immigration and Customs Enforcement unless a warrant exists or a criminal violation was observed.

2.) Department personnel do not have the authority to arrest a foreign national for being an illegal alien, that is a Federal Law not enforceable by local authority. However if the foreign national does commit a crime then that person will be arrested for the violation of law. If an foreign national is arrested for a felony that is a serious crime, then the Department Officer shall make an attempt to contact Immigration and Customs (ICE) and advised them of the foreign national that was arrested and what the felony charges were for.

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4.3: Arrests and Prisoner Searches, Transport

I.) Entering Arrest Warrants into LEADS/NCIC

- A.) All felony warrants issued to the Department shall be entered in NCIC.
- B.) All F1 to F3 shall be entered for nationwide pickup, all F4 to F5 warrants shall be entered for pickup in Ohio only.
- C.) For misdemeanor warrants they will be entered for Scioto County only.
- D.) The Captain or Chief of Police can change the pickup radius for a warrant if necessary and depending upon the charge circumstances.

J.) Prisoner Searches

- 1.) Every prisoner shall be thoroughly searched prior to being placed in a police vehicle, when practicable. An additional search shall be conducted whenever custody of a prisoner is transferred to another officer. If the person is under arrest then the Department Officer shall handcuff the prisoner first for safety reasons before searching.

2.) Exceptions:

- A.) There is an immediate need to leave the area.
- B.) The prisoner is the opposite sex of the officer, however, if an officer has a reasonable suspicion to believe the prisoner has a weapon, the officer may search for and seize the weapon, regardless of the prisoner's gender. An attempt shall be made to contact an officer of the same sex as the prisoner to conduct the search but if unavailable then another officer if available should respond to witness the search.

K.) Transporting Prisoners

- 1.) All Department vehicle shall be checked for weapons and contraband at the beginning and end of the tour and before and after each transport.
- 2.) For Officer safety reasons prisoners should be handcuff (leg irons if necessary) during transport.
- 3.) All violent prisoners shall be handcuff during transport.
- 4.) Officers shall keep the prisoner under direct observation at all times.
- 5.) For female prisoners, the Officer will give the Dispatcher the starting and ending mileage of the transport.
- 6.) Prisoners that have made allegations against one another should not be transported together.
- 7.) All prisoners will be transported in the secured rear seats of the police vehicle and no prisoner shall be transported in the front seat unless there is a immediate justification for that action.
- 8.) Handcuffs or other restraint devices shall be gapped and double locked as soon as reasonably possible..
- 9.) No prisoner shall be restrained or held in a manner which prevents straightening the abdomen, or in a manner which forces the prisoner to remain in a face down position.

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4.3: Arrests, Prisoner Searches, Transport

10.) The method of restraint commonly known as “hog-tying” is prohibited.

11.) Officers shall monitor prisoners for symptoms of illness or overdose, including sudden inactivity, labored breathing, profuse sweating, pallid skin, racing pulse, and seizures, and shall obtain medical assistance when observed.

L.) Sick/Injured Prisoners

1.) Officers shall notify a supervisor when a prisoner has sustained a injury or becomes sick and needs medical attention.

2.) Prisoners needing medical attention should be released on a summons if the criteria established in the “Summons and Misdemeanor Citations” directive are met. However, releasing a person on summons does not relieve officers of the responsibility to make necessary medical attention available to the person being released.

3.) If Prisoners need medical attention then the Officer will call for a ambulance personnel to respond to the scene and the ambulance will transport the person.

4.) If it is necessary for the Officer to follow the ambulance and stay with the person at the hospital then the Officer will stay with the prisoner until released by the hospital and then transport to the jail for processing. A supervisor shall be notified if an officer determines they need to follow and stay with the person while being treated at the hospital

M.) Non-Ambulatory Prisoners

1.) Non-ambulatory prisoners are those who refuse or are unable to walk on their own. Officers should consider these persons to be as dangerous as any other.

2.) Non-ambulatory prisoners requiring transportation to a detention facility may be transported by emergency medical personnel if necessary and the Officer will follow the medical transport vehicle to the detention facility.

N.) Prisoner Identification and Processing at Station

1.) Prisoners shall be positively identified by personnel before they are released from custody, either by photo identification from the person driver’s license or by using OHLEG BMV pictures or other electronic means to help identify the arrested person.

2.) The Dispatcher/Booking personnel will assist the Sworn Officer in processing the prisoner at the booking window for taking prisoner property and prisoner evaluation questions that are required to be asked and recorded on the prisoner arrest slip.

3.) Before placing the prisoner in the cell, the Officer shall search the cell to make sure everything appears to be okay within the cell and to turn on the lights which will activate the cell cameras to record. The Officer will search the cell again after releasing the prisoner for any found contraband.

4.) A Officer will process the prisoner if needed for fingerprinting and DNA collection as required by law. No firearm shall be on the Officer during fingerprinting of prisoner.

5.) Officer shall take the prisoner photograph before placing them into the cell.

6.) Officer shall allow the prisoner to make their phone call if necessary.

7.) Adult Prisoners shall not be secured with any juvenile prisoners.

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4.3: Arrests and Prisoner Searches, Transport

8.) If investigators are done interviewing a prisoner for the case and there are no other legal reasons to hold the prisoner, then the prisoner shall be allow to make bond for their release as soon as possible. Bond can be either their own recognizance bond or through a bail bondsman, depending on the arrest charge or warrant restrictions for release.

9.) If a prisoner is going to have to be taken to the Scioto County Jail then that prisoner needs to be transported when all booking process are finished and no other investigative reasons exist, then when an Officer becomes available to transport, the prisoner shall be taken to the county jail.

10.) If a prisoner escapes from custody, a supervisor and the Chief of Police shall be notified immediately by the Officer. A “BOLO” will be sent out to all law enforcement agencies in the areas where the escape prisoner could be heading to.

2.) Procedures

A.) All Arrests and Booking Paperwork

1.) All Department personnel shall complete the arrest and booking paperwork before their end of shift. A supervisor shall be notified if for some reason it is not possible to complete all arrest and booking paperwork before the end of shift.

2.) The Dispatcher/Booking Officer shall complete all of the arrest slips and record them into the arrest book and record them into the LEOT jail program, as well as completing and typing all arrest warrants and complaints.

3.) Sworn Officers will complete arrest reports by doing a OHLEG offense report if the arrest consists of a criminal charge or for traffic charges to complete a regular facts of arrest report by using the Form-docs program.

4.) Sworn Officers shall complete all evidence impound reports and other arrest reports, i.e. felony arrest packets, protection orders, vehicle impounds or towing, etc.

5.) If the arrest charge is one that needs to be filed at Municipal Court the next morning then “Facts of Arrests” or the OHLEG report needs to be completed before 7:00a.m. in the morning prior to filing the charges.

6.) A supervisor should review all arrest reports if available before filing the charges at Municipal Court, and all typed arrest warrants and complaints before going to the Mayor’s Office for Mayor’s Court.

7.) Sworn Officers shall take prisoners fingerprints and DNA collection as required by law for misdemeanor and felony arrest charges. During the process of fingerprinting a prisoners, the Officer shall not be in possession of his duty firearm, the firearm shall be secured in a locked location.

B.) Issuing Arrest Warrants for Suspects

1.) No Officer will request or sign for a arrest warrant unless the request and offense report has been reviewed by the Village or Municipal Prosecutor and the Prosecutor has approved issuing the arrest warrant. When approved, the victim and or Officer and sign the arrest warrant as the complainant.

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4.3: Arrests and Prisoner Searches, Transport

C.) Typing of Arrest Warrants & Complaints

1.) All paperwork shall be typed by the Dispatcher who also acts as a booking officer during this process.

2.) When a misdemeanor summons is issued to a suspect then a **Dispatcher does not need to type up a Complaint Form any longer. The Officer will out write the complaint in long form on the summons to be issued and the Officer will sign the summons in the two places for Officers signature.**

3.) When a actual physical arrest is made and the suspect is brought into NBPD for booking and processing then a **Arrest Warrant and Complaint Form will be typed up and either signed by the arresting officer or victim.**

4.) If a Officer is seeking a arrest warrant after a crime was committed then a **Arrest Warrant and Complaint Form will be typed up and signed by the Officer.** However before doing this you shall refer to page 5 of this chapter under "B. Issuing Arrest Warrants". Any arrest warrants must have the prior approval of a Prosecutor before being signed and officially issued.

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4.4: Handing of Juveniles, Juvenile Arrests, Traffic Tickets

1.) Introduction

A.) The Department is committed to the development and continuance of programs designed to prevent and control juvenile delinquency, and encourages review and comment regarding the development of policies and procedures relating to juveniles by other elements of the juvenile justice system.

B.) The Ohio Revised Code prohibits a juvenile taken into custody from being placed in a detention facility unless:

- 1.) The child needs protection from immediate risk of threatened physical or emotional harm.
- 2.) The child may flee or be removed from the jurisdiction of the court.
- 3.) The child has no parent, guardian, legal custodian, or other person able to provide supervision and care, and return him or her to the court when required.
- 4.) An order for placement of the child in detention or shelter care has been made by the court.

2.) Definitions

A.) Delinquent Juvenile is a juvenile charged with an offense that would be illegal if an adult committed the same act.

B.) Unruly Juvenile is a juvenile charged with an offense that would not be illegal if an adult committed the same act. (Example would be a local curfew violation ordinance)

C.) Secure Holding of a juvenile is being physically detained in a locked room, cell, or handcuffed to a stationary object and not free to leave the building.

D.) Non-Secure Holding of a juvenile is being physically placed in an unlocked room or handcuffed to self but not a stationary object. A juvenile may be in custody, but is free to leave the building.

3.) Policy Statement

A.) Traffic Tickets

1.) On juvenile traffic tickets the Issuing Officer shall use the juvenile offender state code of 2152.02 on all tickets in addition to the O.R.C. Statue for the violation. For example on speed; 2152.02/4511.21. (Cases will be dismissed by the Court for not using 2152.02.)

2.) Officers shall marked out "Mayor's Court" on the ticket and write in Juvenile Court, and for the court date to write in " to be notified by mail by Juvenile Court".

3.) Issuing Officer will complete all "facts of arrest" report for the incident.

4.) Juvenile Traffic Tickets can either be mailed to Juvenile Court with the "facts report", or the tickets can be taken down by an Officer to Juvenile Court. This shall be done within 24 hours of the issuance of the tickets.

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4.4: Handling of Juveniles, Juvenile Arrests, Traffic Tickets

B.) Juvenile Physical Arrests

1.) If a Sworn Officer arrests a juvenile then that juvenile will be transported to NBPD and placed in the "Squad Room" of the Department. Officers can use the "Interview Room" (do not lock the interview room door) if necessary.

2.) At no time will a juvenile be placed in a jail cell unless that juvenile is becoming violent towards Department staff or attempts to escape from custody.

3.) Depending on the arrest charge, the Arresting Officer will have to call the "Juvenile Court Detention Officer on Call" to see if the Court wants the juvenile held to be taken to a detention center.

4.) If the arrest charge is minor in nature, or if the Juvenile Court Detention Officer does not want the juvenile held, then the Arresting Officer will contact the parents or legal guardian of the juvenile for release. Officer will obtain signed recognizance form from parent.

5.) If a juvenile is brought into the station for Curfew Violation, then that juvenile will be released to the Parents or legal Guardian for the juvenile.

6.) A juvenile shall be fingerprinted as required by law for misdemeanor or felony charges. Those fingerprint cards will be taken to Juvenile Court when filing the arrest charges at that Court.

7.) No photograph of a juvenile shall be taken unless prior approval is done by the Juvenile Court Judge.

8.) No juvenile will be placed into a cell where there is a Adult prisoner at any time or to be secured with a Adult Prisoner at any time or place while in Department custody.

C.) Transporting Juveniles

1.) Juveniles under arrest, shall not be transported with an adult, unless the adult is the actual legal custodian parent of the child or a legal guardian of the child, and those persons are also under arrest. Once at the Department, the juvenile shall be separated from those persons.

2.) A juvenile taken into custody for "safekeeping" and not under arrest, shall not be transported with any other family members or adults, whether those persons are under arrest or not under arrest.

C.) Juvenile Arrest Book

1.) The Arresting Officer shall record the juvenile arrest into the "Department Juvenile Blue Book" that is located in the Juvenile Arrest filing cabinet drawer.

2.) The Arresting Officer shall completely fill out the "State Required Juvenile Log Sheet", that is in the "Blue Book" pertaining to the juvenile status while in custody and before releasing from custody.

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4.5: Traffic Stops, Investigative Interview Stops, Searches, Bias-Base Profiling

1.) Introduction

A.) Traffic Stops are where an Sworn Officer pulls over a vehicle by visual and audible means by using the police cruisers emergency lights and siren for an traffic violation.

B.) Investigative Interview Stops are where an Sworn Officer observes an individual on foot who is acting suspicious manner that would be a reasonable suspicion to the Officer that a person has been , is, or is about to be engaged in criminal activity based on specific and articulable facts and inferences.

C.) Bias-Based Profiling is the unequal treatment of any person by stopping, questioning, searching, detaining, or arresting or the seizure of assets or attempt to forfeit property based on the person's ethnic or racial characteristics, gender, religion, or sexual orientation.

D.) Reasonable Suspicion is a legal standard that a person has been, is, or is about to be engaged in criminal activity based on specific and articulable facts and inferences.

E.) Probable Cause is facts and circumstances within an officer's knowledge that are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime.

2.) Procedures

A.) Sworn Officers shall not engage in bias-based profiling and shall only stop or detain a person for an aticulable reason and shall advise that person of the reason for the stop or detention as soon as practicable and prior to the termination of the contact.

B.) Motorists or Person's on Foot shall only be subjected to stops, seizures, or detentions based upon reasonable suspicion that they have committed or are committing a violation of law.

C.) For a traffic stop, or stop of a person on foot, Officers shall notify the dispatcher of the location of the stop, if a vehicle, the license plate number shall be given.

D.) When enforcement action, citation, or warning, or questioning has been completed, the Officer shall not detain the person beyond the point where no reasonable suspicion or further criminal activity exists.

E.) During any stop if the Officer believes there is an danger for his safety or if a possible weapon could exist, then the Officer can conduct a "Terry Pat -Down Search" of the subject. This pat-down search is only for weapons and not contraband. If a Motorist, the Officer can conduct an immediate search of the driver's area where a weapon can be reached, and no other areas can be searched.

F.) Officers shall not search a person or a vehicle, unless if falls under the "Terry Pat-Down" guidelines, in the absence of a warrant, a legally recognized exception to the warrant requirement (Plain View Doctrine), or without the person's voluntary consent. It is strongly recommended that written consent be obtained before conducting a consent search.

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4.6: Enforcement of Traffic and Parking Violations

1.) Introduction

The primary objectives of traffic enforcement are to ensure the safe movement of vehicular and pedestrian traffic, to reduce the number of traffic crashes and related injuries, and to reasonably and impartially enforce all of the traffic laws.

2.) Policy Statement

A.) Sworn personnel shall take appropriate traffic enforcement action consistent with applicable laws and Department Directives.

B.) On-Duty Traffic Stops

1.) Only uniform sworn personnel driving marked units shall make traffic stops, unless part of a planned tactical operation.

2.) The interaction between sworn personnel and traffic violators during the traffic stops can affect the public's perception of the Department, and an officer's ability to safely conduct the stop. In order to project a professional image and help gain compliance from traffic violators during the traffic stops, upon initial contact with the violator, sworn personnel shall:

A.) Introduce themselves by rank and last name

B.) Identify the Department's name, New Boston Police Department.

C.) Briefly explain the reason for the stop, and

D.) Ask if there was a justifiable reason for the violation.

3.) Sworn personnel shall request the operator's license, vehicle registration, and proof of insurance document.

4.) Traffic enforcement duties may be conducted in either a stationary or moving manner. Sworn personnel shall remain visible to motorists and shall not attempt to conceal themselves or their vehicles.

5.) Enforcement action shall be accomplished in a firm, fair, and courteous manner. Sworn personnel making traffic stops should decide what course of action to take prior to approaching the violator, reinforcing fair and impartial treatment. Further information may alter the original decision. Sworn personnel should ensure it is fact that alters the decision, not violator personality.

6.) Sworn personnel should have all violators remain in their vehicles for the duration of the traffic stop.

7.) Off Duty Officers shall not in private vehicles enforce traffic laws nor stop the operator of a vehicle who is involved in a misdemeanor traffic offense.

8.) Sworn personnel shall not allow an unlicensed operator to drive a vehicle from the location of a stop. Expired license, no less than 15 days expired.

9.) When necessary, Sworn personnel will enforce all parking and bicycle and pedestrian traffic laws during their course of duty. Sworn personnel may use discretion on what enforcement action to take, unless otherwise directed by a supervisor.

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4.7: Body Cavity and Strip Searches

1.) Introduction

Strip and body cavity searches conducted by law enforcement officers on individuals arrested or detained for misdemeanor crimes or traffic offenses are regulated by the Ohio Revised Code (ORC). Sworn personnel may become criminally liable if a strip search, body cavity search, or the documentation of a strip or body cavity search does not comply with the provisions of the ORC. **Most generally a Search Warrant is required to conduct a strip or body cavity search, and require written authorization from the Chief of Police,** unless there is exigent circumstances involving a possible hidden weapon.

2.) Definitions

A.) Body Cavity Search; an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for the alleged commission of an offense.

B.) Strip Search; an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or arrangement of some or all of a person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually by means of any instrument, apparatus, or object, or in other manner while the person is detained or arrested for the alleged commission of an offense.

3.) Policy Statement

A.) No sworn personnel shall conduct a strip or body cavity search without notifying the Captain or Chief of Police. A Search Warrant might have to be obtained first.

B.) Sworn personnel shall not condone, assist, or facilitate a strip or body cavity search that is performed by a private entity or not conducted in compliance with law.

C.) when conducting a strip or body cavity search, sworn personnel should make all attempts to do so in a manner that maintains the dignity of the individual being searched.

D.) Sworn personnel may allow individuals to voluntarily remove items from their person to avoid being subjected to a strip search.

E.) Sworn personnel may allow jail personnel to conduct a strip or body cavity search and remove items from a prisoner who will be slated.

F.) Safety and the preservation of evidence shall take priority during each search.

G.) Sworn personnel may immediately remove any item reasonably believed to be a firearm from a person detained or in custody.

H.) If a detained person or prisoner is believed to be concealing evidence of a felony crimes, i.e. drugs, then the Arresting Officer should handcuffed the suspect so the evidence cannot be tampered with and not leave the suspect alone at any time until a Search Warrant can be obtained from probable cause.

I.) If the charges on the suspect is such that the suspect will be taken to the County Jail, then the Officer shall handcuff the suspect so evidence will not be tampered with and take the suspect to the County Jail to be slated in and advise the Jailer of possible hidden contraband.

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4.7: Body Cavity and Strip Searches

J.) Sworn personnel may have a body cavity search conducted only after a search warrant has been issued, unless there is immediate legitimate medical reason or medical emergency.

K.) A body cavity search shall only be conducted under sanitary conditions by a physician, a registered nurse, or a license practical nurse, registered and licensed to practice in Ohio, unless exigent circumstances exist.

L.) A strip search or body cavity search shall only be completed by persons of the same gender as the person being search, and in a place in which only the persons conducting the search and the person being searched can observe the search, unless exigent circumstances exist.

M.) The Sworn personnel will complete a written report of the incident for the strip or body cavity search with any exigent circumstances noted and submit that to the Chief of Police as soon as possible.

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4.8: Paperwork, Arrest Charges Being Filed at Municipal Court

1.) Policy Statement

A.) When a suspect is arrested and the charges are going to be filed the next day at Municipal Court, then sworn personnel shall complete all paperwork and have it ready to take down to Municipal Court the next morning.

B.) The paperwork includes a Ohleg offense report being completed. Sworn personnel must do a Ohleg offense report on any criminal charge (excluding traffic charges). Sworn personnel must have the victim's name and address and contact phone number. If the case is a theft case, then sworn personnel must list the stolen property under the property section and an estimated value on the Ohleg report. The Prosecutor's Office needs an offense report done listing the required information about the case and suspect.

C.) If the charges being filed are only traffic charges, then sworn personnel can use the "Facts of Arrests" form on the Form-Docs program.

D.) If there is multiple victims, then there must be a separate Ohleg offense report for each victim or each victim has to be listed in the Ohleg report victim section and sworn personnel must clearly separate each victim in your narrative to tell what happened to each victim and what if any stolen property belongs to them and what occurred to them.

E.) Sworn personnel are subject to disciplinary actions for improperly doing their Ohleg offense reports.

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4.9: Misdemeanor Arrests/Tickets, Court to File Charges

1.) Policy Statement

A.) Misdemeanor Arrests or Summons

1.) All misdemeanor arrest or summons to appear on a criminal charge made within the Village **will be filed through the New Boston Mayor's Court, unless the criminal charge cannot be heard by the Mayor's Court and requires a Municipal Court appearance or unless otherwise directed by the Lieutenant, Captain or Chief of Police.**

2.) All misdemeanor charges include everything within the Village Ordinance Book and the Village Ordinance Numbers will be used on the arrest slip and summons, i.e., any thefts; resisting arrest (no injuries); disorderly conduct; obstructing official business; obstructing justice; drug charges; or drug possessions; menacing; minor assault cases with no injuries, etc.

3.) The only misdemeanor arrest charges that will usually have to be filed or required at Municipal Court are Domestic Violence; Violation of Protection Orders; Assault Cases with injuries (requiring medical attention either at the scene or hospital.) to the victims; Child Endangering with injury to the child; Resisting Arrest or Assault on a Officer where medical treatment was required either at the scene or hospital.

4.) If there is a request by the Officer to have a case transferred to the Municipal Court which was originally filed through Mayor's Court then the Arresting Officer can place a written not on the arrest slip for Mayor's Court, requesting this case to be transferred and the Mayor shall make the determination to transferred the case.

5.) If a arrested suspect is physically brought into NBPD for a misdemeanor charge then NBPD can hold that prisoner for up to six hours within NBPD jail cells. After that time frame then the prisoner has not bonded out with a bails bondman then the prisoner shall be released on their own recognizance bond with a set court date. Allow the prisoner to make phone call to see about making bond. If the arrest charges require a Municipal Court appearance then all prisoners shall be transported to the County Jail unless the prisoner is allow to sign a Municipal Court recognizance bond sheet by the Arresting Officer while still at NBPD.

6.) If an Arresting Officer believes a arrested suspect needs to be held in the County Jail under a Village Misdemeanor Code then there must be approval by the Captain or Lieutenant or Chief of Police or the Mayor. The arrested suspect can still make bond and refer to the Village bond sheet. The suspect will be picked up the next morning by the Day-Shift Officer and brought back to NBPD until the Mayor can see the suspect in Court. **These cases usually involved a suspect where there is a belief the suspect will flee from the jurisdiction of the court or a victim or witness could be continued harassed or harm by the suspect.**

B.) Misdemeanor Traffic Tickets

1.) All misdemeanor traffic tickets will be filed through the Mayor's Court with Village Ordinances unless the traffic charges requires a Municipal Court appearance. Second time or more OVI's, Suspensions, Wrongful Entrustment, Fleeing and Eluding are considered required appearances.

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4.10: Jail Cells, Booking Prisoners, Disruptive Prisoners in Cells

1.) Introduction

The New Boston Police Department is considered a six (6) hours holding facility by the State of Ohio and no prisoner can be held after the six (6) hour limit is over. The booking of prisoners are a requirement where property is taken from the prisoners and medical questions must be asked to the prisoner. Refer to the back side of the arrest slips when booking.

2.) Policy Statement

A.) When a prisoner is brought into NBPD that prisoner will be patted down and searched by the arresting officer for any contraband or weapons at the booking window. All property shall be taken from the prisoner, including belts and the property recorded on the arrest slip.

B.) The Dispatcher is the assisting booking officer and shall receive all property from the prisoner and place the property in a property drawer. All required medical questions will be asked to the prisoner and their answers recorded on the arrest slip.

C.) The Arresting Officer after booking the prisoner will take the prisoner's photograph.

D.) Before placing the prisoner in the jail cell, the Officer shall search the cell for any contraband and if the cell is cleared then the prisoner will be placed into the cell.

E.) The Dispatcher and Arresting Officer will be sure the video surveillance cameras are in operation in the Dispatch Office and in the Jail Cells.

F.) The Dispatcher shall keep a log book of time of observations when there is a prisoner in the cell, observation time shall be no more than 20 minutes apart. If for some reason the surveillance cameras are not in operation then the Dispatcher shall physically go check on the prisoner by opening up the window on the cell door and observing the prisoner.

G.) If at any time there appears to be a problem with a prisoner in the cell, the Dispatcher will not open up the door but call the Shift Officer in to do so. If at any time there appears to be a medical problem with the prisoner then medical personnel shall be called to the Department.

H.) If a prisoner has to go to the hospital, if appropriate, depending on the misdemeanor charge, then a recognizance bond should be filled out with a court date and given to the prisoner. If the charge is a non-violent felony then a Municipal Court recognizance bond be given. If the charge is one where the prisoner is charged with a violent crime then a Department Officer will have to respond to the hospital with the prisoner and stay with the prisoner until released and taken to the County Jail.

I.) When the arrest charge is one where it requires a Municipal Court appearance and the prisoner is going to be held, the Arresting Officer as soon as possible, after all booking procedures are completed should transport the prisoner with their property to the County Jail.

J.) The Arresting Officer before placing a prisoner in the back seat of their police cruiser shall search the rear seat areas before placing the prisoner in the cruiser and after getting the prisoner out for any contraband left by the prisoner.

K.) The Officer shall make sure the prisoner has been allowed to make a phone call if they are not being disruptive or violent and see that there is toilet paper in the cell.

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4.10: Jail Cells, Booking Prisoners, Disruptive Prisoners in Cells

Disruptive Prisoners in Cells

At no time will force be used against a prisoner in the cells when they are passive and not a threat of violence to the Officers where they are not exhibiting any actions that may be considered an act of violence towards the Officer. Any use of force against a prisoner in a jail cell, falls under the guideline of the Department's Use of Force Form and that form will be filled out by the Officer.

1.) If a prisoner is being disruptive in the jail cell buy either kicking or hitting the door and the disturbance being displayed by the prisoner is of no harm to them, then the Officer shall talk with the prisoner and ask them what they need. If there is nothing wrong with the prisoner then the Officer will tell the prisoner to sit down and they will be released once all paperwork is finished and then they can be bonded out or own recognizance with a court date can be set. At no time will a Officer use any mace or other non-lethal devices on a prisoner where they were just kicking the cell door to get attention.

2.) If a prisoner is being disruptive in the jail cell by doing something that they will injure themselves ,i.e. repeatedly kicking the cell door **with so much force** they could break their legs or foots by doing that action, which includes their arms and hands, then Officers shall secure the prisoner by handcuffing them behind their back and applying the leg iron cuffs to their feet.

3.) If a prisoner floods a jail cell by using toilet paper or clothing or if the prisoner is attempting to damage the toilet system, then the Officer will secure the prisoner by handcuffing them behind their backs and applying leg irons to their legs. If the jail cell can not be used then the prisoner will be moved to the other jail cell. (However, if a prisoner does damage to the toilet system where repairs need to be done, then that prisoner shall be charged with felony vandalism and then transferred to the County Jail.)

4.) If the prisoner is charge with a State charge and will be taken to the County Jail, then Officers should attempt to complete all necessary paperwork on the arrest and booking and then transport the prisoners to the County Jail as soon as they can, if no other calls are pending.

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5.0: Officer/Firefighter in Trouble Call

1.) Introduction

A.) Department sworn personnel and on duty firefighters may find themselves in serious and or deadly situations in which they need immediate assistance. They can request help via a verbal radio transmission, this includes officers from other local jurisdictions.

B.) Usually the police code for “Officer Help” calls is “A-66”.

2.) Policy Statement

A1.) Department Officers in the immediate vicinity upon hearing a “Officer Help” call can respond immediately to assist that Officer or Firefighter, unless other exigent circumstances prevent a response.

A2.) Department Officers shall respond to an O/FTC following the policies and procedures of the Department’s Emergency Vehicle Operations directive.

A3.) The Department Officer responding to an O/FTC will notify the on duty dispatcher and the location where responding to.

A4.) Once the Department Officer responding hears an “all clear” or “disregard call” go out over the radio, then the Department Officer will stop any emergency vehicle respond to that scene.

A5.) Once the Department Officer is cleared from the O/FTC, then the on duty dispatcher shall be notified by the Department Officer.

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5.1: Trespass Incidents

1.) Policy Statement

A.) Trespass incident calls are defined in the Ohio Revised Code 2911.21.

B.) No person without privilege to do so, shall do any of the following:

1.) Knowingly enter or remain on the lane or premises of another.

2.) Knowingly enter or remain on the lane or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes, or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard.

3.) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access.

4.) Being on the lane or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

2.) Procedures

A.) On shoplifting calls to businesses, if the Officer finds that the store personnel have notified the suspect either by trespass letter signed by the suspect or if the store personnel have verbally advised the suspect not to be on their premises from a past incident, then the Officer shall either summons or arrest the suspect for trespass as defined in the Village Criminal Ordinances. The Officer shall get a written statement from the business personnel for prior notice.

B.) A Sworn Officer who is on patrol duty and finds a suspect in a restricted area of land or place that is posted for no trespassing shall contact or make an attempt to contact the land owner to advise of the trespass. If the land owner is contacted and wants to file charges against the offender, then the Officer shall either summons or arrest the offender for trespass as defined in the Village Criminal Ordinances.

C.) If an suspect has not prior been notified by actual communication not to trespass, and there is no posted signage, then the Officer shall advise the land owner or agent they need to communicate with the offender either by mail service of a trespass letter or by verbal communications to the offender with an Officer being present. The Officer shall make notice of the verbal communication by the land owner or agent on the Officer's daily work log. If the same offender is again found on the same land or premises after that warning, the Officer shall either summons or arrest the offender for trespass under the Village Criminal Ordinances.

D.) If the Department has a prior trespass letter on file at the Department from a business or land owner that trespasses a certain person and if that person is found in violation of that trespass letter by an Officer, then the Officer shall take enforcement action either by summons or arrest of the person for trespassing as defined in the Village Criminal Ordinances.

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5.2: Forcible Entry in Emergency Situations

1.) Policy Statement

A1.) Sworn personnel responding to an emergency situation requiring immediate action may make a warrantless entry and search if there is a reasonable belief that the action is necessary to preserve life, prevent serious injury, or to provide immediate aid to involved persons. Once the actual emergency is alleviated and the danger associated with it has been relieved, the authority to search without a warrant terminates.

A.2) Personnel making a forced entry shall immediately notify the immediate supervisor for an investigation and chain of command review.

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5.3: Shoplifting Incident Calls

1.) Introduction

A.) Shoplifting calls shall be theft related incidents as defined in the Ohio Revised Code 2913.01.

B.) A sworn Officer shall refer to the “Arrests” Chapter 4 and to “Issuance of Misdemeanor Citations” Chapter 4 as to see if enforcement action can be taken.

2.) Procedures

A.) Misdemeanor Shoplifting

1.) If the shoplifting call is a misdemeanor crime for theft (under \$1000 dollars), then the Officer shall use discretion as to determine if either a summons to appear in court or an physical arrest should be made of the suspect.

2.) If a summons is issued to the suspect, the Officer shall positively identify the suspect before being released from custody, either by a photograph identification of the suspect and having the police dispatcher running their personal information through LEADS for confirmation or by the Officer using OHLEG to assist in identifying the suspect.

3.) The Officer shall make sure the store loss prevention officer take a photograph of the theft items or the Officer should take a photograph of the items for future references if necessary. The Officer shall advised the store loss prevention personnel they need to secure the items in a place until the case is over.

4.) The Officer shall advise the store loss prevention personnel they need to come to NBPD and sign for the arrest warrant and complaint and the Officer will obtain a copy of a store receipt showing the items and their value for the court complaint and obtain a written statement from the store personnel.

5.) All charges for misdemeanor shoplifting shall be filed through the New Boston Mayor’s Court unless otherwise advised not to by the Captain or Chef of Police.

B.) Felony Shoplifting

1.) The Officer shall make a physical arrest of the suspect.

2.) The Officer shall obtain written statements from store personnel.

3.) The Officer shall photograph all stolen items with the Department’s camera for the felony case. If possible, depending on the number of items, the Officer shall take and impound the items as evidence for the case and log them into the property room. If not possible because of the number of items, then the store personnel must secure those items in a secure place until the case is over. The Officer must take photograph of all of the items.

4.) The Officer will file charges through Municipal Court if an actual arrest was made or if no actual arrest was made, then prepare a felony case packet to be given to the County Prosecutor for Grand Jury proceedings.

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5.4: Concealed Carry (CCW) Encounters

1.) Introduction

Properly licensed persons may carry concealed handguns in non-prohibited locations as long as certain conditions are met.

2.) Definition

Permit-Holder-An individual properly licensed to carry a concealed handgun in Ohio.

3.) General Information

A.) It does not affect law enforcement officers carrying firearms off-duty.

B.) Permit Holders are required to have their concealed carry license with them when they carry a concealed handgun.

C.) Permit Holders can not enter into any store or other locations where there are legally posted “Warning Signs” stating the statue and prohibiting their admittance.

4.) Traffic Stops Involving Permit-Holders

A.) A Permit Holder carrying a loaded handgun and who is an occupant of a vehicle being stopped or detained by a law enforcement officer is required to advise that officer that he or she has a license and is armed.

B.) Officers have the discretion to secure a weapon or allow it to remain in the citizen’s vehicle. Unless an officer safety concern exists, it is recommended that weapons be allowed to remain in the citizen’s vehicle. When an officer believes there is a safety concern (e.g. possible arrest situation, multiple subjects in the vehicle where an arrest is being made, OVI, etc.), the officer should secure the weapon in the trunk or other locked compartment in the cruiser until the incident is resolved. No attempt should be made to unload the weapon unless an arrest is made.

5.) Prohibited Locations Enforcement

A.) Permit Holders violating posted prohibition areas carrying firearms in a private business will be considered trespass violators. Officers encountering this situation have the same discretion to warn or charge the individual as they do for other trespass violations. If the posted land or premises is a parking lot or other parking facility, the Permit-Holder is not guilty of criminal trespass and instead is subject only to a civil cause of action for trespass.

B.) If the person refuses to leave the location while carrying a handgun, then the Officer shall arrest the individual . However, if the person leaves and comes back into the store without their handgun then no enforcement action shall be taken unless the property owner or agent of the property requests that person to leave the premises.

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5.5: Handling Mentally Ill Individuals

1.) Definitions

Mentally Ill Individual is a person who has substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

2.) Policy Statement

A.) Sworn personnel shall take into custody and transport a mentally ill individual whenever there is a court order granting authority to do so. The individual should be transported to a mental health facility for admission under emergency hospitalization.

B.) **Emergency Hospitalization ORC Section 5122.10** grants law enforcement personnel the authority to take mentally ill individuals into custody to ensure the safety of the individual and others. This is commonly known as “Pink Slipping” and the officer will have to fill out all required forms from the mental health facility or hospital. Under this authority, sworn personnel shall take into custody and transport to a mental health facility or hospital for a mental health evaluation any individual who:

1.) Represents a substantial risk of harm to self **as evidenced by threats of, or attempts at suicide or serious self-inflicted bodily harm.**

2.) Represents a substantial risk of physical harm to others **as evidenced by threats of, or attempts at suicide or serious self-inflicted bodily harm.**

3.) Represents a substantial and immediate risk of serious physical impairment or injury to self due to **the individual’s inability or failure to** provide for basic physical needs which cannot be made immediately available, or

4.) Is in need of treatment **in a hospital for the mental illness due to** behavior that creates a grave and imminent risk to the rights of others or **the individual.**

C.) **Mentally Ill Individuals being Charged with a Crime**

2.) For a Felony Crime; should be processed as any other prisoner if possible and do not release to anyone unless it is in a secured locked down facility where the prisoner can not escape. If not, then the Officer shall stay with the prisoner until they can be secured. After the evaluation, if the prisoner is not admitted to a mental health facility and is released from care then the Officer will transport and process the prisoner as required. If the person is admitted to stay, then Officer can file for an felony arrest warrant.

3.) For a misdemeanor offense, issue a summons or file a warrant when the individual is admitted for a mental health evaluation.

D.) **Mentally Ill Person who Do Not meet the Criteria of ORC 5122.10**

A.) If the person has not committed a crime, then the Officer should refer any family member to seek assistance through Probate Court and other counseling agencies in the area.

B.) The Scioto County Adult Protection Agency should also be called to see if they have the means to assist the person when necessary.

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5.6: Funeral Details

1.) Policy Statement

A.) The Department will assist upon request by a Funeral Director who needs an escort out of New Boston with prior approval of the Chief of Police.

B.) The Department Officer will meet with the Funeral Director to arrange what route will be taken by the funeral vehicle.

C.) The Department Officer will lead the funeral with the police vehicle's emergency lights and headlights on, stopping at all intersections so any up coming traffic can see the on coming funeral procession.

2.) Police Officer or other Public Official Funeral

A.) All Department Officers assigned to attend or participate in a funeral for a Police Officer or other Public Official will be in full dress uniform as accordingly to the Department Dress Code.

B.) A Supervisor or Officer in Charge will be appointed by the Chief of Police to supervise the proceeding on behalf of the Department.

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5.7: In-Custody Deaths, Death Scene Investigations (4 Levels)

1.) Definition

A.) In-Custody/Detention-Related Death

1.) The death of a person while in the process of being taken into custody, while in custody, or while being detained by Department Personnel, but not involving or caused by a police-involved vehicular pursuit, use of force, or shooting.

2.) The proximate death of a person after being released from detention or police custody.

2.) Policy Statement

The Chief has created four (4) levels of death scene investigation guidelines to assist Officers on calls that deal with a possible death on arrival calls. In all deaths, the Captain and Chief of Police will be immediately notified by the first officer to arrive on the death scene. No matter what death scene level the Captain or Chief of Police will determine if Ohio BCI crime scene will be called to assist.

3.) Procedures

LEVEL 1

Officer responds to a death scene where a family member or friend/person **has died in the presence of other family members or friends** because the deceased person was terminally ill or other sickness, maybe under hospice care or doctor's care.

A.) Assist family members any way we can. Be compassionate during this time, emotions from family members will be very distraught.

B.) Call the Coroner's Office after getting personal information on the deceased person. Advise the Coroner of the death by natural causes. (If deceased person was on Hospice and if Hospice Personnel is on scene at the time of death most generally they will take care of the body.)

C.) After Coroner has released the body, we can assist the family by having their funeral director to come to the scene to get the deceased person.

D.) There is no need to treat this Level 1 death as a possible crime scene. No need to take photos. Will do a Death Scene Report since we were called to the scene for future reference.

LEVEL 2

Officer responds to a scene where a family member or friend or other person has found a possible deceased family member's body or pother dead body **and there was no one present at the possible time of death and the deceased person was on hospice care, doctor's care or had known illness.**

A.) Do not go directly into the scene or area where the dead body is. Have anyone in that area, most generally the people who found the body to exist from the immediate area.

B.) If the Officer determines the person has been dead for a length of time and there is no need to have emergency personnel to check the body then **No One shall enter in the area.**

C.) Officer needs to question the person or persons who found the body to help to identify the dead person and what has been going on health wise with the dead person.

D.) Call the Coroner's Office and advise them of the situation and that the found deceased person had been under medical care and nothing appears to be suspicious. Most generally for an elderly person the Coroner will not send body for an autopsy, however doing an autopsy is the sole decision of the Coroner.

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5.7: In-Custody Deaths, Death Scene Investigations (4 Levels)

LEVEL 2

E.) Officer will take scene pictures just in case for any future reference and do a Death Scene Report.

F.) If deceased person is not sent for autopsy the Officer will assist family members in contacting their funeral director.

LEVEL 3 (Drug Overdoses or Suicides)

Officer responds to a scene of a reported drug overdose or suicide when either persons were present at time of death or no one was present and found a deceased person. We will not generally call Ohio BCI to assist on any drug overdose death or suicide scene unless something appears to be suspicious in nature or possible staged scene.

A.) **If the Officer determines the person has been dead for a length of time then there is no need to have emergency personnel to check the body. No one shall go directly into the area of the dead body.**

B.) If anyone who found the body or was present at time of death is there, the Officer will have them to exist from the immediate area and separate anyone for further questioning. Question these people to determine who the dead person is and what has been going on, especially if the scene appears to have been “cleaned up” on overdoses cases.

C.) Officer will take scene pictures and do a Death Scene Report. Collect any possible evidence in plain view. Officer will seize dead person’s cell phone if found for future search warrant to examine the cell phone.

D.) Officer will call the Coroner Office and advised them of the situation. Most generally the Coroner will have dead body sent for autopsy.

LEVEL 4 (Possible Homicide or Suspicious Death or In-Custody Death)

Officer responds to the scene where there is a deceased person and Levels 1, 2 and 3 do not imply. **It is unknown how the deceased person died or there is apparent blunt force trauma.**

A.) **DO NOT go into an area or house like a “bull in a china shop”.** Treat these calls as a homicide until it can be proven not to be. **Most generally you the first responding officer will not be searching the scene for evidence so DO NOT contaminate the scene area or have any other first responder do the same.**

B.) **If the Officer determines the dead person has been dead for a length of time or it is very apparent the person is dead the NO ONE goes into the area or house where dead body is. DO NOT touch the body or turn body over.**

C.) Officer needs to tape area off, NO ONE is to be anywhere on the property.

D.) Officer needs to get information on any witnesses or person who found the body and have that information ready for the Captain and Chief of Police or BCI Agent.

E.) The Captain or Chief of Police will respond and make determination if Ohio BCI crime scene will be called. If for some reason that the Captain or Chief of Police is out of town or can not be reached then the Officer at the scene will call (or have Dispatch call) Ohio BCI on call number and request that BCI Crime Scene Agents to respond to the scene. Officers will have to secure the scene until the arrival of BCI Agents.

F.) **If an Officer has an In-Custody death**, the Captain and Chief of Police will be immediately notified. Officers will treat this type of incident as a Level 4 Death Scene and follow the listed procedures for Level 4 deaths. The Captain or Chief of Police will notify Ohio BCI and request their Agents to respond and take control of the scene and investigation. Officers will secure the scene until BCI arrival.

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5.8: Civilian Employees Interacting With Citizens

1.) Introduction

A.) Citizens' initial or only contact with the Department may be with a civilian employee/dispatcher. This contact may involve a citizen who is aggressive or irate. The Department recognizes this potential occurrence and the employee shall act in professional manner at all times. Nothing in this policy should be construed as prohibiting the right of civilian personnel to defend themselves.

2.) Policy Statement

A.) All Civilian employees involved in on duty confrontations shall abide by all applicable Department policies and directives and shall be professional in their conduct.

B.) Any incident shall be immediately reported to a supervisor or the Chief of Police.

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5.9: Victim/Witness Assistance

1.) Policy Statement

A.) The Ohio Constitution and the Ohio Revised Code delineate specific rights to victims and witnesses of crime.

B.) Department Sworn Personnel conducting an investigation have a responsibility to provide crime victims and witnesses with:

1.) Information about their rights as a crime victim and information about the criminal investigation.

2.) Notification when the offender is arrested.

3.) The return of property, if reasonably possible.

C.) Usually if the case is a felony, once the case is turned over to the County Prosecutor, the victim can be refer to that Office's Crime Victim Advocate.

D.) All Department Sworn Personnel will assist any victim or witness to the best of their ability and if that can not be done then the Chief of Police shall be notified of any problems.

E.) No witnesses name or address or phone number will be given out to any authorized persons not associated with the case.

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5.10: Safety Hazards and Aid to Citizens

1.) Policy Statement

A.) Sworn personnel observing situations that reasonably could jeopardize the safety of citizens using the roadways shall take action to alleviate any danger. These conditions include missing or malfunctioning traffic control devices, downed electrical lines, and motorists requiring assistance.

B.) In the event it is a malfunctioning traffic light, the Officer shall place the light on caution flash and notify the Dispatcher to call the Service Department if it is during normal working hours for the Service Department, if not to fill out and leave a Service Dept. work slip for the morning.

C.) If an Officer comes across a stranded motorist, the Officer shall give aid to that motorist as far as calling a wrecker, or having the dispatcher call anyone for the motorist so they can respond to the scene. If the vehicle is in the traffic lane, the Officer shall attempt to push the vehicle out of the lane or contact a wrecker to do so. Officers in a cruiser with a push bumper attached to it may use that cruiser to help push the vehicle out of the traffic lane.

D.) Sworn personnel encountering a sick or injured person or other emergency situation shall provide appropriate assistance consistent with his or her abilities, training and available equipment. If necessary to call an ambulance to the scene.

E.) Sworn personnel shall remain with a stranded motorist or pedestrian until assistance is summoned or the person is transported to a safe location. Sworn personnel transporting a stranded person shall radio and notify the Dispatcher on duty so the call can be recorded.

2.) Vehicle Lockouts

A.) Sworn personnel shall be dispatched to a vehicle lockout only when emergency or extenuating circumstances exist, e.g., vehicles with children, disabled persons, or animals locked inside.

B.) On vehicle where a child or other persons is locked in, the Officer shall determine if the health of the child or person appears to be okay, if the health appears to be okay, then before breaking out any windows, a locksmith shall be called to the scene, however, if the child or person appears to be in health distress or appears to be unconscious, the Officer shall take immediate steps to break out a window, call an ambulance to the scene. If necessary, the Dispatcher should call out the Fire Department to assist in breaking out a window.

C.) For animals, the Officer shall call out a locksmith to the scene.

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5.11: Missing Persons

Policy Statement:

When any calls come into the Department Dispatch for an possible missing person we will act immediately on the complaint and start to investigate the situation. It is the duty of this Department to take matters of missing persons seriously and to protect our citizens who come into the Village of New Boston or our Residents. Although Elderly Citizens are adults, Officers shall take in consideration that Elderly Citizens (ages 65+) are most vulnerable due to their age and having possible health conditions such as alzheimer or dementia. Even if the family member of the missing elderly person tells the Officer there is no alzheimer or dementia conditions, the age of the person shall be a main factor for consideration of a dangerous situation. An Officer will take in consideration for a dangerous situation to include weather conditions such as cold or hot weather, or pending weather alerts. There is no twenty four (24) hour waiting period.

1.) Definitions

- A.) A missing person is any person 18 years of age or older who is absent from where he or she is suppose or expected to be, and when at least one of the following apply:
 - 1.) The person has mental or physical disability.
 - 2.) The person is missing under circumstances indicating his or her safety may be in a dangerous situation.
 - 3.) There is an indication that the absence is not voluntary. An involuntary absence will be assumed if the length of absence is unreasonable or appears to be involuntary.
 - 4.) A dangerous condition is any condition that could result in possible harm to the missing person, including weather conditions like cold or hot weather, even if the missing person puts themselves in that dangerous condition.
- B.) A missing child is any person who is under 18 years of age, and who:
 - 1.) Has run away or is otherwise missing from the home, or from the care, custody, or control of the parents or guardians.
 - 2.) Is missing and there is reason to believe the child could be the victim of kidnapping, abduction, unlawful restraint, or interference with custody.

2.) Procedures:

- A.) Department personnel shall take the appropriate steps and enter the missing person or missing child into LEADS/NCIC and make a Missing Person Report.
- B.) Department personnel shall also send out a local BOLO to all law enforcement agencies within the immediate area and or statewide, by calling and LEADS message.
- C.) Sworn personnel shall take immediate steps in locating the missing person or child by searching the last known immediate area if necessary, or following up on any other possible locations. To call other Department personnel out to help in the search or call other law enforcement agencies to help in the search of an area.
- D.) If Sworn personnel determines there is criminal activity involved, then the last known area where the person or child was seen, needs to be address as a crime scene and the area tape off and no admittance to that area is allowed until assigned investigators arrive to the scene.

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5.11: Missing Persons

Procedures:

E.) If need be, to contact the Ohio Attorney General Office to help send out an BOLO statewide concerning the missing endanger person or child. Send out Amber Alert, Silver Alert, Endangered Adult Alert. Department Personnel will call BCI Radio Room 24hr Hotline at 800-325-5604.

F.) If need be involving a child, to contact the Missing/Exploited Children Unit for assistance and they will send out information on their website and send out posters of the child.

G.) If a search of an area that needs to be done where the Officer believes a helicopter can be used, then the Chief of Police or Captain shall be notified and the Chief or Captain will contact OHSP to see if their assistance can be obtained.

H.) In addition to contacting Ohio BCI Hotline, to contact the A Child Is Missing Network. NBPD has a partnership with them where A Child Is Missing will send out immediate robo calls to the 740 area code in our immediate area to notify residents that there is a missing child and or endangered elderly person. In the Dispatch Office there is a folder with all of the information in it to contact A Child Is Missing Network.

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5.12: Domestic Violence Involving a Law Enforcement Employee/Personnel

1.) Introduction

A.) This directive applies to complaints of domestic violence that occur within the jurisdiction of the Village of New Boston in which the alleged offenders are employees of the New Boston Police Department or any other law enforcement agency.

2.) Definition

For purposes of this directive, “employee” means any sworn or civilian employee of a law enforcement agency.

3.) Policy Statement

A.) Any Department employee, other than the victim of the alleged offense, knowing or having probable cause to believe that another Department employee has committed the crime of Domestic Violence, Violation of a Protection Order, or has made threats of domestic violence, shall immediately report such incident to the immediate supervisor on shift, or the Captain and Chief of Police.

B.) Arrest is the preferred course of action as any other citizen would be. The primary physical aggressor must be identified and no complaint affidavit will be signed and no arrest will be made except upon probable cause.

C.) No special privilege or consideration shall be given to any active or former law enforcement officer who becomes involved in domestic violence situations.

D.) If the offender is a New Boston Police Officer, then that Officer shall turn over any Department issued firearm and badge upon request by the Captain or Chief of Police, pending further outcome of the case. If the Officer has a Department firearm on him or her at the time of arrest, then the immediate supervisor shall seize the Department firearm.

E.) The Chief of Police shall determine any placement on leave or suspension, pending outcome of the case of an offender Officer.

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5.13: Serious Crime Scenes, Guard Duty

1.) Policy Statement

A.) An Officer guarding a crime scene shall be primarily responsible for the security of the scene and the preservation of evidence.

B.) An Officers guarding a hospitalized prisoner shall be primarily responsible for the security of the prisoner and the protection of citizens in the area.

2.) General Requirements

A.) At crime scenes, the Guard Officer will have a written log and require any person entering or leaving the secured area to sign the log with the time and date.

B.) No admittance to a secure area is not allowed without authorization from a immediate supervisor, Captain, or Chef of Police.

C.) Officers shall not take breaks while on guard duty unless relief is provided by a supervisor.

D.) While on Guard Duty, the Officer shall not be distracted and shall pay attention to the duties and requirements assigned to them.

3.) Hospitalized Prisoners

A.) The Department is responsible for the medical expenses of all hospitalized prisoners who are in our custody and for whom there is no other source of payment. In order to curtail unnecessary expenses, the following polices have been established:

1.) A misdemeanor requiring hospitalization should be issued a summons, if permitted by law and Department Policy.

2.) When circumstances warrant, a direct indictment should be sought for a suspected felon requiring hospitalization.

3.) The decision to guard an individual requiring hospitalization shall be made by the Captain or Chef of Police.

4.) Serious Crime Scenes

A.) First Officer at the scene; obtain medical attention for injured persons.

B.) Apprehend any suspects, if possible.

C.) Allow suspects to talk and make note of their statements. Advise of Miranda Warning if the suspect is placed under arrest.

D.) Take precautions to preserve physical evidence at the scene by taping off the area and allow no admittance into the area until assigned investigators arrive on scene.

E.) Take names and address and phone numbers of any witnesses.

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5.14: OVI Violators

1.) Policy Statement

The Department is committed to aggressive enforcement of OVI laws to reduce the danger to the public caused by drivers impaired by alcohol and or drugs.

2.) Procedures

A.) Sworn personnel processing an OVI arrest:

1.) Advise the violator of the reason for the traffic stop.

2.) If the Officer believes the driver is under the influence then follow the required field sobriety tests.

3.) Advise a violator who is taken into custody of their constitutional rights prior to asking any further questions that may elicit an incriminating statement.

4.) Impound and tow the vehicle if necessary as according to Department Procedures.

5.) Transport the violator to the Department for testing.

6.) An Officer must remain in the room with the violator at all times.

7.) The violator should be handcuffed or shackled whenever possible.

8.) If there is only one Officer present, then that Officer's weapon shall be secured in a locked location. If there is two Officers present, then the Officer directly dealing with the violator shall secure their weapon in a locked location.

9.) Officers shall complete all testing forms as required for the OVI arrest.

10.) If the violator has to be taken to another law enforcement agency for testing then comply with that agency's policies.

3.) Testing

A.) The Department's preferred test is breath. If the violator is suspected of drug usage then the Officer shall request a urine sample.

B.) The only time where blood will be requested is if the violator is transported to the hospital for an injury or sickness. Officer needs to take a testing kit to the hospital.

C.) The Officer shall read the BMV 2255 to the violator as required.

D.) The Arresting Officer shall make sure the person giving the test is qualified and licensed by the state to operate the testing equipment or take a blood sample.

E.) The Arresting and or Testing Officer shall follow all laws and rules for administering the test as required and complete the paperwork.

4.) Filing OVI Charges

A.) All first time violators will be cited to the New Boston Mayor's Court.

B.) Second time or more violator are required by law to appear at Municipal Court.

C.) Officers shall see that the required and appropriate ORC section numbers for OVI are written on the traffic citation before sending to court.

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5.15: Protection Orders

1.) Introduction

A.) Failure to enforce a valid protection order can lead to further victimization of the individual seeking protection, and possible civil action against the officer or the Department.

B.) Ohio Revised Code Section 2935.032, provides immunity under state law from civil liability to law enforcement officers who arrest an individual for the offense of Violation of a Protection Order when the order appears valid on its face.

C.) Federal statutes allows law enforcement officers to arrest an individual for violating a protection order whenever the infraction occurs, not just in the issuing jurisdiction or state.

D.) Ohio Revised Code Section 2919.27 requires the mental culpability of recklessly be established as an element to develop probable cause to charge a individual under this code. An individual is considered to have acted recklessly when the individual should have known their actions would have violate the terms of the protection order.

E.) The terms or conditions listed on a protection order can only be changed by the issuing court and are not waived if the petitioner invites, encourages, or initiates contact with the respondent. Also, the petitioner cannot be charged with violating their own protection order, even if the petitioner initiated or encouraged contact with the respondent.

2.) Definitions

A.) Domestic Violence Temporary Protection Order (DVTPO)

1.) A criminal order issued by ether Municipal or Common Pleas Court and accompa-nies a criminal charge.

B.) Civil Protection Order (CPO)

1.) A civil order issued by the Domestic Relations Court or Common Pleas Court

C.) Civil Stalking or Sexually Oriented Offense Protection Order (SSOPO)

1.) A civil order issued by the Common Pleas Court to protect victims of stalking.

D.) Criminal Protection Order (CRPO)

1.) A criminal order issued by either Municipal Court or Common Pleas Court and ac-companies a criminal charge.

E.) Juvenile Protection Order

1.) A civil order issued by the Juvenile Court.

3.) Policy Statement

A.) Sworn personnel shall enforce all terms and conditions of a valid protection order, including those issued in another jurisdiction or state. It is not necessary to possess a copy of the order to enforce a valid protection order.

B.) In situations where the sworn personnel have reasonable belief that a protection order exists or a respondent has violated the terms or conditions of a protection order, sworn personnel shall follow the procedures of this directive and attempt to verify the terms, conditions, and validity of the protection order.

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5.15: Protection Orders

C.) Recognizing that some civilians are unfamiliar with the technical names or terms of court orders, when there is reasonable belief that a court order exists, sworn personnel shall attempt to verify if the order is a protection order.

D.) When verification of a protection order cannot be made, a copy of a protection order shall be presumed valid on its face when the copy shows the following:

- 1.) Names of the involved parties.
- 2.) Issue date and the order has not expired, time stamped by the court.
- 3.) Terms and conditions against the respondent are specified.
- 4.) Name of the issuing court and judge

E.) Sworn personnel will have developed probable cause that a suspect has violated the terms or conditions of a protection order when the victim or witness provides a written statement supporting such. However, it shall not be required that the victim provide a written statement, consent to charges, or sign a complaint as a prerequisite for filing charges.

F.) Arrest is the preferred course of action when there is probable cause that a suspect has violated the terms or conditions of a valid protection order. However, when the suspect is not present to be arrested, the preferred course of action is to file an arrest warrant.

G.) Sworn personnel should advise the respondent of the existence of the protection order and of the respondent's duty to refrain from any further contact with the petitioner, when encountering a situation in which the petitioner has obtained a protection order but the respondent has no knowledge of the order, and it has been verified that the respondent has not been served with the court order when required. Sworn personnel should also contact the issuing authority and assist in the service of the order if possible.

H.) Sworn personnel may enforce a protection order when Constructive Notice is determined, Sworn personnel may consider a respondent to have Constructive Notice when there is probable cause that he or she had knowledge of the protection order or the terms or conditions of the order, although he or she has not been officially served with the order.

I.) In situations in which the petitioner or respondent requests police presence for purposes of meeting the other party or responding to a restricted location, sworn personnel shall strictly follow the terms and conditions of the protection order. In these situations, sworn personnel shall allow only actions permitted by the terms of the protection order, and any terms or conditions not specifically mentioned in the order will be considered prohibited. Sworn personnel shall not facilitate the respondent being present within five hundred feet of the petitioner to retrieve property unless the court has listed a time and date for this activity in the order.

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5.16: Domestic Violence

1.) Introduction

The Department recognizes that domestic violence is a serious problem resulting in numerous injuries and deaths each year, and is committed to a policy of aggressive enforcement of laws concerning this issue. The Department further recognizes its obligation to thoroughly investigate allegations of domestic violence and present evidence that will support the prosecuting witness' testimony.

2.) Definitions

A.) Domestic Violence

- 1.) A situation in which the victim is a family or household members of the offender who;
- 2.) Knowingly caused or attempted to cause physical harm to the victim or
- 3.) Recklessly caused serious physical harm to the victim or
- 4.) By threat of force, knowingly caused the victim to believe he or she would cause imminent physical harm to the victim.

B.) Family or Household Member

- 1.) Any person who is residing or has resided with the offender and is
- 2.) Related by blood or marriage to the offender, or
- 3.) A foster parent of the offender, or
- 4.) Living as a spouse or a former spouse of the offender
- 5.) The natural parent of nay child of whom the offender is the other natural parent or is the alleged other natural parent.

C.) Person Living as a Spouse

- 1.) 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. The essential elements of cohabitation are: a.) the sharing of a residence, b.) the sharing of family or financial responsibilities, and c.) a shared sexual relationship.

D.) Primary Physical Aggressor

- 1.) The person who most likely engage in an act of unwarranted violence during the incident being investigated.

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5.16: Domestic Violence

3.) Policy Statement

A.) Enforcement and Documentation

1.) Arrest of the primary physical aggressor is the mandatory course of action when probable cause is developed that he or she committed a felony assault against a family or household member. When the primary physical aggressor is not present to be arrested, the mandatory course of action is to file an arrest warrant.

2.) Arrest of the primary physical aggressor is the preferred course of action when probable cause is developed that he or she committed a misdemeanor violation of domestic violence. However, when the primary physical aggressor is not present to be arrested, the preferred course of action is to file an arrest warrant.

3.) Sworn personnel shall document why an arrest was not made for domestic violence.

4.) Sworn personnel should not charge additional offenders with domestic violence out of the same incident when the primary physical aggressor is charged with domestic violence. Although personnel are not prohibited from doing so, charging additional offenders creates difficulty in successfully prosecuting all defendants.

B.) Probable Cause Requirement

1.) The victim or witness provides a written statement supporting the elements of the offense. However, it shall not be required that the victim provide a written statement, consent to charges, or sign a complaint as a prerequisite for filing charges.

2.) It can be reasonably determined an offense occurred based on personal knowledge, observation of the evidence, facts and circumstances of the incident, or information received from a reasonably trustworthy source.

C.) Determining the Primary Physical Aggressor

1.) In situation in which several offenders have committed domestic violence against each other, in addition to any other relevant circumstances, sworn personnel should consider the following when determining the primary physical aggressor:

A.) The fear of physical harm resulting from threats of violence or a history of threats and or violence and the reasonableness of that fear.

B.) The comparative severity of injuries.

C.) The history of domestic violence or acts of violence that can be reasonably verified.

E.) Sworn personnel shall forward a Domestic Violence report to the Prosecutor Office when the primary physical aggressor cannot be determined and no arrest is made or charges filed.

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5.16: Domestic Violence

D.) Protection Orders

1.) For incidents involving the Violation of a Protection Order sworn personnel shall comply with the procedures outlined in the Protection Order Directive.

E.) Enhancement of Charges

1.) A domestic violence can be considered for an enhancement to a higher charge when the suspect has a conviction for any domestic violence related offense of violence. Officers should refer to ORC Section 2919.25 for all included offenses.

2.) Any other existing conviction from another jurisdiction or state that is substantially the same as any offense listed n ORC 2919.25 for enhancement.

3.) The offender knew that the victim was pregnant at the time of the violation.

F.) Juveniles Involved in Domestic Violence Incidents

1.) For incidents involving juveniles as the offender, sworn personnel shall comply with the procedures in the “Handling of Juveniles” directive.

4.) Procedures

A.) Sworn personnel shall separate the victim and the offender.

B.) Request emergency medical services as necessary.

C.) Secure any weapons, detain witnesses and hold the scene.

D.) Determine the primary physical aggressor and take appropriate enforcement action.

E.) Take clear photographs of any in injures on either person. Have a female Officer or Female Dispatcher take photos of a female victim if necessary.

F.) Collect any and all evidence for the case at the scene, crime scene photos also.

G.) If the victim is a child, contact Children Services.

H.) If the victim does not have a place to stay after the incident or is afraid to stay alone, contact the Domestic Violence Shelter House and take the victim there or to another location as requested by the victim.

I.) Give the victim the Domestic Violence Shelter House contact information for later purposes and assistance with the court case. Advise the victims of their victim rights by law.

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5.17: Administrating of Photo Lineups and Live Lineups ORC. 2933.83

1.) Introduction

Senate Bill 77 that went into effect on 07/06/10 requires law enforcement or criminal justice agencies to adopt specific procedures when conducting photo and live lineups of suspects, commonly known as the “Ten Folder System”.

2.) Policy Statement

A.) Each Department Officer has been given a copy of the ORC Statue 2933.83 and you shall read it and become familiar with the persons involved in the lineups and items used with the new procedures for conducting photo and live lineups and the legal definition of each.

B.) The Department will use and conform to the ‘Ten Folder System Lineup’ as directed in ORC. 2933.83.

C.) A written directive and procedures on how to conduct the lineups are located on the bulletin board in the officer’s computer room, as well as in the Captain’s Office where the folders and lineup procedure sheets will be kept.

D.) If Sworn personnel have to give a lineup for a current investigation and the officer is not exactly sure on how to conduct the process, then consult a supervisor before doing the lineup so it will not interfere with the investigation.

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5.18: DNA Samples for Felony Arrests

1.) Introduction

A.) Senate Bill 77 went into effect on 07/01/11 and requires all law enforcement agencies to collect DNA mouth swab samples from any suspect that is arrested on a felony charge.

2.) Policy Statement

A.) All Sworn personnel shall follow and conform to the new law and take DNA mouth swab from any suspect that is arrested on a felony charge as classified in the Ohio Revised Code.

B.) The State of Ohio, Attorney General Office, will be providing the DNA mouth swab collection kits to the Department and will be made available to all officers.

C.) The DNA collection kits will be kept in the squad room of the Department and there is a DNA master log book that shall be filled out and completed by each officer taking a DNA collection from a arrested suspect.

D.) The Officer taking the DNA shall fill out the required forms that go with the DNA collection kit and then seal up the collection kit envelope as required and sent out in the mail as stated on the collection envelope.

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5.19: Dispatching, Department Dispatchers

1.) Policy Statement

A.) Dispatchers has several main elements of responsibilities within the Department and all Dispatch personnel, including any police officer assign to dispatching, will follow and conform to the Rules of Conduct and Directive Procedures within the Department Rule and Procedure Manuel. Some of the main elements are but not limited to;

- 1.) The telephone reception from citizens for request of police assistance.
- 2.) The actual dispatching by radio of police units
- 3.) The maintenance of all records of telephone and radio transactions.
- 4.) The maintenance of all call for service logs and the entering in the data base
- 5.) Dispatchers are the assigned "Booking Officers" of prisoners responsible for the records of arrest slips, bonding sheets, jail cell surveillance logs, intake of prisoners property, typing all arrest warrants and complaints.
- 6.) The maintenance of all Dispatch computer systems to see that they are in proper working order and condition and that they are used in the course of official business.
- 7.) The maintenance of any written reports and tickets for the proper filing to the appropriate location or designation to the appropriate personnel.
- 8.) Dispatchers do have the authority to make decisions as to the priority of calls to be dispatched and which police units to send based upon location or availability, unless otherwise directed by a supervisor.
- 9.) All command decisions in how to handle a call for service shall rest with the Shift Officer assigned the call, unless otherwise directed by a supervisor.
- 10.) Dispatchers must have a good working knowledge of the geography of the area and a mental picture of the locations of highways, businesses or buildings, etc.
- 11.) At any time, a ranking supervisor on duty will have the authority to change the decision or reassignment of police units when necessary that are in compliance with the procedures of the Department.
- 12.) Dispatchers shall be responsible for the condition of the dispatch office and for its economical, efficient operation, and the cleanliness of the room and equipment.
- 13.) Dispatchers shall answer all telephone calls in a professional, polite manner and shall identify yourself to the caller.
- 14.) Dispatchers are in an emergency personnel position and can except to be held over on the shift if necessary by a supervisor until the situation is over or their relief as arrived.
- 15.) Dispatcher when reporting for duty, shall make themselves familiar with what has occurred on the prior shift as it relates to calls for service or other complaints.
- 16.) Dispatchers shall not divulge to the public any Department confidential information on any current investigation or reports, or information from any computer system, unless otherwise directed by a supervisor.

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5.19: Dispatching, Department Dispatchers

17.) Broadcasting over the radio in a professional manner, in a clear and verbally understandable manner, using no slang words or other improper terminology.

18.) Dispatchers shall monitor all radio communication with the office of police, fire, and ambulance radio communications from out in the field.

19.) Relaying of the proper information to emergency units out in the field.

2.) Procedures

A.) 911 Calls or Phone Calls from a Regular Police Line

1.) For 911 calls, answer the 911 call immediately by saying “911 what is your emergency”

2.) On any calls, obtain the necessary information from the caller for which service and what is occurring.

3.) Dispatching the correct service units for police, fire, or ambulance

4.) Dispatchers must ask and get the proper information from the caller as to “Who, What, Where, When” any descriptions of suspect vehicles, color, tag numbers, make, body style, or suspects clothing and a description of the suspect and if there are any weapons used or weapons could be on scene.

5.) Always get a Call Back Number from the caller if possible.

6.) All verbal communication must be in a calm and professional manner.

B.) Ambulance Calls (Also See #7 on Page 4; Emergency Medical Dispatching)

1.) Get the location or address and get the information on what has happened.

2.) If possible keep the caller on line until the ambulance service has been contacted by the Dispatcher and has confirmed a ambulance will be enroute.

3.) Dispatch any police or fire unit if necessary and available to assist the ambulance personnel.

4.) Always get a Call Back Number if possible.

5.) All verbal communication must be in a calm and professional manner.

C.) Fire Calls

1.) Get the location or address and get the information on what has happened.

2.) **Hit the “Tone-Out” button on the radio** before transmitting the fire call

3.) Give the fire call as “Engine 5 you have a run” and give the location and what is occurring.

4.) If necessary, call Portsmouth Fire Department for assistance.

5.) There is a procedural sheet in the office as to you or what units to call out

6.) Always get a Call back Number if possible.

7.) All verbal communication must be in a calm and professional manner.

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5.19: Dispatching, Department Dispatchers

3.) Chain of Command and Supervision

A.) The Chief of Police is over and directs all Department personnel within the Department, which includes Dispatchers.

B.) When any ranking supervisor is on duty, and if necessary, the supervisor can change the direction or reassignment of any calls for service and shall direct all of the operations within the dispatch office as accordingly to any Department policies and procedures and all Dispatch personnel shall follow any given instruction or order that is legal by law.

C.) The Captain shall be the "Immediate Supervisor" of all Dispatchers, and any Dispatcher can make suggestions or complaints about Department procedures or personnel problems to the Captain. The Captain will make any assignment of duties for Dispatchers.

4.) Required LEADS Certification

A.) As a Dispatcher, you must received and keep your LEADS computer certification at all times.

B.) Failure to receive or keep your LEADS Certification can be grounds for dismissal from employment.

5.) General Scope of Duties

A.) Complete all arrest materials and all paperwork and or assigned responsibilities before your end of shift.

B.) If there is a delay in getting the necessary information to type any arrest and complaints forms before your end of shift, then the on coming shift Dispatcher shall be directed to assist in completing the forms. **However, any delays must not be from the Dispatcher putting off the work for no exigent circumstances.**

C.) The Day-Turn Dispatcher shall be responsible for keeping all office supplies in stock and receive permission to order when necessary.

D.) Make sure all equipment in the Dispatch Office is working properly, including surveillance monitors and jail cell cameras, telephones.

E.) All Dispatchers shall file away in the proper location any paperwork before their end of shift and not leave laying around.

F.) All Dispatchers are except to keep the Dispatch Office in a clean and orderly manner during their shift.

G.) The Dispatch Office is a professional place of business and is the first place a citizens comes into contact with when coming into the Department, all Dispatchers are to see that all conduct from any personnel within the office is of a professional and appropriate manner and that the citizens is given full attention and assistance and no unauthorized personnel shall be in the Dispatch Office.

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5.19: Dispatching, Department Dispatchers

6.) Minimum Training Standards for Dispatching/Dispatchers (OAC:5507-1-07)

A.) Any Person who answers 911 requests for service shall be trained to the minimum training standards within six months of employment and before handling such request without direct oversight.

1.) The Captain and or Senior Dispatcher will be designated training officer for new personnel.

2.) Training is consisted of but not limited to, watching approved instructional training videos for telecommunication operators. Probation Dispatchers will work side by side with the Senior Dispatcher and observe procedures when taking 911 calls. Probation Dispatchers can be assigned to different shifts so they can see what occurs on that shift so they can become familiar with that shift's duties. Probation Dispatchers can be sent to approved training classes at other training facilities.

3.) Within the training period of a Dispatcher, they will be tested and must show proficiency in the following components:

A.) General Knowledge: knowledge and awareness of population and demographics of New Boston. Awareness of the geography of the area. Awareness of other first responders and their jurisdictions.

B.) General Skills: Ability to quickly process information and make logical decisions. Stress management, be able to handle the stress that comes with this position. Provide good customer service and being able to work in a multi-task fast environment. Being able to work with others to solve problems and being able to use the proper terminology.

C.) Agency Skills: Ability to operate agency radio communication equipment. Ability to operate all computer applications and systems. Ability to read and understand agency policies and procedures.

D.) Call Taking Skills: Ability to answer and process calls in accordance with established procedures. Ability to obtain complete information. Ability to properly classify and prioritize the request for service. Ability to process available information to identify conditions that may affect safety. Ability to document call details accurately. Ability to handle/control hostile, hysterical or difficult callers to obtain information.

7.) Emergency Medical Dispatching Procedures

A.) When a Dispatcher receives a 911 call and determines it is for medical service, the Dispatcher will immediately click on the ambulance icon on the 911 computer to transfer that call to them. The Dispatcher will stay on the line until the Ambulance Service Company picks up the call for assistance.

8.) All Dispatchers and or Police Officers who are assigned to Dispatch duties during their shift shall review and acknowledge this policy annually by a sign-off sheet for this policy.

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5.20: Naloxone (Narcan Spray) Usage

Purpose: The purpose of this policy and procedure is to provide sworn officers with guidelines, instructions and procedures to utilize naloxone in order to reduce fatal opioid overdose.

1.) It is the policy of this Department to provide assistance to any person (s) who may be suffering from an opioid overdose. Officers trained in accordance with this policy shall make every reasonable effort to use naloxone to revive victims of any apparent drug overdose.

2.) Issuance of & Training of Naloxone

A.) Naloxone Kit will be provided in each police cruiser. If there is additional available kits, officers can carry them in the officer's duty/gear bag.

B.) The Department will see that each officer is trained in the usage of naloxone. Usually will be done by a representative of the Portsmouth Health Department or another trained NBPD Officer or NBFD Personnel.

3.) Procedure:

A.) When a Officer receives a call from Dispatch to response to a possible overdose, the Officer shall make sure from Dispatch that an ambulance has also been called to response to the overdose address, as well as the New Boston Fire Department.

B.) If the Officer is the first responder on the scene, the Officer shall determine if the person has overdosed and attempt to determine what type of drug was used by the person. Officers should check for any Medic Alert tags on the person.

C.) Prior to the administration of naloxone, officers shall ensure that the victim is in a safe location and shall remove any sharp or heavy objects from the victim's reach as the sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures and difficulty breathing.

D.) If Ambulance EMT's Personnel or New Boston Fire Personnel are on scene before NBPD Officers are , then NBPD Officers shall let the Ambulance or New Boston Fire Personnel take control of the victim and administrator the naloxone to the victim.

E.) If NBPD Officers do administrator naloxone to the overdose victim, then the officer shall follow the training guidelines in how to use naloxone and give the victim the required dosage of naloxone to help revive the victim.

F.) Officers will seize any possible evidence for further investigation and do a incident report on the overdose .

G.) If Officers do administrator naloxone, they will record such usage in the naloxone log book for the Department.

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5.21: Crime Victims Rights 2930 O.R.C. & Ohio Marsy's Law

Purpose: Effective on February 5, 2018, Ohio's Marsy's Law is in force. Marsy's Law gives victims of crimes certain rights that shall be followed by Law Enforcement Personnel and Prosecutor Offices. The passage of this law ensures that Ohio's victims rights are protected and enforced as in accordance with Marsy's Law and Ohio Statue 2930 Victims Rights.

Policy: The Department will provide Ohio Crime Victims Rights Booklets to Officers so they can be handed out to the required crime victims. The Reporting Officer shall hand out this booklet to the required crime victims when a incident/offense report is taken by the officer for a required offense statue. The reporting officer will write down his name in the booklet for the victim as required by the statue. Failure of the Officer to do so will result in disciplinary actions being taken against the reporting officer.

1.) O.R.C. Section 2930 Victims' Rights

This Ohio Statue defines the meaning of a crime and victim and the statue sections of crimes that will result in a crime victim getting the Ohio Crime Victims Rights Booklet by the reporting officer. The Sections are as followed:

- A.) 2903.05 Negligent Homicide
- B.) 2903.06 Aggravated Vehicular Homicide-Manslaughter
- C.) 2903.13 Assault
- D.) 2903.21 Aggravated Menacing
- E.) 2903.211 Menacing by Stalking
- F.) 2903.22 Menacing
- G.) 2907.06 Sexual Imposition
- H.) 2919.25 Domestic Violence
- I.) 2921.04 Intimidation of Victim-Witnesses
- J.) 4511.19 DUI-DWI-OMVI that results in physical injuries persons
- K.) 4561.15 Unsafe Operation of Aircraft that results in injuries to persons
- M.) ALL FELONY CRIMES

2.) Crime Victim Letter from the Village Prosecutor (See attached letter example)

1.) Procedure:

A.) When a Officer takes a report from a victim for one of the above crimes then the officer shall give the victim the Ohio Crime Victim Rights Booklet.

B.) On page 3 (three) of the booklet there is a Police Department Stamp where the officer shall print his name for the crime victim.

C.) On station the reporting officer shall fill out (print legible) the Prosecutor Letter with the victims information such as name and mailing address, offense date, arrest date if applicable, and court date if applicate and offense report number. This Letter will be sent over to the Mayor's Court Clerk for mailing.

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5.22 Search Warrants, No-Knock Search Warrants

Definitions:

Search Warrant: is a legal document signed by a Judge giving a police officer the authority to search a person or to enter onto the premises of a person to conduct a search for the described items in the search warrant.

No-Knock Search Warrant: is a legal document signed by a Judge after a police officer has shown justification to the Judge to serve the search warrant as a no-knock search warrant where the police officer upon execution of the warrant **will not knock and announce the entrance at the time of execution of the warrant.**

Exceptions to Obtaining a Search Warrant:

- 1.) Search incident to arrest.
- 2.) Plain View Doctrine
- 3.) Found or unclaimed property
- 4.) Consent from person.
- 5.) Stop & Frisk
- 6.) Automobile exception
- 7.) Hot Pursuit or Exigent Circumstances
- 8.) Probationers or Parolee Searches

Policy Statement:

1.) Absence from one of the above exceptions, Officers will obtain a search warrant before conducting a search.

2.) The best practice recognized by the Department in a criminal case is to obtain a search warrant when exigent circumstances do not apply because evidence could be inadmissible in court if the property was not seized under a search warrant.

3.) **No-Knock Search Warrants: The Chief of Police will be notified and will authorize any no-knock warrants.** Officers will seek a no-knock search warrant only after the Chief's approval and the Officer has shown justification to the signing Judge that this type of warrant will prevent harm or injuries to the executing officers or other persons in or near the premises or where evidence can be destroyed before entrance and the justification is to be written into the search warrant with supporting facts from the signing officer. Examples of justification is but not limited to:

A.) Known or the likelihood of armed or violent criminal history of suspects within the premises.

B.) The high likelihood of evidence being destroyed before entrance can be made into the premises. Most generally where outside security cameras being identified by the investigative officers on the property.

C.) Possible serious harm to the executing officers or other persons in or near the premises.

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6.0: Impounding and Towing of Vehicles

1.) Definitions

A.) **Department Authorized Licensed Tow Wrecker Company;** is a wrecker service that has presented insurance information to the police department and their business address where the vehicles will be towed and secured in a secure lot, and the Chief of Police has approved that company after presenting the above required information. That wrecker service will then be put on the Department's wrecker call out list. Department Authorized wrecker service shall be used on all impounds for the driver being arrested or for any parking and abandonment complaint violations, that are authorized by Village's Ordinances to be towed.

B.) **Safekeeping;** is when at any time a vehicle and or property is impounded solely because the driver or operator of the vehicle was removed due to illness or injury or whereabouts are unknown . Towing fees and applicable storage fees still apply to the owner of the vehicle.

C.) **Non-Authorized Tow Wrecker Service;** is when the owner/driver request their vehicle to be towed by a certain wrecker service after being involved in an accident and their vehicle is disabled, or a vehicle is broken down and possibly blocking traffic. Any non-arrest or parking violation situations where a vehicle is otherwise authorized by Village Ordinances to be towed.

D.) **Inventory Impounds of Vehicles;** is where the Officer determines the vehicle will be towed and any content items seen or located within the inside of the vehicle will be listed by the Officer on the Department's Vehicle Inventory Impound Form to record what was left in the vehicle or taken from the vehicle by the Officer, either for evidence purposes or safekeeping.

2.) Policy Statement

A.) Sworn Officers may legally impound motor vehicles:

- 1.) For any reasons stated in the Village Ordinances.
- 2.) Containing evidence of a crime that needs to be collected: or
- 3.) In accordance with the Ohio Revised Code Section 4513.60, "Vehicle left on private residential or private agricultural property without the permission of a person having the right to possession of property."

B.) Releasing Vehicles Without Payment of Fees

1.) If the Department Officer has a vehicle impounded to the Department for evidence purposes, then after the Department is finished with the vehicle it shall be released to the owner and the wrecker service will submit bill of payment to the Village to be paid.

C.) **Enforcement Options**

1.) When a motor vehicle may be legally impounded and is not reported stolen, sworn personnel may either:

- A.) Impound the vehicle, or
- B.) Release the vehicle to the owner, operator, or to another person with the consent of the owner or operator, given there are no legal requirements or need to impound the vehicle, and there are no overdue unpaid parking fines held against the vehicle.

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2.) Sworn personnel shall take any reasonable actions necessary to ensure the safety of any occupant of a vehicle left stranded in an unsafe location due to an impoundment. This may include providing a ride to a safe location, or standing by until a taxi cab or a friend of the occupant arrives.

3.) At any scene, Sworn personnel may be liable if they do not obtain the consent of the owner or operator before releasing a vehicle to another person. The consent to release the vehicle, to whom the vehicle was released, and the status of that person's driving privileges shall be written on the impound form or written in an officer's incident report.

4.) Sworn personnel may use discretion whether to release or impound a vehicle when a wrecker service is at the scene at the same time as the owner or operator.

5.) Unless arrangements have been made by the owner or operator to move the vehicle in a timely manner, any disabled or abandoned vehicle creating a traffic hazard or any vehicle disabled from a traffic crash shall be impounded as soon as practical. Sworn personnel shall remain with the vehicle until it is removed.

6.) Sworn personnel may have vehicles moved to an unrestricted parking space only when there is an emergency situation or when exigent circumstances arise (such as a parked vehicle blocking personnel from getting to an emergency scene). In these situations, sworn personnel should allow the owner or operator to move the vehicle in a timely manner before towing the vehicle.

3.) Procedures

A.) When a Officer impounds a vehicle then the Police Dispatcher will call the next wrecker service in order to be call that is listed. The Dispatcher shall record that information in the "wrecker towing book" located at the dispatcher desk.

B.) If the Officer is not impounding the vehicle for enforcement reasons, and a owner or operator request a Non-Authorized Department wrecker to respond, then the Officer shall allow that unless the wrecker service that is called can not be to the scene in a timely manner or because of immediate traffic hazards the vehicle needs to be moved quickly, then a Department Authorized wrecker service should be called to the scene.

C.) Officer Impounding the Vehicle shall:

- 1.) Run the vehicle's license plate number and Vin number through LEADS.
- 2.) Request the Dispatcher to send a Department Authorized Wrecker.
- 3.) Remove any license plate not registered to the vehicle, or requested to by the BMV on the LEADS printout.
- 4.) Conduct an inventory of the contents of all reasonably accessible areas and containers in the vehicle, including the trunk and complete an Department Impound Vehicle Inventory Form, listing any property that is left in the vehicle or is taken out of the vehicle by the Officer or other persons.

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5.) If the vehicle is locked up and entry can not be made, then the Officer shall conduct the inventory by looking through the windows. Note that vehicle was locked on the impound form.

6.) Officer shall mark existing damage to the vehicle on the impound form.

7.) When the vehicle is impounded solely because the operator was removed due to illness or injury, write ‘safekeeping’ on the impound form.

8.) During inventory of the contents, if contraband or weapons is seen the Officer shall seize the contraband, or weapons. If the weapons “are not part of “an criminal investigation, such as a “hunting rifle”, etc, then the Officer will seize for safekeeping until the weapon can be release back to the owner. If an large amount of money is found (more than \$20 in currency) and the money is “not part of “a criminal investigation, then the money shall be seized for safekeeping until it can be released back to the owner.

9.) If the Officer impounds a parked vehicle with the owner or operator not around or unable to locate, and the vehicle is in violation of an Village Parking Ordinance, a copy of the parking ticket shall be left on the front windshield of the vehicle by the Officer.

D.) Possible Evidence of a Crime Observed

1.) While inventorying the contents of a vehicle, if the Officer comes across evidence of a crime, such as **drug offenses that could be considered a felony crime or any felony crime**, then the best law enforcement practice to do, if possible, without any exigent emergency circumstances occurring, is for the Officer to stop the inventory and impound and seal up the vehicle entry points and have the vehicle impounded to the police department and secured in the “fire bay” until an search warrant can be obtained.

2.) If an Officer receives a verbal consent to search by either the owner or operator of a vehicle, then the Officer can proceed with the search if more than likely the crime would be a misdemeanor, if possible, the Officer should obtain a written consent to search. However, if the **Officer believes evidence of a felony crime exists**, then obtaining a search warrant is the best procedure to proceed with by the Officer.

E.) Impounding Vehicles for Driving Suspension or OVI, Third-Party Vehicles

1.) If the operator of a vehicle is not the registered owner of the vehicle which is normally called a “third-party vehicle” by the Courts, then the Officer shall not impound the vehicle for the sole purpose of possible seizure or impoundment by the Court involving DUS or OVI penalties. Third-Party Vehicles are not subject to these penalties. However, if the vehicle can not be left in a safe and secured manner or if it is a traffic hazard, then the Officer shall have the vehicle towed. An attempt to notify the owner should be made before towing so the owner can come to the scene to pick up the vehicle, if at all possible.

2.) **Seize the vehicle when** the vehicle is registered in the arrested person’s name and the arrest involved any of the following charges:

A.) Driving Under an OVI Suspension

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B.) Driving Under an FRA Suspension or Cancellation, with at least one prior conviction within five years of the current offense.

C.) Wrongful Entrustment

D.) OVI with at least one prior conviction within six years of the current offense, or with any prior felony OVI conviction.

F.) Impounding Vehicles Used in Felonies/Misdemeanor

1.) If the vehicle was used in the commission of committing a felony or misdemeanor crime and if the Officer believes the vehicle needs to be seized for evidence purposes or because of possible crime evidence being inside the vehicle, the Officer has authority to seize the vehicle, filling out all of the appropriate required Department Impound and Evidence Forms.

2.) If the Officer can not obtain an "consent to search" from the vehicle's operator or owner or the owner can not be located and notified, then the Officer can impound and seal up all vehicle entry points and have the vehicle towed back to the Department "fire-bay" and secured until an search warrant can be obtained.

3.) Depending on the seriousness of the crime or possible crime, it is the best law enforcement practice to obtain a search warrant before searching any vehicle for crime evidence purposes, unless exigent emergency circumstances exists. Even if there is evidence sitting in plain view, those circumstances can be used for "probable cause reasons" to obtain an search warrant.

4.) The Officer shall stay with and observe the vehicle while being towed back to the Department, filling out an Department Evidence Impound Form for the case.

G.) Impounding Stolen Vehicles

1.) The Officer should determine if the vehicle needs to be towed and if any evidence can be obtained from the vehicle, before releasing the vehicle. In these cases, a Search Warrant is not normally required, unless the owner of the vehicle is somehow connected to the case as a suspect. Officers shall complete the Inventory Impound Form.

2.) If the owner can not be found and notified then the Officer shall impound and tow the vehicle until released to the owner and all investigative purposes are completed.

H.) Private Property Impound and Towing

1.) Sworn Officers shall not impound and tow any vehicle on private property unless authorized by the Village's "Parking/Junk Vehicles" Ordinance Sections.

I.) Releasing Impounded Vehicles by Department

1.) A vehicle is only to be released to the registered owner or vehicle titled owner, unless approved to do so by the Captain or Chief of Police.

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6.1: Police Department Vehicles, Seat Belts, Maintenance

1.) Policy Statement

A.) Department personnel shall use seat belts while operating or riding in a Police Department vehicle.

B.) Maintenance of Vehicles

1.) Department personnel will fill out a service slip for repairs or tire replacement if a problem arises with a cruiser. In addition, the Officer will notify the Captain or Chef of Police of the problem.

2.) If the Department Officer believes there is a problem with the safe operation of the vehicle then that cruiser shall not be operated until looked at by the service department for the Village or a private mechanic as approved by the Chief of Police or Village administrator.

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6.2: Cruiser Video Camera System (CVCS)

1.) Policy Statement

A.) The camera systems currently in all police vehicles will turn on to record when the emergency light switch is activated by the Officer. If the Officer wishes to record without activating the emergency lights then you must press the record button of the CVCS.

B.) Sworn Officers operating a CVCS equipped cruiser shall record all traffic stop, suspected OVI stops and arrests, vehicle pursuits, and when engaged in emergency vehicle operations from the beginning of the action. Recording the event shall not be stopped until the enforcement action or incident has ended or as directed by a supervisor.

C.) Sworn Officers may utilize the CVCS to provide evidence or a record of an incident, to document the actions and statements of suspects during interviews or while being placed into custody, or as a means to verify an action taken, for example, the signing of a Consent to Search or Miranda Warnings given.

D.) No copies of recording shall be given out to any person unless approved by the Chief of Police.

E.) No Sworn Officer will delete any recorded footage without the prior approval of the Captain or Chief of Police.

2.) Recordings for Court

A.) The Arresting Officer shall leave the Captain a note requesting copy footage of the OVI stop and arrest for court purposes. The recording will stay in the CVCS for up to about one week depending on how many times the CVCS has been activated and the length of the activation.

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6.3: Traffic Crashes Involving Department Personnel

1.) Policy Statement

A.) Sworn personnel who are involved in a motor vehicle crash with a Department cruiser shall immediately radio the Dispatcher to inform where the crash occurred and whether if there is any injuries.

B.) The Dispatcher shall immediately notify an on duty supervisor, or the Captain or Chief of Police and call out any medical assistance if necessary.

C.) The Department Officer involved in the crash if able to shall make sure the other persons involved in the crash are not injured and call for medical assistance for anyone that claims to be injured or is visually injured.

D.) If the Department Officer is incapacitated from the crash, the Dispatcher shall call the Portsmouth Police Department to respond to the scene under mutual aid agreement, until the Ohio State Highway Patrol can arrive on the scene to do the crash investigation. The Ohio State Highway Patrol is the preferred agency to conduct any crash investigation involving Department vehicles on any public streets where there is any injuries or damage done to both vehicles appears to be over what the State of Ohio limit is as defined under their guidelines which as of May 31, 2018 is set at \$1000 or more in damage. If the OSHP declines to conduct an investigation then a Supervisor or the Chief of Police will conduct the crash investigation. **For crashes occurring on private property a Department Supervisor or the Chief of Police will conduct the crash investigation.** (Typically the OSHP does not do crash investigations on any private property.)

E.) If the collision between a Department cruiser and another vehicle is of minor nature, i.e., fender bender, where there is little to no damage and no claimed injuries, then an on duty supervisor or a called out supervisor or Chief of Police shall conduct the crash investigation.

F.) Where the collision is between a Department cruiser and a object or the cruiser is the only vehicle involved in the crash, then an on duty supervisor or a called out supervisor or Chief of Police shall do the crash investigation.

G.) Department Officer are subject to being cited for any traffic law violation as any other citizen would be, as well as receiving Department disciplinary actions for reckless or careless behavior while operating the Department cruiser.

H.) The Department Officer involved in a traffic crash on duty and in a Department cruiser shall fill out the appropriate BMV form for "In The Line of Duty" crash and have the Chief of Police sign the form and letter and mail to the BMV where the crash will be shown as a Line of Duty crash on the Officer's personal driving record through BMV.

I.) As according to Village Policy for Employees, any employee involved in a traffic crash in a Village owned vehicle shall submit to a alcohol/drug test if there is any damage or injuries resulting from the crash, unless otherwise instructed by the Chief of Police and the Mayor. The alcohol/drug test will be completed as soon as possible after the accident.

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6.4: Traffic Crash Investigations, Quick Clear Policy

1.) Policy Statement

A.) All trash crash report completed by the Department personnel shall be reported on the Ohio Traffic Crash Report, form OH-1.

B.) Sworn personnel shall respond to and investigate any traffic crash that is given to them by the Dispatcher, either on public or private property open to the public throughway, such as parking lots.

C.) The preferred course of action in a traffic crash where fault can be determine by the investigating officer is to issue a traffic citation for the violation, however the Department will allow officer's to use discretion in the issuance of tickets where both drivers have insurance, and there is little to no damage to the vehicles or no claimed injuries.

D.) Where the traffic crash is serious in nature and could result in a death or has resulted in a death, the Department shall call the Ohio State Highway Patrol to help conduct the crash investigation where the crash occurred on any public roadway. If this type of crash occurred on private property, then the Department will lead the investigation on the crash and the OSHP can be called in to help with the determination of any measurements or crash calculations.

E.) Where the traffic crash is the possible result of an intentional act of violence against another human being, then this incident shall be investigated as a criminal act and the investigating officer shall conduct the investigation as any other felony would be done, securing the scene, collecting evidence, scene photographs, etc, and present the case to the County Prosecutor for determination.

F.) If the Dispatcher gives out an traffic crash call where there is reported injuries or possible injuries, then the Officer should respond to the scene in a emergency status run with emergency lights and siren in operation on the cruiser. Where there is no reported possible injuries then the Officer should respond to the scene as quick as possible without causing any imminent danger to the public.

G.) When completing the OH-1 report, all officers shall complete a diagram of the crash scene before turning in the report. This is a requirement from BMV and it does not matter if the vehicles had been moved before the officer's arrival. The diagram is a reconstruction of the crash scene from information the officer obtains from the drivers of both vehicles or witnesses to the traffic crash.

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6.4: Traffic Crash Investigations, Quick Clear Policy

2.) Private Property Traffic Crashes

A.) Department Officers shall respond to any reported traffic crash on private property open to the public. A crash report is the preferred course of action to be taken because both drivers will more than likely need a crash report for their insurance purposes.

B.) Department Officers shall only issue a traffic citation on private property where fault can be determine in the crash and involves :

- 1.)Alcohol/drug offenses, or
- 2.) Reckless operation (includes excessive speed) of a mother vehicle or
- 3.) No license or under suspension.
- 4.)Tickets shall not be issued under circumstances where the collision is a minor fender bender , such as both vehicles backing out at the same time from a parking space.
- 5.) If a pedestrian is within a marked crosswalk area and is struck by a vehicle a citation can be issued for failure to yield by the vehicle if the investigating officer determines that is the cause for the collision.

3.) Quick Clear Policy for Crashes

A.) Is a goal from ODOT and the Dept. of Public Safety about reducing the duration of incident-related road closures due to crashes and get the road opened up as quickly as possible after the crash. If at all possible, Department Officers should have vehicles moved from the traffic lanes and to a safe area, if they are able to be moved and there are no injuries, and all scene photographs have been taken. Then the Officer will start getting the information for completing the OH-1 report.

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6.5: Emergency Vehicle Operations, Lights, Siren

1.) Introduction

A.) In order to serve and protect the public, law enforcement personnel are authorized to respond to emergency calls for service. The Ohio Revised Code (ORC) and the Village of New Boston Codified Ordinances (VNBCO) provide exceptions to certain traffic laws for public safety and emergency vehicles responding to emergency calls, as long as the driver is using emergency equipment and exercising due regard for the safety of all persons using the street or highway.

B.) On a police vehicle, the emergency equipment consists of safety devices intended to:

- 1.) Assist sworn personnel in responding to an emergency call
- 2.) Alert the public of emergency vehicles responding to emergency calls
- 3.) Cause other drivers and pedestrians to yield to emergency vehicles
- 4.) Prevent crashes and injuries during emergency vehicle operations

2.) Definitions

A.) Due Regard; is the degree of care that is necessary to prevent one's act from creating an unreasonable risk of harm to another.

B.) Emergency Calls; is a call to duty including, but not limited to, communication from citizens, police dispatchers, and personal observations by law enforcement personnel of inherently dangerous situations that demand an immediate response on the part of a law enforcement officer.

C.) Lights and Siren/Emergency Equipment; is the Department's authorized visible and audible equipment on the police vehicle designed to signal and warn other drivers and pedestrians on the roadway when activated. The Department authorized emergency equipment includes beacons, grill lights, and electronic sirens that meet the standards set forth in the ORC.

D.) Emergency Vehicle Operations (EVO); is any time Department sworn personnel are responding to an emergency call in a police vehicle with Lights and Siren/Emergency Equipment activated.

E.) High Speed; is twenty (20) miles per hour over the posted speed limit.

3.) Policy Statement

A.) Department personnel shall always operate vehicles with due regard for their safety and the safety of other drivers, passengers, and pedestrians.

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6.5: Emergency Vehicle Operations. Lights, Siren

B.) Department personnel operating a vehicle shall drive at a speed and in a manner that is reasonable considering the following factors:

- 1.) Traffic conditions
- 2.) Weather and or roadway conditions
- 3.) Type of vehicle
- 4.) Any other factor that may affect driving
- 5.) The seriousness of the call for service

C.) Using High Speed should normally be limited to situations involving a life threatening condition a risk of serious physical harm. The dangers of using High Speed should not outweigh the dangers presented by the situation creating the need for an emergency response, thus High Speed may require justification.

D.) When it is reasonable, sworn personnel assigned to a emergency call for service, respond using EVO if there is a reasonable belief that any of the following criteria are present:

- 1.) The situation is likely to result in serious physical harm to a person
- 2.) There is an immediate need to apprehend a suspect due to the serious nature of the crime committed.
- 3.) There is an immediate need to secure a crime scene or witnesses.
- 4.) there is an immediate need for traffic control or crowd control
- 5.) there is an immediate need for officer assistance or back up
- 6.) At the direction of a sworn Department Supervisor

E.) Sworn personnel shall consider the following factors when determining whether or not to respond using EVO and or while responding using EVO:

- 1.) Adverse traffic, weather, and or roadway conditions
- 2.) Proximity to and or the proximity of other sworn personnel to the emergency call
- 3.) Notified and or ordered to cancel EVO
- 4.) Notified the situation is under control or there is no longer a need to respond
- 5.) The required visible and or audible emergency equipment is inoperable
- 6.) Any other information known to responding personnel that would indicate using EVO is too dangerous or inappropriate at that times, such as possibly alerting a suspect of the arrival of the sworn personnel.

F.) If a passenger (not another officer) or prisoner is onboard a police vehicle, and unless exigent circumstances dictate, EVO is not authorized.

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6.5: Emergency Vehicle Operations, Lights, Siren

G.) Entering intersections against a stop sign or signal while using EVO poses a heightened level of risk to sworn personnel and the public and thus requires an increased level of caution to meet the due regard standard. In order to show due regard when approaching intersection against a stop sign or red traffic signal, sworn personnel shall slow down as necessary for the safety of traffic and shall proceed into these intersections at a speed which would allow sworn personnel and or others drives and pedestrians a reasonable opportunity to avoid a traffic crash.

H.) Sworn personnel should use EVO when violating traffic laws. However, the Department recognizes that in limited exceptional circumstances sworn personnel may have to violate minor traffic laws for short distances and short periods of time, without using Lights and Siren/ Emergency Equipment, in order to effectively address suspected criminal activity or traffic violations in progress. Sworn personnel shall use due regard when committing minor violations in these exceptional circumstances.

I.) Sworn personnel shall not violate any of the following traffic laws , even while responding using EVO:

- 1.) Stopping for School Bus, signals on bus are activated.
- 2.) Reckless operation on any streets, public or private property.

J.) Sworn personnel shall follow the Department's Pursuit Policy if a driver attempts to flee for any reason.

K.) Sworn personnel shall advise by radio to the Dispatcher when EVO is being used and when EVO is deactivated.

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6.6: Vehicular Pursuits by Officer

1.) Definition

A.) Vehicular Pursuit; is the following of a motor vehicle whose operator is attempting to elude or flee from a police officer after having received an officer's visible and or audible signal to stop the vehicle.

2.) Policy Statement

A.) A respect for human life shall guide officers in determining whether to engage in or terminate a vehicular pursuit. Officers shall act within the boundaries of legal guidelines and Department policy when engaging in a vehicular pursuit.

B.) Reasons for Vehicular Pursuits stems from the officer's duty to apprehend those persons who have committed or are committing a law violation. The freedom to pursue law violators must be available to police officers since it plays a vital part in deterrence and crime control responsibilities. Furthermore, it would not be to the best interest of the public safety to encourage the dangerous fleeing criminal to proceed without the imminent possibility of police intervention.

C.) Sworn personnel are allowed to make reasonable efforts to apprehend a fleeing violator, but the pursuit shall not be carried to such an extent as to appreciably endanger the lives of innocent users of our streets and highways, or the officer themselves.

D.) Some of the factors to considered before initiating a vehicular pursuit are:

- 1.) The seriousness of the traffic violation or crime committed, such as a crime of violence and there is an imminent danger of physical harm to persons.
- 2.) The time of day and whether traffic is heavy, such as during "rush hour" or is there very limited traffic in the surrounding areas and pedestrians traffic.
- 3.) Weather conditions and roadway conditions, ice, snow, rain
- 4.) Geographic locations such as around school zones, hospital zones
- 5.) Familiarity with the area that the officer is in or could be heading to
- 6.) Police Vehicle capability and reliability

E.) Sworn personnel are not authorized to engage in a vehicular pursuit while any non-law enforcement passengers are on board in the police vehicle.

F.) Once sworn personnel engage in a vehicular pursuit or join in a pursuit the Officer will immediately notify the Dispatcher by radio of the location and the reason for the pursuit.

G.) The Dispatcher shall immediately notify a on duty supervisor, if no supervisor is present, then the Captain or Chief of Police shall be called and informed of the pursuit. If no supervisor can be notified, then the Officer shall consider the factors in Section D above to determine whether to pursue or not and show strict regard to safety for the public.

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6.6: Vehicular Pursuits by Officer

H.) Sworn personnel shall not attempt to maintain visual contact with a violator or suspect vehicle without the use of lights and siren, if doing so requires personnel to disregard traffic laws which is not authorized.

I.) No more than two police vehicles (a primary and a secondary unit) shall become actively involved in a pursuit, unless otherwise specifically directed by a supervisor assigned to manage the pursuit. The purpose of the secondary unit is to provide backup for the primary unit.

J.) Sworn personnel shall not relinquish control of a Department initiated pursuit to any other law enforcement agency while the pursuit is within the jurisdiction of New Boston.

K.) Sworn personnel shall not become involved in a vehicular pursuit initiated by another law enforcement agency unless that agency has requested mutual aid to assist in the pursuit.

L.) If a Department initiated pursuit is ended in another jurisdiction, other than New Boston, then the Officer will arrest the suspect and transport back to NBPD unless the other law enforcement agency's supervisor directs that they will arrest the suspect and transport. If the suspect needs medical attention and needs to be transported to the hospital, the Officer shall not take the suspect into custody until the suspect is released from the hospital.

M.) If another law enforcement agency has a vehicular pursuit that has ended up within the jurisdiction of New Boston, the Department Officer will assist the other law enforcement agency in any way that is necessary, EXCEPT for making a arrest of the suspect violator when there is no occurred injuries to citizens or property damage within New Boston. Since the other law enforcement officer initiated the pursuit from within their jurisdiction because of a crime or violation and they are in "hot pursuit" they have the authority to arrest the suspect and take back to their jurisdiction. If the suspect has committed violations within New Boston, such as running red light, stop signs, without any injuries to citizens or property damage then the Department Officer will issue the appropriate citations or summons to the suspect or file for a warrant.

N.) Authorized police vehicles for a vehicular pursuit are marked police vehicles with operable lights and siren should be used when participating in a pursuit. Marked cruisers shall take precedence over any other unmarked unit. Under exigent circumstances or when authorized by a sworn supervisor, sworn personnel may use other police vehicles to participate or respond to a vehicular pursuit in progress.

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6.6: Vehicular Pursuits by Officer

O.) Procedures For Primary Unit & Secondary Unit (If Any Secondary Unit)

1.) Primary Unit (Lead Marked Police Car) upon initiating a pursuit shall immediately advise the dispatcher of your location, reason for the pursuit, direction of travel, description of suspect vehicle being pursued, your speed.,

2.) The Primary Unit will keep contact with the dispatcher and other units for location and direction of travel until a secondary unit can join in the pursuit. Once the secondary unit has joined, then the second unit will keep radio contact with the dispatcher and other units as to location and direction , so the primary unit can solely concentrate on the pursuit driving, as the primary lead unit.

3.) Secondary Unit (Second Police Car) will enter the pursuit behind the Primary Unit. Do not pass the Primary Unit unless it can not continue the pursuit or relinquishes its position. The Secondary Unit will back up the Primary Unit as needed, for example, if a stop is made or foot pursuit ensues. The Secondary Unit should take over the radio contact with the dispatcher and other units for location and direction of travel so the Primary Unit can concentrate on their driving.

4.) If there are other responding Police Cars to the scene the Responding Officers shall keep the radio volume turned up to hear instructions from a Supervisor and the Officers shall drive defensively and with due regard for public safety. Once a Supervisor or the Primary Unit Officer says to terminate or has terminated a pursuit then all other responding units to the scene shall stop operating in an emergency response with lights and siren.,

P.) Pursuit Driving Tactics To Stop Pursuing Vehicle

1.) Currently the New Boston Police Department does not use deflation spikes to stop an vehicle. No Officer from NBPD will use a deflation spike device unless trained and certified by OPOTA or other national certification. If another assisting Officer from another Agency that is assisting NBPD in the pursuit offers to use a deflation spikes then that request shall be approved by that Agency's Supervisor. If a NBPD Supervisor requests another Agency's Officer to use this type of device the NBPD Supervisor will confirm first that the other Agency's Officer is trained and certified to do so.

2.) No NBPD Officer will use a PIT (Precision Immobilization Techniques) procedure unless they have been trained and certified by OPOTA or other national certification.

3.) A NBPD Officer is only allowed to ram another vehicle if 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. The Officer needs to consider the crime committed, such as a violent felony crime, or if ramming is not done by the officer then there is an imminent risk of death or serious physical harm to another person on scene or the officer. Ramming a vehicle is considered a Use of Force and the Officer will do an Use of Force Report and record the Use of Force in the Use of Force Log Book.

4.) At no time should a civilian vehicle be used to deploy any stopping technique.

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6.6: Vehicular Pursuits by Officer

Q.) Termination of Vehicular Pursuit

- 1.) If at any time a supervisor orders the pursuit to end, all Department police vehicles involved in or responding to the pursuit shall stop immediately and return to their regular patrol duties.
- 2.) If the pursuit has ended in a traffic crash or stop that resulted in the arrest of the suspect, then the primary unit or secondary unit shall notify the dispatcher so that all responding units can stop their EVO response.
- 3.) If at any time, the primary unit and secondary unit loses visual contact with the suspect vehicle or does not know where the suspect vehicle has eluded to, then all EVO response shall stop so not to endanger the citizens that could be in the area.
- 4.) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk with continuing the pursuit, Officers should strongly consider discontinuing and apprehending the offender at a later time.

R.) Use of Force

- 1.) Any tactic done by an NBPD Officer to stop a fleeing suspect such as deflation spikes, PIT, or ramming a suspect vehicle shall be considered a Use of Force and the NBPD Officers involved shall complete a Department's Use of Force Report and also log the incident into the Department's Use of Force Log Book.

S.) Policy Violations

- 1.) Any NBPD Officer found violating this pursuit policy and procedures will get disciplinary actions by the Chief.

T.) Pursuit Reports

- 1.) All NBPD Officers will submit a written report to the Captain for review as soon as possible after the pursuit has ended.
- 2.) The Captain will review the pursuit report to determine if all policies and procedures were followed. If the Captain is involved in the pursuit then the report will be submitted to the Chief for review.
- 3.) Once a report has been reviewed by the Captain, a determination report of the pursuit will be submitted to the Chief for review and sign off.

U.) Training, Policy Review and Annual Review Analysis

- 1.) Each year all Officers shall review and complete acknowledgment (Read & Sign) for this policy.
- 2.) All Officers should be provided periodic training on this vehicle pursuit policy, best practices and safe driving techniques. When possible Officer will be sent to OPOTA for updated training.
- 3.) An annual report for each year will be completed by the Chief or a designee to show how many pursuits were done and if all policies and procedures were followed and any recommendations for change if necessary.

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7.0: Property and Evidence Handling

1.) Introduction

The requirements for the proper handling of property by law enforcement officers are established by the Ohio Revised Code and this directive.

2.) Policy Statement

A.) Recovery of Property

1.) Personnel handling hazardous/infectious unknown material should wear protective clothing appropriate to the extent of contamination and or exposure. Wear gloves (rubber, latex) for collection purposes whenever contamination is suspected or unknown.

2.) Do not break, remove, or recap hypodermic needles and syringes. Place these items in the red plastic hazardous container for needles and syringes.

3.) Personnel receiving property from a private citizen shall advise them that the rightful owner will be notified and non-contraband property returned when the Department no longer has an evidentiary or any other justifiable need for the property, and ownership has been established.

4.) Property recovered pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.

5.) Property that is not evidence may be returned directly to the owner, if practical.

6.) Recover property shall be not left in the trunk of any police vehicle.

3.) Submitting Property as Evidence

A.) Personnel must fill out and complete the Department (New) Chain of Custody Form and submit this form for each separate evidence bag for the property room.

B.) Only evidence items you submit to the property room, you must use and input them into the OHLEG RMS Report system and click upload to the property room.

C.) Personnel will use the (old property impound form) when they recover property during their shift and that property is then return to the owner. This form can be hand written and then put with the offense report.

D.) Property being held as evidence shall be handled by as few Department employees as possible, thereby keeping the chain of custody to a minimum.

E.) Officers shall follow the chain of custody by filling out the Chain of Custody Form and signing it and then submit it with the evidence bag.

F.) Officers shall not submit liquid substances in any unsecured containers.

G.) For syringes filled with substance, the Officer will pour the substance into a evidence collection jar and seal the jar before submitting.

H.) All Officers will handle and package evidence items as directed by the BCI Crime Lab. See the BCI Evidence Manuel Book in the Captain Office. Use only the clear packing tape to seal all plastic and paper evidence bags.

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7.0: Property and Evidence Handling

I.) Personnel shall not delay submitting property. All property shall be submitted before the end of the current tour of duty.

J.) No evidence property shall be left in the trunk of any police vehicle.

K.) All Officers before putting any evidence items into the evidence lockers, shall fill out the evidence log book for evidence items. Officers are subject to disciplinary actions if not done. Nothing goes into the evidence lockers unless the evidence log book is completed.

L.) To avoid overtime, property being held for safekeeping may be turned in by another Department employee.

M.) Take pictures of the property if necessary for the criminal case.

3.) Evidence Needing Sent to BCI Lab

A.) Department personnel after submitting evidence to the property and that evidence needs to be sent to BCI crime Lab for analysis, the Officer will leave a note for the Property Room Officer that request that be done so the evidence can be prepare to be sent. It is the Investigating or Submitting Officer responsibility to see all evidence is requested to be prepare for BCI.

B.) If the items are drug paraphernalia items in a evidence bag along with the controlled substances themselves, then the submitting Officer must separate the items where the substances are packaged by themselves to be sent to BCI.

4.) Removal of Property

A.) Any Department personnel that removes property from the property room shall be responsible for that property until it is returned to the property room or disposed of.

B.) The removing Officer shall complete the chain of custody if it is evidence items.

C.) When the property is no longer needed by the Department for evidence, then the return of it shall be done to the rightful owner. The owner shall sign for the property on the Impound Form before taking possession of the property.

D.) No evidence property shall be removed from the property room to be destroyed unless there is a signed court order directing what specific evidence to be destroyed.

E.) Depending on the law for certain evidence that can not be destroyed, the Department will secure and hold on to that evidence as directed by the Ohio Revised Code.

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7.1: Seizure/Forfeitures

1.) Introduction

The requirement for the seizure/forfeiture of property by law enforcement officers are established by the Ohio Revised Code and this directive.

2.) Policy Statement

A.) Seizure/Forfeiture under ORC 2981, a law enforcement officer may seize property for forfeiture of the officer has probable cause to believe the property is subject to forfeiture and officers can demonstrate that the property was:

- 1.) Contraband involved in an offense.
- 2.) Allegedly used or intended to be used in the commission or facilitation of the felony offense or misdemeanor drug offense when forfeiture is specifically authorized by a section of the ORC.
- 3.) Acquired by the alleged offender or delinquent child during the commission of the offense or a reasonable time afterward.
- 4.) Acquired by the alleged offender or delinquent child when there is no likely source for the interest in the property other than as proceeds derived from or acquired through the commission of an offense.
- 5.) All seizure/forfeiture actions shall follow the state seizure process.
- 6.) Property seized pursuant to a search warrant shall be listed on the inventory receipt portion of the warrant.
- 7.) The use of any funds generated through the seizure/forfeiture process is limited to legal law enforcement purposes as directed by the law.

3.) Seizures

- A.) Limit seizures of cash to \$200 or more, unless otherwise directed by the Captain.
- B.) In order to be considered for seizure of a motor vehicle, there should be no existing liens against the vehicle and ownership must be established. The vehicle shall be at least valued at \$5,000 or more.
- C.) All Officers will complete the Department Impound Form for all seized property and submit the property to the Property Room Officer as accordingly to procedures.
- D.) When filling out the County Prosecutor Felony Packet, be sure to mark the box where property is wanting be to fortified and describe what property it is.
- E.) Any vehicles seized for forfeiture will be towed to the Police Department parking lot and secured and the keys to the vehicle kept in the case file.

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7.2: Retention of Biological Evidence ORC. 2933.82

1.) Introduction

Senate Bill 77 took effect on 07/06/10 and requires law enforcement agencies to collect and preserve biological evidence collected from a crime scene at which certain crimes are specified must be preserved.

Those crimes are Aggravated Murder, Murder, Voluntary Manslaughter, Involuntary Manslaughter (F1,F2), Aggravated Vehicular Manslaughter (F1,F2), Rape, Attempted Rape, Sexual Battery or Underage Gross Sexual Imposition.

In the cases of Aggravated Murder and Murder, we must secure the evidence for as long as the crime remains unsolved. In unsolved cases involving other offenses, you must maintain the evidence for 30 years from the time of collection. If the person is convicted then all evidence must be kept for 30 years as directed in ORC. 2933.82.

The statute requires the preservation of sexual assault kits, and any item such as clothing that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or any other identifiable biological material that was collected as part of an investigation and might reasonably incriminate or exonerate a suspect.

2.) Policy Statement

A.) Most generally crimes involving the above listed crimes that are committed will be conducted under the supervision of the Captain or Chief of Police. The Captain or Chief of Police will direct whether or not to seek assistance from OHIO BCI Crime Scene personnel. If BCI is called in to assist in the investigation, then the on site Officer will secure the area and crime scene until BCI arrives on scene.

B.) If BCI is not called in to assist, then the Captain or Chief of Police will supervise any collection of evidence at the scene, as accordingly to the Ohio BCI Evidence Collection Manual.

C.) All clothing items must be separated and packaged by themselves with no other items in the evidence bag. Make sure collect enough blood, semen, fluids, etc., so there is sufficient amount for testing.

D.) Officers shall keep all biological evidence separate from any other physical evidence when completing/listing evidence on a impound form. (Evidence Room Purposes)

E.) The Department Property Room Intake Officer shall keep all biological evidence as directed by ORC.2933.82 in a specific area in the property room.

F.) The Department Evidence Intake Officer will keep a "Log Book" for all biological evidence where all impound forms will be kept for those cases and there will be a "Master Sheet List" showing the suspect's name, date collected, case number, and the numbers on the impound forms that are associated with that case.

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7.3: Electronic Recording of Interrogations/Suspects ORC.2933.81

1.) Introduction

Effective 07/06/12, ORC 2933.81, enacted by Senate Bill 77, states that electronically recorded custodial interrogations/interviews, in a place of detention, of certain crimes are presumed to be voluntary. Voluntary statements of a defendant are admissible in court.

The crimes are Aggravated Murder, Murder, Voluntary Manslaughter, Involuntary Manslaughter, Aggravated Vehicular Homicide (F1,F2), Rape, Sexual Battery, Attempted Rape.

To receive the presumption of voluntariness, the statements must be of suspects, for the listed above crimes, made during a custodial interrogations, in a place of detention and electronically recorded (video with audio sound). Place of detention does not include statements made in the back seats of police cars.

Police are required to clearly identify and catalog the electronic recordings, Catalog means to keep a master list of all such recordings documenting where the recordings is kept. The recordings must be kept until the resolution or expiration of the period within which to file all appeals, post conviction relief and or habeas corpus, or until the court orders otherwise.

2.) Policy Statements

A.) Sworn personnel shall follow and conform to the electronic recording of all suspects charged with one of the above crimes as directed by ORC 2933.81.

B.) Sworn personnel will use a DVD or CD recording for interrogations or interviews of suspects. Officers must make sure there is visual video and good audible sound during the recordings.

C.) Sworn personnel will preferably conduct the interview at NBPD but if not available, then the interviews can be done at any place of detention, such as another police or sheriff department, or correctional or detention facilities.

D.) Sworn personnel shall not interrogate the suspect first and then record the suspect's statements. This is not sufficient. Sworn personnel will continuous record the interview from the beginning of the questioning to the time questioning is completed. It must be an authentic, unaltered record of the custodial interrogation. All statements include, oral, written, sign language or nonverbal communication.

E.) Sworn personnel shall label the interview disc with the date and time, case number, and suspect's name.

F.) Sworn personnel shall make a copy of the interview disc for the case file and submit the original interview disc to the assigned Property Room Intake Officer.

G.) The Property Room Intake Officer will keep a "Log Book" of all recordings submitted to the property room for the listed crimes under ORC 2933.81. The Log Book will have all evidence impound forms for the recordings and a "Master Sheet List" showing the suspect's name, date and time, crimes, and where recording is kept. All discs will be kept in a specified area in the property room.

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8.0: Telephone Usage, Emails and Release of Personal Information

1.) Policy Statement

A1.) Department personnel shall answer the telephone promptly, identify themselves by rank or position and name, offer assistance, and obtain information by speaking distinctly and in a helpful, professional manner.

A2.) Personnel answering calls shall attempt to assist the caller and shall not transfer calls unnecessary. When it is necessary to place a caller on hold, the caller shall be advised of the reason and shall not be left on hold for an extended period of time.

A3.) Department telephones may be monitored by an supervisor and or recorded.

A4.) Any Department email sent under the Department email address could be subject to Public Records law and all emails shall be professional in manner and for Department use only.

A5.) Long Distance Calls; personnel must dial the “4900” extension first before placing a long distance call. All long distance calls shall be restricted to official police business only.

A6.) If an employee does make a long distance call that is not for official business, then the employee must write down the date and time and number called and turned that in to the Chief of Police so the Village Clerk and bill or deduct from pay the amount from the employee. Failure to do so is subject to disciplinary actions.

A7.) Department Fax use is the same restrictions as in A5 and A6.

2.) Release of Personal Information

A.) Persons personal information such as date of births, social security numbers or address shall not be released to anyone over the phone unless the request are being made by the prosecutor’s office or other law enforcement agencies for official business only.

B.) Only a person’s name and arrest charge can be release which is public information.

C.) Background Checks; the person requesting information must present identification and Department fee charges may apply for background checks as directed by the Chief of Police.

D.) No personnel shall give out another employees telephone number or address to any unauthorized person.

E.) When releasing an offense or incident or accident report, be sure to “Black Out” all personal information of a person that includes their social security number, date of birth (showing age is okay).

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8.1: Department Forms Control

1.) Policy Statement

A.) All forms (offense, impound, evidence, arrest, traffic tickets, summons, etc.) of the Department shall be approved by the Chief of Police before being used within the Department.

B.) All Offense Reports are done through Ohleg.

C.) All accident reports are to be done on the approved State of Ohio OH-1 forms.

D.) All Brady Protection Orders are to be done on the approved court form.

E.) If an Officer believes an update can be made to a current Department form that is not standardized by another legal agency, then that officer can be it to the attention of the Chief of Police.

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8.2: Records Management

1.) Policy Statement

A.) The Department shall maintain its records in accordance with the approved Records Retention Schedule as accordingly to the Village and or Ohio Revised Codes and shall not request or order destruction of any record without first obtaining authorization from the proper authority.

B.) The Department shall maintain and organize its records filing systems so that any public record may be made available within a reasonable amount of time.

C.) No records shall be destroyed if it pertains to any pending case, claim, or action.

D.) No records shall be released to the public if it is a pending criminal case unless approved by the Chef of Police.

2.) Department Personnel Record File

A.) Employee personnel files will be kept under the control of the Chief of Police.

3.) Access to Department Records and Files

A.) Department employees desiring to view their personnel file should see the Chief of Police.

B.) Any Citizen wishing to review a employee's personnel file shall be refer to the Chief of Police.

C.) Any Citizen wishing to obtain a copy of a offense report can be given the first two pages of the report. Any investigative note pages or statements, etc. will be given out unless approved by the Chief of Police.\

D.) Any Citizen wishing a copy of a accident report can be given the report upon completion of the report by the Officer and upon the report being approved by an supervisor.

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8.3: Social Media

Policy Statement:

Social media such as but not limited to Facebook, Twitter, Myspace and other social media sites provides valuable assistance to the Police Department personnel with meeting community outreach, solving problems, conducting investigations and preventing crime.

The Department recognizes the role that these social media sites play in the personal lives of some Department personnel. The personal use of social media can have bearing on Department personnel in their official capacity. This policy provides prohibitions on the use of social media by Department personnel.

Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not, impair working relationships within the Department, demean, ridicule, or personally attack employees of the Department or the Village of New Boston, impede or interfere with their own or that of another Department employee ability to perform their job requirements, or violate any other Department Rule of Conduct, Policy, or Directive or Village Rule.

Directive:

- A.) Personnel will not start any social media sites representing the Department without the Chief of Police approval.
- B.) Personnel will not post on social media any racial discriminating material or sexual orientation materials.
- C.) Personnel will not threaten violence to anyone on social media.
- D.) Personnel will not post comments that personally attack, ridicule, demean other Department employees or Village employees.
- E.) Personnel shall observe and abide by all copyright, trademark and service mark restrictions in posting materials to social media.
- F.) Personnel will not post to social media any other communications that would be in violation of any other Department Rule or Directive.

New Boston Police Policies & Directives Chapter 9	Revised Date: February 19, 2016	Effective Date: December 31, 2012	Total Pages: 1 Page 1 of 1
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9.0: Officers Body Armor Vests

1.) Policy Statement

The Department will provide Body Armor Vests to all full time Police Officer. This act will ensure the Officers can be protected while in the line of duty from being shot. The recommended replace of Armor Body Vests is usually set by the manufacture of the vest which is usually at replacement after five years. The Department will only purchase and use approved Armor Body Vests as set by the National Standards for body vests through the Department of Justice and the Bulletproof Vest partnership Grant Act of 1998.

A.) All Officers will wear their assigned armor body vest while on duty.

B.) If a Officer is assigned to work in the dispatch office for their shift then with approval from the Chief of Police or Captain, the body vest can be taken off but shall be readily available to the Officer.

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9.1: Body Worn Cameras (BWC)

1.) Policy Statement

The purpose of this policy is to establish guidelines for the proper use, management, storage and retrieval of video and audio data recorded by Body Worn Cameras refer to as (BWC). It is the policy of this Department to use BWC as an effective law enforcement tool thereby reinforcing the public's perception of our professionalism and transparency. BWC's have the potential to improve community relations lower the number of citizens complaints, defend officers against false accusations, increase agency accountability, and improve officer training and evaluations.

BWC's record officer-citizens contacts, arrests, and critical incidents. BWC's also serve to enhance the accuracy of officer reports and testimony in court. Audio and video recordings enhance this Department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes. BWC's may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband. This policy does not govern the use of any surreptitious recording devices used in undercover investigations or specialized operations.

All Officers of this Department while on patrol are required to wear and use a BWC. The only approved and authorized BWC for this Department is the Taser Axon Flex Cameras and its docking station system and data storage program.

Officers failure to follow and abide by this policy or if it is found that a Officer has turned off his BWC in an attempt to not record illegal unlawful actions by any Officer will be disciplined by the Chief of Police.

2.) Training and Review of camera captured data

A.) Annually each Officer will sign a sign-off annual sheet for their knowledge on Body Worn Camera Procedures.

B.) The Captain or a assigned Supervisor will review Officers captured camera footage to see if Department policies and procedures are being followed. Since the Department uses Taser's Evidence.Com computer program it has the capability to review footage and print out a audit of review.

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9.1: Body Worn Cameras (BWC)

General Procedure for Use:

1.) Officers shall activate the BWC when such use is appropriate to the proper performance of duties where the recordings are consistent with this policy and law, as soon as practical and safe, to record all contacts with the citizens in the following occurrences:

A.) Shall record vehicles stops

B.) Shall record person stops: consensual, articulable reasonable suspicion, or probable cause.

C.) Shall record all dispatched calls for service where there is a possibility of violence, domestic violence, disturbance calls, where the officer will come into contact with any citizen during these calls.

D.) Shall record detentions, investigations pursuant of an arrest, arrests, suspect interviews (in field only).

E.) Shall record search of persons incident to arrest, if not activated already.

F.) Shall record Pursuits: vehicle or on foot while being the primary or secondary officer

G.) Shall record any contact that becomes adversarial when cameras had not been activated

H.) Any other citizen contact or official duty circumstances at the officer's discretion

I.) Officers can use their BWC to record a victim or witness statement or suspect statement.

J.) Officers will not turn off their BWC once it is activated for any of the above activation procedures in 1A through H until such contact is over.

K.) At the end of each work shift, if the Officer has recorded any footage then the BWC data will be downloaded into the proper data storage management program.

L.) Officers are to make DVD copies of their footage for their arrest cases which is required by the Prosecutor and put that copy with the arrest case file.

M.) Footage will be deleted from the storage system program because of storage limitation data size. The footage will be stored for 60 days for each Officer before deletion from the storage system program. This is why all Officers must make DVD copies of their arrest cases and put with the arrest case file.

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9.2: Uniforms, Equipment's

Policy Statement:

All personnel are required to possess their appropriate uniforms and equipment and shall maintain and wear those uniforms and equipment as directed by the Chief of Police.

Depending upon Village Finances, Department personnel (Officers & Dispatchers) will receive a yearly uniform allowance as set by the Village Mayor and or Council. Personnel will not go over their yearly clothing allowance unless you have permission from the Chief of Police or Village Mayor.

The Department as an account with Galls and most generally personnel will order the uniforms and equipment from Galls or other places as directed by the Chief of Police.

Directive:

- A.) All Personnel must wear clean and non defective (no rips or tears) uniforms to work.
- B.) All leather gear shall be clean and kept in good appearance conditions.
- C.) All Personnel will wear their uniforms, badge and other brass attire in coordination with their rank and or position within the Department.
- D.) All Personnel shoe wear shall be clean and polished for a good looking appearance.
- E.) No Personnel will change any Department uniform attire or patches without the approval of the Chief of Police.
- F.) All Personnel will fill out the appropriate paperwork for purchasing uniform attire or equipment and submit that to the Chief of Police and or Village Clerk.
- G.) All Personnel are to see that their equipment, such as radios, tasers, batons, firearms, mace and or other Department equipments are kept in good working order before they start their work shift, and if it is not working in proper order then to notify the Captain or Chief of Police for possible repairs or replacement.

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9.3: Lost, Damaged, or Malfunctioning Property

1.) The scope of this directive covers the procedures for reporting lost or damage Department property and personal property lost or damaged while acting within the scope and hours of employment.

2.) Policy Statement

A.) Department personnel may be subject to disciplinary action for loss of or damage to Department property due to negligence and could be financially responsible for the replacement of the property.

3.) Department Property Damaged or Loss

- A.) Involved personnel will notify the immediate on duty supervisor of the incident.
- B.) Involved personnel will submit a damage property report to the Chief of Police, describing the nature of the incident.

4.) Personal Property Damaged

A.) Department Officer should submit a incident report describing the nature of how their personal property was damaged during the course of the job, on duty, requesting the consideration of the Department/Village for fair market value reimbursement.

B.) The Department/Village is under no obligations to replace any personal property that is damaged by the Department Personnel.

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10.0 Minimum Hiring Qualifications, Disqualifications

Policy Statement:

The Department always has a high concern interest in hiring the best qualified persons to become Police Officers and or Police Dispatchers. With this concept there are set minimum qualifications standards that will be met before being hired as a Police Officer or Police Dispatcher.

Minimum Qualifications for Police Officers:

- 1.) Must be 21 years of age.
- 2.) Must have a high school diploma or GED from a accredited school, college preferred.
- 3.) Must have a valid driver's license.
- 4.) Must be a resident of Scioto County, Ohio within one year of appointment.
- 5.) Must have a valid current Ohio Peace Officer Certificate, will consider update refresher.
- 6.) Must pass a background check consisting of criminal and traffic, good work history.
- 7.) Must be able to pass all medical and psychological exams as required.
- 8.) Must satisfactory complete a one year probationary period.

Some but not limited to: Disqualifications for Police Officers:

- 1.) Any Felony Convictions.
- 2.) Domestic Violence or Violation of Protection Orders Convictions.
- 3.) Misdemeanor Convictions but not limited to; Assaults, Stalking, or Crime of Violence.
- 4.) Misdemeanor Drug Convictions or acknowledgements of trying or purchasing illegal drugs in the last three (3) years, except Marijuana use.
- 5.) Been convicted of marijuana possession or tried or purchase marijuana in the past 18 months.
- 6.) Non-Compliance with court ordered child support, alimony or other financial responsibilities.
- 7.) Received four (4) moving violations in the past two (2) years, excluding parking violations or seat belt violations.
- 8.) Been convicted OVI, DUI, OMVI, DUS within the last five (5) years.
- 9.) Not being truthful during any interviews or application information.
- 10.) Can not pass any required medical and psychological exams.
- 11.) Three (3) or more involuntary terminations or discharges from employment within the past five (5) years.
- 12.) Dishonorable discharges from military service.
- 13.) Failure to appear at any scheduled interviews or scheduled exams, or other required appearances.

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10.0 Minimum Hiring Qualifications, Disqualifications

Minimum Qualifications for Police Dispatcher:

- 1.) Must be eighteen (18) years of age or older.
- 2.) Must have high school diploma or GED from accredited school.
- 3.) Must be a resident of Scioto County, Ohio within one year of appointment.
- 4.) Must pass a background check consisting of criminal and traffic and good work history.
- 5.) Must satisfactory complete a training period that involves but not limited to; operations of dispatching equipments, knowledge of dispatching rules and directives, having the appropriate temperament and attitude and verbal communication and certification of LEADS status.
- 6.) All Dispatcher are on a probationary status for one (1) year and must satisfactory complete the probationary period.

Some but not limited to; Disqualifications for Police Dispatchers:

- 1.) Not being truthful during application or interviews process.
- 2.) Any Felony Convictions.
- 3.) Domestic Violence or Violation of Protection Orders Convictions.
- 4.) Misdemeanor Convictions but not limited to; Assaults, Stalking, Crime of Violence's.
- 5.) Convictions for Drugs or Illegal drug use within the last three (3) years except for marijuana.
- 6.) Convictions for Marijuana possession or acknowledgements of trying or purchasing marijuana within the last eighteen (18) months.
- 7.) Poor driving record that consist of multiple moving violations within the last two (2) years.
- 8.) Not being able to be certified to operate LEADS Computer or lose LEADS status.

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10.1: Recruitment

Policy Statement:

The Police Department will not discriminate in recruitment with regards to race, color, religion, sex, national origin or any other status that is considered a violation of federal or state laws.

Recruitment can be but not limited to; the Village Mayor and or Village Council and Chief of Police will make a determination to recruit persons by placing an ad in the newspaper or other social media when any available positions become open or vacant for Police Officer or Police Dispatcher.

Also if there are prior application on file with the Chief of Police, those persons can be recruited and called upon to see if they are still interested in employment and start the process of hiring.

The Chief of Police will or can appoint any Officer if need be, as a designated Recruitment Officer that will go out into the community attending hiring events to try to recruit persons into applying for the Police Department.

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10.2: Police Officer & Dispatcher Job Applications

Policy Statement:

Any Citizens can pickup a job applications for Police Officer or Police Dispatcher at the Mayor's Office or the Chief of Police Office and turn them back into the Chief of Police.

The questions for Police Officer applications and Dispatchers applications are pre-determined questions as set by the Chief of Police and or Village Mayor and is standardized in a written packet form.

Once a person applies for a position their application will be kept on file with the Chief of Police for a period of one year. If that person is not hired within that one year then a new application will have to be made and turned back into the Chief of Police.

All applicants must be truthful with the information they write on their application and all question boxes must be filled out.

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10.3: Job Interviews, Background Checks, Required Testing Exams, Job Offer-Hiring

Policy Statements:

Interviews

- 1.) After a person picks up and fills out and turns back in a job application then the Chief of Police or Village Mayor will call a applicant for a personal interview if an available position is currently open or is about to become open.
- 2.) The first interview will be conducted by the Chief of Police with the Mayor being present and any other designated persons as directed or appointed by the Chief of Police and Mayor to assist in the interview.
- 3.) The first interview is to get to know the applicant better in a face to face interview and go over their application and any other background information that is desired by the Chief of Police and Mayor. The job and position requirements will be explained to the applicant during the interview. During this time the applicant will be informed that a background check will be conducted to make sure nothing will disqualify them under the Department's minimum qualifications as set under Directive 10.0 (Minimum Qualifications, Disqualifications).
- 4.) A second interview will be conducted if the applicant passes all back ground requirements and is not disqualified. During the second interview, upon approval of the Mayor, the Chief of Police can conditionally offer the applicant a job position depending on passing any required medical or physiological testing.

Background Checks

- 1.) All applicants will have a completed background check done before being hiring that consists of criminal and traffic, work history and any other areas as determined by the Chief of Police.
- 2.) The Chief of Police or his designee will conduct the background check on the applicant and a background letter will be completed showing whether the applicant is qualified or disqualified from being hired.
- 3.) Applicants will be told by the Chief of Police whether they were qualified or disqualified from being hired according to Department Directive 10.0 (Minimum Qualifications, Disqualifications).

Conditional Appointment Letter of Hire

- 1.) Upon an applicant having an successful interview and background check and upon the approval of the Mayor and Chief of Police, the applicant will be given an conditional letter of appointment depending upon their successful passing their required medical exams and or psychological exams or any other testing that may be required. Also as required by Ohio State Law under 737.16 all appointment must be approved by Village Council.

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10.3: Job Interviews, Background Checks, Required Testing Exams, Job Offer-Hiring

Policy Statements:

Medical Exams, Physiological Exams, Other Exams

Before a final job position is offered to the applicant, all applicants must take and successfully pass any required medical exams and or physiological exams, or any other required testing exams before they will be offer an final offer of employment. If any applicant fails to show up for any exam they may be disqualified from consideration as determine by the Chief of Police.

Final Offer of Hiring

Once an applicant successfully completes all that is required under Chapter 10 for employment and the applicant is approved by the Village Council then the applicant will be officially hired with a start date of work.

Annual Review and Analysis of Recruitment and Hiring Process

The Department will conduct a documented annual analysis detailing the Department's progress toward recruitment and hiring objectives in Chapter 10 which shall include revisions to the plan or policy as needed. Adjustments should be considered whenever necessary to meet the objectives identified in the plan and or policy.

New Boston Police Policies & Directives Chapter 11	Revised Date: March 7, 2017	Effective Date: March 31, 2017	Total Pages: 1 of 1
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11:1: Community Engagement

Policy Statements:

The New Boston Police Department is committed to establishing close ties with the community organizations by being receptive and responsive to the needs of the community we serve. Members of this Department will work to maintain relationships with existing community organizations and will assist with establishing new organizations as agency operations permit.

It is the policy of this Department to become involved with our community in a cooperative proactive manner to create a safer community, to encourage community groups and to invite community groups to become involved with this Department.

All members of this Department have a responsibility for achieving the Department's community involvement functions.

A.) Programs for Involvement (Some but Not Limited To):

- 1.) Buckle up programs
- 2.) Shop with a Cop
- 3.) Drug Prevention Class in Schools
- 4.) Safety Prevention Class in Schools
- 5.) Citizens Ride Along Program
- 6.) Monthly Community Meetings
- 7.) Drug take back programs
- 8.) Youth Sports Programs

B.) Use of Media for Events/Programs; This Department may utilize various types of media to publicize objectives, problems and successes in an effort to keep the community informed about highlights occurring during the course of the year as well as obtain feedback from the community,

Annual Review and Testing:

Officers will be issued copies of this Policy annually. and sign off on a sign off sheet as to reading and understanding this policy. In addition, Officers will complete annual proficiency testing over the content of this policy to ensure awareness of all programs and expectations.

New Boston Police Policies & Directives Chapter 12	Revised Date: January 17, 2019	Effective Date: March 31, 2017	Total Pages: 1 of 1
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12:1: Bias Free Policing

Policy Statement:

The New Boston Police Department shall prohibit any use of bias based profiling in its enforcement programs and or actions, as it may lead to violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention. Being bias is using a person's race, gender identity, sexual orientation, nationality, ethnicity, cultural affiliation, age, disability, economic status, or affiliation with any other identifiable group, against that person when taking law enforcement actions against them.

Directive:

No Officers of the New Boston Police Department will use bias based profiling against any persons at any time. Officers shall not use bias based profiling in traffic stops, field contact stops. Officers will not seize property under a bias based profile action. If any Officer is aware of another Officer using bias based profiling then that shall be reported to a Department Supervisor. If a Supervisor becomes aware that a Officer has violated this policy then it shall be reported to the Chief of Police in written form where an internal investigation will be conducted.

Corrective Actions For Violating Policy

If any Officer is found in violation of this Policy, disciplinary actions will be taken that will result in re-training of personnel in bias free policing and suspension from duty or termination of employment, along with possible criminal prosecution.

Procedures:

- A.) As according to the Ohio Collaborative Community-Police Advisory Board; starting in the year 2020 the New Boston Police Department will have a system set in place to collect data on all self-initiated traffic and field stops to include the race of the person, the gender of the person. This will be done by listing and recording all stops and required information within the New Boston Police Department's Call Records System.
- B.) All Personnel will be given this policy annually and sign off on a sign off sheet to their acknowledgment of this policy and agreeing to they will not use bias actions against any persons.
- C.) The Chief of Police or his designated Official will conduct any investigation of bias actions against a citizen and take the appropriate corrective actions. Also the Chief of Police or his designated Official will review data collected monthly and annually and make this information available to the public.

New Boston Police Policies & Directives Chapter 13	Revised Date:	Effective Date: March 5, 2018	Total Pages: 1 of 2
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13:1: Active Shooter Incidents; Public Areas; Businesses; Schools

Definition of An Active Shooter Situation:

An active shooter is an individual actively engaged in killing or attempting to kill people in a confined space or other populated area. In most cases, active shooters use firearms and there is no pattern or method to their selection of victims. Active shooter situations are often over within 10 to 15 minutes.

Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims. Active shooters usually will continue to move throughout building or area until stopped by law enforcement, suicide, or other intervention.

Protocol Objectives For Active Shooters:

1.) Officer (s) need to respond as quickly as they can if dispatched to an active shooter situation in progress. Officers will advise Dispatch of their location at time of the call and advise Dispatch when they arrive on scene. **The main objective in these types of active shooter incidents is to protect and preserve life and stop people from being killed and or seriously injured by firearms or other deadly weapons. Officers are authorized to use immediate deadly force against any suspect that is killing people and or shooting people.**

2.) **Officers need to be aware that an Hostage Situation is not an active shooter situation.** If the on scene Officer (s) determines or is advised by Dispatch that the incident is or has turned into an hostage and or barricaded scene, Officers will not enter into that area where the suspect has taken hostages and is barricaded. Officer (s) will set up an perimeter and secure the area around where the suspect has barricaded and wait for additional Officers to arrive. The Chief of Police and Police Captain will be called immediately if these situations occur and they will respond to take control of the scene.

3.) In an Active Shooter actual situation where it is determined that the suspect is shooting people the first Officer on scene will have to try to confront the suspect and stop the killings. For the New Boston Police Department there could be times when only one (1) Officer is on duty and will have to immediately confront the suspect without waiting for additional Officers to arrive on scene where additional Officers from other agencies could be several minutes away, and our Officer must immediately preserve the life of other people who are being killed.

If an Officer arrives on scene alone; before going into the “killing zone” the Officer will make sure they put on all of the protective equipment that has been issued by the department such as all vests and ballistic helmets. The Officer shall deploy the M-16 rifles from their police vehicle and before entering the shooting area shall advise Dispatch they are making entry into the shooting area and what their immediate location is.

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<div>13:1: Active Shooter Incidents; Public Areas; Businesses; Schools</div> <p>4.) If more than one Officer arrives on scene at the same time, then the Officers will go into the shooting area as a team. All Officers will be wearing all of their protective equipment before going into the scene and Officers will be equipped with their rifles, shotguns, etc. If there is not enough rifles for all Officers then the in-charge Officer will decide which Officers will carry the M-16 rifles. The team of Officers will search, find, and confront the active shooter and stop the threat of life.</p> <p>5.) In an active shooter situation the main objective is to immediately stop the suspect and if Officers that are entering the scene come upon injured people, Officers will not stop to see to the injured people until it is confirmed that the shooting suspect has been killed or taken into custody and there is no more threat to any person. Once the suspect is no longer a threat then Officers will help any injured person and have medical personnel come into the situation area for the medical treatment of other persons.</p> <p>6.) If the Officer determines that the Active Shooter has left the shooting area and the active shooter can not be found in the immediate shooting area, then all medical personnel will be allowed into the scene to help injured persons.</p> <p>7.) If the Active Shooter has left the area and possibly “gone into hiding” , Officer will continue to search the surrounding areas for the suspect and immediately put out an “BOLO” for the Active Shooter Suspect.</p>			

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14:1: Hostage Situations with Armed Suspect (s) or Barricaded Suspects

Definitions:

Hostage Situations with Armed Suspect: means someone who is seized by a [criminal abductor](#) in order to compel another party such as a [relative](#), [employer](#), [law enforcement](#), or [government](#) to act, or refrain from acting, in a particular way, often under threat of serious physical harm to the hostage(s) after expiration of an [ultimatum](#).

Barricaded Suspect: means a suspect or suspects that barricaded themselves in a confined area and who can be armed but has no hostages with them.

Protocol Objectives for Hostage Situations with Armed Suspect:

- 1.) If an Officer is Dispatch to a disturbance scene and the Officer determines that a suspect is currently holding any persons against their will by threat of force or other means then the Officer will not entered into that area or attempt to make entry into any house, building, etc. The immediate concern for the Officer is to help preserve the life of any victim and to keep other persons in the area safe and out of harms way.
- 2.) The Officer will back away in a distance that is safe to them but able to keep in visual observation where the suspect is located with the hostages. The Officer will call for assistance from other agencies.
- 3.) Any other responding Officers will contain the immediate area and secure the area from other unauthorize persons from entering the immediate area .
- 4.) **The Chief of Police and or Police Captain will be called immediately and informed of the situation. Chief of Police and or Captain will respond to the scene if not out of the county. If for some reasons the Chief of Police or Captain can not respond to the scene because both could be out of county or out of state, then the on scene Officer will direct Dispatch to contact the Scioto County Sheriff Office for assistance and request that the Scioto County Sheriff or his immediate Chain of Command to respond to the scene and take control of the scene until the end of the situation.**
- 5.) The on scene Commander whoever that might be, i.e. Chief of Police, Captain, or Sheriff, will take charge of the scene and decide how to negotiate with the suspect for the safe release of any victims. Assistance for negotiations with any suspects should be done by trained negotiators if possible by requesting assistance from Ohio BCI or other trained personnel from other law enforcement agencies. The immediate concern is for the safety of any victim or innocent persons in the immediate and surrounding areas where other residents might have to be evacuated from the area until the incident is over.

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15.1 : Ohio Collaborative Law Enforcement Agency Certification Program & President's Executive Order 13929 (June 16, 2020)

Policy Statement:

Since 2017, the New Boston Police Department has strived to be a credited and professional law enforcement agency where the Department will and has exhibited the best policies and law enforcement practices that are recognized as such by the Ohio Collaborative Law Enforcement Agency Certification Program (OCLEACP) through the Ohio Governor's Office. The Department will strive to keep it's certification from OCLEACP each year.

The OCLEACP has law enforcement standards for certification in certain areas of law enforcement actions and procedures located on their agency's website. When new standards of law enforcement actions and practices are approved and required by OCLEACP, the New Boston Police Chief of Police or his designee will review and revised the Department's Rules and Procedures Manual to comply with OCLEACP standards to be able to keep OCLEACP certification.

President's Executive Order 13929

Under the President's Executive Order 13929, Safe Policing for Safe Communities signed on June 16, 2020, the U.S. Department of Justice has designated independent credentialing bodies in each state across the country. In Ohio, The Office of Criminal Justice Services (OCJS) and the Ohio Collaborative Law Enforcement Agency Certification Program (OCLEACP) has been selected as the independent credentialing body and the Department must meet certification and be compliant with two mandatory safe policing principles: 1.) Adherence to Applicable laws to federal, state, and locals laws on use of force, 2.) prohibition of choke holds. Without being compliant the Department will not be eligible for Department of Justin discretionary grants, starting on January 31, 2021. this certification will be valid for every three years.

The New Boston Police Department has addressed and complied with the President's Executive Order 13929 located in the Department's Procedure Manual under Chapter 3 section 3.2.