

Erie County Sheriff's Office

LE Policy Manual

SHERIFF'S PREFACE



The policies and procedures found in this manual have been adopted to provide you with specific guidance and direction as an employee of the Erie County Sheriff's Office. While certain policies are mandated by law, the environment in which we operate is ever changing and, therefore, the policies contained herein are continuously subject to new interpretation (both internally and legally), review, and update as may be required. While nothing in this manual is intended to restrict or replace sound judgment in exigent circumstances, you are required to follow these policies at all times—unless and only if you are able to clearly and satisfactorily articulate a reason why those exigent circumstances made it impractical for you to follow a specific policy as delineated in this manual.

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LAW ENFORCEMENT CODE OF ETHICS

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 abuse 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 that does not bring discredit to me or to 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 both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of 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 abuse 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 corruption or bribery, nor will I condone such acts by other 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 reasonable 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 STATEMENT

The primary mission of the Erie County Sheriff's Office is to provide the citizens of - and visitors to - Erie County with the most efficient, effective, and professional law enforcement services possible in our ongoing efforts to protect life and property.

As a contemporary law enforcement agency, the Erie County Sheriff's Office has developed organizational policies and procedures to guide agency employees in their efforts to prevent crime and disorder and to ensure that individual civil liberties are protected.

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INTRODUCTION

As a contemporary law enforcement agency, the Erie County Sheriff's Office has departmental objectives and goals that will lead to the prevention of crime and disorder, along with the protection of life, property, and personal liberty for all. To help meet the objectives and goals for the office, the following policy manual has been developed as a guide for all employees.

Because of the infinite variety of complex situations requiring actions by members of the Erie County Sheriff's Office, the policies, rules, and directives in the manual have been developed with a broad scope to encompass most situations. By following procedural guidelines and maintaining a high level of personal integrity and ethical conduct, members of the Erie County Sheriff's Office should be able to discharge their duties of a peacekeeping function within Erie County.

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PERSONNEL POLICY AND PROCEDURES - GENERAL

The Sheriff of Erie County appoints, employs, fixes compensation, and discharges employees for cause. The Sheriff's Office is a public agency subject to the laws of the State of Ohio, requiring that employees recognize and agree to abide by these laws as a condition of employment. Additionally, the Sheriff requires employees to conform to personal policies adopted by the Office and to perform assigned duties in a responsible and creditable manner during working hours designated by the Office.

The Erie County Sheriff's Office will comply with the Ohio Revised Code and Administrative Rules of the Director of Administrative Services concerning civil laws and personnel procedures.

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Erie County Sheriff's Office to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of the Erie County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

100.3 PEACE OFFICER AUTHORITY

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

100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE ERIE COUNTY SHERIFF'S OFFICE

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

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE ERIE COUNTY SHERIFF'S OFFICE

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

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

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within adjoining states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.
- (b) When a deputy enters Indiana, Michigan or West Virginia in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, or in the case of Pennsylvania, in fresh pursuit of a person for any crime (I.C. § 35-33-3-1

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(Indiana); MCL 780.101 (Michigan); 42 Pa. C.S. § 8922 (Pennsylvania); W. Va. Code § 62-11-1 (West Virginia)).

Whenever a deputy makes an arrest in Indiana, Michigan, Pennsylvania and West Virginia, the deputy shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (I.C. § 35-33-3-2; MCL 780.102; 42 Pa.C.S. § 8923; W. Va. Code § 62-11-2).

100.5 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152, except in the following circumstances:

- (a) A crime was committed by an Indian against the person or property of another Indian.
- (b) An Indian who committed an offense has been punished by the local law of the tribe.
- (c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

A deputy of the Erie County Sheriff's Office has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

100.6 CONSTITUTIONAL REQUIREMENTS

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

100.7 EFFECTIVE DATE

January 1, 2022

Sheriff

101.1 PURPOSE AND SCOPE

All Sheriffs within the State of Ohio are required to meet specific requirements for election and appointment. This policy provides guidelines for the election and appointment of the Erie County Sheriff, who is the chief executive officer of the Erie County Sheriff's Office and who is required to exercise the powers and duties of the Office of Sheriff as prescribed by state law.

101.2 POLICY

It is the policy of the Erie County Sheriff's Office that the Sheriff meets the minimum standards for exercising his/her authority granted by law.

101.3 SHERIFF CANDIDATE REQUIREMENTS

A person shall meet the requirements of ORC § 311.01(B) prior to becoming eligible to be elected or appointed to the office of sheriff within the State of Ohio.

A newly appointed or elected sheriff shall complete no less than the basic training course for sheriffs offered by the OPOTC within six months of the general election for sheriff (ORC § 311.01(D)).

101.4 EFFECTIVE DATE

January 1, 2022

Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that appropriate oaths of office are administered to applicable employees.

102.2 POLICY

It is the policy of the Erie County Sheriff's Office that, applicable employees will affirm their appropriate oath of office as an expression of commitment to the constitutional rights of those served by the Sheriff's Office and the dedication of those employees to their duties.

102.3 OATH OF OFFICE

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

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

I, (Name), do solemnly swear, that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully discharge the duties of Deputy Sheriff of Erie County, Ohio, during my continuance in office.

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

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed with the Erie County Common Pleas Court, Clerk of Courts, and shall be placed in the employee's personnel file as a permanent record.

102.5 EFFECTIVE DATE

January 1, 2022

Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Erie County Sheriff's Office is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Office. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

BCI - Bureau of Criminal Investigation.

BMV - The Ohio Bureau of Motor Vehicles.

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

County - The County of Erie.

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

Office/EC SO - The Erie County Sheriff's Office.

DPS - The Ohio Department of Public Safety.

Employee - Any person employed by the Office.

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

Manual - The Erie County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Member - Any person employed or appointed by the Erie County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Non-sworn employees
- Volunteers

Deputy - Those employees, regardless of rank, who are sworn employees of the Erie County Sheriff's Office.

OCLEAC - Ohio Collaborative Law Enforcement Agency Certification

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

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

OPOTC - The Ohio Peace Officer Training Commission.

OSHP - Ohio State Highway Patrol.

Peace officer - Those persons, regardless of rank, who are identified in ORC § 109.71(A); sworn employees of the Erie County Sheriff's Office are peace officers.

Rank - The title of the classification held by a deputy.

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

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

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

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

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

103.8 EFFECTIVE DATE

January 1, 2022

Reasonable Ground for Arrest of Probation Violator

104.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for agency employees involved in the arrest and/or incarceration of a person who, based on reasonable ground, has violated or is violating a condition of the person's community control sanction. REFERENCE: Ohio Revised Code Section 2951.08.

104.2 POLICY

Ohio Revised Code Section 2951.08 allows for a peace officer to arrest a person under a community control sanction (probation) without a warrant if the peace officer has reasonable ground(s) to believe that the person has violated or is violating any of the following that is a condition of the person's community control sanction:

- (a) A condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance;
- (b) A condition that prohibits the person from being within a specified structure or geographic area;
- (c) A condition that confined the person to a residence, facility, or other structure;
- (d) A condition that prohibits the person from contacting or communicating with any specified individual;
- (e) A condition that prohibits the person from associating with a specified individual;
- (f) A condition as provided in Sections 2929.25(A)(1)(a), 2929.15(A)(1), or 2929.27(A)(8) of the Ohio Revised Code that requires that the person not ingest or be injected with a drug of abuse and submit to random drug testing and requires that the results of the drug test indicate that the person did not ingest or was not injected with a drug of abuse.

The Ohio Community Supervision System (OCSS) is an information system that contains terms and conditions of probation for those individuals being actively supervised by the Erie County Common Pleas Court's Adult Probation Department. Dispatchers have access to this system at any time to obtain a specific individual's terms and conditions of probation.

In the event that the Sheriff or a Deputy Sheriff has contact with an individual, who is on community control (probation), the individual's conditions of probation may be checked through OCSS. If reasonable ground(s) are established to believe that the individual is in violation of any of the six (6) sanctions listed above, then the individual may be immediately arrested for violation of probation only for a violation of one of those six (6) sanctions.

If a reasonable ground arrest of a probation violator is made, the individual will be transported to and incarcerated in the jail. The incarceration form will list "Violation of Probation" and the violation of ORC 2951.08 as the charge. The Sheriff or any Deputy Sheriff effecting the arrest will cause an

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Reasonable Ground for Arrest of Probation Violator

email to be sent to the Chief Probation Officer and the individual's Supervising Probation Officer summarizing the facts of the arrest.

Note that an arrest is not required under this policy and any suspected probation violations may be referred to the Adult Probation Department for further follow up or necessary action if deemed to be prudent. However, under certain circumstances it may be appropriate to exercise the option covered under this policy allowing for the immediate arrest and incarceration of a probation violator.

104.3 EFFECTIVE DATE

January 1, 2022

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

The organizational structure of the Erie County Sheriff's Office is designed to create an efficient means to accomplish the agency's mission and goals and to provide for the delivery of the best possible criminal justice and public safety services to the public.

200.2 DIVISIONS

The Sheriff is responsible for administering and managing the Erie County Sheriff's Office. There are three divisions in the Sheriff's Office:

- Patrol Division
- Jail Division
- Civil Division

200.2.1 OPERATIONS DIVISION

The Patrol Division is commanded by the assigned Deputy Sheriff administrative designee, whose primary responsibility is to provide general management direction, and scheduling control for this Division, including input into and assistance with budgetary constraints. Included in this Division are Dispatchers, Detectives, Administrative Assistants, and the Special Response Team (SRT).

200.2.2 JAIL DIVISION

The Jail Division is commanded by the appointed Jail Administrator/Lieutenant, whose primary responsibility is to provide management of and control over the activities occurring in the Erie County Jail.

200.2.3 CIVIL DIVISION

The Civil Division consists of assigned Deputy Sheriff(s), whose responsibility is to ensure prompt and efficient service of any and all civil process directed to the Sheriff's Office by courts or other authority.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate an individual to act in the place of the Sheriff.

Except when designated as above, the order of command authority over the entire agency in the absence or unavailability of the Sheriff is as follows:

- (a) Patrol Division Administrative Lieutenant; then
- (b) Patrol Division Lieutenants by seniority.

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Organizational Structure and Responsibility

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (i.e., K-9, SRT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Members shall always promptly respond to and make a good faith and reasonable effort to comply with any lawful order of any superior within the Sheriff's Office, and/or any other proper authority (i.e., Judge).

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, Sheriff's Office policy or any other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict will not be held accountable for disobedience of the order or directive that was initially issued. A written explanation from the employee following the conflicting order and the supervisor issuing the conflicting order may be required by the Sheriff.

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

200.4 OBSERVING THE CHAIN OF COMMAND

Unless otherwise directed, employees will forward requests for leave, equipment, and/or other general information as directed by policy, procedure, or direct instruction. If the employee believes that the information is of such a nature that it should be brought immediately to the attention of the Sheriff, the employee may bypass the chain of command and contact the Sheriff directly. Justification for departure from following the normal chain of command may be requested from the employee.

200.5 FAIR EMPLOYMENT PRACTICES

In the appointment, promotion, or grading of employees, and/or in recommendations for increases or reductions in compensation, there shall be no discrimination for or against any person because of race, color, creed, sex, national origin, age, or handicap.

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Organizational Structure and Responsibility

200.6 BULLETIN BOARDS

All materials appearing on Sheriff's Office bulletin boards will be posted and removed by the Erie County Sheriff or his designated representative. All court notices, State or Federal required notices, and required legal notices shall be posted in an area that is visible to all employees. Information of a general interest to the public may be posted by the Erie County Sheriff or his designated representative, provided the material to be posted does not contain:

- (a) Personal attacks upon any employee or public official.
- (b) Scandalous or derogatory attacks upon any employee, public official, or governmental unit/agency.
- (c) Attacks on and/or unfavorable comments regarding a candidate for public office.

Employees wishing to have materials posted on the bulletin board shall submit a written request to the Erie County Sheriff for approval. The request shall include: name(s) of person(s) or group making the request, a copy of the material to be posted, and the period of time the material is to be posted.

Materials posted without prior approval will be removed from the bulletin board. Any employee violating this policy shall be subject to disciplinary action. For purposes of this policy, bulletin boards refer to all bulletin boards under the jurisdiction of the Erie County Sheriff.

Bargaining unit employees please refer to the current contract regarding bulletin boards to be maintained by bargaining unit members.

200.7 EFFECTIVE DATE

January 1, 2022

Directive/Memos

201.1 PURPOSE AND SCOPE

Directive/Memos establish interoffice communications that may be used by the Sheriff to make immediate changes to policy and procedure, in accordance with the current memorandum of understanding or other employment agreement. Directive/Memos will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DIRECTIVE/MEMOS PROTOCOL

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

All existing Directive/Memos have now been incorporated in the updated Policy Manual as of the revision date shown.

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

201.1.2 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

201.2.1 STAFF

The Sheriff or designee shall review and approve revisions of the Policy Manual and will incorporate changes originally made by Directive/Memos.

201.2.2 SHERIFF

The Sheriff or designee shall issue all Directive/Memos.

201.3 ACCEPTANCE OF DIRECTIVE/MEMOS

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

201.4 EFFECTIVE DATE

January 1, 2022

Training Policy

202.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

202.2 POLICY

The Office shall administer a training program that will meet the standards of federal, state, local, and the Ohio Peace Officer Training Academy training requirements. It is a priority of this Office to provide continuing education and training for the professional growth and development of its members.

202.3 OBJECTIVES

The objectives of the training program are to:

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

202.4 TRAINING PLAN

Any training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of any training plan at any time it is deemed necessary.

The plan will address all required training.

202.4.1 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

- (a) Federally mandated training:
 1. National Incident Management System (NIMS) training
- (b) State-mandated training:
 1. Peace officer basic training program pursuant to OAC § 109:2-1-13 and OAC § 109:2-1-16, including training in:
 - (a) Handling of missing children, missing persons, and child abuse and neglect cases (ORC § 109.741).
 - (b) Crisis intervention (ORC § 109.742).

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- (c) Domestic violence-related cases and incidents (ORC § 109.744).
- 2. Continuing professional training, as directed by the Ohio Peace Officer Training Commission (ORC § 109.803).
- 3. Annual firearms requalification (ORC § 109.801).
- 4. Members who serve as school resource officers shall receive training for school resource officers as required by OAC § 3301-35-15 and in collaboration with the appropriate school district (OAC § 3301-35-15).
 - (a) Training shall include professional development for the implementation of positive behavior intervention, and crisis management and de-escalation techniques (OAC § 3301-35-15).

202.5 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or Office necessity.
- (b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document the member's absence in a memorandum to the member's supervisor.
 - 2. Make arrangements through the member's supervisor or the Training Officer to attend the required training on an alternate date.

202.6 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are a web-accessed system that provides training on the Erie County Sheriff's Office Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Training Officer. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not

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allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

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

202.7 TRAINING RECORDS

The Training Officer is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

202.8 EFFECTIVE DATE

January 1, 2022

202.9 TRAINING COMMITTEE

The Training Officer may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Officer may remove or replace members of the committee at the Training Officer's discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Office to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Training Officer, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Officer. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Training Officer will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Office and the available resources. Training recommendations as determined by the Training Officer shall be submitted to the command staff for review.

Electronic Mail

203.1 PURPOSE AND SCOPE

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

203.2 E-MAIL RIGHT OF PRIVACY

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

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

203.3 PROHIBITED USE OF E-MAIL

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

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

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

203.4 MANAGEMENT OF E-MAIL

Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, e-mail that an employee desires to save or that requires retention because it has significant administrative, fiscal, legal or historical value should be printed and/or stored in another database designed for long-term storage and retrieval.

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

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

203.5 EFFECTIVE DATE

January 1, 2022

Administrative Communications

204.1 PURPOSE AND SCOPE

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

204.2 DEPARTMENT E-MAILS

Department E-mails may be issued periodically by the Sheriff or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

204.3 CORRESPONDENCE

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

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

204.4 SURVEYS

All surveys made in the name of the Office shall be authorized by the Sheriff or authorized designee.

204.5 OTHER COMMUNICATIONS

Directive/Memos and other communications necessary to ensure the effective operation of the Office shall be issued by the Sheriff or authorized designee.

204.6 EFFECTIVE DATE

January 1, 2022

Concealed Handgun License

205.1 PURPOSE AND SCOPE

A Sheriff is given the statutory authority to issue a license to carry a concealed handgun to residents within the community. This policy will provide a written process for the application, issuance and revocation of such permits (ORC § 2923.125).

205.2 APPLICATIONS AND INFORMATION FOR THE PUBLIC

The Sheriff shall provide to a person, free of charge, the Ohio concealed handgun license application form and the website address at which a printable version of the application form can be downloaded. The person shall also be provided with the informational pamphlet prepared by the Ohio Peace Officer Training Commission (OPOTC) and the attorney general (ORC § 2923.125).

205.3 APPLICATION PROCESS

Upon receipt of a properly completed application form, the Sheriff shall (ORC § 2923.125):

- (a) Collect the nonrefundable fee, unless the applicant is a qualifying person (e.g., military experience, law enforcement retiree).
- (b) Fingerprint the applicant for the purpose of conducting a check of criminal records and incompetency records.
- (c) Conduct an investigation of the applicant to determine whether he/she is eligible to receive a license under ORC § 2923.125 and possess a firearm under federal law after fingerprint results have been obtained (ORC § 311.41):
 1. The background must include a check of the applicant's criminal and incompetency records, including a check of the criminal records held within the National Crime Information Center (NCIC).
 2. Background materials shall be destroyed as set forth in ORC § 311.41.
- (d) Within 45 days of receipt of the application form, unless disqualified by law, issue the applicant a license.
 1. If the applicant is arrested or otherwise charged with an offense that would disqualify the applicant from holding the license, the application process shall be suspended until the disposition of the case.

An applicant must be legally living in the United States. If the applicant is not a citizen or national of the United States, the applicant must provide the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency. An applicant for a license who does not live in Ohio may submit an application if he/she is employed in County or any adjacent county, but must provide adequate proof of employment in Ohio (ORC § 2923.125).

If the application is denied, the Office shall send the applicant written notification setting forth the reasons for the denial (ORC § 2923.125(D)(2)(b)).

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If an application for a license is denied, the applicant may seek a judicial review by filing a petition within the county.

205.4 TEMPORARY EMERGENCY LICENSE

The Sheriff shall issue a temporary emergency license to carry a concealed handgun to a person if there is evidence of imminent danger to the person or the person's family pursuant to ORC § 2923.1213. This Office shall accept evidence of imminent danger at any time during normal business hours and shall not require an appointment or designate a specific period of time for the submission of the evidence.

Upon submission of the required documentation, the Sheriff or designee shall immediately review and evaluate an application for a temporary emergency handgun license. A person seeking a temporary emergency license to carry a concealed handgun shall not be required to submit a competency certificate (ORC § 2923.1213(D)).

A temporary emergency license shall be issued if the applicant meets the criteria to carry a concealed weapon pursuant to ORC § 2923.1213(B)(2). If the Sheriff denies the issuance of a temporary emergency license to the person, the Sheriff shall specify the grounds for the denial in a written notice to the person. The person may appeal the denial, or challenge criminal records check results that were the basis of the denial.

A temporary emergency license issued is valid for 90 days and may not be renewed. A person who has been issued a temporary emergency license shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the prior license (ORC § 2923.1213(B)(2)). The Records Section shall retain proof of the evidence of imminent danger that the person submitted for the entire period during which the temporary emergency license is in effect (ORC § 2923.1213(E)).

A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a regular license to carry a concealed handgun (ORC § 2923.1213(C)).

205.5 SUSPENDING LICENSE

Upon notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States, the Sheriff shall suspend the license of a licensee who has become subject to a protection order or has been charged or convicted with a crime that would require the revocation of a license (ORC § 2923.128(A)). The Sheriff or designee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required to surrender the license within 10 days (ORC § 2923.128(A)(3)). If a licensee is acquitted of the charges against him/her, or if the charges are dropped, the Sheriff shall restore the license.

205.6 REVOKING LICENSE

The Sheriff shall revoke a license if it is determined that the license holder (ORC § 2923.128(B)):

- (a) Is under the age of 21.

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- (b) Obtained the license fraudulently.
- (c) Was convicted of, or pled guilty to, a disqualifying offense.
- (d) Became subject to a civil protection order or to a protection order issued by a court of another state that is substantially equivalent to a civil protection order.
- (e) Knowingly carried a concealed handgun into an unauthorized place.
- (f) Was adjudicated as a mentally incompetent or is committed to a mental institution.
- (g) Does not meet the residency requirements.
- (h) Submitted a forged or otherwise fraudulent firearms competency certificate.

The Sheriff or the authorized designee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license is subject to revocation and that the licensee has 14 days to contest the revocation (ORC § 2923.128(B)(2)). After the 14-day period and consideration of any information provided by the licensee, the Sheriff shall determine whether to revoke the license.

205.7 APPLICATION FOR RENEWAL

If a licensee wishes to renew the concealed handgun license, the licensee may complete and submit an application for renewal any time before the expiration date to the Sheriff in the county where the applicant resides or to the Sheriff of an adjacent county. The Sheriff shall issue a renewal if all statutory provisions are met (ORC § 2923.125(F)).

205.8 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS

Concealed handgun licensees are prohibited or limited from carrying concealed handguns at specified locations. Examples of these locations include (ORC § 2923.126(B)):

- (a) Law enforcement and detention facilities.
- (b) Department of Mental Health or the Department of Developmental Disabilities facilities.
- (c) Airports or public agencies with restricted security access.
- (d) A school safety zone (ORC § 2923.122).
- (e) Courthouses (ORC § 2923.123).
- (f) Any premises or open-air arena in which any person is consuming liquor (ORC § 2923.121).
- (g) Colleges, universities or other institution of higher education.
- (h) Places of worship.
- (i) Any state or local government building that is not used primarily as a shelter, restroom, parking facility or a rest facility.
- (j) Any place in which federal law prohibits the carrying of handguns.

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- (k) Properly posted lands or premises.

205.9 RECOGNITION OF PERMITS FROM OTHER STATES

A person who possesses a license to carry a concealed handgun that was issued by another state, with which the attorney general has entered into a reciprocity agreement, has lawful authority to carry a handgun in Ohio (ORC § 109.69). Additional exceptions may apply in instances where the attorney general has not entered into a reciprocity agreement with the issuing state or when the person is temporarily in the state of Ohio (ORC § 109.69).

The permit issued by the other state does not supersede Ohio laws or regulations. If the permit holder becomes or is prohibited from possession of a handgun under Ohio law, the permit from another state is not valid to carry a handgun in Ohio.

205.10 EFFECTIVE DATE

January 1, 2022

Retiree Concealed Firearms

206.1 PURPOSE AND SCOPE

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

206.2 POLICY

It is the policy of the Erie County Sheriff's Office to provide identification cards to qualified former or retired deputies to facilitate the lawful carrying of concealed weapons by those individuals.

206.3 LEOSA

The Sheriff may issue an identification card for LEOSA purposes to any qualified former deputy of this Office who (18 USC § 926C(c)):

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

206.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

If the Erie County Sheriff's Office qualifies the former deputy, the LEOSA identification card or separate certification should indicate the date the former deputy was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

206.3.2 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a peace officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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

206.4 OHIO IDENTIFICATION CARD ISSUANCE

The Sheriff shall issue an identification card to any qualified former deputy of this Office who (ORC § 2923.126(F)):

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

206.4.1 OHIO IDENTIFICATION CARD FORMAT

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

206.4.2 AUTHORIZATION

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

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

206.5 FORMER DEPUTY RESPONSIBILITIES

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

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206.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

206.5.2 RESPONSIBILITIES UNDER OHIO LAW

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

206.6 DENIAL, SUSPENSION OR REVOCATION-DISCRETIONARY ISSUE

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

206.7 FIREARM QUALIFICATIONS

The Firearms Instructor may provide former deputies from this Office an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Firearms Instructor will maintain a record of the qualifications and weapons used.

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

206.8 EFFECTIVE DATE

January 1, 2022

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

300.2 POLICY

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

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

The Erie County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

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

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

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, deputies should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

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300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any deputy who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A deputy who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall a deputy be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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300.3.4 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.5 CAROTID CONTROL HOLD

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

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

300.3.6 RESPIRATORY RESTRAINTS

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

300.3.7 USE OF FORCE TO SEIZE EVIDENCE

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

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a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use techniques and methods taught by the Erie County Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

At all times, employees will exercise caution and will discharge firearms in the safest manner possible given the situation. Employees will avoid discharging firearms when the circumstances indicate that the employee should be cognizant of specific dangers associated with the discharge of the firearm at that specific time, i.e.: risk of striking innocent bystanders, risk of ricochets, etc.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. Deadly force may not be used to shoot at or from a moving vehicle, or solely because a subject fails to stop for a blockade or roadblock, or fails to obey a command to stop.

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

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

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

300.4.2 DISPLAY OF FIREARM

An employee will not point a firearm at a compliant individual who is not a threat to the safety of the employee or others. An employee is authorized to point a firearm at an individual who the employee perceives as posing an imminent threat of serious physical harm or death to that employee or another person, provided that the employee ceases to point a firearm at that individual if/when the individual is no longer perceived by the employee to pose that imminent threat of serious physical harm or death to the employee or another person.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this Office shall be documented promptly, completely, and accurately in an appropriate report in all instances of responses, beginning at the blue level of the ARC continuum. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

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

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300.6 MEDICAL CONSIDERATIONS

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

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

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.

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2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Upon receiving notification, the supervisor will immediately ensure that the Sheriff and/or the designee of the Sheriff are notified of the incident. If the supervisor is unable to make those notifications, any and all other employee(s) who become aware of the situation are equally responsible to ensure those notification are made.
- (g) Review and approve all related reports.
- (h) Determine if there is any indication that the individual may pursue civil litigation.
1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 SHIFT SERGEANT RESPONSIBILITY

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

300.8 TRAINING

Deputies will receive annual training on this policy and demonstrate their knowledge and understanding, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

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

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

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300.8.1 POLICY ACKNOWLEDGEMENT AND TESTING

Annually, applicable Office members will read, sign, and be tested on this policy.

300.9 USE OF FORCE ANALYSIS

At least annually, the Sheriff's authorized designee should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include:

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

300.10 EFFECTIVE DATE

January 1, 2022

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

The Erie County Sheriff's Office authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and Office training. Restraint devices shall not be used to punish, to display authority or as a show of force.

301.3 USE OF RESTRAINTS

Only members who have successfully completed Erie County Sheriff's Office-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

301.3.1 RESTRAINT OF DETAINEES

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

301.3.2 RESTRAINT OF PREGNANT PERSONS PRIOR TO BOOKING

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

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

301.3.3 RESTRAINT OF PREGNANT PERSONS AFTER BOOKING

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

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

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

Waist restraints shall not be used (ORC § 2152.75; ORC § 2901.10).

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

301.3.4 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the deputy has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the deputy or damage property.

301.3.5 NOTIFICATIONS

Whenever a deputy transports a person with the use of restraints other than handcuffs, the deputy shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the deputy reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations handcuffs should be applied with the hands behind the person's back. When practicable, handcuffs shall be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, deputies should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

301.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg shackles and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or routine transportation of a prisoner, but may also be utilized at the discretion of a member. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility. All persons transported to and from court from the Erie

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County Jail by a member of this agency, unless otherwise prohibited by a judge or magistrate, will be placed in handcuffs attached to a transport belt or waist or belly chain and leg shackles.

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

301.7 APPLICATION OF LEG RESTRAINT DEVICES (LEG SHACKLES)

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so or during the course of detention, arrest or transportation at the discretion of the transporting deputy; the use of leg restraint devices for Erie County Jail prisoners is mandatory for transport to and from court by members of this agency, unless the prisoner has a physical injury or disability that would prohibit the use of leg shackles. Only restraint devices approved by the Office shall be used.

Except for their mandated use as noted above, in determining whether to use leg restraints, members should consider:

- (a) Whether the member or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting member while handcuffed, kicking at objects or deputies).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).
- (d) Once applied, absent a medical or other emergency, restraints should remain in place until the deputy arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (e) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (f) The restrained person should be continually monitored by a deputy while in the leg restraint. The deputy should ensure that the person does not roll onto and remain on his/her stomach.
- (g) The member should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (h) When transported by ambulance/paramedic unit, the restrained person should be accompanied by a member when requested by medical personnel. The transporting member should describe to medical personnel any unusual behaviors or other circumstances the member reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

301.8 REQUIRED DOCUMENTATION

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

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

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

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

301.9 TRAINING

Subject to available resources, trainers should ensure that members receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Office.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
- (e) Any training materials provided by the Ohio Attorney General on the proper implementation of the restraint of pregnant persons (ORC § 109.749).

301.10 EFFECTIVE DATE

January 1, 2022

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Erie County Sheriff's Office authorizes deputies to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

302.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

302.4 RESPONSIBILITIES

302.4.1 SUPERVISOR RESPONSIBILITIES

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

Every control device will be periodically inspected by shift supervisors and/or firearms instructors. The inspection shall be documented as needed.

302.4.2 USER RESPONSIBILITIES

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

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

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302.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others. Unless the actions of the subject dictate such a response, potentially lethal blows to the head, neck, and groin, are to be strictly avoided.

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

Employees may utilize a flashlight as a baton, provided that the flashlight is used in a manner consistent with the Action-Response Use of Force Continuum.

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Sheriff or an SRT Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and is necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

302.7 PYROTECHNIC DISTRACTION DEVICES

Pyrotechnic munitions will not be utilized for deployment inside a building, unless extreme circumstances dictate their use in such a fashion.

302.8 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

302.8.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in a holster on the equipment belt or external vest carrier. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor. Privately purchased OC spray may be carried provided that the solution is absolutely identical to the issued spray.

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302.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

Deputies encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond if necessary and as practicable to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.8.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

302.9 POST-APPLICATION NOTICE

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

302.10 KINETIC ENERGY PROJECTILE GUIDELINES

This Office is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

302.10.1 DEPLOYMENT AND USE

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

Deputies are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved deputy determines that deployment of these munitions cannot be done

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safely. The safety of hostages, innocent persons and deputies takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

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

302.10.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the deputy should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other deputies and individuals that the device is being deployed.

Deputies should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, deputies are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the deputy reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the deputy or others.

302.10.3 SAFETY PROCEDURES

Designated shotguns and/or other launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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Deputies will inspect a designated shotgun, other launcher, and projectiles as necessary to ensure that the designated shotgun or launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the designated shotgun or launcher will be unloaded and properly and securely stored in a vehicle or in the armory. When deploying the designated shotgun or launcher, the deputy shall visually inspect the projectiles to ensure that conventional or other types of ammunition are not being loaded into the designated shotgun or launcher.

Absent compelling circumstances, deputies who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second deputy watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition and is only loaded with the proper projectiles if the designated shotgun or launcher is intended for use at that time as a less-lethal weapon.

302.11 TRAINING FOR CONTROL DEVICES

The designated supervisor shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified regularly.

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the deputy's training file.
- (c) Deputies who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If a deputy cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the deputy will be restricted from carrying the control device and may be subject to discipline.

302.12 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

302.13 EFFECTIVE DATE

January 1, 2022

Conducted Energy Device

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

303.1.1 DEFINITIONS

Taser – A conducted electrical weapon (CEW) designed to temporarily incapacitate a human being through the use of an electric shock. For purposes of this policy, the term Taser includes the Model X26P as manufactured by the Taser Corporation that is currently issued to employees of this agency, and any similar replacement device that may be issued to agency employees in the future.

303.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to deputies and suspects.

303.3 ISSUANCE AND CARRYING CEDS

Only members who have successfully completed Office-approved training may be issued and may carry the CED.

The Firearms Instructor should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

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

Deputies shall only use the CED and cartridges/magazines that have been issued by the Office. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed deputies who have been issued the CED shall wear the device in an approved holster.

Deputies who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, deputies should carry an additional cartridge on their person when carrying the CED.
- (c) Deputies should not hold a firearm and the CED at the same time.

Non-uniformed deputies may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

303.3.1 USER RESPONSIBILITIES

Deputies shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the deputy's shift.

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Firearms Instructor for disposition. Deputies shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

303.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of deputies or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

If, after a verbal warning, an individual fails to voluntarily comply with a deputy's lawful orders and it appears both reasonable and feasible under the circumstances, the deputy may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

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

303.5 USE OF THE CED

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

If sufficient personnel are available and can be safely assigned, a deputy designated as lethal cover for any deputy deploying a CED may be considered for officer safety.

303.5.1 APPLICATION OF THE CED

The CED may be used when the circumstances reasonably perceived by the deputy at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm deputies, themselves, or others.

Mere flight from a pursuing deputy, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

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

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303.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between deputies and the subject, thereby giving deputies time and distance to consider other force options or actions.

303.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, deputies should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

303.5.4 MULTIPLE APPLICATIONS OF THE CED

Once a deputy has successfully deployed two probes on the subject, the deputy should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors deputies may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

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Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the deputy must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

303.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Deputies should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, deputies shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

303.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

303.5.7 OFF-DUTY CONSIDERATIONS

Deputies are not authorized to carry Office CEDs while off-duty.

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

303.6 DOCUMENTATION

Deputies shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a Office-approved process to preserve the data.

303.6.1 REPORTS

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

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

303.6.2 UNINTENTIONAL DISCHARGES

Unintentional uses (i.e., negligent discharges) of the TASER device that occur while attempting to subdue a subject or animal, will be noted in the member's report. Unintentional uses that involve the firing of an air cartridge and that occur during testing of a TASER device, or under any other

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circumstances, will be reported in the form of a memo to the member's immediate supervisor with a copy being forwarded to the Sheriff or designee. Unintentional uses of a TASER device that occur during agency training will be addressed by the course instructor.

303.7 MEDICAL TREATMENT

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

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

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

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

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

303.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Firearms Instructor and saved with

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the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

303.9 TRAINING

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

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of a deputy's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Training Officer. All training and proficiency for CEDs will be documented in the deputy's training files.

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

Deputies who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with deputies who use the device.

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

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Training Officer should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

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303.10 EFFECTIVE DATE

January 1, 2022

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation by members of this agency of an incident in which a person is shot or otherwise fatally injured as the result of the actions of a member of any law enforcement agency within Erie County, or—regardless of the location where the incident occurs—is shot or dies as a result of being fatally injured by any member of this agency.

In any circumstances that result in death as a result of any law enforcement actions, the Sheriff may determine that the investigation into that incident will follow the procedures provided for in this policy.

304.2 POLICY

The policy of the Erie County Sheriff's Office is to ensure that member-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

304.3 TYPES OF INVESTIGATIONS

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

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

304.4 CONTROL OF INVESTIGATIONS

Investigators from local, state and/or federal law enforcement/criminal justice agencies may be requested to participate in the investigation of any officer-involved shooting or other officer-involved deaths. At the discretion of the Sheriff, any such investigation may/may not also include at least one investigator from this agency.

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

304.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Erie County Sheriff's Office could conduct the investigation if the suspect's crime occurred within Erie County.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency conducting the investigation into the actions of the

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involved officer(s), at the discretion of the Sheriff and with concurrence from the other agencies and/or the Erie County Prosecutor.

304.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the protocol of the agency employing the officer. When a member of this agency is involved, the criminal investigation will be handled as listed elsewhere in this policy.

Requests made of this Office to investigate a shooting or death involving an outside agency's officer, in that agency's jurisdiction, shall be referred to the Sheriff or authorized designee for approval.

304.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

304.5 INVESTIGATION PROCESS

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

304.5.1 UNINVOLVED DEPUTY RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved ECSO deputy will be the deputy-in-charge and will assume the responsibilities of a supervisor until properly relieved. This deputy should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Office or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.5.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any ECSO deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

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- (a) Public safety information shall be limited to such things as outstanding suspect information,, perimeter of the incident scene, and any other pertinent information.
- (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Sheriff and Dispatch. Shift Sergeant and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional ECSO members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 - (a) Each involved ECSO deputy should be given an administrative order not to discuss the incident with other involved officers or ECSO members pending further direction from a supervisor.
 - (b) When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

304.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Sheriff
- Detective Bureau Division Commander
- Outside agency investigators (if appropriate)
- Sheriff's Designee supervisor
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)

304.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Office to each involved ECSO deputy. A licensed psychotherapist may also be provided to any other affected ECSO members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved deputy and a peer support member or a critical incident stress management team member are addressed in the Wellness Program Policy.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved ECSO deputy shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of that deputy's shift supervisor to make schedule adjustments to accommodate such leave.

304.6 CRIMINAL INVESTIGATION

Either Erie County Sheriff's Office personnel, or personnel from an outside law enforcement agency at the Sheriff's discretion is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this Office may be assigned to partner with investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

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

- (a) ECSO supervisors and Sheriff's Designee personnel should not participate directly in any voluntary interview of ECSO deputies. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's

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statement, involved deputies shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.6.1 REPORTS BY INVOLVED ECSO DEPUTIES

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

While the involved ECSO deputy may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved deputies or officers from other agencies as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of all involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved ECSO deputy of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

304.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from any other agencies to ensure the continuity of the investigation and to eliminate duplication of investigative efforts.

All related Office reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Sheriff.

304.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this Office will conduct an internal administrative investigation of involved ECSO deputies to determine conformance with Office policy. This investigation will be conducted under the supervision of the Sheriff's Designee and will be considered a confidential deputy personnel file until determined to be a public record.

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

The Sheriff, at his/her discretion, may seek an outside agency to conduct an independent internal investigation into allegations of violations of this policy. Employees being investigated by that outside agency will cooperate with that investigation in the same manner as if the investigation was being conducted by the Sheriff's Office.

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

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- (c) In the event that an involved deputy has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - (a) Although this interview should not be unreasonably delayed, care should be taken to ensure that the deputy's physical and psychological needs have been addressed before commencing the interview.
 - (b) If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - (c) Administrative interviews should be recorded by the investigator. The deputy may also record the interview.
 - (d) The deputy shall be informed of the nature of the investigation and will be advised of the Garrity/Piper rights and warnings prior to commencement of the interview.
 - (e) The designated supervisor shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
 - (f) Regardless of whether the use of force is an issue in the case, the designated supervisor will conduct a review to determine compliance with the Use of Force Policy.
 - (g) Any indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

304.8 CIVIL LIABILITY RESPONSE

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

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

304.9 AUDIO AND VIDEO RECORDINGS

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

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

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

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

304.10 DEBRIEFING

Following an officer-involved shooting or death, the Erie County Sheriff's Office should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

304.10.1 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and Office representative responsible for each phase of the investigation.

No involved ECSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a designee.

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

304.12 EFFECTIVE DATE

January 1, 2022

Firearms

305.1 PURPOSE AND SCOPE

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

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

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

305.1.1 AUTHORIZATION TO CARRY FIREARMS

Only sworn personnel, and Firearms Certified Corrections Officers who have met all state standards and have been authorized by the Sheriff shall have the authority to carry a firearm on and/or off-duty.

305.2 POLICY

The Erie County Sheriff's Office will equip its members with firearms to address the risks posed to the public and Office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

Sworn Personnel - Those Deputy Sheriffs who have successfully completed the Ohio Peace Officer Training Commission (OPOTC) Basic Law Enforcement Academy and are certified as peace officers by the State of Ohio.

Firearms Certified Corrections Officers - Those Corrections Officers who have successfully completed an approved OPOTC training that qualifies the Corrections Officer to carry firearms while on duty pursuant to Section 109.773 of the Ohio Revised Code.

305.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Office and that, as necessary, have been thoroughly inspected by an agency Firearms Instructor. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not successfully qualified with that firearm pursuant to OPOTC standards.

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

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305.3.1 HANDGUNS

Agency issued handgun(s) will be approved by the Sheriff. Members of other law enforcement agencies who are commissioned as Special Deputy Sheriffs may carry the handgun(s) issued or approved by their primary agency.

305.3.2 SHOTGUNS

Agency issued shotgun(s) will be approved by the Sheriff. Members of other law enforcement agencies who are commissioned as Special Deputy Sheriff may carry the shotgun(s) issued or approved by their primary agency.

When not deployed, shotguns shall be properly secured consistent with Office training in a locked weapons rack in the patrol vehicle, or in a case in the vehicle trunk or in the passenger compartment of a vehicle. If a cased firearm is stored in the passenger compartment a vehicle, the vehicle will remain locked at all times that the vehicle is unattended.

305.3.3 PATROL RIFLES

The Office-issued patrol rifle will be approved by the Sheriff. Members of other law enforcement agencies who are commissioned as Special Deputy Sheriffs may carry the rifle issued or approved by their primary agency.

When not deployed, the patrol rifle shall be properly secured consistent with Office training in a locked weapons rack in the patrol vehicle, or in a case in the vehicle trunk or in the passenger compartment of a vehicle. If a cased firearm is stored in the passenger compartment of a vehicle, the vehicle will remain locked at all times during which the vehicle is unattended.

305.3.4 PERSONALLY OWNED DUTY FIREARMS

Sworn personnel desiring to carry an authorized but personally owned duty firearm must receive written approval from the Sheriff or designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working orders.
- (b) The firearm shall be inspected by an agency Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify to OPOTC standards and thereafter shall qualify in accordance with the Office qualification schedule. Members must demonstrate proficiency, safe handling of the firearm, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor, and to the Sheriff. Written approval for the member to carry a personally owned duty firearm will be noted in the member's personnel file and/or training file.

305.3.5 AUTHORIZED SECONDARY HANDGUN

Sworn personnel desiring to carry Office or personally owned secondary handguns are subject to the following restrictions:

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- (a) The handgun shall be in good working order and on the Office list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Office.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (e) The handgun shall be inspected as necessary by an agency Firearms Instructor prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary by an agency Firearms Instructor.
- (f) Ammunition shall be the same as Office issue. If the caliber of the handgun is other than Office issue, the Sheriff or the designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify with the handgun to OPOTC standards and thereafter shall qualify in accordance with the Office qualification schedule. Members must demonstrate proficiency, safe weapon handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Firearms Instructor and to the Sheriff. Written approval for the member to carry a secondary handgun will be noted in the member's personnel and/or training file.
- (i) Firearms Certified Corrections Officers are NOT permitted to carry a secondary handgun.

305.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
 - 1. Ammunition utilized by off-duty employees may be supplied by the agency; if not supplied by the agency, ammunition utilized by off-duty employees will be supplied by the employee.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to an agency Firearms Instructor for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by a Firearms Instructor as determined to be necessary.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Firearms Instructor that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

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- (e) The member will successfully qualify with the firearm pursuant to OPOTC standards prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Instructor and to the Sheriff. Written approval for the member to carry an off-duty handgun will be noted in the member's personnel and/or training file.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) When armed, deputies shall carry their badges and Erie County Sheriff's Office identification cards under circumstances requiring possession of such identification.
- (i) Deputies may carry a firearm in any school safety zone with proper authorization from the Sheriff (ORC § 2923.122).
- (j) Off-duty members shall not carry firearms in establishments for which a "D" liquor permit has been issued and alcohol is being consumed by any person, unless authorized by the Sheriff (ORC § 2923.121).
- (k) Off-Duty Firearms Certified Corrections Officers are NOT permitted to carry firearms off-duty pursuant to this policy. Off-duty Firearms Certified Corrections Officers MAY carry firearms off-duty pursuant to any provision of the law that would allow for the carry of a firearm by any other individual.

305.3.7 AMMUNITION

Members shall carry only Office-authorized ammunition or authorized ammunition by another law enforcement agency that also employs the employee. Members shall be issued fresh duty ammunition in the specified quantity for all Office-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Firearms Instructor when needed, in accordance with established policy.

Members carrying personally owned authorized duty firearms of a caliber differing from Office-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

305.3.8 AUTHORIZED CARRY IN COURT FACILITIES

Carrying of a firearm by sworn personnel and/or Firearms Certified Corrections Officers into courtrooms or court buildings is subject to local court security rules and shall only be permitted while the deputy is acting within the scope of his/her duties (as determined by the Sheriff) (ORC § 2923.123).

305.3.9 KNIVES

Employees are permitted to carry personally owned folding knives for routine and emergency cutting uses. The use and deployment of knives by employees shall be done as unobtrusively as possible so as not to alarm bystanders. Employees should take care not to exhibit or use the knife in a careless or imprudent manner. It is the employee's responsibility to use the knife in a safe and responsible manner.

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It is recognized that the employee, in the course of his or her duties may require the use of his or her knife as a weapon of defense under extraordinary circumstances.

Firearms Certified Corrections Officers are NOT permitted to carry a knife while on duty, except when simultaneously armed with a handgun.

305.4 POSSESSION OF UNAUTHORIZED FIREARMS ON AGENCY PREMISES

Civilian employees of this agency, including Non-Firearms Certified Corrections Officers, Dispatchers, Administrative Assistants, and/or any other non-sworn personnel, are forbidden to transport onto the premises of the Erie County Sheriff's Office, or to possess on the premises of the Erie County Sheriff's Office, any firearms. This policy is not applicable to those employees who possess a valid concealed handgun license issued by the Sheriff of Erie County and/or any other Sheriff of this state, or of any state with a reciprocity agreement with the Ohio Attorney General regarding concealed handgun licenses, or under any other circumstances that would allow another individual to go armed with a firearm, provided that any firearms so transported or possessed are secured at all times from unauthorized access or theft.

This policy is also applicable to any property used or controlled by the Erie County Sheriff, to include Sheriff's Office substations.

305.5 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

305.5.1 MAINTENANCE OF FIREARMS

Each employee is responsible for maintaining and cleaning agency issued firearms. Employees will ensure that all firearms are unloaded prior to cleaning or routine maintenance. Agency issued firearms will only be dismantled by an agency armorer or firearms instructor, except for basic field stripping for routine cleaning. Any damage to or malfunction of any agency issued firearm will be reported immediately to the employee's supervisor and/or to an agency firearms instructor or armorer.

The theft, loss, or destruction of any agency owned firearm is to be immediately reported to the Sheriff and/or Operations Officer. If the firearm was stolen within Erie County, this agency will immediately commence a criminal investigation into the firearm's theft in collaboration with any other law enforcement agency having concurrent jurisdiction at the location of the theft of the firearm.

305.5.2 REPAIRS OR MODIFICATIONS

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

Firearms that are the property of the Office or personally owned firearms that are approved for Office use may be repaired or modified only by a person who is Office-approved and certified as

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an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Instructor.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Instructor.

305.5.3 HOLSTERS

Handgun holsters utilized by on-duty employees will be issued by the agency, or issued or approved by another law enforcement agency that also employs the employee, or may be owned by the employee and may be carried provided that the holster is substantially similar to the issued holster. All holsters utilized by on-duty employees will contain a device or mechanism designed to secure the handgun in the holster and to prevent its loss from, or unauthorized removal from, the holster.

305.5.4 TACTICAL LIGHTS

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

305.5.5 OPTICS OR LASER SIGHTS

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

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

305.6 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) An employee will not place his/her finger on the trigger of a firearm at any time unless the circumstances dictate that the imminent discharge of the firearm would be appropriate.
- (c) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by an agency Firearms Instructor and/or any other instructor providing authorized training for the member. Members shall not dry fire or practice smooth draws except as instructed by an agency Firearms Instructor or other firearms training staff.
- (d) Members shall not clean, repair, load or unload a firearm anywhere in the Sheriff's Office or any other building, except where clearing barrels are present.

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- (e) Shotguns or rifles removed from vehicles or the armory shall be loaded and unloaded in a safe manner utilizing clearing barrels if at all possible.
- (f) Members shall not place or store any firearm or other weapon on Office premises except where the place of storage is locked. No one shall carry firearms into the Erie County Jail when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the Erie County Jail are responsible for ensuring firearms are not brought into the jail section.
- (g) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (h) Any firearm authorized by the Office to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Office or a Firearms Instructor approved by the Office for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Instructor will be immediately removed from service. If the firearm is personally owned by the member, arrangements and cost of any repair will be borne by the member and the weapon will not be carried and a replacement firearm will be issued to the member until the duty firearm is serviceable.

305.6.1 DISPLAY OF FIREARMS

Employees will not draw from the holster, or in any other fashion display a firearm, in any situation unless the employee drawing or displaying the firearm has reason to believe that, based upon the totality of the circumstances presented to the employee at the time, the use of the firearm could be reasonably possible, or unless the employee is preparing for training or is preparing to clean, store, or examine the firearm, or is preparing to enter a facility in which the possession of firearms is prohibited.

Firearms will not be drawn or displayed within the Sheriff's Office except in the area designated for the cleaning or clearing of firearms, or in an area in which the possession of firearms is prohibited, or at any time when the storage of the firearm would be appropriate – i.e.: prior to entering an interview room, prior to using the restroom, etc. Firearms will be stored in suitable areas and will not be left unattended in plain view.

305.6.2 INSPECTION AND STORAGE

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

Personally owned firearms may be safely stored in lockers at the end of the shift. Office-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

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305.6.3 STORAGE AT HOME

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

305.6.4 ALCOHOL AND DRUGS

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

305.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete regular agency approved training with that firearm(s). All members will qualify as necessary with any approved firearm to meet the minimum qualification standards as required by the Ohio Peace Officer Training Commission (OPOTC). Members will qualify with off-duty and secondary firearms as required to meet OPOTC standards. Any firearms training or qualification will be conducted at an agency approved range.

As practicable and in compliance with any applicable OPOTC standards, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Agency Firearms Instructors conducting firearms qualifications are required to possess OPOTC Firearms Instructor Certification (OAC § 109:2-13-04).

305.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

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

305.8 FIREARM DISCHARGE

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

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

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.8.1 DESTRUCTION OF ANIMALS

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

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

Employees purposely discharging a firearm to humanely euthanize an injured or diseased animal are not required to complete a written report, provided that there are no extenuating circumstances associated with the discharge of the firearm. The fact that a firearm was utilized to dispatch the animal will, however, be placed on the agency's daily activity log.

305.8.2 INJURED ANIMALS

A member is authorized to use a firearm to humanely euthanize an animal that is obviously diseased or so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

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305.8.3 WARNING AND OTHER SHOTS

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

305.9 FIREARMS INSTRUCTOR DUTIES

Office firearms training will only be conducted when an agency or otherwise approved Firearms Instructor is present. During any firearms training, the range will be under the exclusive control of the Firearms Instructor, and all members attending such training will follow the directions of the Firearms Instructor(s) at all times. The Firearms Instructor will maintain a roster of all members attending the range and will submit the roster to the appropriate designee after each range date. Failure of any member to sign in and out with the Firearms Instructor may result in non-participation or non-qualification.

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

Firearms Instructors have the responsibility of making periodic inspection of all duty firearms carried by members of this Office to verify proper operation. Firearms Instructors have the authority to deem any Office-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by the Firearms Instructor.

Firearms Instructors have the responsibility for ensuring each member meets the minimum requirements during training and can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

Firearms Instructors shall complete and submit to the appropriate designee documentation of the training courses provided during any firearms training. Documentation shall include the qualifications of each instructor who provided the training, a description of the training provided and, on a form that has been approved by the Office, a list of each member who completes the training. Firearms Instructors will keep accurate records of all training shoots, qualifications, repairs, maintenance or any other pertinent firearms training records.

305.10 FLYING WHILE ARMED

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Erie County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present

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this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

- (c) The Erie County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Erie County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the Office-appointed instructor.
- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

305.11 CARRYING FIREARMS OUT OF STATE

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

- (a) The deputy shall carry the deputy's Erie County Sheriff's Office identification card whenever carrying such firearm.
- (b) The deputy is not the subject of any current disciplinary action.
- (c) The deputy may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The deputy will remain subject to this and all other Office policies (including qualifying and training).

Deputies are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property,

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or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield a deputy from arrest and prosecution in such locally restricted areas.

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

305.12 EFFECTIVE DATE

January 1, 2022

Vehicle Pursuits

306.1 PURPOSE AND SCOPE

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

306.1.1 PHILOSOPHY

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

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

306.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

306.3 DEPUTY RESPONSIBILITIES

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

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

306.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (ORC § 2921.331(B)).

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

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

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- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The sheriff's unit is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner will not participate in a pursuit.

Officers operating certain high-profile vehicles prone to rollover (i.e., prisoner transport vans) will not engage in pursuits.

306.3.2 WHEN TO TERMINATE A PURSUIT

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

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

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

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

- (a) The distance between the pursuing deputies and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The deputy's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.

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- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk associated with continuing the pursuit, deputies should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (h) When directed to terminate the pursuit by a supervisor.

The termination of a pursuit does not prohibit an officer remaining in an area to re-initiate a pursuit if the opportunity and conditions permit. However, at no time will an officer who has terminated a pursuit attempt to “follow” the vehicle without the use of emergency equipment.

306.3.3 SPEED LIMITS

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

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

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

306.4 PURSUIT UNITS

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

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

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

306.4.1 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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

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306.4.2 PRIMARY UNIT RESPONSIBILITIES

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

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

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

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

306.4.3 SECONDARY UNIT RESPONSIBILITIES

The second deputy in the pursuit is responsible for:

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

306.4.4 PURSUIT DRIVING TACTICS

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

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

306.4.5 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

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

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

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

306.4.6 PURSUIT TRAILING

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

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

306.4.7 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide deputies and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

306.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for the following:

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

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306.6 COMMUNICATIONS

If the pursuit is confined within the County limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this Office or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

306.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Ensuring that a field supervisor is notified of the pursuit.
- (d) Assigning an incident number and logging all pursuit activities.
- (e) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (f) Notifying the Shift Sergeant as soon as practicable.

306.6.2 LOSS OF PURSUED VEHICLE

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

306.7 INTERJURISDICTIONAL CONSIDERATIONS

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

306.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

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

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

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mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this Office, the other agency should relinquish control.

306.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Office should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. Members of this agency, with approval of the supervisor, will render appropriate aid to members of the initiating agency, including, if necessary, joining in the pursuit and/or employing roadspike devices.

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

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

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

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

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

306.8 PURSUIT INTERVENTION

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

306.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, deputies/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With this in mind, the decision

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

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

306.8.2 USE OF FIREARMS

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

306.8.3 INTERVENTION STANDARDS

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

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

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1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing deputies should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. These devices will only be used in conjunction with a stationary roadblock and will never be deployed from a moving motor vehicles. If circumstances and time permit, prior approval from a supervisor will be sought before deploying roadspike devices in an attempt to terminate a pursuit. Deputies deploying roadspike devices will take measures to divert other traffic from the area of the device to prevent unnecessary damage to other vehicles. Roadspike devices will not be deployed in an attempt to stop two-wheeled motorcycles, three-wheeled motorcycles, three-wheeled all-purpose or all-terrain vehicles, four-wheeled all-purpose or all-terrain vehicles, or any other vehicle which the deploying officer believes could become unstable due to the deflation of the vehicle's tires if the operator were to continue to operate the vehicle after striking the roadspike device.. If the pursued vehicle is a vehicle transporting hazardous materials or a school bus transporting children, deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, deputies or other members of the public.

306.8.4 CAPTURE OF SUSPECTS

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

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

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306.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports concerning a pursuit shall be completed as follows:

- (a) The primary deputy shall complete an appropriate incident report, which shall contain sufficient details (many of which are listed below) of the pursuit to thoroughly document all important aspects, including compliance with this policy, and information concerning any involved persons and any persons arrested and the reason(s) therefore.
- (b) A designated supervisor shall review the completed report and any video (body cam and/or cruiser) as necessary to verify policy compliance and to be used as training as necessary. The review should minimally contain the following information:
 - 1. Date and time of pursuit.
 - 2. Length of pursuit in distance and time.
 - 3. Involved units and deputies.
 - 4. Initial reason and circumstances surrounding the pursuit.
 - 5. Starting and termination points.
 - 6. Alleged offense, charges filed or disposition: arrest, citation or other release.
 - 7. Arrestee information should be provided if applicable.
 - 8. Injuries and/or property damage.
 - 9. Medical treatment.
 - 10. The outcome of the pursuit.
 - 11. Name of supervisor handling or at the scene.
 - 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (c) The results of the policy review shall be forwarded to the Sheriff.

306.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

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

306.9.2 POLICY ACKNOWLEDGEMENT

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

306.10 EFFECTIVE DATE

January 1, 2022

Deputy Operation of Vehicles

307.1 PURPOSE AND SCOPE

This policy provides deputies with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

307.1.1 DEFINITIONS

Emergency equipment – a flashing, oscillating, or rotating red, blue, white, or combination of such lights and a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the director of public safety (Ohio Revised Code Sections 4513.17 and 4513.21).

Emergency driving – the operation of a motor vehicle initiated by a law enforcement officer responding to a situation:

- (a) That involves a physical assault that is causing or could cause physical harm to a person; or
- (b) That involves a serious property crime in progress, i.e.: burglary or robbery; or
- (c) That involves a motor vehicle crash, fire, or other situation that has resulted in, or could result in, injury to a person; or
- (d) That involves a request by another law enforcement officer for immediate assistance; or
- (e) Any other situation that is deemed appropriate for an emergency response based upon the above criteria and based upon the information made available to the deputy and his/her supervisor at the time the emergency response is initiated.

Public safety vehicle – motor vehicle used by public law enforcement Officers or other person sworn to enforce the criminal and traffic laws of the state (Ohio Revised Code Section 4511.01E1).

307.2 RESPONSE TO CALLS

Deputies responding to an emergency call shall proceed immediately. Deputies responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren (ORC § 4511.041).

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

Deputies should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Deputies not responding

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as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

It is the policy of the Office to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

307.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

307.3.1 NUMBER OF UNITS PARTICIPATING

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

307.4 INITIATING EMERGENCY CALL RESPONSE

If a deputy believes an emergency call response to any call is appropriate, the deputy shall proceed using all applicable cruiser emergency equipment and exercising due caution at all times when responding to the call. The Shift Supervisor will monitor an emergency call response requiring more than one deputy.

An emergency call response of more than one unit should initiate notification by Dispatch to the Shift Supervisor. The Shift Sergeant or Shift Supervisor will make a determination regarding the appropriateness of the response, and reduce or enhance the response as warranted with due regard for the safety of all involved.

If the vehicle being driven by a deputy enroute to a call is not equipped with at least one emergency light and siren, emergency driving will not be utilized by the deputy and the deputy will proceed to the scene obeying all applicable traffic laws.

307.5 RESPONSIBILITIES OF RESPONDING DEPUTY

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

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).

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- (b) Exceed any speed limits, provided this does not endanger life or property (ORC § 4511.24).
- (c) Disregard regulations governing direction of movement or turning in specified directions (ORC § 4511.37).
- (d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the deputy. If, in the deputy's judgment, the roadway conditions, traffic congestion, or other known information does not permit such a response without unreasonable risk, the deputy may elect to respond to the call at the legal speed limit without the use of emergency lights and siren at the legal speed limit. A deputy shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

307.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when a deputy requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed.

The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Shift Supervisor
- (c) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (e) Control all radio communication during the emergency and coordinate assistance under the direction of the Shift Sergeant Supervisor.

307.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, or requested, the Shift Supervisor shall verify that:

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

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

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

When making the decision to authorize an emergency call response, the Shift Supervisor should consider the following:

- The type of call or crime involved.
- The type and circumstance of the request.
- The necessity of a timely response.
- Weather, traffic, and road conditions.
- The location of the responding deputies and the location of the incident.

307.8 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. [Officers_Deputies] in such vehicles may provide support to an emergency response as long as the vehicles are operated in compliance with all traffic laws. Those [officers_deputies] should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

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

The deputy shall notify the Shift Supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

307.9 EFFECTIVE DATE

January 1, 2022

307.10 POLICY

It is the policy of this Office to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

K-9s

308.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of K-9s to augment law enforcement services in the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

308.1.1 DEFINITIONS

Definitions related to this policy include:

K-9 - A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties. When used in this Policy Manual, "K-9" refers to a police dog (ORC § 955.11; ORC § 2921.321).

308.2 POLICY

It is the policy of the Erie County Sheriff's Office that teams of handlers and K-9s meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

The Sheriff will be responsible for the purchase and assignment of agency K-9s.

K-9s shall not be used for breeding participation in shows, field trials, exhibitions, demonstrations, or during special details unless previously approved by the Sheriff or Sheriff's Designee.

308.3 ASSIGNMENT

K-9 handlers will be assigned to normal patrol duties, including prisoner transports. K-9 handlers will be prepared to transport properly restrained prisoners in the front passenger's seat of the K-9 handler's assigned cruiser. The fact that a K-9 handler is transporting a K-9 in the rear passenger seat area of the cruiser will not be used as an excuse for the K-9 handler to refuse to transport a prisoner. It is advisable, however, to avoid conflict, to transport an individual who has been physically apprehended by a K-9 in a cruiser other than the K-9 handler's vehicle.

K-9 teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Sergeant.

308.3.1 LAW ENFORCEMENT K-9 REGISTRATION

All K-9s utilized by the Office shall be registered with the county auditor pursuant to the requirements of ORC § 955.012. K-9 registrations must be signed by the Sheriff (ORC § 955.012).

308.4 K-9 COORDINATOR

The K-9 coordinator shall be appointed by and be directly responsible to the Sheriff or the authorized designee.

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

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- (a) Reviewing all K-9 use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency K-9 coordinators.
- (e) Maintaining accurate records to document K-9 activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and K-9s.
- (g) Scheduling all K-9-related activities.
- (h) Ensuring the K-9 teams are scheduled for regular training to maximize their capabilities.
- (i) The K-9 coordinator will, no less than every thirty (30) days, review the records required to be maintained by the K-9 handler. In addition, the K-9 coordinator will periodically, but no less than every sixty (60) days, inspect the K-9 handler's vehicle and the kennel area at the K-9 handler's home to ensure that those areas are being kept safe and sanitary. Such inspections will be noted by the K-9 coordinator in the records maintained by the K-9 handler.

308.5 REQUESTS FOR K-9 TEAMS

Patrol Division members are encouraged to request the use of a K-9. Requests for a K-9 team from Office units outside of the Patrol Division shall be reviewed by the Shift Sergeant.

308.5.1 OUTSIDE AGENCY REQUEST

In the event that the K-9 handler is on duty at the time of the request, the OIC will grant the request if staffing levels will remain adequate in the absence of K-9 team. In the event that the K-9 handler is off duty at the time of the request, the OIC will contact the handler and advise him/her of the request. The OIC and handler will then jointly determine if the handler will respond to the call for assistance. OIC's and/or K-9 handlers are encouraged to contact the requesting agency if there are any questions about the nature of the mutual aid request. In the event that an OIC has any questions about a mutual aid request that cannot be satisfactorily answered, the request will be forwarded to the Sheriff or Sheriff's Designee for approval/disapproval.

308.5.2 USE OF OUTSIDE AGENCY K-9

Employees of the Erie County Sheriff's Office, when utilizing the services of another agency's K-9 team, will follow the general guidelines provided under this policy. At no time will a member of this agency knowingly allow for another agency's K-9 team operating under a mutual aid request to engage in conduct in violation of this policy. Questions or concerns regarding any such issue should be immediately directed to the shift OIC, Sheriff's Designee, and/or the Sheriff.

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308.5.3 PUBLIC DEMONSTRATION

All public requests for a K-9 team shall be reviewed and, if appropriate, approved by the Sheriff or Sheriff's Designee prior to making any resource commitment. The K-9 coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. K-9 handlers shall not demonstrate any apprehension work unless authorized to do so by the K-9 coordinator.

308.6 APPREHENSION GUIDELINES

A K-9 may be used to locate and apprehend a suspect if the K-9 handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a K-9 reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the K-9 would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a K-9.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a K-9 to apprehend a suspect.

Use of a K-9 to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Sergeant. Absent a change in circumstances that presents an imminent threat to deputies, the K-9, or the public, such K-9 use should be conducted on-leash or under conditions that minimize the likelihood the K-9 will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the K-9 as soon as it becomes reasonably practicable.

If the K-9 has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the K-9 to release the suspect.

Any K-9 handler found to be utilizing a K-9 for purposes of indiscriminate, unnecessary, and/or unwarranted response to alleged but unfounded resistance or aggression will be immediately removed from his/her assignment as a K-9 handler. Any deployment of a K-9 in response to resistance to aggression will be documented in a standard agency report.

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308.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a K-9 to search for or apprehend any suspect, the K-9 handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to deputies or the public caused by the suspect if the K-9 is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the K-9 is released.
- (g) The potential for the suspect to escape or flee if the K-9 is not utilized.

As circumstances permit, the K-9 handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the K-9 handler's responsibility to evaluate each situation and determine whether the use of a K-9 is appropriate and reasonable. The K-9 handler shall have the authority to decline the use of the K-9 whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the K-9.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the K-9.

K-9 teams will not be utilized to apprehend an individual who is suspected of being under the influence of drugs or alcohol, or who appears to be mentally ill, if the individual no underlying criminal offense justifying the use of a K-9 for apprehension has occurred, and a K-9 handler will not deploy a K-9 in such a situation.

308.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a K-9 will be used if the suspect does not surrender should be made prior to releasing a K-9. The handler should allow a reasonable time for a suspect to surrender and should quiet the K-9 momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the K-9 handler, when practicable, should first advise the supervisor of his/her decision before releasing the K-9. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

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308.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document K-9 deployments in a K-9 use report. Whenever a K-9 deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the K-9 use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a K-9, whether on- or off-duty, shall be promptly reported to the K-9 coordinator. Unintended bites or injuries caused by a K-9 should be documented in an administrative report, not in a K-9 use report.

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

Law enforcement K-9s are generally exempt from impoundment and reporting requirements. If the K-9 begins exhibiting any abnormal behavior, the K-9 shall be made available, upon request, to the board of health for the district in which the bite occurred (ORC § 955.261).

The handler of the K-9 that inflicts injury on any person will be responsible to ensure that, immediately upon supervisory approval of the report, copies are sent to the Erie County Dog Warden and the Erie County Health Department.

308.7 NON-APPREHENSION GUIDELINES

Properly trained K-9s may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The K-9 handler is responsible for determining the K-9's suitability for such assignments based on the conditions and the particular abilities of the K-9. When the K-9 is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to deputies, the K-9, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the K-9 will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the K-9.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the K-9 will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the K-9 in a down-stay or otherwise secure it as soon as reasonably practicable.

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308.7.1 ARTICLE DETECTION

A K-9 trained to find objects or property related to a person or crime may be used to locate or identify articles. A K-9 search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

308.7.2 NARCOTICS DETECTION

A K-9 trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained K-9 in support of probable cause.

A narcotics-detection trained K-9 will not be used to search a person for narcotics unless the K-9 is trained to passively indicate the presence of narcotics.

308.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and deputies when a bomb or other explosive device is suspected, the use of a K-9 team trained in explosive detection may be considered. When available, an explosive-detection K-9 team may be used in accordance with current law and under certain circumstances, including:

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

At no time will an explosive-detection trained K-9 be used to render a suspected device safe or clear.

308.8 CROWD CONTROL

As with any other agency personnel, K-9 handlers may respond to assist with the control of crowds. During peaceful demonstrations, a K-9 will not be deployed to act in an aggressive fashion so as to unnecessarily antagonize or threaten those who are peacefully assembled. In the event that members of a crowd begin to act in a physically aggressive and/or destructive fashion toward others and/or property, a K-9 may be deployed on a short leash to display aggression to protect the handler, other law enforcement personnel, or other persons present.

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At no time during a crowd control situation will a K-9 handler institute any offensive action utilizing a K-9 against any person unless that person's actions represent a substantial risk of serious physical harm to other persons present.

308.9 HANDLER SELECTION

When the Sheriff determines that a K-9 handler vacancy exists within the agency, internal applicants will be sought through general posting. Those who request to be considered for assignment as a K-9 handler will be required to follow a designated internal selection process. The Sheriff will be responsible to make the final selection of the individual to fill the vacancy.

308.10 HANDLER RESPONSIBILITIES

The K-9 handler shall ultimately be responsible for the health and welfare of the handler's K-9 and shall ensure that the K-9 receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The K-9 handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the K-9 to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all Office equipment under his/her control in a clean and serviceable condition. As with all agency employees, a K-9 handler is responsible for the care and maintenance of his/her uniform and/or assigned vehicle. Appointment as a K-9 handler will not excuse an employee from disciplinary action for his/her failure to maintain uniform or cruiser standards of cleanliness (i.e.: soiled uniform or cruiser, uniform covered with animal hair, etc.).
- (c) When not in service, the handler shall maintain the K-9 vehicle in a locked garage, away from public view.
- (d) When a K-9 handler is off-duty, the handler's issued vehicle will be properly secured as with any other issued agency vehicle.
- (e) Handlers shall permit the K-9 coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their K-9 vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the K-9 shall be reported to the K-9 coordinator as soon as possible.
- (g) When off-duty, the K-9 shall be in a kennel provided by the County at the home of the handler. When a K-9 is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the K-9 may be let out of the kennel while under the direct control of the handler.
- (h) The K-9 should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Unless being done as part of a documented training exercise, no one will be allowed to tease, agitate, or engage in "roughhousing" with a K-9.

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- (j) K-9 handlers will not permit anyone to pet or hug their assigned K-9 without the prior approval and immediate supervision of the handler.
- (k) K-9 handlers will not normally permit their K-9s to be handled or commanded by anyone other than the K-9's assigned handler. Only under emergency conditions should another handler command an assigned K-9.
- (l) Under no circumstances will the K-9 be lodged at another location unless approved by the K-9 coordinator or Shift Sergeant.
- (m) When off-duty, the handler shall not involve the K-9 in any law enforcement activity or official conduct unless approved in advance by the K-9 coordinator or Shift Sergeant.
- (n) Whenever a K-9 handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the K-9. In those situations, the handler shall give reasonable notice to the K-9 coordinator so that appropriate arrangements can be made for another K-9 handler or the K-9 coordinator to temporarily care for the K-9. Other reasonable accommodations can be made, such as kenneling at an agency approved boarding kennel.
- (o) The K-9 handler will maintain all records documenting any training of his/her assigned K-9 and the certification of the K-9 to OPOTC minimum standards. Particular attention in those records will be made regarding the proficiency of the K-9 to detect the scent of specific narcotics.

308.10.1 K-9 IN PUBLIC AREAS

The K-9 should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the K-9 is trained.

- (a) A K-9 shall not be left unattended in any area to which the public may have access.
- (b) When the K-9 vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the K-9. The handler shall also ensure that the unattended vehicle remains inhabitable for the K-9.

308.11 HANDLER COMPENSATION

The K-9 handler shall be available for call-out under conditions specified by the K-9 coordinator.

The K-9 handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the K-9 in accordance with the Fair Labor Standards Act (FLSA), and/of according to the terms of the collective bargaining agreement (29 USC § 207).

308.12 K-9 INJURY AND MEDICAL CARE

In the event that a K-9 is injured, or there is an indication that the K-9 is not in good physical condition, the injury or condition will be reported to the K-9 coordinator or Shift Sergeant as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated K-9 veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

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308.12.1 DISPOSITION OF SERVICE K-9

If a K-9 becomes injured in the line of duty, becomes disabled and is unfit for duty, or grows too old to be fit for duty, the deputy to whom the K-9 is assigned may purchase the animal pursuant to ORC § 9.62 and/or the current collective bargaining agreement.

If the assigned handler chooses not to purchase the animal, the disposition of the K-9 shall be conducted pursuant to Office or County policy, ordinance or state law.

308.13 TRAINING

Before assignment in the field, each K-9 team shall be trained and certified to meet current Ohio Peace Officer Training Commission (OPOTC)-recognized standards or other recognized and approved certification standards. Cross-trained K-9 teams or those K-9 teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet OPOTC-recognized standards or other recognized and approved certification standards established for their particular skills (OAC § 109:2-7-01 et seq.).

The K-9 coordinator shall be responsible for scheduling periodic training for all Office members in order to familiarize them with how to conduct themselves in the presence of Office K-9s. Because K-9s may be exposed to dangerous substances such as opioids, as resources are available, the K-9 coordinator should also schedule periodic training for the K-9 handlers about the risks of exposure and treatment for it.

All K-9 training shall be conducted while on-duty unless otherwise approved by the K-9 coordinator or Shift Sergeant.

The K-9 coordinator will be notified immediately by the K-9 handler of any absence from scheduled training.

308.13.1 CONTINUED TRAINING

Each K-9 team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis (OAC § 109:2-7-05). Additional training considerations are as follows:

- (a) K-9 teams should receive training as defined in the current contract with the Erie County Sheriff's Office K-9 training provider.
- (b) K-9 handlers are encouraged to engage in additional training with approval of the K-9 coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Office.

308.13.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any K-9 team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the K-9 handler shall be temporarily reassigned to regular patrol duties.

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308.13.3 TRAINING RECORDS

All K-9 training records shall be maintained in the K-9 handler's and the K-9's training file.

308.13.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of K-9s. Deputies possessing, using, or transporting controlled substances or explosives for K-9 training purposes must comply with federal and state requirements. Alternatively, the Erie County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

308.13.5 CONTROLLED SUBSTANCE TRAINING AIDS

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection K-9 training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(f); ORC § 3719.14).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Erie County Sheriff's Office to be possessed by the member or a narcotics-detection K-9 trainer who is working under the direction of this Office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the K-9 handler uses commercially available synthetic substances that are not controlled narcotics.

Actual narcotics will be stored in the Evidence Room and will be accessible to authorized personnel only. At least once every thirty (30) days, those actual narcotics used for such training will be weighed by the K-9 handler, the K-9 supervisor, or a detective in the presence of a witness. The weight of such narcotics will be recorded and documented by both parties present during such weighing.

308.13.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the K-9's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual K-9 handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this Office.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the K-9 coordinator with a copy forwarded to the dispensing agency.

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- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the K-9 handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The K-9 coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Evidence Room or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

308.13.7 EXPLOSIVE TRAINING AIDS

Deputies may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ORC § 2923.17).

Explosive training aids designed specifically for K-9 teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by K-9 teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The K-9 coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the K-9 team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the K-9 coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

308.14 EFFECTIVE DATE

January 1, 2022

Domestic Violence

309.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this Office to take enforcement action when appropriate, to provide assistance to victims and to guide deputies in the investigation of domestic violence.

309.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

309.2 POLICY

The Erie County Sheriff's Office's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this Office to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

309.3 OFFICER SAFETY

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

309.4 INVESTIGATIONS

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

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, deputies should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Deputies should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Bureau in the event that the injuries later become visible.
- (f) In addition, any property that was broken or damaged during an alleged domestic violence or protection order violation incident, or any items that were reportedly used as weapons against the alleged victim during the incident will also be photographed in detail.
- (g) Deputies should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (h) If the suspect is no longer at the scene, deputies should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (i) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (j) Investigating deputies are required to contact the Safe Harbour Domestic Violence Shelter immediately upon the completion of the initial investigation of any incident involving a report of domestic violence or violation of a protection order. That agency may be able to provide valuable and timely assistance to victims in such cases, provided that, contact is made in a timely fashion.
- (k) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (l) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.

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10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

309.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, deputies should:

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

309.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should:

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

309.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Deputies should:

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

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309.6 DISPATCH ASSISTANCE

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

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

309.7 FOREIGN COURT ORDERS

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

309.8 VERIFICATION OF COURT ORDERS

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

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

Deputies should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Deputies should contact a supervisor and/or the appropriate prosecutor if clarification is needed.

309.9 LEGAL MANDATES AND RELEVANT LAWS

Ohio law provides for the following:

309.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

- (a) A deputy who has reasonable grounds to believe that a person has committed the offense of domestic violence or a violation of a protection order should arrest and detain the person (ORC § 2935.03(B)(1); ORC § 2935.032).

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- (b) If the domestic violence event constitutes a felony assault, deputies shall file appropriate felony charges (ORC §2935.032).
- (c) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, the deputy should only arrest and detain the primary physical aggressor if the primary physical aggressor may be reasonably determined. In determining which party is the primary physical aggressor, a deputy, in addition to any other relevant circumstances, should consider (ORC § 2935.03 (B)(3)):
 - 1. Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain.
 - 2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense.
 - 3. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force or his/her use or history of the use of force against any person, and the reasonableness of that fear.
 - 4. The comparative severity of any injuries suffered by the persons involved in the alleged offense.
- (d) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, and the deputy cannot determine a primary physical aggressor, the deputy should apply sound judgment when deciding whether to make an arrest. The deputy should contact a supervisor of the appropriate prosecutor for guidance as appropriate.
- (e) A deputy shall not consider as a factor any possible shortage of jail cell space in deciding to make an arrest for domestic violence or a violation of a court order (ORC § 2935.03).
- (f) If a person is arrested for or charged with committing the offense of domestic violence and if the victim of the offense does not wish to cooperate with the investigating deputy in the prosecution of the offense or, subsequent to the arrest or filing of the charges, informs the deputy, any other member of this agency, that the victim does not wish the prosecution of the offense to continue, or wishes to drop charges against the alleged offender relative to the offense, that individual will be referred to the appropriate prosecutor. The deputy making the arrest is required under this policy to follow through with the arrest and with the filing of the appropriate charge(s) and will not be influenced by the victim's wishes.

309.9.2 REPORTS AND RECORDS

- (a) If a suspect is not present but would otherwise be arrested, a completed criminal complaint shall be completed and immediately forwarded to the appropriate court so that an arrest warrant can be obtained (ORC § 2935.03 (B)(3)).
- (b) Deputies who investigate an allegation of domestic violence or violation of a court order, but do not make an arrest or seek a warrant, shall clearly articulate in the appropriate report the reasons for not arresting or pursuing a warrant (ORC § 2935.03(B)(3); ORC § 2935.032).

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- (c) If the alleged offender has been granted pretrial release from custody on a prior charge of the offense of domestic violence or the offense of violating a protection order, and has violated one or more conditions of that pretrial release, investigating deputies shall document the facts and circumstances of the violation in the related reports (ORC § 2935.032 (A)(2)).
- (d) Deputies investigating an offense of domestic violence or the offense of violating a protection order shall include in a written report (ORC § 2935.032):
 - 1. The fact that separate interviews with the victim and the alleged offender were conducted in separate locations, and identify the locations.
 - 2. Any statements from the victim that indicate the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known.
 - 3. Observations of the victim and the alleged offender.
 - 4. Any visible injuries on the victim or the alleged offender.
 - 5. Any weapons at the scene, and the actions of the alleged offender.
 - 6. Any statements made by the victim or witnesses.
 - 7. Any other significant facts or circumstances.
- (e) Supervisors tasked with reviewing domestic violence reports shall consider referring cases to federal authorities for possible violations of 18 USC § 2261 (Interstate Domestic Violence) and should do so when appropriate (ORC § 2935.032 (G)).
- (f) The designated Administrative Assistant shall ensure domestic violence reporting is made to the Ohio Attorney General in compliance with ORC § 3113.32.

309.9.3 COURT ORDERS INDEX

Dispatchers are jointly and equally responsible to maintain an index for protection orders and the approved consent agreements delivered to the Erie County Sheriff's Office, pursuant to ORC § 3113.31 (F)(1). The index shall include the date and time that the Office received the order or agreement (ORC § 3113.31(F)(3)).

309.9.4 WEAPONS

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

309.10 EFFECTIVE DATE

January 1, 2022

Search and Seizure

310.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Erie County Sheriff's Office personnel to consider when dealing with search and seizure issues.

310.2 POLICY

It is the policy of the Erie County Sheriff's Office to respect the fundamental privacy rights of individuals. Members of this Office will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Office will comply with relevant federal and state law governing the seizure of persons and property.

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

310.3 SEARCHES

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

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

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

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

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

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

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310.4 SEARCH PROTOCOL

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

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

310.5 DOCUMENTATION

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

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

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

310.6 EFFECTIVE DATE

January 1, 2022

Temporary Custody of Juveniles

311.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Erie County Sheriff's Office (34 USC § 11133). This policy does not apply to any juvenile held in custody in the Erie County Jail.

311.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

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

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

311.2 POLICY

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

311.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Erie County Sheriff's Office:

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

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

These juveniles should not be held at the Erie County Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

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

311.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Erie County Sheriff's Office when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Erie County Sheriff's Office without authorization of the arresting deputy's supervisor or the Shift Sergeant.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond three hours, or six if being held for a felony, from the time of his/her entry into the Erie County Sheriff's Office (34 USC § 11133; ORC § 2151.311).

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311.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

311.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Deputies should use alternatives that preserve public safety and hold the youth accountable with arrest as a last resort. Status offenders should generally be released by referral to an appropriate community social service or mental health agency, issuance of a citation, or with a warning rather than taken into temporary custody. However, deputies may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The Office should allow deputies to exercise discretion in making reasonable age-appropriate modifications of practices, including uses of the least restrictive and coercive approaches possible, when interacting with special youth populations such as those in crisis due to mental illness or substance abuse, or those with developmental or intellectual disabilities.

311.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Erie County Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

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

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

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

311.5 ADVISEMENTS

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

311.6 JUVENILE CUSTODY LOGS

While extremely rare, if a juvenile is held in custody at the Sheriff's Office, the detention shall be promptly and properly documented in the juvenile custody log and/or report, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Erie County Sheriff's Office.

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

The supervisor shall ensure that this information is properly documented.

311.7 NO-CONTACT REQUIREMENTS

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

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

311.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Erie County Sheriff's Office shall ensure the following:

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

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

311.9 USE OF RESTRAINT DEVICES

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

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

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

311.9.1 PREGNANT JUVENILES

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

311.10 SECURE CUSTODY

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

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

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

311.11 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

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

To comply with federal statutes, any employee conducting a custodial interrogation of a juvenile within the Sheriff's Office, or any facility such as a substation utilized by the Sheriff's Office, is required to note the location of the interrogation and the exact times that the interrogation occurred between in the incident report completed by that employee.

311.12 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

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

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

311.13 SCHOOL RESOURCE DEPUTY GUIDELINES

Deputies of the Erie County Sheriff's Office who are assigned to, or primarily engage in, law enforcement duties at a school campus shall comply with the requirements of OAC § 3301-35-15, as applicable, including the following:

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

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

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

311.14 EFFECTIVE DATE

January 1, 2022

311.15 JUVENILE RIGHTS

Juveniles shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner. This includes when questioning, searching, detaining, arresting, interrogating, or interviewing a youth.

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311.16 DOCUMENTED ANNUAL ADMINISTRATIVE PRACTICES REVIEW AND DATA COLLECTION

The Office shall conduct a documented annual administrative review of the practices and of the data collected on youth arrests by charge, age, race, and use of force.

311.17 TRAINING

The Office shall provide training for deputies to include focusing on youth development, age-appropriate and trauma-informed communication strategies, de-escalation practices, and special needs of certain youth populations.

Adult or Vulnerable Person Abuse

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

312.2 POLICY

The Erie County Sheriff's Office will investigate all reported incidents of alleged adult or vulnerable person abuse and ensure proper reporting and notification as required by law.

312.3 MANDATORY NOTIFICATION

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

312.3.1 NOTIFICATION PROCEDURE

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

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

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312.4 QUALIFIED INVESTIGATORS

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

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

312.5 INVESTIGATIONS AND REPORTING

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

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

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

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

312.6 PROTECTIVE CUSTODY

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

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

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

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

312.7 INTERVIEWS

312.7.1 PRELIMINARY INTERVIEWS

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

312.7.2 DETAINING VICTIMS FOR INTERVIEWS

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

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the victim need to be addressed immediately.

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

312.8 MEDICAL EXAMINATIONS

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

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

312.9 DRUG-ENDANGERED VICTIMS

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

312.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

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

312.9.2 DEPUTY RESPONSIBILITIES

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

- (a) Document the environmental, medical, social and other conditions of the victim, using photography as appropriate and the checklist or form developed for this purpose.

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- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

312.10 STATE MANDATES AND OTHER RELEVANT LAWS

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

312.10.1 RECORDS SECTION RESPONSIBILITIES

The Records Section is responsible for:

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

312.10.2 RELEASE OF REPORTS

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

312.11 TRAINING

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

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

312.12 EFFECTIVE DATE

January 1, 2022

Discriminatory Harassment

313.1 PURPOSE AND SCOPE

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

313.2 POLICY

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

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

Nothing in this policy is intended to deny any employee any rights available by law, including the right to appeal to the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction.

313.3 DEFINITIONS

Definitions related to this policy include:

313.3.1 DISCRIMINATION

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

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

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

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313.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

313.3.3 SEXUAL HARASSMENT

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

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

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

313.3.4 ADDITIONAL CONSIDERATIONS

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

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with County or Office rules or regulations, or any other appropriate work-related communications between supervisor and member.

313.4 RESPONSIBILITIES

This policy applies to all Office personnel. All members shall follow the intent of these guidelines in a manner that reflects Office policy, professional standards, and the best interest of the Office and its mission (ORC § 4112.02). An employee who experiences or witnesses sexual harassment in the workplace must report it immediately to any supervisory employee.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Sheriff, the Sheriff, or the County Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is

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encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

Employees who believe that a member of the public has sexually harassed them, shall report any such incident to their immediate supervisor, who shall investigate and resolve any situation found to be inappropriate.

313.4.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Sheriff, or the County Administrator for further information, direction, or clarification.

313.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Immediately notifying the Sheriff or the authorized designee of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation.

313.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

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313.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

313.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

313.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted. The Sheriff will conduct, or order his/her designee to conduct, a thorough investigation.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, the Sheriff, or the County Administrator.

If the Sheriff is the subject of a complaint, the county prosecutor will be asked to conduct the investigation.

313.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

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313.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Administrator, or the Sheriff, depending on the ranks of the involved parties.
- (b) Any interviews conducted while investigating a sexual harassment complaint will be electronically recorded.
- (c) Maintained in accordance with the established records retention schedule.

313.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim and any employee about whom a complaint was filed will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint. Should the results of the investigation prove to be inconclusive, all parties involved will review this policy with the understanding that any violation of the policy in the future will call for immediate disciplinary action.

313.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term of employment.

Each employee shall review this policy with his/her supervisor, or attend a training session on sexual harassment at least every two (2) years. Employees shall sign a statement that they have participated in such a familiarization session. The statement shall become part of the employee's personnel file.

313.8 EFFECTIVE DATE

January 1, 2022

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Erie County Sheriff's Office members are required to notify the appropriate public children services agency (PCSA) of suspected child abuse.

314.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORC § 2151.421).

314.2 POLICY

The Erie County Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the PCSA is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Erie County Sheriff's Office shall notify the PCSA when they receive a report of possible abuse or neglect of a child, or the possible threat of abuse or neglect of a child. This mandated notification applies to allegations involving a child who is under the age of 18 years or an individual who is under the age of 21 years and is intellectually disabled, developmentally disabled or physically impaired (ORC § 2151.421).

For purposes of notification, abuse and neglect includes sexual offenses, child endangering, physical or mental injury or death, out-of-home care child abuse or neglect, abandonment, illegal adoptions, or withholding or refusing care or treatment necessary for the child's health, morals or well-being, and any other act, as provided in ORC § 2151.03 and ORC § 2151.031.

314.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORC § 2151.421):

- (a) Notification should be made immediately by telephone or in person to the PCSA in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.
- (b) Notification, when possible, should include:
 1. The name, address, and age of the child.
 2. The name and address of the child's parents or other person having custody of the child.
 3. The nature and extent of the injury, abuse, or neglect.

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4. Any evidence of a threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect.
 5. Any other information that might be helpful.
- (c) The member shall notify the person who provides information regarding the alleged abuse or neglect of the child of his/her right to request certain basic information regarding the investigation. The member shall document the notification along with the person's name, address, and telephone number in the related report (ORC § 2151.421).
- (d) Any other notifications should be made as set forth in the existing Memorandum of Understanding (MOU) with the PCSA (ORC § 2151.421).

If the child is a delinquent in the custody of a Department of Youth Services controlled or contracted institution, any notification shall be made to the Ohio State Highway Patrol (ORC § 5139.12).

314.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable and in accordance with the existing MOU with the PCSA (ORC § 2151.421).
- (g) Be familiar with and confirm that any applicable mortality review committees or boards receive information and documentation as required by state law. See the Death Investigation Policy for additional guidance.

314.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if deputies interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) The investigatory steps, as set forth in the existing MOU with the PCSA, that should be followed when the terms apply to an allegation of child abuse (ORC § 2151.421).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the PCSA. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation (ORC § 2151.421).

Generally, members of this Office should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the deputy should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the deputy shall ensure that the child is delivered to the PCSA.

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

Children may only be removed from a parent or guardian in the following situations (ORC § 2151.31; ORC § 2151.421):

- (a) When a court has issued an order authorizing the removal of a child.
- (b) Without a court order when:

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1. There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
2. There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
3. There are reasonable grounds to believe that a parent, guardian, custodian, or other household member has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm.

Deputies shall not remove a child without consultation with the PCSA, unless the report of abuse or neglect was made by a physician and, in the judgment of the deputy and the physician, immediate removal is considered essential to protect the child from further abuse or neglect.

314.6.1 SAFE HAVENS FOR NEWBORNS

A parent may voluntarily surrender a newborn infant who is 30 days old or younger with a deputy of the Erie County Sheriff's Office. The deputy shall perform any act necessary to protect the newborn's health or safety and notify PCSA as soon as practicable (ORC § 2151.3516; ORC § 2151.3517; ORC § 2151.3518).

The surrendering parent should be provided and asked to complete a Department of Jobs and Family Services (JFS) medical history form for the child. The parent is not required to complete the form; however, if the parent refuses to complete the form, the parent should be encouraged to take the form and complete and return it at a later time (ORC § 2151.3518; ORC § 2151.3528).

The surrendering parent should also be offered any brochures prepared by the JFS regarding services available for parents and newborns (ORC § 2151.3518; ORC § 2151.3529).

A parent who voluntarily surrenders a newborn has the right to remain anonymous and shall not be coerced into revealing the parent's identity, completing medical forms, accepting brochures, followed or pursued (ORC § 2151.3526; ORC § 2151.3529; ORC § 2151.3530).

The Safe Haven provisions do not apply if the child appears to have suffered child abuse or neglect and the deputy should investigate the matter as a child abuse incident.

Upon receipt of this agency's notice of the deserted child, the Children's Services Division of the County Department of Job and Family Services will consider the child to be in need of public care and protective services and will accept and take emergency temporary custody of the child [ORC Section 2151.3518(A) and (B)].

Upon the arrival of a representative from the Children's Services Division of the Erie County Department of Job and Family Services to the site where the child is located, the sheriff or deputy sheriff taking custody of the deserted child on behalf of this agency shall immediately relinquish custody of the child to that representative. All pertinent information known regarding the child's desertion will also be provided to that representative.

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ORC Section 2151.3527(A)(1) through (A)(5) prohibits the following actions by the Sheriff or a deputy sheriff acting on behalf of this agency while taking custody of a deserted child:

- (a) Coercing or otherwise trying to force the parent into revealing the identity of the child's parents;
- (b) Pursuing or following the parent after the parent leaves the place at which the child was delivered;
- (c) Coercing or otherwise trying to force the parent not to desert the child;
- (d) Coercing or otherwise trying to force the parent to complete all or part of the medical information forms received pursuant to ORC Section 2151.3517(A)(3).
- (e) Coercing or otherwise trying to force the parent to accept the materials made available pursuant to ORC Section 2151.3517(A)(4).

The Sheriff or deputy sheriff will not engage in any of these prohibited acts while acting on behalf of this agency when taking into custody a deserted child.

If a parent presents a child for desertion that appears to have been abused or neglected, the parent shall be detained for investigative purposes and/or arrested, and the majority of the information contained in this policy does not apply.

Also, it must be emphasized that this policy only applies to an individual who identifies himself or herself as a parent of the child in question. Other individuals who present a child for desertion are not subject to the same anonymity protections, and are subject to investigation.

The Sheriff or a deputy sheriff, acting on behalf of this agency, and taking into custody a deserted child, is required to complete a detailed, written incident report on the matter as soon as practicable after the child's custody is released to the Children's Services Division of the Erie County Department of Job and Family Services.

Voluntary Medical History For Safe Havens - <http://www.odjfs.state.oh.us/forms/file.asp?id=516&type=application/pdf>

Ohio's Safe Haven For Newborns Information - <http://www.odjfs.state.oh.us/forms/file.asp?id=1736&type=application/pdf>

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, deputies should record the preliminary interview with suspected child abuse victims. Deputies should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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314.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A deputy should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

314.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating deputy should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The deputy should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

314.9 DRUG-ENDANGERED CHILDREN

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

314.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the PCSA, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Bureau Supervisor that the deputy has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the child.

314.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Bureau Supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS

Ohio requires or permits the following:

314.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORC § 149.43 et seq.; ORC § 2151.421).

314.10.2 MEMORANDUM OF UNDERSTANDING

The Detective Bureau supervisor should ensure that:

- (a) A current copy of the MOU with the PCSA regarding abuse and neglect investigations is available to all Office members.
- (b) The MOU is reviewed and updated as required by law (ORC § 2151.421; OAC § 5101:2-33-26).

314.11 TRAINING

The Office should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

314.12 EFFECTIVE DATE

January 1, 2022

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who (ORC § 2901.41; ORC § 5502.522):

- (a) Are 13 years of age or younger.
- (b) Are 65 years of age or older.
- (c) Are 17 years of age or younger who have run away from or are otherwise missing from the care, custody, and control of the juvenile's parent, guardian, or other person having responsibility for the care of the minor (ORC § 2901.30).
- (d) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 1. Out of the zone of safety for the person's chronological age and developmental stage.
 2. Physically or mentally disabled, including autism spectrum disorder or another developmental disability.
 3. Behaviorally disabled.
 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 6. In a life-threatening situation.
 7. In the company of others who could endanger the person's welfare.
 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
 10. Missing and there is evidence of foul play including but not limited to evidence that the person's home or car is in disarray, evidence of a struggle between the person and another, or any other evidence that the Office determines is foul play (ORC § 2901.42).

Missing person - Any person who is reported missing to law enforcement, when that person's location is unknown.

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Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Ohio Law Enforcement Automated Data System (LEADS), the Ohio Attorney General's Missing Children's Clearing House, and the Department of Public Safety's (DPS) Missing Adult Alert.

315.2 POLICY

The Erie County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Bureau supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

315.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

315.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

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- (d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 - 1. Immediately, when the missing person is at risk or there is evidence of foul play and the person is at least 18 but under the age of 21 (ORC § 2901.30(C); ORC § 2901.42(A)).
 - 2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 - 1. A photograph and fingerprint card of the missing person, if available.
 - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

315.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

315.6.1 SUPERVISOR RESPONSIBILITIES

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

- (a) Reviewing and approving missing person reports upon receipt.
 - 1. The reports should be promptly sent to the Records Section.

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- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
 - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

315.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying the parents or other responsible person of a missing person age 17 or younger that the person's information has been entered into the appropriate networks (ORC § 2901.30(C)).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (d) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (e) Forwarding a copy of the report to the Detective Bureau.
- (f) Coordinating with the NCIC Terminal Contractor for Ohio to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

315.7 AVAILABLE OUTSIDE RESOURCES

To assist in locating a missing child and/or an abducted child as defined in Policy 25.01, the following agencies and/or services may be utilized in addition to the procedures outlined above:

- (a) A Child is Missing (ACIM) program. Information regarding this program will be maintained in the dispatch office. Through this program, multiple telephone calls are made to telephone subscribers in the immediate area where the child disappeared. The Sheriff or Operations Officer is to be contacted for approval prior to implementation of this program. If neither the Sheriff nor the Operations Officer is available, the shift supervisor will make the determination.
- (b) National Center for Missing and Exploited Children, telephone 800-843-5678. This organization operates a 24-hour hot-line and may assist by providing nationwide dissemination regarding the missing child.
- (c) Contact may be made with local print and electronic news media with a request to disseminate information to readers, listeners, or viewers concerning the missing child.

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- (d) Any other organization, group, or individual that may possibly assist in locating the missing child.

315.8 DETECTIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified when a missing person's report is filed if the missing person is a juvenile (ORC § 2901.30(D)).
 - 1. The notice shall be in writing and should also include a photograph.
 - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update Ohio LEADS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploiting Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Ohio Attorney General's Missing Children's Clearing House and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) Shall obtain, if previously not obtained, written consent for the release of dental records from the person's parent or legal custodian, if the person is a missing child that has not been located within 30 days of the initial missing persons report (ORC § 2901.30(G)).
- (l) Should consider utilizing resources recommended by the Ohio Attorney General and promulgated by the Ohio Peace Officer Training Commission.

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- (m) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

315.9 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Administrative Assistant shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

315.9.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

315.10 CASE CLOSURE

The Detective Bureau supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Erie or this Office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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- (c) If this Office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

315.11 TRAINING

Subject to available resources, the Training Officer should ensure that members of this Office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of Office members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

315.12 EFFECTIVE DATE

January 1, 2022

Public Alerts

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

316.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Erie County Sheriff's Office should notify their supervisor, Shift Sergeant or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

316.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Sheriff, the appropriate Division Commander and the Sheriff or Authorized Designee (PIO) when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

316.4 AMBER ALERTS™

The AMBER™ Alert Plan was created to assist in the identification and location of abducted children under 18 years of age, whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the child (ORC § 5502.52). The AMBER Alert utilizes the EAS to broadcast information to the public about the abducted child.

316.4.1 CRITERIA

An AMBER Alert shall not be activated unless (ORC § 5502.52(B)):

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- (a) The Office determines that an abduction has occurred.
- (b) The abducted child is under 18 years of age.
- (c) The child is in immediate danger of serious bodily harm or death.
- (d) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.
- (e) The Office has sufficient descriptive information about the child, the person who is suspected of abducting the child, or other pertinent information to warrant immediate broadcast of the information to help locate the child.

Absent extenuating circumstances that indicate the AMBER Alert broadcast would endanger an abducted child, the AMBER Alert should be activated as soon as possible after the abduction is discovered.

A Missing Child Alert may be activated if the circumstances about the missing child do not meet the AMBER Alert criteria, but the child is in danger of serious physical harm or death (see the Missing Persons Policy).

316.4.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state, or multiple states.

In addition, the activating official shall:

- (a) As soon as practicable enter AMBER Alert data into the Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) database. Use the endangered or involuntary missing codes and the AMBER Alert code to request an AMBER Alert. An in-state AMBER Alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. FBI Child Abduction Unit
 - 5. National Center for Missing and Exploited Children (NCMEC)
 - 6. Ohio media
- (b) Enter a Caution Ohio Police (COP) record into the LEADS database with the suspect's information. Replace the COP entry with a Wanted Person entry as soon as appropriate.
- (c) Use the National Law Enforcement Telecommunications System (NLETS) AMBER screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.

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- (d) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of an AMBER Alert.
- (e) Obtain, whenever possible, consent from the parents, guardian or person having legal custody of the abducted child for the release of photographs, descriptions, and other information necessary to support the AMBER Alert broadcast and search. The inability to obtain verbal or signed consent because of the inability to locate a person capable of providing consent shall not prohibit the activation of an AMBER Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the AMBER Alert system.

316.4.3 ASSISTANCE TO OTHER LAW ENFORCEMENT AGENCIES

The Erie County Sheriff's Office has been designated as the central dissemination point for information regarding any child abduction in Erie County that requires the dissemination of information to the various agencies listed above. In the event that another law enforcement agency contacts the Erie County Sheriff's Office and requests activation of the AMBER Alert system, the following steps will be taken:

- (a) The Sheriff or the authorized designee will be contacted to review the investigation with the investigating agency to ensure that the criteria for an AMBER Alert are met.
- (b) Dispatchers will forward the appropriate forms contained in the appendix to the investigating agency to complete. Dispatchers will cooperate with personnel from the investigating agency, if requested to do so, to assist in proper completion of the forms.
- (c) Dispatchers will the contact CECOMS and forward the forms to that agency.
- (d) Other assistance will be rendered as needed to the investigating agency.

316.5 MISSING ADULT ALERTS

The Missing Adult Alert Program was created to assist in the location and return of those individuals who are elderly, mentally impaired, or who have autism spectrum disorder or another developmental disability who are at risk of immediate danger of serious bodily injury or death (ORC § 5502.522). Activation of a Missing Adult Alert will automatically cause state media outlets and law enforcement agencies to be notified of the individual's disappearance, as well as the following to occur:

- (a) A toll-free telephone line for tips and information will be activated.
- (b) The Missing Adult Alert website will list information about and display a photograph of the missing adult.
- (c) The Missing Children's Clearing House will be provided with information on the missing adult.
- (d) The Ohio Department of Transportation will be notified to post the information on Ohio's highway signs, when appropriate.

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316.5.1 CRITERIA

A Missing Adult Alert shall not be activated unless (ORC § 5502.522(B)):

- (a) The Office confirms that an individual who is 65 years of age or older, who has a mental impairment, or who has autism spectrum disorder or another developmental disability is missing. A mental impairment is a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or the ability to live independently or provide self-care, as certified by a licensed physician, psychiatrist, or psychologist (ORC § 5502.522(G)(3)).
- (b) The individual is in immediate danger of serious bodily harm or death.
- (c) The Office has sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

316.5.2 PROCEDURE

Upon receiving and verifying a report of a missing person that meets the criteria of a Missing Adult Alert, the activating agency official will determine the area of coverage for the activation. Activations may cover a county, region, the state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Missing Adult Alert data into the LEADS/NCIC database with the appropriate code. An in-state alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. Ohio media
- (b) Use the NLETS Missing Adult Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Missing Adult Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Missing Adult Alert system.

316.6 BLUE ALERTS

The Blue Alert Program is a statewide system to be utilized for the rapid dissemination of information to assist in the apprehension of persons suspected of killing or seriously injuring law enforcement officers and to aid in the location of missing law enforcement officers (ORC § 5502.53).

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316.6.1 CRITERIA

A Blue Alert shall be activated if both of the following criteria exist (ORC § 5502.53):

- (a) The Office confirms that a deputy has been seriously injured or killed, and a suspect has not been apprehended, or that a deputy is missing while on-duty under circumstances warranting concern for the deputy's safety.
- (b) There is sufficient descriptive information about the suspect or the circumstances surrounding a deputy's injury, death, or disappearance to indicate that activation of a Blue Alert may help locate a suspect or the missing deputy.

316.6.2 PROCEDURE

Upon receiving and verifying that the criteria for a Blue Alert have been met, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state, or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Blue Alert data into the LEADS/NCIC database with the appropriate code. An in-state Blue Alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. Ohio media
- (b) Use the NLETS Blue Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Blue Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Blue Alert.

316.7 MEDIA ALERTS

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) The Sheriff or the authorized designee will prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:
 - 1. The person's identity, age and description.
 - 2. A photograph, if available.
 - 3. Pertinent vehicle description.
 - 4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.

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5. The name and contact number of the Sheriff or other designated media liaison.
 6. A contact number for the public to call with leads or information.
- (b) The press release should be disseminated to local television and radio stations.
 - (c) The information in the press release should also be forwarded to local law enforcement agencies.
 - (d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation or immediately upon locating the person identified in the public alert.

316.8 EFFECTIVE DATE

January 1, 2022

Victim and Witness Assistance

317.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

317.2 POLICY

The Erie County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Erie County Sheriff's Office will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

317.3 CRIME VICTIM LIAISON

The Sheriff may appoint a member of the Office to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Erie County Sheriff's Office regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

317.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is responsible for ensuring procedures are adequate to (ORC § 2930.01; ORC § 2930.04; ORC § 2930.05):

- (a) Inform victims of the following after a suspect in their case has been taken into custody:
 1. The name of the suspect, whether it be an adult or juvenile.
 2. Whether the suspect is eligible for pretrial release or for release from detention.
 3. The Office's telephone number.
 4. The victim's right to telephone the Office to ascertain whether the suspect has been released from custody.
 5. All other information required by ORC § 2930.05.
- (b) Promptly return victim's property when it is no longer necessary to be kept as evidence (ORC § 2930.11).
- (c) Assist victims with the rights afforded to them under the Ohio Constitution and ORC § 2930.04, including the right to exercise those rights through an attorney (Article I, Section 10a, Ohio Constitution).
- (d) Provide notification to victims when inactive cases are reopened or closed for offenses with a statute of limitations longer than three years (ORC § 2930.042).
- (e) Provide deputies with training necessary for compliance with requirements related to filing out and processing the Victim Rights Request Form.

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- (f) Provide appropriate interpreters or services for victims, as needed, based on a victim's disability, or limited proficiency in English as required by ORC § 2930.041 (see the Limited English Proficiency Services and the Communications with Persons with Disabilities policies).
- (g) Coordinate with the Administrative Assistant to ensure that crime victims are not required to pay for any public records related their cases (ORC § 2930.043; ORC § 2930.20).
- (h) Ensure that victims of sexual assault or domestic violence are not required to pay reimbursement for the cost of any law enforcement assistance as provided in ORC § 2930.20.

317.4 CRIME VICTIMS

Deputies should provide all victims with the applicable victim information handouts.

Deputies should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Deputies should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written Office material or available victim resources.

317.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

As soon as practicable after initial contact with a victim of a criminal offense or delinquent act, the investigating member shall ensure the victim is provided information required by ORC § 2930.04 including but not limited to (ORC § 109.42; ORC § 2930.01; ORC § 2930.04):

- (a) The Ohio Attorney General Office's Victims' Rights Pamphlet and Information card.
 - 1. The deputy investigating the crime should determine whether the victim prefers to receive a paper copy or online access to the pamphlet and provide the same accordingly.
- (b) The Supreme Court's Victim's Rights Request Form and informational page.
 - 1. Deputies should comply with requirements of preparing and submitting the form consistent with ORC § 2930.04.
- (c) Additional written information required by ORC § 2930.04, including but not limited to:
 - 1. The availability of crisis intervention services, housing, and emergency and medical services, or contact information for statewide organizations that can direct victims to local resources.
 - 2. Information about public and private victim services programs, including but not limited to the crime victims compensation program and emergency shelter programs, or, if local information is not available, contact information for statewide organizations that can direct a victim to these types of resources.
 - 3. The Office report number, if applicable, business telephone number of the Office or other law enforcement agency investigating the victim's case, and the office address and business telephone number of the prosecutor in the victim's case, when available.

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- (d) The court date and information on how to obtain additional information about the arraignment or initial court appearance when a suspect is cited and released, if applicable.

317.5 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (ORC § 2743.51 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the deputy's name, badge number, and any applicable case or incident number.
- (j) A telephone number that a domestic violence victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program (ORC § 2935.032 (C)(3)).
- (k) The Ohio Attorney General Office's Victims' Rights Pamphlet and Information card (ORC § 109.42; ORC § 2930.04).
- (l) The Supreme Court Victim's Rights Request Form (ORC § 109.42; ORC § 2930.04).
- (m) Information regarding the Ohio Secretary of State's address confidentiality program (ORC § 111.42).
- (n) Rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

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317.6 WITNESSES

Deputies should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Deputies may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Deputies should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

317.7 EFFECTIVE DATE

January 1, 2022

Hate or Prejudice Crimes

318.1 PURPOSE AND SCOPE

The Erie County Sheriff's Office recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this Office will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this Office with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

318.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (USDOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability (18 USC § 249).

318.2 DEFINITIONS

Definitions related to this policy include:

Prejudice, Bias or Hate Crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

318.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this Office is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

318.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this Office receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Deputies will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

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- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned deputies will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned deputies will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned deputies or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned deputies will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned deputies before the end of the shift.
- (g) The assigned deputies should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned deputies and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Restraining Order) through the courts, County Prosecutor, or County Prosecutor.

318.5 DETECTIVE BUREAU RESPONSIBILITIES

If a case is assigned to the Detective Bureau, the assigned investigator will be responsible for following up on the reported hate or prejudice crime by:

- (a) Coordinating further investigation with the appropriate prosecutor; and
- (b) Maintaining contact with the victim and other involved individuals, as needed; and
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

318.6 STATE HATE CRIME REPORTING

This Office shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Office of Criminal Justice Services (OCJS). This shall be conducted by the Administrative Assistant or assigned to the Detective Bureau.

318.7 FEDERAL HATE CRIME REPORTING

The designated Administrative Assistant should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to established procedures and in compliance with (28 USC § 534 (a)).

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318.8 TRAINING

All members of this Office will receive training on hate and prejudice crime recognition and investigation, and will attend training that incorporates a hate and prejudice crime training component when possible.

318.9 EFFECTIVE DATE

January 1, 2022

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Erie County Sheriff's Office and are expected of all Office members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this Office or the member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Erie County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any Office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or Office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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The person countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Ohio constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient Office service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in Office or County manuals.
- (b) Disobedience of any legal directive or order issued by any Office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Erie County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this Office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Having a financial interest in companies that do business with the county. Any employee who has any doubt concerning a possible violation of state law is advised to consult with his/her legal counsel prior to involvement in any such financial interest.
- (h) Misuse of the Sheriff's Office identification card or badge.
- (i) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this Office.

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- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this Office.

319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this Office.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any Office property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using Office resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (f) An employee shall not permit or authorize the use of his/her name, photograph, or agency title or affiliation which identifies him/her in any way as an employee of the Erie County Sheriff's Office, in connection with any testimonial, advertisement, or endorsement of any person or commercial enterprise for any reason without the prior written approval of the Sheriff.
- (g) Addressing a public gathering, appearing on radio or television, preparing any article for publication, acting as a correspondent to a newspaper or a periodical, releasing or divulge investigative information or any other matters of departmental information while holding him/herself out as having an official capacity in such matters without official sanction or proper authorization. An employee may lecture on police or other Erie County Sheriff's Office related subjects only with the approval of the Sheriff.

319.5.7 EFFICIENCY

- (a) Neglect of duty.

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- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to provide to the Administrative Assistant/Personnel Manager, as designated by the Sheriff, correct information related to the employee's date of birth, home address, telephone number, marital status, and names of any dependents. All employees are required to immediately notify, in writing, to the Administrative Assistant/Personnel Manager, any changes to the above information. All employees are required to maintain telephone service at all times.
- (f) Failure to notify the Office within 24 hours of any change in residence address or contact numbers.
- (g) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
- (h) Engaging in strikes or similar activities, unless authorized by law and engaging in an work stoppage or slowdown.

319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Office-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this Office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this Office or subverts the good order, efficiency and discipline of this Office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on Office premises.

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- (b) At any work site, while on-duty or while in uniform, or while using any Office equipment or system.
- (c) Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and written permission of the Sheriff or Sheriff's Designee is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on Office property except as expressly authorized by County policy, the employment agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the employment agreement, or the Sheriff.
- (i) Employees in the classified service are prohibited from:
 - 1. Participating in a partisan election as a candidate for office.
 - 2. Declaring candidacy for an elected office, which is filled by partisan election.
 - 3. Circulating official nominating petitions for any candidate participating in a partisan election.
 - 4. Holding an elected or appointed office in any political organizations.
 - 5. Accepting appointment to any office normally filled by election.
 - 6. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office.
 - 7. Soliciting, either directly or indirectly, any assessment, contribution or subscription for any political party or candidate.
 - 8. Soliciting the sale of or selling political party tickets.
 - 9. Engaging in activities at the political polls, such as soliciting votes.
 - 10. Acting as recorder, checker, watcher or challenger of any party or faction.
 - 11. Employees in the unclassified service are not prohibited from engaging in political activity unless specifically precluded by federal or state constitution or statutory provisions.
- (j) Engage in, or accept, private employment, or render services for private interest, when such employment or service is incompatible with the proper discharge of his/her official duties, or would tend to impair his/her independent judgment or action in the performance of his/her duties.
- (k) Interfere with an investigation assigned to another employee, without the approval of the originally assigned employee or his/her supervisor, except by order of the Sheriff, Sheriff's Designee, and/or Jail Administrator.

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- (l) Interfere with the operation of any agency division to which the employee is not assigned.
- (m) Interfere with any arrest or prosecution brought by any other employee, or by any other agency or person.
- (n) Undertake any investigation or any other police action, not part of the employee's duty without obtaining permission of their superior officer or the Sheriff.
- (o) Recommend, while in the performance of the employee's duty, in any fashion to any individual the employment or procurement of a particular product, professional service, or commercial service, including but not limited to legal counsel, a surety bond provider, or a funeral director or funeral home. The use of towing services is addressed in the Vehicle Towing and Release policy.
- (p) Those employees utilizing telephones will be courteous and professional at all times during their conversations, regardless of the tone or demeanor of the caller. Those employees receiving a call that must be forwarded to another employee will do so in a polite and efficient manner. Those employees answering emergency calls will quickly and efficiently obtain the necessary information from the caller. The caller will only be forwarded to another public safety agency as necessary to obtain the emergency services needed by the caller, and only if the employee is unable to dispatch those services.
- (q) Any act on- or off-duty that brings discredit to this Office.
- (r) Purchase any equipment or material for the Sheriff's Office without following the proper, county approved procedures. Emergency purchases must be authorized by the officer in charge. The OIC shall write a D.R. to the Sheriff outlining the details of each emergency purchase. Kitchen supplies and food will be purchased following the guidelines set up by the Jail Administrator.

319.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this Office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

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- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this Office.
- (i) Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of Office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Office or its members.

319.5.10 SAFETY

- (a) Failure to observe or violating Office safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic crash.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty

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performance. The only exception to this policy would be an employee who is granted written permission by the Sheriff or Sheriff's Designee.

- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
 - 1. It is not a violation of this policy for an employee to be in possession of medication classified as a controlled substance and/or dangerous drug for his/her use only if the employee has a current prescription for the substance and if the possession and/or use of the medication is in compliance with any other agency policies or procedures.

319.6 EFFECTIVE DATE

January 1, 2022

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of Office information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Erie County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Office or Office funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 POLICY

It is the policy of the Erie County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Office in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any Office computer system.

The Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Office, including the Office email system, computer network and/or any information placed into storage on any Office system or device. This includes records of all keystrokes or Web-browsing history made at any Office computer or over any Office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through Office computers, electronic devices or networks.

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320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 PROHIBITED USE

Prohibited uses of computers, computer related equipment, Internet, electronic mail, and online services include the following:

- (a) Operating a business for personal gain.
- (b) Sending chain letters
- (c) Soliciting money for any purpose
- (d) Sending, receiving, or storing communications that contain offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious, or political beliefs.
- (e) Sending, receiving, or storing communications that contain incendiary statements that might incite violence or describe or promote the use of weapons or devices associated with terrorist activities.
- (f) Sending, receiving, or storing data for, or using a computer for, recreational purposes, i.e., jokes, computer games
- (g) Sending, receiving, storing, or disseminating sexually oriented messages, materials, or images.
- (h) Sending, receiving, storing, downloading, disseminating, or printing copyrighted materials (including articles and software) in violation of copyright laws.
- (i) Any activity not directly related to this agency's operation.

320.4.2 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Office computer. Members shall not install personal copies of any software onto any Office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Office while on Office premises, computer systems or electronic devices.

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Such unauthorized use of software exposes the Office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.3 HARDWARE

Access to technology resources provided by or through the Office shall be strictly limited to Office-related activities. Data stored on or available through Office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or Office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.4 INTERNET USE

Internet access provided by or through the Office shall be strictly limited to Office-related activities. Internet sites containing information that is not appropriate or applicable to Office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

320.4.5 OFF-DUTY USE

Members shall only use technology resources provided by the Office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access Office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure Office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet

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the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Office involving one of its members or a member's duties, an alleged or suspected violation of any Office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Office computer system when requested by a supervisor or during the course of regular duties that require such information.

320.7 EFFECTIVE DATE

January 1, 2022

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Office-approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult or Vulnerable Person Abuse Policy
5. Hate or Prejudice Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the Office-approved alternative reporting method (e.g., dispatch log).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime a deputy points a firearm at any person.
- (b) Any use of force by a member of this Office (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).
- (e) Any found property or found evidence.
- (f) Any traffic crashes above the minimum reporting level (see the Traffic Crash Response and Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

321.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigation Policy.

321.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Reports also shall be taken when there is damage to County property or County equipment.

321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this Office shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.

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- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle crashes with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

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Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Office consistency.

321.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction Form, stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

321.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

321.6 ELECTRONIC SIGNATURES

The Erie County Sheriff's Office has established an electronic signature procedure for use by all employees of the Erie County Sheriff's Office. The Patrol Division Commander shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

321.7 EFFECTIVE DATE

January 1, 2022

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities allowing the prompt release of records in accordance with the mandates of the Ohio Public Records Law (ORC § 149.43).

322.2 ETHICS STATEMENT

It is the policy of this agency to treat members of the media with professionalism and ethical behavior. It is expected that members of the media will respond in a like fashion and follow ethical guidelines established by their industry. Members of this agency who feel that they have been treated unethically or inappropriately by a media representative should direct their complaints to the Sheriff. Likewise, members of the media who feel that they have been treated unethically or unfairly by any employee should direct their complaints to the Sheriff.

322.3 RESPONSIBILITIES

It is the ultimate responsibility of the Erie County Sheriff to release information to the public regarding this agency's activities. The Sheriff may delegate this responsibility to the following individuals:

- (a) Public Information Officer (PIO) – this employee would be the primary contact for the news media.
- (b) Supervisors – Patrol Division shift supervisors, Detective Bureau supervisors, or Corrections Division shift supervisors may be authorized to release information to the news media in the absence of the Sheriff or the PIO.
- (c) Dispatchers and Administrative Assistants may have frequent daily contact with the media. Due to the nature of this contact, Dispatchers and Administrative Assistants should be prepared to disseminate information as instructed by supervisory personnel.

322.3.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this Office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Office.
- (c) Under no circumstance should any member of this Office make any comments to the media regarding any law enforcement incident not involving this Office without prior approval of the Sheriff.

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- (d) If media representatives desire additional information or clarification other than that routinely provided, the media representative will be referred to the Sheriff. In the event that the Sheriff is not available, the appropriate agency division shift supervisor will address the media representative's request. If that shift supervisor is concerned that the media representative's request may be contraindicated by this policy, the shift supervisor will contact the Sheriff before any information is released.

322.4 MEDIA ACCESS

Authorized and bona fide members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities (ORC § 2917.13(B)). Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide media representatives with access to a media command post, separate from the operations command post, near the location of the incident providing it will not interfere with emergency operations or a criminal investigation.
- (c) No member of this Office shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Sheriff and the express written consent of the person in custody.
- (e) Employees contacted directly for an interview by a media representative will forward the request to the Sheriff. If the subject matter for the interview is deemed appropriate, and the employee is voluntarily willing to participate in the interview, the Sheriff will generally grant approval for the interview. Employees should always consider every interview conducted with members of the media to be "on the record" and the employee should expect to be directly quoted during any conversation with any media representative.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Sheriff.

322.4.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and

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altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).

322.4.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of deputies and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Sheriff.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Sheriff will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4.3 NEWS RELEASES

News releases may be utilized to disseminate information to the community, through the media, regarding major items of general community interest or concern. News releases will be authored by the Sheriff unless other employee(s) are directed to do so by the Sheriff. News releases, upon being approved for release by the Sheriff will be disseminated as efficiently as possible to the various media outlets, electronically or by any other means.

322.4.4 NEWS CONFERENCES

News conferences may be held in connection with major events of concern to the community as a whole. News conferences will only be held with the prior consent of the Sheriff. Media representatives will be addressed at a news conference only by the Sheriff and his/her designee. At the request of the Sheriff, any employee so directed will organize the news conference and ensure that all appropriate media outlets are notified of the news conference.

322.4.5 MEDIA OBSERVATIONS

By previous approval of the Sheriff or Sheriff's Designee, members of the media may be authorized to accompany employees while performing their duties. Members of the media may be given access to any area of the agency, providing that the presence of the media would not jeopardize an investigation or the personal safety of the media representative.

322.5 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Office will maintain a daily information log(s) of significant law enforcement activities that shall be made routinely available to the public. This log will consist of data classified as public and should generally contain:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this Office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.
- (d) General information will be released daily to the various media outlets within the greater Erie County area. Such information includes the daily activity log of the Patrol Division, copies of certain reports filed by members of the Patrol Division, and inmate admission information as kept on file by the Jail Division. This general information will be made available to the members of the media in a timely and cordial fashion by members of this agency.
- (e) Jail inmate information, to include; inmate's name, date of birth, address as provided by the inmate, charge or charges filed against the inmate, the court in which the inmate will be arraigned, the agency arresting and incarcerating the inmate, the date and time that the inmate was received into the jail, and the required bon amount to be posted for the inmate's release.

No employee of this agency shall release any information that would jeopardize an active investigation, prejudice an accused person's right to a fair trial, or violate any state or federal statute regarding the release of such information. The release of such information tends to create prejudices without serving a significant law enforcement public interest function.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified, next-of-kin have been notified, and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated media representative, the custodian of records, or if unavailable, to the shift supervisor. Such requests will generally be processed in accordance with the provisions of the Ohio Public Records Act (ORC § 149.43). Questions concerning the mandates of the Ohio Public Records Act should be resolved through legal counsel.

322.5.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Office (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

322.5.2 PROHIBITED INFORMATION FOR RELEASE TO THE MEDIA

Except when deemed appropriate by the Sheriff, the following information shall not be released to the media:

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- (a) Information contained in supplemental and/or investigative reports shall not be released until such time as the case is closed or the Sheriff and/or the lead investigator deems it permissible.
- (b) Names of informants and information provided by them.
- (c) Grand jury testimony and proceedings.
- (d) Active internal affairs investigations as governed by state law.
- (e) The identity of critically injured or deceased persons prior to notification of the next of kin.
- (f) Home address, telephone numbers, and familial information of law enforcement personnel.

322.6 FUNCTION OF PUBLIC INFORMATION OFFICER

An employee designated as a Public Information Officer for a given event will act to support all members of this agency in matters involving the news media. To accomplish this task, the PIO will be available during normal business hours and will be on-call for emergencies and critical incidents at all other times. The shift supervisor, whether in the Patrol, Corrections, or Communications Divisions, will ensure that the PIO is informed of major incidents and all other events that may generate media interest. "Major events" are defined as those incidents that generate intense media interest and/or inquiry shortly after their occurrence, such as death investigations in which foul play is suspected and natural or other disasters involving extensive property damage or loss of life.

322.7 EFFECTIVE DATE

January 1, 2022

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Office members who must appear in court. It will allow the Erie County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

323.2 POLICY

Erie County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

323.3 SUBPOENAS

Only Office members authorized to receive a subpoena on behalf of this Office or any of its members may do so.

A criminal subpoena may be served upon a member in accordance with Ohio Crim. R. 17 by personally serving the named member, reading the subpoena aloud to the member or by leaving it at his/her usual place of residence. Civil subpoenas may be served upon a member in the same manner except that service may also be achieved via United States mail, certified with a return receipt requested (Ohio Civ. R. 45).

Subpoenas shall not be accepted without properly posted fees pursuant to applicable law (Ohio Crim. R. 17; Ohio Civ. R. 45).

323.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Prosecutor or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Erie County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Erie County Sheriff's Office.

The supervisor will then notify the Sheriff and the appropriate prosecuting attorney as may be indicated by the case. The Sheriff should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

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323.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current collective bargaining agreement.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

323.3.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

323.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Office.

If a member on standby changes his/her location during the day, the member shall notify the designated Office member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

323.6 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the Office uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

Carry of a firearm by deputies into court rooms or court buildings is subject to local court security rules and shall only be permitted while the deputy is acting within the scope of his/her duties as determined by the Sheriff (ORC § 2923.123). When armed, deputies shall carry their badge and Office identification.

323.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding.

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323.8 EFFECTIVE DATE

January 1, 2022

Outside Agency Assistance

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

324.2 POLICY

It is the policy of the Erie County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with applicable state statutes and policies of this Office. The Sheriff and Deputy Sheriffs are statutorily mandated and empowered to provide peace-keeping assistance to any other law enforcement agency in Erie County, in accordance with Ohio Revised Code Section 311.07. Sheriffs may also provide assistance to other Sheriffs throughout Ohio as provided for in that same statute.

324.3 ASSISTING OUTSIDE AGENCIES

Generally, immediate and emergency requests for any type of assistance from another agency should be routed to the Patrol Division Shift Supervisor's office for approval. Advance requests for assistance from another agency should be directed to the Sheriff.

When another law enforcement agency requests emergency assistance from the Sheriff's Office, the Shift Supervisor will authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering such assistance must conform with applicable laws and be consistent with the policies of this Office.

Deputies who happen upon a situation that requires their immediate assistance will respond to provide that assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this Office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this Office will not ordinarily be booked at this Office. Only in exceptional circumstances, and subject to supervisor approval, will this Office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, such assistance will, at minimum, be documented in a log note.

324.4 EFFECTIVE DATE

January 1, 2022

Registered Offender Information

325.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Erie County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

325.2 POLICY

It is the policy of the Erie County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

325.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Office of the Attorney General, Bureau of Criminal Investigation (BCI) in accordance with ORC § 2950.04 (ORC § 2909.14 in the case of an arson registrant and ORC § 2903.43(F) for violent offenders).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

325.3.1 CONTENTS OF REGISTRATION

Members of the Erie County Sheriff's Office responsible for registering offenders shall use the prescribed form provided by BCI (ORC § 2950.04; ORC § 2909.14; ORC § 2903.43).

Members responsible for registering an arson offender shall ensure that information required by law is obtained at the time of registration, including a photograph, fingerprints, and palm prints. The member registering the arson offender shall also ensure that the required registration fee is collected. The Detective Bureau supervisor is responsible for forwarding the fee to the Office of the Attorney General as required by ORC § 2909.15.

325.3.2 CONFIRMATION OF REGISTRANT'S REPORTED ADDRESS

When an individual registers, provides notice of change or verifies a residential address with this Office, the Detective Bureau supervisor may confirm the reported information by any manner deemed appropriate (ORC § 2950.111). This may include contacting a person who owns, leases or otherwise has control of the premises at the address provided by the registrant, and requesting that the person confirm or deny that the registrant currently resides at that address.

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325.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the Attorney General's Electronic Sex Offender Registration and Notification (eSORN) website, the Attorney General's arson registry, or the BCI's violent offender database.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to BCI.

325.4.1 MANDATORY NOTIFICATIONS

The Detective Bureau supervisor should establish procedures for providing notice to the local prosecutor in the event that a deputy learns that a restricted offender (as defined by ORC § 2950.01) is serving in a volunteer position that violates the provisions of ORC § 2950.035 (i.e., a position that affords extensive contact with minor children).

325.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Sheriff if warranted. A determination will be made by the Sheriff, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the Attorney General's eSORN website or the Erie County Sheriff's Office's website.

The Administrative Assistant shall release local registered offender information to residents in accordance with ORC § 2950.081 and in compliance with a Public Records Act request.

325.5.1 RELEASE NOTIFICATION

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

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325.6 MANDATORY DISSEMINATION

The Detective Bureau Supervisor shall make the following notices:

- (a) A victim of a sexually oriented offense or a child-victim oriented offense who requests information as to whether an offender has registered or changed his/her address, shall be provided with the following information (ORC § 2950.10):
 - 1. The registrant's name
 - 2. The registrant's photograph
 - 3. The address of the registrant's residence
 - 4. The address of the registrant's school, institution of higher education or place of employment, as applicable
- (b) Community members within a geographic area where a Tier III offender has registered should be provided with the following information (ORC § 2950.11):
 - 1. The registrant's name
 - 2. The registrant's photograph
 - 3. The address of the registrant's residence
 - 4. The address of the registrant's school, institution of higher education or place of employment, as applicable
 - 5. The offense and whether it resulted in conviction, a guilty plea or adjudication.
 - 6. A statement identifying the specific category in which the offender must register.

325.6.1 INFORMATION VIA THE INTERNET

The following information for adult offenders and child offenders who have been classified as a public registry-qualified juvenile offender may be included on the Office's website (ORC § 2950.081):

- (a) Information provided on a registration form as described in this policy and pursuant to ORC § 2950.04, except for the following:
 - 1. The registrant's Social Security number
 - 2. The name of the school or place of employment of the registrant
 - 3. The tracking or identification number assigned by BCI to the registrant
 - 4. The registrant's driver license or identification card number
- (b) An explanation of the three-tier system, including which sexually oriented offenses and child-victim oriented offenses are included in each tier.
- (c) A statement identifying each registrant's tier.

325.7 EFFECTIVE DATE

January 1, 2022

Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this Office in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Erie County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this Office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and supervisors. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic crashes with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notifications) and vehicle pursuits that are extended or prolonged
- Significant injury or death to an employee, whether on- or off-duty
- Death of a local public official
- Arrest of Office employee or local public official
- major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Bomb threats, found explosive devices, and explosions
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

326.4 SHIFT SUPERVISOR RESPONSIBILITIES

The shift supervisor is responsible for making the appropriate notifications. The shift supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by first contacting the Sheriff.

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326.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Sheriff shall be notified.

326.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the on-call detective shall be contacted.

326.4.3 TRAFFIC FATALITIES

In the event of a traffic fatality being investigated by the Sheriff's Office, the Sheriff shall be notified.

326.4.4 SHERIFF OR AUTHORIZED DESIGNEE

After members of the staff have been notified, the Sheriff or Authorized Designee shall be called if it appears the media may have a significant interest in the incident.

326.5 EFFECTIVE DATE

January 1, 2022

Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations when members of this agency, the Sheriff or Deputy Sheriffs, initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical to a successful investigative outcome.

327.2 POLICY

It is the policy of the Erie County Sheriff's Office to respond to, document, and investigate incidents involving a deceased person. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, homicide, and initially unknown causes shall be initiated, conducted, and properly documented.

327.3 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. The appropriate emergency medical service provider shall be notified to respond to the scene of all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be made aware immediately of all reported deaths.

327.3.1 CORONER REQUEST

The Erie County Coroner shall be notified of all known facts concerning the time, place, manner and circumstances in all sudden or unexpected deaths or deaths due to other than natural causes including, but not limited to (ORC § 313.12(A)):

- (a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.
- (b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.
- (c) Unexplained or unexpected perinatal and postpartum maternal deaths.
- (d) Deaths under suspicious, unusual or unexpected circumstances.
- (e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.
- (f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.
- (g) Deaths that occur during, in association with, or as the result of diagnostic, therapeutic or anesthetic procedures.
- (h) Deaths due to culpable neglect.
- (i) Stillbirths of 20 weeks or longer gestation unattended by a physician.
- (j) Sudden deaths of persons not affected by recognizable disease.

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- (k) Unexpected deaths of persons notwithstanding a history of underlying disease.
- (l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.
- (n) Deaths of persons not seen by their physician within 120 days of demise.
- (o) Deaths of persons occurring in an emergency department.
- (p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is history or evidence of maternal trauma.
- (q) Unexpected deaths of children.
- (r) Solid organ donors.
- (s) Unidentified bodies.
- (t) Skeletonized remains.
- (u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.
- (v) Deaths associated with the decedent's employment.
- (w) Deaths of nonregistered hospice patients or patients in non-licensed hospice programs.
- (x) Deaths attributable to acts of terrorism.
- (y) Death of a developmentally disabled person, regardless of the circumstances.

327.3.2 SPECIAL CIRCUMSTANCE DEATHS

The Coroner, a Deputy Coroner or an appointed Coroner Investigator is required to investigate the site of the death of any child under 2 years of age who dies suddenly when in apparent good health, absent contrary religious beliefs. The investigation is required to incorporate the examinations required by law (OAC § 3701-5-14).

327.3.3 SEARCHING DEAD BODIES

The Coroner or the Coroner's assistants and authorized investigators are generally the only persons permitted to move, handle, or search a body known to be dead.

A deputy is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (ORC § 2108.12(A)(1)). If a donor document is located, the Coroner shall be promptly notified.

Should exigent circumstances indicate to a deputy that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating deputy should first obtain verbal consent from the Coroner.

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Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the deputy, pending the arrival of the Coroner.

The name and address of this person shall be included in the narrative of the death report.

At least one member involved in a death investigation is required to remain at the scene of a death investigation until the decedent's body has been removed, either by a funeral home or by the Coroner's Office.

327.3.4 DEATH NOTIFICATION

Members investigating a traffic crash who discover any person who is deceased, pronounced dead at the scene, or who has suffered a serious, life-threatening injury are responsible for identifying the person and notifying the person's next of kin (ORC § 4501.80).

Identification of victims and notification should be done without delay although proper and accurate identification of victims is necessary prior to making any notification to the next of kin. Identification resources include the next of kin registration database maintained for law enforcement by the Bureau of Motor Vehicles and the Coroner.

Notification to the next of kin of a deceased person shall be made, in person, if possible, by a member of this agency having investigative knowledge of the incident. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

In non-traffic deaths, when notification is not performed by the Coroner, and if a deceased person has been identified as a missing person, this Office should attempt to locate family members and inform them of the death and location of the deceased missing person's remains as described above.

In all notifications, the notification shall be documented and the Coroner shall be informed whether the notification has been made.

Should a human death result from a fire, and as required by law, this Office will notify the State Fire Marshal's Office if such a request for such notification is made to the member by the fire chief having jurisdiction at the scene. Generally, such notifications are made by that fire chief or his/her designee.

327.3.5 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established, the member conducting the investigation will refer to the victim as "John Doe" or "Jane Doe" until proper identification is determined.

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327.3.6 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Office, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body shall be forwarded to the Coroner for entry into the Ohio Bureau of Criminal Identification and Investigation database, the Missing Children and Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) file (ORC § 313.08).

327.3.7 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

327.3.8 SUSPECTED HOMICIDE

If the initially assigned deputy suspects that the death involves a homicide or other suspicious circumstances, the deputy shall take steps to protect the scene. The Detective Bureau shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Shift Sergeant or Detective Bureau supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests and provide a report.

327.3.9 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this Office who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Occupational Safety and Health Administration or the Ohio Public Employment Risk Reduction Program is notified by telephone or electronic notification with all pertinent information.

327.4 PREGNANCY-ASSOCIATED DEATH INVESTIGATIONS

Deputies investigating the death of a woman while pregnant or within one year after pregnancy should make sure that the pregnancy-associated mortality review board receives information and documentation as provided in ORC § 3738.02 and ORC § 3738.05.

327.5 EFFECTIVE DATE

January 1, 2022

Identity Theft

328.1 PURPOSE AND SCOPE

Identity theft is a growing crime trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

328.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, members of this agency, the Sheriff or Deputy Sheriffs, investigating an identity theft complaint (ORC § 2913.49(B)) may initiate a report for those crimes occurring in this jurisdiction. Alternatively, and due to the fact that the perpetrator of such crimes is rarely identified and is routinely outside the United States, the member may complete a log note documenting the complaint and any referrals made by the member to the complainant.
- (b) For incidents of identity theft occurring outside this jurisdiction deputies may either:
 1. Complete a courtesy report to be forwarded to the agency where the crime was committed or if the location is unknown, to the victim's residence agency.
 2. If no report is taken, encourage the victim to promptly report the identity theft to the law enforcement agency where he/she resides.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, members of this agency will investigate and report on crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (d) If a report is completed, members should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Members will supply the complainant with a log entry or report number, as applicable, to assist in future credit checks or other credit inquiries.
- (f) Following supervisory review, if an initial report is completed it should be reviewed by the Detective Bureau for any in-depth follow-up investigation, that may be necessary.

328.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law.

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online or by telephone as listed at the FTC's website. Additional information may be found at the websites of the U.S. Department of Justice, the FBI, the Secret Service, and/or the Ohio Attorney General.

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Identity Theft

328.4 EFFECTIVE DATE

January 1, 2022

Private Person's Arrests

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to state law.

329.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

In circumstance where applicable, deputies shall advise citizens of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, deputies should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, deputies should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) Individuals shall be informed of the requirement to inform the person to be arrested, prior to making the arrest, of the intention to arrest him/her and the reason for the arrest (ORC § 2935.07).
- (d) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ORC § 2935.06).

329.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been committed and he/she has reasonable cause to believe the person to be arrested committed the felony (ORC § 2935.04).
- (b) When reasonable information exists that the accused stands charged in the courts of any state with a crime punishable by death or imprisonment for a term exceeding one year (ORC § 2963.12).

329.3.1 DETENTIONS BY PRIVATE PERSONS

A private person may detain another for subsequent arrest by a peace officer under the following circumstances:

- (a) Museums, archival institutions, libraries, merchants, and their agents and employees who have probable cause to believe the person to be detained is a shoplifter or has otherwise committed a theft of their property (ORC § 2935.041(A), (B), and (C)).
- (b) Motion picture presentation facilities and their agents and employees who have probable cause to believe a person is or has been recording in violation of ORC § 2913.07 (ORC § 2935.041(D)).

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329.4 DEPUTY RESPONSIBILITIES

Any deputy presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any deputy determine that there is no reasonable cause to believe that a private person's arrest is lawful, the deputy should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
 - 1. Any deputy who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The deputy must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the deputy, the deputy should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever a deputy determines that there is reasonable cause to believe that a private person's arrest is lawful, the deputy may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.
 - 2. Release the individual upon a misdemeanor citation or pending formal charges.

329.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign criminal complaint. If the person fails or refuses to do so, the arrested subject shall be released unless the deputy has a reason to take the person into custody based upon probable cause.

Deputies shall complete a narrative report regarding the circumstances and disposition of the incident.

329.6 EFFECTIVE DATE

January 1, 2022

Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Office to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English Proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Erie County Sheriff's Office, designated by the Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Erie County Sheriff's Office to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.3 LEP COORDINATOR

The Sheriff may delegate certain responsibilities to an LEP Coordinator. The responsibilities of the LEP Coordinator may include, but are not limited to:

- (a) Coordinating and implementing all aspects of the Erie County Sheriff's Office's LEP services to LEP individuals.

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- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to all dispatchers. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage as necessary, printed in the most common spoken languages, is posted indicating that interpreters are available free of charge to LEP individuals.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding Office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Office services, programs and activities.

330.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Office members, or who may benefit from programs or services within the jurisdiction of the Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with Office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

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330.5 TYPES OF LEP ASSISTANCE AVAILABLE

Erie County Sheriff's Office members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept Office-provided LEP services at no cost or they may choose to provide their own.

Office-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

330.7 AUDIO RECORDINGS

The Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

330.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this Office is not available, personnel from other County departments, who have been identified by the Office as having the requisite skills and competence, may be requested.

330.9 AUTHORIZED INTERPRETERS

Any person designated by the Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the Office case or investigation involving the LEP

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individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this Office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

330.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this Office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this Office, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to Office guidelines.

330.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

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330.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this Office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this Office is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Office or some other identified source.

330.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Erie County Sheriff's Office will take reasonable steps, as necessary, to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

330.11.1 EMERGENCY CALLS TO 9-1-1

Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

330.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the member is unable to effectively communicate with an LEP individual.

If available, members should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

330.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, deputies should consider calling for an authorized interpreter in the following order:

- An authorized Office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

330.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance

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of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

330.16 COMPLAINTS

The Office shall ensure that LEP individuals who wish to file a complaint regarding members of this Office are able to do so. The Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this Office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Office are important to the ultimate success of more traditional law enforcement duties. This Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

330.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Office will provide periodic training on this policy and related procedures, including how to access Office-authorized telephonic and in-person interpreters and other available resources.

The LEP Coordinator shall be responsible for ensuring new members receive appropriate LEP training. Those who may have contact with LEP individuals should receive update training as necessary. The LEP Coordinator shall maintain records of all LEP training provided, and will ensure that a record is maintained in each member's training file.

330.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list may receive refresher training as deemed appropriate or they could be removed from the authorized interpreter list. This training should include language skills competency (including specialized terminology) and ethical considerations.

The LEP Coordinator shall be responsible for scheduling any training and will maintain a record of all training the interpreters have received.

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330.19 EFFECTIVE DATE

January 1, 2022

Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who have hearing, speech, and/or vision impairments.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or vision, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

331.2 POLICY

It is the policy of the Erie County Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff may delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Sheriff or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the County ADA coordinator regarding the Erie County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Office services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Dispatcher. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Office services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

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The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who has a speech impairment must be handcuffed while in the custody of the Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person

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providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for the hearing impaired, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

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331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this Office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this Office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

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If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use Office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

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When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Office ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Office.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this Office are important to the ultimate success of more traditional law enforcement duties. This Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office may provide periodic training that could include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

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331.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who have impaired hearing. Refresher training should occur as necessary.

331.19 EFFECTIVE DATE

January 1, 2022

Pupil Arrest Reporting

332.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

332.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting deputy shall include information in the report necessary to ensure that the Records Section ultimately notifies the chief administrative officer of the school or appropriate designee of the arrest of a pupil.

332.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

332.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the deputy or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

332.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting deputy's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the deputy, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

332.3 EFFECTIVE DATE

January 1, 2022

Biological Samples

333.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

333.2 POLICY

The Erie County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

333.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample are persons who have been (ORC § 2901.07):

- (a) Arrested for or convicted of a felony offense.
- (b) Convicted of a misdemeanor violation, an attempt to commit a misdemeanor violation or complicity in committing a misdemeanor violation arising out of the following:
 - 1. Aggravated murder
 - 2. Murder
 - 3. Kidnapping
 - 4. Rape
 - 5. Sexual battery
 - 6. Unlawful sexual conduct with minor
 - 7. Gross sexual imposition
 - 8. Aggravated burglary
 - 9. Felonious sexual penetration
 - 10. Interference with custody
- (c) Convicted of a sexually oriented offense or a child victim-oriented offense that is a misdemeanor if the offender is a Tier III sex offender/child-victim offender, as defined in ORC § 2950.01.

333.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

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- (a) Verify that the individual is required to provide a sample pursuant to ORC § 2901.07 and that his/her identity has been verified as required under OAC § 109:5-5-02.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Ohio Law Enforcement Gateway (OHLEG). There is no need to obtain a biological sample if one has been previously obtained (OAC § 109:5-5-02).
- (c) Use the designated collection kit provided by the Ohio Bureau of Criminal Investigation (BCI) to perform the collection and take steps to avoid cross contamination.

333.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the Office's records retention schedule.

333.6 LEGAL MANDATES AND RELEVANT LAWS

333.6.1 PERSONS AUTHORIZED TO OBTAIN A SAMPLE

If the biological sample is collected by withdrawing blood or another similarly invasive procedure, a physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician or other qualified medical practitioner shall collect the sample in a medically approved manner. This requirement does not apply to a sample that is collected by a buccal swab or similarly non-invasive procedure (ORC § 2901.07(C)).

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333.6.2 AUTHORITY TO OBTAIN SECONDARY SAMPLE

If a query of OHLEG indicates that a sample has been previously collected but is no longer denoted on the individual's criminal history record, another sample shall be obtained from the individual and forwarded to BCI (OAC § 109:5-5-02).

In addition, if BCI notifies the Erie County Sheriff's Office of receipt of an unusable sample, a secondary sample shall be obtained and forwarded to BCI for analysis (OAC § 109:5-5-02).

333.6.3 SUBMISSION OF SAMPLE

The Evidence Room Supervisor shall ensure that the biological sample is forwarded to the BCI no later than 15 days after the date of the collection (ORC § 2901.07(C)).

333.6.4 CONFIDENTIALITY OF RECORDS

Members of the Erie County Sheriff's Office shall not knowingly disclose a biological sample, record or other information contained in the DNA database to an unauthorized entity (ORC § 109.573; ORC § 109.99).

333.7 EFFECTIVE DATE

January 1, 2022

Chaplains

334.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Erie County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

334.1.1 DEFINITIONS

Chaplain - A trained and ordained minister, priest, or rabbi appointed by the Sheriff to voluntarily serve the spiritual and counseling needs of employees of the Sheriff's Office, family members of the employees, and the general public. A chaplain will serve at the pleasure of the Sheriff.

334.2 POLICY

The Erie County Sheriff's Office shall ensure that Office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

334.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

334.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Erie County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this Office.

All applicants shall be required to meet and pass the same pre-employment procedures as Office personnel before appointment.

334.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with Office policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Office in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with Office members before and during the selection process.

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334.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.
- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

334.5 IDENTIFICATION AND UNIFORMS

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Erie County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Erie County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or Office property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this Office.

334.6 CHAPLAIN COORDINATOR

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift Sergeant.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

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

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- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

334.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Division. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this Office. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Erie County Sheriff's Office.

Chaplains will maintain a directory of the religious affiliation of employees who are met with, so that such information is available in any future emergency situation.

334.7.1 COMPLIANCE

Chaplains are volunteer members of this Office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

334.7.2 OPERATIONAL GUIDELINES

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Erie County Sheriff's Office personnel a minimum of eight hours per month.

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- (c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Sheriff or the authorized designee.
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Erie County Sheriff's Office operations, provided the Shift Sergeant has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Office.
- (f) In responding to incidents, a chaplain shall never function as a deputy.
- (g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Erie County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (i) Each chaplain shall have access to current Office member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

334.7.3 ASSISTING OFFICE MEMBERS

The responsibilities of a chaplain related to Office members include, but are not limited to:

- (a) Assisting in making notification to families of members or members of any other law enforcement agency who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members or members of any other law enforcement agency in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.
- (g) Make referrals to other professions who may be able to assist an employee, and employee's family, or a citizen.

334.7.4 ASSISTING THE OFFICE

The responsibilities of a chaplain related to this Office include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Office.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

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- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of Office members.
- (e) Attending Office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Office.
- (h) Organize and develop voluntary spiritual organizations within the Sheriff's Office.

334.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Office.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

334.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

334.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Office may work or volunteer for the Erie County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-Office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Erie County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

334.9 TRAINING

The Office will establish a minimum number of training hours and standards for Office chaplains. The training, as approved by the Training Officer, may include:

- Stress management

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- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Deputy injury or death
- Sensitivity and diversity

334.10 EFFECTIVE DATE

January 1, 2022

Child and Dependent Adult Safety

335.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this Office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult or Vulnerable Person Abuse Policy.

335.2 POLICY

It is the policy of this Office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

335.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Deputies should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, deputies should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, deputies should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the deputy at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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335.3.1 AFTER AN ARREST

Whenever an arrest is made, the deputy should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 1. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Department of Aging, if appropriate.
- (e) Notify the supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting deputy should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

335.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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335.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

335.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

335.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling deputy should contact the appropriate welfare service or other Office-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the Sheriff's Office, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

335.5 TRAINING

All members of this Office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Child and Dependent Adult Safety

335.6 EFFECTIVE DATE

January 1, 2022

Service Animals

336.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Erie County Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

336.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

336.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities. Service animals may accompany the handler or companion person into, and is entitled to the full use of services to which the general public is invited (ORC § 955.43).

The following are some examples of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

336.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Office members are expected to treat individuals with

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service animals with the same courtesy and respect that the Erie County Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Office are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this Office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

336.4 EFFECTIVE DATE

January 1, 2022

Native American Graves Protection and Repatriation

337.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

337.1.1 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

337.2 POLICY

It is the policy of the Erie County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

337.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Ohio History Connection (ORC § 149.53)
- Tribal land - Responsible Indian tribal official

337.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

337.5 EFFECTIVE DATE

January 1, 2022

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Erie County Sheriff's Office with respect to taking law enforcement action while off-duty.

338.2 POLICY

Deputies generally should not initiate law enforcement action while off-duty. Deputies should not attempt to initiate enforcement action when witnessing traffic violations or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies are not expected to place themselves in unreasonable peril. However, any sworn member of this Office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

Deputies should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ORC § 2935.02, ORC § 2935.03(D) and ORC § 2935.04).

338.3 FIREARMS

Deputies of this Office may carry firearms while off-duty in accordance with federal regulations, state law, and Office policy. All firearms and ammunition must meet guidelines as described in the Office Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their Office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the deputy's senses or judgment.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

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- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed deputies to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the deputy if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as an Erie County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, deputies should call the responsible agency to handle the matter.

338.4.3 RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she needs to maintain an undercover capability.

338.5 REPORTING

Any deputy, prior to taking any off-duty enforcement action, should, if practicable, notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Erie County Sheriff's Office). If prior contact is not reasonably practicable, a deputy shall notify the applicable local law enforcement agency as soon as reasonably practicable. Any deputy taking off-duty enforcement action during which the deputy found it necessary to identify himself/herself or that results in the detainment and/or arrest of individual will complete a report outlining the actions taken.

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Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

338.6 EFFECTIVE DATE

January 1, 2022

Community Relations

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate or Prejudice Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

339.2 POLICY

It is the policy of the Erie County Sheriff's Office to promote positive relationships between Office members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

339.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses, and community groups in their assigned jurisdictional areas.
- (c) Work jointly with community members and the Office community relations coordinator to identify areas of concern and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

339.4 COMMUNITY RELATIONS COORDINATOR

The Sheriff or the authorized designee should designate a member of the Office to serve as the community relations coordinator. The coordinator should report directly to the Sheriff or authorized designee and is responsible for:

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- (a) Obtaining Office-approved training related to the coordinator's responsibilities.
- (b) Responding to requests from Office members and the community for assistance in identifying areas of concern and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the Office's relationship with the community.
- (d) Working with community groups, Office members, and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between Office members and the community and provide community members with an improved understanding of Office operations.
- (e) Working with the Patrol Division Commander to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.
- (f) Recognizing Office and community members for exceptional work or performance in community relations efforts.
- (g) Attending County council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the Office's response to events that may affect community relations, such as an incident where the conduct of a Office member is called into public question.
- (i) Informing the Sheriff and others of developments and needs related to the furtherance of the Office's community relations goals, as appropriate.
- (j) Coordinating training as provided in this policy, including documentation of member awareness and understanding of the policy and training.

339.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and Office members to be conducted to assess the condition of the relationship between the Office and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Office
- (b) Overall competence of Office members
- (c) Attitude and behavior of Office members
- (d) Level of community trust in the Office
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff.

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339.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The Community Relations Coordinator may organize or assist with programs and activities that create opportunities for Office members and community members, especially youth, to interact in a positive setting. Examples of such programs and events could include:

- (a) Office-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Office-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource deputy/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

339.7 INFORMATION SHARING

The community relations coordinator should work with the Sheriff or Authorized Designee to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in Office operations, comments, feedback, positive events) between the Office and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Office Use of Social Media Policy).
- (c) Office website postings.
- (d) Print media, radio, and other electronic media.

Information should be regularly refreshed, to inform and engage community members continuously.

339.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations and Office policies and procedures so they may understand the work that deputies do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Office website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Office ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/simulation exercises with community member participation.
- (g) Youth internships at the Office.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Office regarding alleged misconduct or inappropriate job performance by Office members.

339.8.1 COMMUNITY INVOLVEMENT PROGRAMS

The Sheriff's Office, by virtue of this policy, establishes written accountability for its community involvement function. To effectively implement its community involvement function, the agency at various times engages in the following programs, including but not limited to:

- (a) Seat belt education and/or enforcement programs.
- (b) Child passenger safety education and/or enforcement programs.
- (c) Citizen recognition programs.
- (d) Citizen ride-along programs.
- (e) Crime prevention and awareness education programs.
- (f) Motor vehicle operator education and safety programs.
- (g) Prescription drug takeback program.
- (h) Fatal vision demonstrations.
- (i) Child ID card issuance programs.
- (j) Internship programs.
- (k) Touch-a-Truck/National Night Out Against Crime programs.
- (l) Public alerts.
- (m) Public education programs.
- (n) Multiple School Resource Deputy programs.
- (o) School evacuation and lockdown drills in multiple local school districts.

339.8.2 OTHER COMMUNITY INVOLVEMENT

The Sheriff's Office will participate with community groups as follows:

- (a) Participate with community group functions as personnel are available, provided that the function and/or goals of the community group do not contradict those of the Sheriff's Office; and/or
- (b) Allow for employees to attend these functions as determined by the Sheriff or his/her designee; and/or
- (c) Ensure that information forwarded from citizens is considered in an effort to improve agency response to the needs of the community; and/or Utilize information obtained from citizens to identify additional training needs, where applicable; and/or
- (d) Develop problem-oriented community policing strategies as determined by community need balanced by budgeting and staffing considerations.

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339.9 SAFETY AND OTHER CONSIDERATIONS

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

339.10 LEGAL CONSIDERATIONS

The Sheriff and the community relations coordinator should work with the County Prosecutor as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

339.11 TRANSPARENCY

The Office should periodically publish statistical data and analysis regarding the Office's operations. The reports should not contain the names of deputies, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding Office operations.

339.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

339.12.1 POLICY ACKNOWLEDGEMENT

Applicable Office members shall initially read and sign that they understand this policy.

339.13 EFFECTIVE DATE

January 1, 2022

Office Use of Social Media

340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Office is consistent with the Office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by Office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Office (see the Investigation and Prosecution Policy).

340.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the Office website or social networking services.

340.2 POLICY

The Erie County Sheriff's Office may use social media as a method of effectively informing the public about Office services, issues, investigations and other relevant events.

Office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

340.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Office. Authorized members shall use only Office-approved equipment during the normal course of duties to post and monitor Office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over Office social media by members who are not authorized to post should be made through the member's chain of command.

340.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Office mission and conforms to all Office policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the Office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

340.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Sheriff or Authorized Designee or authorized designee will be responsible for the compilation of information to be released.

340.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Erie County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of Office operations, members of the Office, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this Office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

340.5.1 PUBLIC POSTING PROHIBITED

Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Office may provide a method for members of the public to contact Office members directly.

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340.6 MONITORING CONTENT

The Sheriff will appoint a supervisor to review, as necessary, the use of Office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

340.7 RETENTION OF RECORDS

Public records generated in the process of social media use will be retained in accordance with established records retention schedules.

340.8 TRAINING

Social media posing designees may receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on Office sites.

340.9 EFFECTIVE DATE

January 1, 2022

Project Lifesaver

341.1 PURPOSE AND SCOPE

The Erie County Sheriff's Office, through a partnership with Lions Clubs throughout Erie County, participates in Project Lifesaver. Project Lifesaver is a program that allows for the issuance of radio transmitters to participating clients afflicted with various cognitive disorders (Alzheimer's Disease, Dementia, and/or Autism) that have caused or are likely to cause, pursuant to a documented medical diagnosis, those clients to wander from their loved ones and/or caregivers without conscious knowledge of any associated dangers. If a Project Lifesaver client is reported missing, suitably trained individuals (including Erie County Sheriff's Office personnel) who are equipped with Project Lifesaver radio receivers can track the signal being emitted by the transmitter worn by the client, potentially greatly reducing the time needed to locate that wandering client.

The purpose of this policy is to define specific agency guidelines regarding Project Lifesaver.

341.2 POLICY

- (a) This agency participates in Project Lifesaver.
- (b) All finances for Project Lifesaver are managed by collaborating Erie County Lions Clubs through their Project Lifesaver program.
- (c) Support for and participation in Project Lifesaver is received from Lions Clubs members throughout Erie County.
- (d) Certain employees of this agency will be designated as voluntary Project Lifesaver Coordinators (PLCs). The primary responsibilities of a PLC are as follows:
 1. To service and maintain any Project Lifesaver equipment in this agency's possession so as to ensure the equipment's serviceability if and when needed; and;
 2. To coordinate with Lions Club member(s) the screening of any potential Project Lifesaver clients to ensure that the potential client's medically diagnosed conditions meet the criteria listed above; and;
 3. To meet with and to equip Project Lifesaver clients with appropriate transmitting equipment, and to educate the client's caregiver in the proper routine maintenance of that equipment; and;
 4. To ensure that batteries in the client's transmitter are changed as necessary to ensure the serviceability of the device; and;
 5. To coordinate proper Project Lifesaver assistance to any agency requesting that assistance; and;
 6. To ensure that updated records regarding any Project Lifesaver client are available to other agency personnel, particularly Communications Officers.
- (e) In the event that a Project Lifesaver client is reported missing, the Communications Officer receiving that report will immediately dispatch the local law enforcement agency. Communications Officers on duty will ensure that this agency's PLCs are

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notified as soon as possible in the event that the Project Lifesaver tracking equipment is needed in the search.

- (f) Officers from other local law enforcement agencies in Erie County have been, or may be, trained in the use of Project Lifesaver tracking equipment that is stored at the Sheriff's Office. PLCs will ensure that Communications Officers are aware of the storage location for that equipment, in the event that it needs to be made available to an officer from another agency on short notice.
- (g) It is imperative that the notifications listed above are made as soon as possible after a Project Lifesaver client is reported missing. Also, this policy does not supersede the requirements listed in the Missing Persons policy. Rather, this policy sets forth the additional responsibilities to be followed by agency employees for those individuals who are Project Lifesaver clients.

341.3 EFFECTIVE DATE

January 1, 2022

No Solicitation/No Distribution Policy

342.1 PURPOSE AND SCOPE

In order to maintain a productive and safe working environment, it is the policy of the Erie County Sheriff's Office to govern solicitation and distribution by employees and non-employees on County premises. This policy will separately address three specific areas.

- Employees
- Non-Employees
- Bulletin boards

342.2 EMPLOYEE NO-SOLICITATION

Solicitation by an employee of another employee is prohibited while either person is on his or her working time.

- (a) Management and supervisory personnel will report any violation of this policy to the employee's supervisor.
- (b) Violators of this policy shall be subject to disciplinary action.
- (c) For the purpose of this policy, working areas include any area that is used for conducting county business and is not normally accessible to the general public except for conducting county business (e.g., office areas, jail, etc.).
- (d) For the purpose of this policy, non-working areas include all areas which are not primarily used for conducting county business and which are normally accessible to the general public. These areas will be specifically designated.

Working time is all time when an employee's duties require that he/she be engaged in work tasks, but does not include an employee's own time, such as meal periods, scheduled breaks, time before or after a shift.

342.3 EMPLOYEE NO-DISTRIBUTION

Employees are not permitted to distribute advertising material, handbills, printed or written literature of any kind during working or non-working time in work areas

342.4 NON-EMPLOYEE NO-SOLICITATION AND NO-DISTRIBUTION

Persons who are not employed by Erie County shall not be permitted to solicit or distribute leaflets, advertising notices, tickets, cards of any kind, at any time, on county premises. The Erie County Sheriff may authorize exceptions to this policy for non-employees engaged in work-related activities to assist the County in carrying out its statutory or community functions and responsibilities.

342.5 EFFECTIVE DATE

January 1, 2022

Emergency Warning Siren System - Activation

343.1 PURPOSE AND SCOPE

It is the purpose of this policy to outline guidelines to be followed by employees of the Erie County Sheriff's Office who may be called upon to activate the countywide emergency warning siren system.

343.2 POLICY

The purpose of these sirens is to provide a warning to those individuals who may be outdoors of the threat of impending severe weather (i.e.: a tornado) or of a terrorist act or other civil defense emergency. The Erie County Sheriff's Office has been designated as the agency primarily responsible for the activation of this siren system and the equipment to activate the system is contained in the Sheriff's Office Communications Center.

343.3 SIREN ACTIVATION GUIDELINES

The emergency warning siren system will be activated by any employee of the Erie County Sheriff's Office under any of the following circumstances:

- (a) When any duly identified public safety employee reports the sighting of a funnel cloud or tornado within Erie County or in an adjacent county and the tornado or funnel cloud is approaching Erie County; and/or
- (b) When two or more citizens report the sighting of a funnel cloud or tornado within Erie County or in an adjacent county and the tornado or funnel cloud is approaching Erie County; and/or
- (c) When the National Weather Service issues a tornado warning for Erie County; and/or
- (d) When so directed by a supervisor due to severe weather conditions or known terrorist act or other civil defense emergency;
- (e) For periodic testing purposes as determined by the Sheriff or his/her designee.

If there is any doubt concerning the activation of the emergency warning siren system, particularly in the event of a known terrorist act or other civil defense emergency, the Sheriff or his/her designee may be consulted. However, in the case of a weather emergency, the above guidelines should be followed and consultation with the Sheriff or his/her designee should not be necessary. Time is of the essence in such situations to warn the public.

343.4 SIREN ACTIVATION PROCEDURE

As the technical procedure for the activation of the emergency warning siren system may change from time to time, the specific activation procedure is not contained in this policy. All communications officers, who will be the agency employees primarily responsible for the activation of the emergency warning siren system, are responsible to familiarize themselves with the applicable procedure. Employees liable to relieve communications officers for meal breaks or for other periods of time are also responsible to familiarize themselves with the applicable procedure.

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343.5 ALTERNATE ACTIVATION SITES

In the event that the emergency warning siren system is unable to be activated by the equipment located in the Sheriff's Office Communications Center due to electrical power failure or technical difficulty, the system may be activated by either the Erie County Emergency Management Agency or by the Huron Fire Division. If the failure to activate occurs during normal business hours, the Emergency Management Agency will be immediately contacted via the inter-agency telephone intercom system to activate the warning siren system. In the event that there is no answer at the Emergency Management Agency, or for some reason that agency is unable to activate the warning siren system, then the Huron Fire Division will be immediately contacted, by telephone or alternately by radio, to activate the warning siren system.

343.6 REPORTING REQUIREMENT

In the event that the emergency warning siren system is activated, the reason for said activation will be noted on this agency's daily log by the individual who activated the system.

343.7 TESTING

The emergency warning siren system will be tested on the first day of every month at 12:00 noon. The senior Communications Officer on duty will ensure that the test is conducted by activating the siren system and letting it cycle until the system shuts off as programmed. Patrol Division deputies will be notified in advance of the test, and the Patrol Division deputies on duty will confirm that the sirens sounded when activated. If there is a test malfunction, the Sheriff's Designee will be immediately notified of the malfunction.

All tests, and the results of all tests, will be placed on the agency's daily log.

343.8 WATERSPOUTS

Waterspouts frequently form over Lake Erie and/or Sandusky Bay in Erie County. Waterspouts are dangerous to boaters. While waterspouts can pose a danger to person or property on land, the most common forms of waterspouts routinely dissipate as soon as they pass onshore. According to the National Weather Service, it is estimated that one to two waterspouts out of one hundred may enter onshore. The National Weather Service (NWS) is typically unable to see waterspouts on radar.

In the event that a dispatcher receives what he/she believes is a credible report of a waterspout over Lake Erie or Sandusky Bay, the National Weather Service (NWS) will be immediately contacted by phone and the information concerning the waterspout will be relayed to that agency. Generally, the NWS will issue a special marine warning for marine interests in the area where the waterspout was sighted. If the waterspout is headed for the shoreline, have the caller remain on the phone if possible to confirm that the waterspout dissipated upon reaching shore and relay this information to the NWS as well.

Due to the lack of danger posed to persons or property on shore by the vast majority of waterspouts, emergency warning sirens will not be activated upon the sighting of a waterspout

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unless confirmation is received that the waterspout has gone ashore and has caused damage to persons or property.

343.9 EFFECTIVE DATE

January 1, 2022

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Office to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Erie, respond to calls for assistance, act as a deterrent to crime, enforce state, local and federal laws when authorized or empowered by agreement or statute, and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol as directed to prevent, detect, and investigate criminal acts, traffic violations, and traffic crashes; maintain public order and public peace; and discover and contribute to the abatement of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Respond to calls for service, both routine and emergency.
- (d) Investigate both criminal and non-criminal acts.
- (e) Apprehend criminal offenders and/or traffic violators.
- (f) Engage in community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) Share information between the Patrol and other divisions within the Office, as well as with other law enforcement and/or other government agencies.
- (h) Apply resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Respond to disasters, civic unrest, and weather-related emergencies.
- (k) Service of civil process.

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Detective Bureau supervisor in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Erie County Sheriff's Office.

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Patrol Function

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol deputy who receives criminal information. The deputy completing the report will forward it as appropriate for any needed follow-up investigation that the deputy authoring the report cannot complete.

400.2.2 PATROL BRIEFINGS

Patrol and Detective supervisors will share information as much as reasonably possible. All supervisors and/or deputies will be provided an opportunity to share information through daily patrol briefings and/or log notes as time permits.

400.3 CROWDS, EVENTS AND GATHERINGS

Deputies may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Deputies should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Deputies responding to an event or gathering that warrants law enforcement involvement will balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Deputies are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

400.4 EFFECTIVE DATE

January 1, 2022

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Office members that affirms the Erie County Sheriff's Office's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Erie County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited in all enforcement actions, including traffic contacts, field contacts, and asset seizure and forfeiture efforts.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this Office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report), the involved deputy should include those facts giving rise to the contact, as applicable.

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Bias-Based Policing

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time a deputy makes a self-initiated traffic stop, the deputy shall report the gender and race or ethnicity of the driver.

401.4.3 ATTORNEY GENERAL REPORTS

The Patrol Division Commander should ensure that procedures are in place for the submission of bi-monthly reports relating to certain traffic citations (e.g., texting while driving, driving while distracted) to the Ohio Attorney General's Office consistent with the requirements of ORC § 4511.992.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors will discuss any issues with the involved deputy and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions in the involved employee's personnel file.
- (b) Supervisors will periodically review Mobile Video Recorder recordings, portable audio/video recordings, Body Worn Camera recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between deputies and the public to ensure compliance with this policy.
 - 1. Supervisors will document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing will be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors will take prompt and reasonable steps to address any retaliatory action taken against any member of this Office who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Patrol Division Commander should prepare a documented annual review of Office practices, collected data, and citizen concerns and complaints and submit an annual report to the Sheriff. The annual report should not contain any identifying information about any specific complaint, citizen, or deputies. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

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Bias-Based Policing

401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC

The Sheriff or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

401.7 TRAINING

The Training Section should provide annual training on this policy and fair and objective policing. The training should include bias-based policing issues and relevant legal aspects, such as: field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

401.8 EFFECTIVE DATE

January 1, 2022

Crime and Disaster Scene Integrity

402.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

402.2 POLICY

It is the policy of the Erie County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

402.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

402.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

402.5 SEARCHES

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured

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Crime and Disaster Scene Integrity

persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

402.5.1 CONSENT

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

402.6 EFFECTIVE DATE

January 1, 2022

Special Response Team

403.1 PURPOSE AND SCOPE

The Erie County Sheriff's Office Special Response Team (SRT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

403.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Response Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to Office personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

403.1.2 SWAT TEAM DEFINED

SWAT Team - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of Office policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

403.2 POLICY

It is the policy of this Office to maintain an SRT team and to provide the equipment, staffing (in conjunction with other Erie County law enforcement agencies), and training necessary to maintain an SRT team. The SRT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control.
- (b) Containment.
- (c) Entry/apprehension/rescue.

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit the SRT from responding to a situation that may exceed its training level due to the exigency of the circumstances. The preservation of innocent human life is paramount.

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Special Response Team

403.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SRT missions and operations that are appropriate for this Office and the SRT. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SRT commander or designee.

403.2.2 ORGANIZATIONAL PROCEDURES

This Office shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.
- (h) Extrajurisdictional response.
- (i) Specialized functions and supporting resources.

403.2.3 OPERATIONAL PROCEDURES

This Office shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SRT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

- (a) Designating personnel responsible for developing an operational or tactical plan prior to, and/or during SRT operations (time permitting).
 - 1. All SRT team members should have an understanding of operational planning.
 - 2. SRT training should take into consideration planning for both spontaneous and planned events.
 - 3. The SRT should incorporate medical emergency contingency planning as part of the SWR operational plan.
- (b) Briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When reasonably possible, briefings should include any needed specialized units and supporting resources.

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Special Response Team

- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action should be developed to provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SRT.
- (e) The appropriate role for a trained negotiator should be defined.
- (f) A standard method of determining whether a warrant should be regarded as high risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post-incident scene management, including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.
 - 3. Debriefing after every deployment of the SRT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
 - (b) Debriefings should not be conducted until involved personnel have had the opportunity to individually complete the necessary reports or provide formal statements.
 - (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
- (j) Standardization of equipment.

403.3 TRAINING NEEDS ASSESSMENT

The SRT commander shall conduct an annual SRT training needs assessment to ensure that training is conducted within team capabilities and Office policy.

403.3.1 INITIAL TRAINING

SRT members and SRT supervisors/team leaders should not be deployed until successful completion of an approved Basic SWAT course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Office.

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403.3.2 UPDATED TRAINING

Appropriate team training for specialized SRT functions and other supporting resources should be completed prior to full deployment of the team.

SRT members and SRT supervisors/team leaders should complete update or refresher training on an as-needed basis.

403.3.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SRT or critical incident commander course or its equivalent. SRT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the Office.

403.3.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SRT commander. The SRT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) Each SWAT team member shall annually successfully complete mandatory SWAT handgun and rifle qualification courses. The qualification courses shall consist of the SWAT basic drill for the handgun and rifle. Failure to qualify will require the deputy to seek remedial training from a Firearms Instructor approved by the SRT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Each SWAT team member shall annually successfully complete a mandatory SWAT qualification course for any specialty weapon issued to or likely to be used by that team member during SWAT operations. Failure to qualify will require the member to seek

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remedial training from a Firearms Instructor approved by the SRT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

403.3.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

403.3.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

403.3.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Sheriff's Office. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

403.4 UNIFORMS, EQUIPMENT AND FIREARMS

403.4.1 UNIFORMS

SWAT team members from this Office will wear uniforms that clearly identify team members as Deputy Sheriffs. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

403.4.2 EQUIPMENT

SWAT teams from this Office should be adequately equipped to meet the specific mission identified by the Office.

403.4.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Office-issued or approved, including any modifications, additions or attachments.

403.4.4 OPERATIONAL READINESS INSPECTION

The commander of the SRT shall appoint an SRT supervisor to perform an operational readiness inspection of all unit equipment on an annual basis. The result of the inspection will be forwarded to the SRT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

403.5 MANAGEMENT/SUPERVISION OF SPECIAL RESPONSE TEAM

The commander of the SRT shall be selected by the Sheriff upon recommendation of the staff.

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403.5.1 PRIMARY UNIT MANAGER

Under the direction of the Sheriff, the Special Response Team shall be managed by the SRT Commander.

403.5.2 TEAM SUPERVISORS

The CNT and the SWAT team will be supervised by individual team leaders who have been appointed by the Sheriff upon specific recommendation of the SRT Commander.

The following represent supervisor responsibilities for the Special Response Team:

- (a) The CNT leader's primary responsibility is to supervise the operations of the CNT team, to include deployment, training, first-line participation and other duties as directed by the SRT commander.
- (b) The SWAT team's leaders primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SRT commander.

403.6 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

403.6.1 SELECTION OF PERSONNEL

When a CNT vacancy exists and is announced, interested non-probationary sworn personnel from an SRT participating agency shall submit an application through their agency chain of command to the SRT commander. Qualified applicants will then be invited to an oral interview to be administered by the SRT Commander and the CNT leader.

- (a) Interviewees shall be evaluated by the following criteria:
 1. Recognized competence and ability as evidenced by job performance to date.
 2. Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.
 3. Effective communication skills to ensure success as a negotiator.
 4. Specialized skills, training, and/or appropriate education pertaining to the CNT duties.
 5. Commitment to the unit with a demonstrated understanding that the assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Psychological test battery and evaluation. The applicant will be required to successfully pass a psychological test and evaluation administered by a psychologist or psychiatrist to determine the mental fitness of the applicant to perform any assigned CNT duties. The administrator of the test will be determined by the Sheriff. The applicant will agree in advance to allow the results of said testing to be shared with the applicant's primary employer if he/she is not primarily employed by the Sheriff's Office

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The oral board shall submit a list of successful applicant(s) to the Sheriff for final selection and appointment.

403.6.2 TRAINING OF NEGOTIATORS

Those Deputy Sheriffs appointed to the CNT should attend a Office-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained Deputy Sheriffs may be used in a support or training capacity. Additional training will be coordinated by the CNT leader.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the CNT leader.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from CNT.

403.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

403.7.1 SELECTION OF PERSONNEL

When a SWAT team vacancy exists, interested non-probationary sworn personnel from an SRT participating agency shall submit an application through their agency's chain of command to the SRT Commander. Qualified applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SRT Commander. The testing process will consist of an oral interview, psychological test battery and evaluation, physical agility test and a SWAT basic handgun and team evaluation.

- (a) Oral interview: The oral interview will consist of personnel selected by the SRT Commander. Applicants will be evaluated by the following criteria:
 1. Recognized competence and ability as evidenced by performance.
 2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member.
 3. Special skills, training or appropriate education as it pertains to the assignment.
 4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Psychological test battery and evaluation. The applicant will be required to successfully pass a psychological test and evaluation administered by a psychologist

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or psychiatrist to determine the mental fitness of the applicant to perform any assigned SWAT duties. The administrator of the test will be determined by the Sheriff. The applicant will agree in advance to allow the results of said testing to be shared with the applicant's primary employer if he/she is not primarily employed by the Sheriff's Office.

- (c) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SRT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (d) SWAT basic handgun and rifle qualification test: Candidates will be invited to shoot the SWAT basic drill for the handgun and rifle. A minimum qualifying score of 90% on the Ohio Peace Officer Training Commission handgun and rifle qualification courses must be achieved to pass this test.
- (e) Team evaluation test: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (f) A list of successful applicant(s) shall be submitted to the Sheriff by the SRT Commander for final selection and appointment.

403.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SRT Commander. The performance and efficiency level, as established by the team leaders, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

403.8 OPERATIONAL GUIDELINES FOR SPECIAL RESPONSE TEAM

The following procedures serve as guidelines for the operational deployment of the Special Response Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SRT Commander.

403.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Special Response Team may be needed. Upon final evaluation and determination by the Sheriff, the Chief Executive Officer of any involved local law enforcement agency, and the SRT Commander, the SRT will be notified.

403.8.2 APPROPRIATE SITUATIONS FOR USE OF A SPECIAL RESPONSE TEAM

The following are examples of incidents that may result in the activation of the Special Response Team:

- (a) Barricaded suspects who refuse an order to surrender.

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- (b) Incidents where hostages have been taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation where a SRT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

403.8.3 OUTSIDE AGENCY REQUESTS

Requests for response for assistance by the Erie County Sheriff's Office SRT received from another Sheriff and/or Chief of Police and/or law enforcement agency Chief Executive Officer must be approved by the Erie County Sheriff or his/her designee.

403.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, may develop protocols, agreements, memorandums of understanding, and/or working relationships to support multijurisdictional or regional responses.

- (a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.
- (b) Members of the Erie County Sheriff's Office SWAT team shall operate under the policies, procedures and command of the Erie County Sheriff's Office when working in a multi-agency situation.

403.8.5 MOBILIZATION OF SPECIAL RESPONSE TEAM

The on-scene supervisor shall make a request to the Sheriff or his/her designee for SRT response. The SRT Commander will then be notified. If the SRT Commander is unavailable, an SRT team leader shall be notified. A current mobilization list shall be maintained by the SRT Commander.

The on-scene supervisor will be expected to brief the SRT Commander and/or his/her designee with as much of the following information as is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location and safe approach to the command post.
- (g) The extent of any perimeter and the number of deputies/field personnel involved in perimeter control.
- (h) Whether the suspect has refused a direct order to surrender.
- (i) Any other important facts critical to the immediate situation.

The SRT Commander shall then call selected SRT members to respond.

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403.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Special Response Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish a patrol emergency/arrest response team prior to SWAT arrival. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.
 - 2. Taking action to mitigate a lethal threat or behavior.
- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SRT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SRT Commander on the situation.
- (g) Plan for and stage anticipated resources.

403.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Special Response Team, the on-scene Incident Commander shall brief the SRT Commander and/or and team leaders. Upon review, it will be the Incident Commander's decision, with input from his/her chain of command and the SRT Commander, whether to deploy the SRT. Once the Incident Commander authorizes deployment, the SRT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Special Response Team. The Incident Commander and the SRT Commander or designee shall maintain communications at all times.

403.8.8 COMMUNICATION WITH SPECIAL RESPONSE TEAM PERSONNEL

All persons who are non-Special Response Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SRT personnel directly. All non-emergency communications shall be channeled through the CNT leader.

403.9 EFFECTIVE DATE

January 1, 2022

Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Erie County Sheriff's Office. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

404.2 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the shift Lieutenant or Sergeant. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver license number, birthdate, address, and telephone number.

The Shift Lieutenant or Sergeant will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate division as soon as possible for scheduling considerations.

If the request is denied, a representative of the Office will advise the applicant of the denial.

404.3 MEMBERS RESPONSIBILITIES

The Office member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit the individual's participation. Instructions should include:

- (a) The participant will follow the directions of the Office member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any sheriff's Office equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the Office member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. A deputy with a ride-along participant

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should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lighted public place. The dispatcher will be advised of the situation and as soon as practicable have another Office member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride-along, or is otherwise inappropriate, should be immediately reported to the shift Lieutenant or Sergeant. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Lieutenant or Sergeant.

404.4 EFFECTIVE DATE

January 1, 2022

404.5 POLICY

Ride-along opportunities will be provided to the members of the public, County employees, and members of this Office to observe and experience, first-hand, various functions of the Erie County Sheriff's Office. The term "ride-along" includes riding as a passenger with a deputy on patrol or observing the work day of members engaged in other functions within the Office, such as Dispatch.

404.6 ELIGIBILITY

A ride-along is available to Erie residents and business owners, students currently attending class in Erie, and those employed within the County of Erie. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this Office or the [city/county].
- Denial by any supervisor.

404.7 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the or shift Lieutenant or Sergeant.

404.8 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers

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- Volunteers
- Chaplains
- Reserves
- Erie County Sheriff's Office applicants
- Any others with approval of the Shift Lieutenant or Sergeant
- Students enrolled in any Office-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in Office vehicles at a given time.

Ride-along requirements for Office Explorers are covered in the Sheriff's Cadets and Explorers Policy.

404.8.1 OFF-DUTY PARTICIPATION

Off-duty members of this Office or any other law enforcement agency, and employees of the County, will not be permitted to participate in a ride-along with on-duty members of this Office without the express consent of the Shift Lieutenant or Sergeant.

In the event that such participation is permitted, the off-duty Office member, other law enforcement agency personnel, or County employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as a member of this Office or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

404.8.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and any other authorized state or national check prior to approval (provided the ride-along is not an employee of the Erie County Sheriff's Office).

404.8.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Lieutenant or Sergeant. The shift Lieutenant or Sergeant or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a risk of potential harm to employees as a result of the potential foreexposure to those materials. To comply with Ohio law, the following represents the policy of this Office.

405.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous Material - A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic crash, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

A hazardous material response should be compliant with the County Chemical Emergency Response and Preparedness Plan (ORC § 3750.01 et seq.; OAC § 3750-1-01 et seq.), if possible under the circumstances.

Fire Departments throughout Erie County, under the Ohio Fire Service Emergency Response Plan (OFCERP) for Hazardous Materials/WMD Incident Response, are generally the agencies trained and equipped to properly respond to calls, and mitigate, most hazardous materials and biohazards. Fire department personnel have the primary role and authority in a HAZMAT incident. The OFCERP provides a central contact number for requests for assistance and operations support (888-822-4900).

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (b) Safely attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (c) Notify the appropriate fire department.
- (d) Provide first aid to injured parties if it can be done safely and without contamination.

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- (e) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.
- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

405.3 REPORTING EXPOSURE

Office personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Sheriff. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department, if necessary.

405.4 EFFECTIVE DATE

January 1, 2022

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where deputies have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the deputies by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that deputies encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the Erie County Sheriff's Office to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding deputies should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Deputies should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, Office-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding deputies should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding deputy should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding deputy shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The

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deputy shall continually evaluate the situation, including the level of risk to deputies, to the persons involved and to bystanders, and the resources currently available.

The handling deputy should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, deputies handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., K-9 team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff or Authorized Designee.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Deputies presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can

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require that deputies react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., K-9 team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Office, such as command officers and the Sheriff or Authorized Designee (PIO).

If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SRT response if appropriate and apprising the SRT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.

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- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the County during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the Office PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 SPECIAL RESPONSE TEAM RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SRT Commander, whether to deploy the SRT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SRT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SRT. The Incident Commander and the SRT Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

406.8 EFFECTIVE DATE

January 1, 2022

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Erie County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Erie County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established Office evidence procedures.

The member receiving the bomb threat should ensure that the Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 ERIE COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Erie County Sheriff's Office facility, the Shift Sergeant will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's Office, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Erie County Sheriff's Office that is not the property of this Office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Sergeant deems appropriate.

407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

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If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this Office receives notification of a bomb threat at a location in the County of Erie, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 1. No evacuation of personnel and no search for a device.
 2. Search for a device without evacuation of personnel.
 3. Evacuation of personnel without a search for a device.
 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Shift Sergeant should be notified when sheriff's assistance is requested. The Shift Sergeant will make the decision whether the Office will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Shift Sergeant determine that the Office will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.

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1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
1. Notification and response, or standby notice, for fire and emergency medical services.
 2. Explosives detecting K-9.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the Lorain County Sheriff's Office Bomb Squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
- (d) The Lorain County Sheriff's Office Bomb Squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Sergeant including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).

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4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people/agencies should be notified as appropriate:

- Fire department
- Lorain County Sheriff's Office Bomb Squad
- Additional Sheriff's Office personnel, such as investigators and forensic services
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Sheriff or authorized designee should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

407.8 EFFECTIVE DATE

January 1, 2022

Civil Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for civil commitment (ORC § 5122.10).

408.1.1 DEFINITIONS

Mental illness – A 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 (ORC Section 5122.01(A)).

Mentally ill persons subject to court order – A mentally ill person who, because of the person's illness:

- (a) Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.
- (b) Represents a substantial risk of physical harm to others as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.
- (c) Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community.
- (d) Would benefit from treatment for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.
- (e) Would benefit from treatment as manifested by evidence of behavior that indicates all of the following [the remainder of this statute is intentionally omitted as it addresses conditions that do not require emergency hospitalization] (ORC Section 5122.01(B) (1-5)).

408.2 POLICY

It is the policy of the Erie County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

408.3 AUTHORITY

If a deputy has reason to believe that a person is a person with a mental illness and subject to a court order because the person presents a substantial risk of physical harm to themselves or others, the deputy may take, or cause the person to be taken, into custody and immediately transport the person to an appropriate hospital for evaluation (ORC § 5122.10).

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408.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a civil commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputy should:

- (a) Based upon the totality of the circumstances and at the discretion of the deputy or their supervisor, if transport of the individual to a mental health facility by willing family members or acquaintances would be appropriate, this may be allowed; or the individual may be transported by ambulance or in the deputy's cruiser.
- (b) If the individual needs to be transported by ambulance, the appropriate EMS service provider will be dispatched to the individual's location as soon as possible.
- (c) If the decision is made that this agency will transport the individual seeking voluntary civil commitment, they may be transported unrestrained (no handcuffs or leg shackles) in an agency vehicle with the approval of the shift supervisor.
- (d) Any employee transporting a mentally ill individual who is voluntarily seeking civil commitment treatment will clearly inform the individual that they are not under arrest; will notify the individual to what facility the individual is being taken; and will make every reasonable and appropriate effort to transport the individual in the least conspicuous manner possible. (ORC Section 5122.10).
- (e) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (f) If at any point the individual changes their mind regarding voluntary civil commitment, deputies should proceed with the involuntary civil commitment process, if appropriate.
- (g) Document the circumstances surrounding the individual's desire to pursue voluntary civil commitment and/or admission.
- (h) Prior to leaving the facility to which the individual has been transported, the employee transporting the individual will verbally report to the person the facility deems appropriate to receive such information the facts applicable to this agency's interaction with the individual that caused the individual to be transported.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

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Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

408.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Shift Sergeant approval is required before transport commences.

408.5.1 MANNER OF TRANSPORTATION

Deputies should make an effort to take individuals into custody in the least conspicuous manner possible. The deputy shall inform the individual (ORC § 5122.10):

- (a) Of the deputy's name, rank/title and agency.
- (b) That the person is not being arrested.
- (c) That the person is being taken for examination by mental health professionals at a mental health facility identified by name.

Deputies may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the deputy should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The deputy should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

[See attachment: Application For Emergency Admission.pdf](#)

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408.7.1 REQUIRED DOCUMENTATION

The application for emergency admission should include the circumstances under which the person's condition was called to the attention of the deputy, the circumstances under which the person was taken into custody and a description of probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. This statement shall be made available to the person or the person's attorney upon the request of either (ORC § 5122.10).

408.8 CRIMINAL OFFENSES

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this Office to regain custody of the individual, Office resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 JUDICIAL INVOLUNTARY COMMITMENT OF A MENTALLY ILL PERSON (PROBATE COURT ORDERS)

The Probate Courts throughout Ohio, including the Erie County Probate Court, have the legal authority to cause for an alleged mentally ill individual to be involuntarily taken into custody and to be transported to a mental health facility and/or hospital for evaluation and treatment of mental illness. The Sheriff and all Deputy Sheriffs are statutorily defined as officers of the Probate Court and are responsible for the execution of judicial involuntary commitment (or Probate Court) orders. (ORC Section 5122.11).

- (a) Probate Court orders originate with an affidavit completed by an individual seeking court-ordered mental health treatment for those individuals who will not voluntarily seek such treatment. Once the affiant has completed his/her statement, it is evaluated by the Court to determine that probable cause exists for the Court to issue an order requiring the alleged mentally ill individual (known as the respondent in such cases) to be taken into custody and to be transported to a hospital or other place as designated by the Court for evaluation and/or treatment (ORC Section 5122.11).

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- (b) If the Court determines that such cause exists, the court will issue a set of orders directed to the Sheriff for service. Any Deputy Sheriff is obligated to serve such orders as directed by a supervisor. Any and all techniques and precautions previously listed in this policy concerning interaction with the mentally ill will be followed when serving Probate Court orders. Employees serving Probate Court orders will not hesitate to summon additional aid to assist in taking the respondent into custody, either from this agency or from local law enforcement agencies.
- (c) Once the individual is taken into custody, he/she will be immediately transported to the medical facility designated in the court order. Unless otherwise relieved, the employee is responsible to remain with the individual until the individual is admitted to that medical facility, or to any other medical facility as designated in the court order – unless the court order designates otherwise.
- (d) Any employee having any question about the terms or conditions of any court order as listed in this section of the policy should immediately forward the question to a supervisor. If the question cannot be answered by a supervisor, the question will be forwarded to the Erie County Probate Court personnel for clarification.

408.10 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a mental health commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

408.10.1 RETURN OF FIREARM

The deputy taking custody of any firearm or other deadly weapon should issue the individual possessing such weapon a receipt that fully describes the weapon (including any serial number) and indicates the location where the weapon may be recovered, along with any applicable time limit for recovery (ORC § 2923.163).

408.11 TRAINING

This Office will endeavor to provide Office-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

408.12 EFFECTIVE DATE

January 1, 2022

Citation Releases

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Erie County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

409.2 POLICY

Members of the Erie County Sheriff's Office will consider all available resources, as well as their obligation to protect the community, when exercising any discretion to release suspected offenders on a citation when authorized to do so.

409.3 RELEASE

A suspected offender may be released on issuance of a citation as follows:

- (a) In cases of minor misdemeanors, deputies shall not arrest the offender but shall issue a citation for all offenses in which the potential penalty does not exceed \$150 (ORC § 2935.26; Ohio R. Crim. P. 4.1(B)).
- (b) In all other misdemeanors, unless otherwise prohibited by law or by an individual municipal court's bond schedule, deputies having probable cause to arrest a person may, in lieu of making the arrest, issue the person a summons to appear if the deputy reasonably believes that the summons will ensure the person's appearance. The deputy shall also file a complaint describing the alleged offense (Ohio R. Crim. P. 4(3)).

409.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The offense is a minor misdemeanor (ORC § 2935.26(A)) and one of the following applies:
 - 1. The offender requires medical care or is unable to provide for his/her own safety due to his/her level of suspected intoxication due to alcohol or drug usage.
 - 2. The offender cannot or will not offer satisfactory evidence of his/her identity.
 - 3. The offender refuses to sign the citation.
 - 4. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to either:
 - (a) Appear at the time and place stated in the citation.
 - (b) Within seven days after receiving the citation, sign a plea of guilty and pay the total fine and costs by appearing in person or mailing the citation to the court.

See the Domestic Violence Policy for release restrictions related to those investigations.

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409.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the alleged offender.
- (c) The ability to identify the offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is a reasonable likelihood that criminal conduct by the individual will continue.

409.6 EFFECTIVE DATE

January 1, 2022

Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Erie County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The Erie County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

410.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
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Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

410.7 EFFECTIVE DATE

January 1, 2022

Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist deputies in situations that call for rapid response and deployment.

411.2 POLICY

The Erie County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Office in protecting themselves or others from death or serious injury.

411.3 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.4 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies will consider all reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies will take immediate actions to stop the threat.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

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- (b) Whether to wait for additional resources or personnel. As noted above, deputies will take immediate action if a suspect exhibits life threatening behavior. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, deputies should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.5 TRAINING

Training may be periodically scheduled by the Sheriff's designee to include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

411.5 PLANNING

The Sheriff or authorized designee should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.

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- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

411.5.1 SCHOOL SAFETY DRILLS

The Sheriff or authorized designee will cooperate with local school officials required to conduct school safety drills in conjunction with the Erie County Sheriff's Office pursuant to ORC § 3737.73. The Office should consider information obtained during the drills when pre-planning Office emergency responses to schools.

411.7 EFFECTIVE DATE

January 1, 2022

Immigration Violations

412.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Erie County Sheriff's Office relating to immigration and interacting with federal immigration officials.

412.2 POLICY

It is the policy of the Erie County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

412.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio constitutions.

412.4 DETENTIONS

A deputy will not not detain any individual, for any length of time, for a violation of federal immigration laws or a related warrant.

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested in writing by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released will continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

A deputy is encouraged to forego detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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In the event that a foreign national is detained but released at the scene of detainment to a United States immigration enforcement officer, the employee is not responsible to contact the foreign national's consulate. That responsibility is transferred to the federal officer taking custody of the foreign national.

412.4.1 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities; or
- (b) Lawfully arrest the person for a state criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy); or
- (c) Release the individual.

412.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released from jail custody should continue to be detained solely for the purpose of notification to federal immigration authorities.

412.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this Office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

412.7 INFORMATION SHARING

No member of this Office will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in Office records
- (c) Exchanging such information with any other federal, state, or local government entity

412.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

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412.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Bureau supervisor assigned to oversee the handling of any related case. The Detective Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

412.9 EFFECTIVE DATE

January 1, 2022

Emergency Utility Service

413.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours per day, seven days a week. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this Office should be handled in the following manner.

413.1.1 BROKEN WATER LINES

The County's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the County side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

413.1.2 ELECTRICAL LINES

County Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

413.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

413.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

413.2 TRAFFIC SIGNAL MAINTENANCE

The County of Erie contracts with a private company to furnish maintenance for all traffic signals within the County, other than those maintained by the Ohio Department of Transportation (ODOT).

413.2.1 DEPUTY'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the deputy will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

413.3 EFFECTIVE DATE

January 1, 2022

Field Training Officer Program

414.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general law enforcement duties of the Erie County Sheriff's Office.

It is the policy of this Office to assign all new sheriff's deputies to a structured Field Training Officer Program that is designed to prepare the new deputy to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

414.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

414.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of four years of patrol experience, two of which shall be with this Office.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors and current FTOs.
- (f) Possess a basic training certificate from the Ohio Peace Officer Training Commission (OPOTC).

414.2.2 TRAINING

A deputy selected as an FTO shall successfully complete a Field Training Officer's course approved by the Office as soon as possible after being assigned as an FTO.

All FTOs must complete a Field Training Officer update course as mandated while assigned to the position of FTO.

414.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of Sergeant or above by the Sheriff or designee and, if not already completed, should complete Office-approved supervisory training within one year of appointment to this position.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings, as needed.

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- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Ensure that a Field Training Manual and/or agency Policy Manual is issued to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

414.4 TRAINEE DEFINED

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Erie County Sheriff's Office who has successfully completed an OPOTC approved basic academy and possesses an OPOTC basic training certificate within one year after commencing employment as a peace officer.

414.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

414.5.1 FIELD TRAINING MANUAL

Each new deputy will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a deputy with the Erie County Sheriff's Office. The deputy shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Erie County Sheriff's Office.

The Sheriff's Office policy manual may be used in place of a Field Training Manual.

414.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

414.6.1 FIELD TRAINING OFFICER

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

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- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

414.6.2 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

414.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Sheriff for review and approval.

414.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

414.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the deputy's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.
- (c) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

414.8 EFFECTIVE DATE

January 1, 2022

Aircraft Crashes

415.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Office members with guidelines for handling aircraft crashes.

This policy does not supersede, and is supplementary to, applicable portions of any other agency policies that may be applicable to aircraft crashes.

415.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

415.2 POLICY

It is the policy of the Erie County Sheriff's Office to provide an appropriate emergency response to, and initial investigation into, aircraft crashes. These actions include emergency medical care and scene management.

415.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the crash site.
- (f) Consider implementation of an Incident Command System (ICS).

415.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene will coordinate with the Erie County Coroner and National Transportation Safety Board (NTSB) before the removal of the bodies of any crash victims. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, if anything, during the removal of any bodies, to include switch/control positions and instrument/gauge readings.

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415.5 NOTIFICATIONS

When an aircraft crash is reported to this Office, the responding supervisor shall ensure notification, as soon as possible, is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft crash has been reported. The notifications will vary depending on the type of crash, extent of injuries or damage, and the type of aircraft involved. When an aircraft crash has occurred, it is generally necessary to notify the following:

- (a) Fire department; and
- (b) FAA Flight Control Center in Oberlin, Ohio; and
- (c) Emergency medical services (EMS), if other than local fire department.

415.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft crash, the appropriate branch of the military will have primary investigation responsibility.

Once the NTSB, FAA, and/or military representative(s) arrives on-scene, the efforts of this Office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or its crash does not qualify under its jurisdiction, the on-scene Office supervisor should ensure the crash is still appropriately investigated and documented.

415.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

415.8 DOCUMENTATION

All aircraft crashes occurring within Erie County shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of Sheriff's Office members deployed to assist; other resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

415.8.1 WRECKAGE

When reasonably safe, members should, if required or requested by the NTSB, FAA, or military personnel:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

415.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the crash site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the crash witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the crash, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the crash and dispatch records.

415.9 MEDIA RELATIONS

The Sheriff or authorized designee will coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the crash itself will be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Sheriff or authorized designee will coordinate with any other involved entities before releasing any information related to the identity of victims.

415.10 EFFECTIVE DATE

January 1, 2022

Obtaining Air Support Assistance

416.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of aircraft support (excluding drones) may be requested and the responsibilities for making a request.

416.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor in charge of an incident determines that the use of air support would be beneficial, the first request made will be for this agency's drone team to respond. If it is determined that aircraft assistance is appropriate, a request to obtain air support assistance from another public safety agency or private company/citizen may be made after consultation with the Sheriff.

416.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support is received from the Sheriff, the supervisor will call the agency or private concern having air support available. The supervisor will apprise that agency of the specific details of the incident prompting the request. If our agency's drone, or another agency's drone, is assisting at the scene, the agency or private concern from which the aircraft mutual aid request is being requested will also be advised of the presence of the drone to ensure that there will be no issues with the drone's presence for the pilot of the aircraft.

416.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Pre-planned events or actions that require air support.
- (g) When the Sheriff or authorized designee determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, it must be stressed that the presence of air support will rarely replace the need for suitable number of deputies on the ground.

416.3 EFFECTIVE DATE

January 1, 2022

Contacts and Temporary Detentions

417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the deputy's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

417.2 POLICY

The Erie County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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417.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct a field interview (FI), when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Erie County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

417.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

417.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

417.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. Consent should, at the least, be documented by body-worn camera video.

417.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The deputy must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal

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conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the deputy's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

417.4.3 FIELD PHOTOGRAPHS OF CHILDREN

Field photographs may only be taken of a child with the consent of a juvenile court judge, except when the child has been (ORC § 2151.313):

- (a) Arrested or otherwise taken into custody for committing, or has been adjudicated as a delinquent child for committing, an act that would be a felony if committed by an adult.
- (b) Convicted of or pleaded guilty to committing a felony.
- (c) Arrested or otherwise taken into custody or has been adjudicated as a delinquent child for committing an act where all of the following apply:
 - 1. The offense is not a traffic offense or minor misdemeanor if committed by an adult.
 - 2. There is probable cause to believe the child may have been involved in the act.

The deputy who photographs a juvenile shall immediately inform the Juvenile Court that the photographs were taken and shall provide the court with the identity of the juvenile, the number of photographs taken and the name and address of each person who has custody and control of the photographs or copies of the photographs (ORC § 2151.313(A)(2)).

417.4.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted with documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

Photographs of children shall be retained in a file separate and apart from all photographs taken of adults until released to the juvenile court or as otherwise ordered by a juvenile judge (ORC § 2151.313(B)).

When a photograph of a child is taken in association with a particular case, before filing a complaint regarding the offense, the photograph may only be used in the investigation of the original offense and may only be released to the court.

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After filing the complaint, the photograph may be used to investigate the original offense or to investigate any other juvenile delinquency offense involving the juvenile as a suspect. Photographs may also be used in a photo lineup when the child in the photograph has been adjudicated as a delinquent child for the commission of an act that would be a felony if committed by an adult, or convicted or pleaded guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs (ORC § 2151.313(C)).

417.4.5 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

417.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A second deputy or other assisting officer should be positioned to ensure safety and should not be involved in the search.

417.5 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

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2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, deputies should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Office members.
 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

417.7 EFFECTIVE DATE

January 1, 2022

Criminal Organizations

418.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Erie County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

418.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

418.2 POLICY

The Erie County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this Office to collect and share relevant information while respecting the privacy and legal rights of the public.

418.3 CRIMINAL INTELLIGENCE SYSTEMS

No Office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for Office use.

Any criminal intelligence system approved for Office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

418.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this Office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those source documents are retained by the supervisor and appropriately filed.

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The designated supervisor should ensure that any documents retained are appropriately marked as intelligence information. These document will not be destroyed pursuant to the Records Retention Schedule without Detective Bureau approval.

418.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

418.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible Office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section Division, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, dispatch records or jail booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

418.4.2 STREET GANG PREMISES

Any building, premises or real estate, including vacant land, which is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity may be considered a public nuisance. The Detective Bureau supervisor may authorize members to collect information on such property for purposes of abatement, pursuant to ORC § 3767.01 through 3767.11 (ORC § 2923.43).

418.4.3 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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418.5 INFORMATION RECOGNITION

Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Office supervisors who utilize an authorized criminal intelligence system should work with other supervisors to train members to identify information that may be particularly relevant for inclusion.

418.6 RELEASE OF INFORMATION

Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to Office members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

418.7 CRIMINAL STREET GANGS

The Detective Bureau supervisor may ensure that there are an appropriate number of Office members who may:

- (a) Testify as experts on matters related to criminal street gangs active within this agency's primary law enforcement jurisdiction, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

418.8 TRAINING

Training should provide training on best practices in the use of each authorized criminal intelligence system will be provided to those tasked with investigating criminal organizations and enterprises. Training should include:

- (a) The protection of civil liberties.

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- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

418.9 EFFECTIVE DATE

January 1, 2022

Mobile Audio/Video

419.1 PURPOSE AND SCOPE

The Erie County Sheriff's Office has equipped marked patrol cars with Mobile Video Recording (MVR) systems. The MVR is designed to provide records of events and assist deputies in the performance of their duties. This policy provides guidance on the use of these systems.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-Car Camera System and Mobile Video Recorder (MVR) - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MVR Technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who have working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

419.2 POLICY

It is the policy of the Erie County Sheriff's Office to use mobile video recording technology to more effectively fulfill the Office's mission and to ensure these systems are used securely and efficiently.

419.3 DEPUTY RESPONSIBILITIES

Prior to going into service, each deputy will properly equip him/herself to record audio and video in the field. At the end of the shift, each deputy will follow the established procedures for providing to the Office any recordings or used media and any other related equipment. Each deputy should have adequate recording media for the entire duty assignment. In the event a deputy works at a remote location and reports in only periodically, additional recording media may be issued. Only Erie County Sheriff's Office-identified and labeled media with tracking numbers is to be used.

Deputies will continually monitor any MVR system's operation in accordance with manufacturer specifications and Office operating procedures and training to ensure correct operation.

If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service. Any damage or malfunction in the operation of the device shall be immediately reported, both verbally and in writing, to the employee's immediate supervisor as soon as it is practicable to do so.

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419.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are activated and/or when certain other triggers cause the system to activate. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the deputy whenever appropriate. When audio is being recorded, the video will also record.

419.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. A deputy may activate the system any time the deputy believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system will be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
 - 2. Priority responses
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force
 - 8. Pedestrian checks
 - 9. OVI investigations including field sobriety tests
 - 10. Consensual encounters
 - 11. Crimes in progress
 - 12. Responding to an in-progress callAll self-initiated activity in which a deputy would normally notify Dispatch
- (b) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
 - 1. Family violence calls
 - 2. Disturbance of peace calls
 - 3. Offenses involving violence or weapons

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- (c) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (d) Any other circumstance where the deputy believes that a recording of an incident would be appropriate

419.4.2 CESSATION OF RECORDING

Once activated, the MVR system shall remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if a deputy is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

In the event that any type of contact is reestablished between the employee and that same person(s), camera operation will be reactivated. Employees are authorized to temporarily discontinue camera use at the scene of an incident when conferring privately with a supervisor or another employee about the investigation and/or potential for charges.

Employees are hereby advised that there is generally no need to conceal the fact that a camera is operational when interacting with anyone. Employees are encouraged to confirm that a camera is being used and that all conversation and interaction is being recorded.

419.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other deputies or during breaks, lunch periods, when not in service or actively on patrol.

No member of this Office may surreptitiously record a conversation of any other member of this Office except with a court order or when lawfully authorized by the Sheriff or the authorized designee for the purpose of conducting a criminal or administrative investigation.

419.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MVR systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

- (a) The operation of MVR systems by new employees is assessed and reviewed no less than biweekly.
- (b) Supervisors will, no less than once every thirty days, review at least three cruiser camera and three body camera recordings from selected at random for each employee under the supervisor's direct supervision to ensure compliance with all agency policies, and to allow for additional training and/or commendation or correction for those employees. Supervisors conducting such reviews are to report in writing to the Sheriff's designee the specific videos that were reviewed and whether or not the supervisor has issued any commendation, has taken any corrective action, or believes that any further follow up needs to occur based upon the videos reviewed.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, Office-involved crashes), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

419.5 PROHIBITIONS

- (a) No employee shall tamper with or alter any pre-programmed cruiser or body worn camera activation setting without the prior written approval of the Sheriff or authorized designee.
- (b) No employee shall purposely discontinue the use of a cruiser or body camera, manually or by any other means, at any time during an incident that this policy requires to be recorded.
- (c) No employee shall, at any time and for any reason, erase or attempt to erase from any type of storage media, any portion of any event recorded by a cruiser or body worn camera, except to comply with this agency's records retention schedule and/or this policy.
- (d) No employee shall activate a body worn camera in any situation in which others may have an expectation of privacy, including locker rooms, dressing rooms, restrooms, certain areas of the jail, unless the employee is in the process of responding to a call for service or investigating a reported criminal offense or unruly prisoner in such a location. If a call for service or a criminal offense is being investigated in such an environment and a body worn camera is activated pursuant to this policy, all appropriate precautions should be taken to ensure that partially or totally nude persons who are not related to the situation being investigated are not inadvertently recorded.
- (e) No employee shall intentionally activate a cruiser or body worn camera (or any other recording device) to record communication with other agency employee(s) during routine conversations, either within a Sheriff's Office facility (including substations) or in the field without the knowledge of the other employee(s).
- (f) No employee shall utilize a cruiser or body worn camera to record non work-related personal activity.
- (g) Except as part of the ongoing criminal investigation itself, employees shall not record confidential informants or employees acting in an undercover capacity and engaged in documented activities (illicit drug/weapons/property sales or transactions, "stings," etc.).
- (h) All recordings generated by and/or on agency camera equipment are, and shall remain, the sole property of the Erie County Sheriff's Office. Employees are not authorized to release, download, duplicate, or distribute any such recordings, whole or in part, in any fashion, without authorization by the Sheriff. Employees are also prohibited from allowing other employees from this agency, or employees of any other law enforcement agency, from viewing any such recording unless the other individual(s) has direct interest in the recording; the recording is being used for training;

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and/or the recording is considered a public record. In the event that an employee discovers that a cruiser or body-worn camera has been inadvertently left on and/or has been accidentally activated at the employee's residence or in another non-public and non-work related setting, the Sheriff and/or designated Administrative Assistant should be notified so that particular recording, not considered a public record, may be deleted.

- (i) Employees are not authorized to make any audio or video recording while performing duties for the employer with any non-agency owned device without the advance written consent of the Sheriff. Any such recording is considered the property of this agency and will be handled as described in policy.

419.6 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the Office. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MVR technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of deputy conduct
- (c) By a supervisor to assess deputy performance
- (d) To assess proper functioning of MVR systems
- (e) By Office investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By Office personnel who request to review recordings
- (g) By a deputy who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Sheriff or the authorized designee
- (i) By the media through proper process or with permission of the Sheriff or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved deputy objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the deputy's objection.

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Employees desiring to view any previously uploaded or archived MVR recording should submit a request to the shift supervisor. Approved requests should be forwarded to the appropriate Administrative Assistant if the supervisor is unable to access the requested recording.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

419.7 DOCUMENTING MVR USE

It is presumed that all incidents listed above are recorded with either the video or audio system. If an incident is found not to be recorded, any employee involved in the incident will be prepared to explain why a recording is not found. Failure to properly record an incident will subject an employee to potential disciplinary action.

419.8 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area by the deputy recording the incident if required based upon the current operating system. All recording media that is not booked as evidence will be retained as required by the established records retention schedule.

419.8.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy (ORC § 9.01).

Original recording media may only be released in response to a court order or upon approval by the Sheriff or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

419.8.2 MVR RECORDINGS AS EVIDENCE

Deputies who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the deputy or against the Erie County Sheriff's Office should indicate this in an appropriate report. Deputies should ensure relevant recordings are preserved.

419.9 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating deputy's transmitter, should be activated at

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a scene to minimize interference or noise from other MVR transmitters if transmitters are, in fact, being used with MVRs.

- (e) Deputies using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity, if required to do so. This is to obtain additional perspectives of the incident scene.
- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR-equipped vehicles to minimize the possibility of causing electronic or noise interference with the MVR system.
- (g) Deputies shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

419.10 TRAINING

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems.

419.11 EFFECTIVE DATE

January 1, 2022

Mobile Data Terminal Use

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between Office members and Dispatch.

420.2 POLICY

Erie County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any Office technology system (see the Information Technology Use Policy for additional guidance).

420.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Shift Sergeants.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

420.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be, if at all possible, limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the shift supervisor or other Office-established protocol, non-emergency calls for service assigned by a dispatcher should be communicated by MDT. Emergency calls will be dispatched by both MDT and radio transmission.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

420.5.1 STATUS CHANGES

Non-emergent changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted through the MDT system, if possible..

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the sheriff's radio.

420.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

420.7 EFFECTIVE DATE

January 1, 2022

Portable Audio/Video Recorders (Body-Worn Cameras)

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Erie County Sheriff's Office facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

421.2 POLICY

The Erie County Sheriff's Office may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by accurately capturing contacts between members of the Office and the public.

421.3 COORDINATOR

The Sheriff or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.
- (e) Establishing procedures for a documented review of recordings.

421.4 MEMBER PRIVACY EXPECTATION

All recordings made by members on any Office-issued device at any time, and any recording made while acting in an official capacity of this Office, regardless of ownership of the device it was made on, shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

421.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Office, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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Portable Audio/Video Recorders (Body-Worn Cameras)

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, ECSCO identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

Any damage or malfunction in the operation of the device shall be immediately reported, both verbally and in writing, to the employee's immediate supervisor as soon as it is practicable to do so.

421.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated activity in which a deputy would normally notify Dispatch.
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (e) If the employee makes personal contact with a person who wishes to file a complaint or is being stopped, questioned, or detained due to self-generated activity of the employee, the body worn camera will be activated as soon as possible prior to, or immediately after, that contact is initiated.
- (f) In the jail, employees will activate a body worn camera prior to interaction with an arrestee or prisoner who is engaging in violent, or potentially violent, behavior, or as soon as possible after the beginning of such an encounter.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

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Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

421.6.1 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

In the event that any type of contact is reestablished between the employee and that same person(s), camera operation will be reactivated. Employees are authorized to temporarily discontinue camera use at the scene of an incident when conferring privately with a supervisor or another employee about the investigation and/or potential for charges.

Employees are hereby advised that there is generally no need to conceal the fact that a camera is operational when interacting with anyone. Employees are encouraged to confirm that a camera is being used and that all conversation and interaction is being recorded.

421.6.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Ohio law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ORC § 2933.52).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another Office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

421.6.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

421.6.4 EXCEPTIONS

Even though such situations involve frequent contact and dialogue with the public, body worn cameras are not required to be activated by an employee during a meal break, any other type of break from normally assigned duties, or during a court appearance as these contacts generally do not have the potential to be adversarial in nature. If such a contact should develop, the body worn camera will be activated by the employee.

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Employees during the course of their duties may interact with individuals in a medical facility or setting under circumstances that would generally, as otherwise listed in this policy, require the activation of a body camera. In such circumstances, and to preserve the privacy of any individual also present in that facility, an employee may choose to discontinue the use of the body camera once any sufficient information necessary to be preserved for an investigation has been recorded. Such fact will be detailed in the completed report.

In very limited circumstances, respect for an individual's privacy and dignity may outweigh the need to continue to record an event, particularly if necessary facts and circumstances have already been recorded, (i.e., continually recording a conversation with the victim of a violent crime who has been obviously traumatized and who has already provided necessary information to support an investigation or prosecution). If an employee believes that those circumstances exist or that the continued use of a cruiser or body worn camera would inhibit the continued cooperation of a crime victim or witness, the employee may discontinue recording the contact with that individual provided that permission is first received from a supervisor and such fact is noted in the employee's report.

421.7 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using Office-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with Office-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate Office business purposes. All such recordings shall be retained at the Office.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Sergeant. Any member who uses a personally owned recorder for Office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

421.8 PROHIBITIONS

- (a) No employee shall tamper with or alter any pre-programmed cruiser or body worn camera activation setting without the prior written approval of the Sheriff or Sheriff's Designee.
- (b) No employee shall purposely discontinue the use of a cruiser or body camera, manually or by any other means, at any time during an incident that this policy requires to be recorded.
- (c) No employee shall, at any time and for any reason, erase or attempt to erase from any type of storage media, any portion of any event recorded by a cruiser or body

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worn camera, except to comply with this agency's records retention schedule and/or this policy.

- (d) No employee shall activate a body worn camera in any situation in which others may have an expectation of privacy, including locker rooms, dressing rooms, restrooms, certain areas of the jail, unless the employee is in the process of responding to a call for service or investigating a reported criminal offense or unruly prisoner in such a location. If a call for service or a criminal offense is being investigated in such an environment and a body worn camera is activated pursuant to this policy, all appropriate precautions should be taken to ensure that partially or totally nude persons who are not related to the situation being investigated are not inadvertently recorded.
- (e) No employee shall intentionally activate a cruiser or body worn camera (or any other recording device) to record communication with other agency employee(s) during routine conversations, either within a Sheriff's Office facility (including substations) or in the field without the knowledge of the other employee(s).
- (f) No employee shall utilize a cruiser or body worn camera to record non work-related personal activity.
- (g) Except as part of the ongoing criminal investigation itself, employees shall not record confidential informants or employees acting in an undercover capacity and engaged in documented activities (e.g., illicit drug/weapons/property sales or transactions, "stings," etc.)
- (h) All recordings generated by and/or on agency camera equipment are, and shall remain, the sole property of the Erie County Sheriff's Office. Employees are not authorized to release, download, duplicate, or distribute any such recordings, whole or in part, in any fashion, without authorization by the Sheriff or Sheriff's Designee. Employees are also prohibited from allowing other employees from this agency, or employees of any other law enforcement agency, from viewing any such recording unless the other individual(s) has direct interest in the recording; the recording is being used for training; and/or the recording is considered a public record. In the event that an employee discovers that a cruiser or body-worn camera has been inadvertently left on and/or has been accidentally activated at the employee's residence or in another non-public and non-work related setting, the appropriate designee should be notified so that particular recording, not considered a public record, may be deleted.
- (i) Employees are not authorized to make any audio or video recording while performing duties for the employer with any non-agency owned device without the advance written consent of the Sheriff. Any such recording is considered the property of this agency and will be handled as described in policy.

421.9 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

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- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

421.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

421.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

421.11 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Office who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Sheriff or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) As the Sheriff designates, supervisors will, no less than once every thirty days, review at least three cruiser camera and three body camera recordings from selected at random for each employee under the supervisor's direct supervision to ensure

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compliance with all agency policies, and to allow for additional training and/or commendation or correction for those employees. Supervisors conducting such reviews are to report in writing to the Sheriff's Designee the specific videos that were reviewed and whether or not the supervisor has issued any commendation, has taken any corrective action, or believes that any further follow up needs to occur based upon the videos reviewed.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

421.12 POLICY REVIEW

Annually, the Sheriff or the authorized designee shall conduct a review of this policy for best practice and compliance purposes.

421.13 TRAINING

Initially and upon any updates, sworn members of this Office shall certify in writing, or acknowledge electronically, that they have received, read, and understand this policy.

421.14 EFFECTIVE DATE

January 1, 2022

Public Recording of Law Enforcement Activity

422.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this Office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

422.2 POLICY

The Erie County Sheriff's Office recognizes the right of persons to lawfully record members of this Office who are performing their official duties. Members of this Office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies will exercise restraint and will not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

422.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the deputies.
 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputies, him/herself or others.

422.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

422.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

422.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a Office-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

422.7 EFFECTIVE DATE

January 1, 2022

Foot Pursuits

423.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

423.2 POLICY

It is the policy of this Office that deputies, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to Office members, the public or the suspect.

Deputies are expected to act reasonably, based on the totality of the circumstances.

423.3 DECISION TO PURSUE

The safety of Office members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Deputies must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Office members.

Deputies may be justified in initiating a foot pursuit of any individual that the deputy reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that a deputy must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Office personnel and the public at significant risk. Therefore, no deputy or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, a deputy should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A K-9 search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.

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- (f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

423.4 GENERAL GUIDELINES

Unless the deputy reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), deputies should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) Two or more deputies become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single deputy keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The deputy is unsure of his/her location and direction of travel.
- (e) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputies renders them incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with Dispatch or with backup deputies.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient deputies to provide backup and containment. The primary deputy should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient deputies.
- (i) The deputy becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to deputies or the public.
- (j) The deputy reasonably believes that the danger to the pursuing deputies or public outweighs the objective of immediate apprehension.
- (k) The deputy loses possession of his/her firearm or other essential equipment.
- (l) The deputy or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Office personnel or the public if the suspect is not immediately apprehended.

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- (o) The deputy's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

423.5 RESPONSIBILITIES IN FOOT PURSUITS

423.5.1 INITIATING DEPUTY RESPONSIBILITIES

Unless relieved by another deputy or a supervisor, the initiating deputy shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating deputy should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient deputies are present to safely apprehend the suspect.

Early communication of available information from the involved deputies is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Deputies initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Deputies should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any deputy unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the deputy will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

423.5.2 ASSISTING DEPUTY RESPONSIBILITIES

Whenever any deputy announces that he/she is engaged in a foot pursuit, all other deputies should minimize nonessential radio traffic to permit the involved deputies maximum access to the radio frequency.

423.5.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over

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the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Office guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing deputies or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

423.5.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that the field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Assigning an incident number and logging all pursuit activities.

423.6 REPORTING REQUIREMENTS

The initiating deputy shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

423.7 EFFECTIVE DATE

January 1, 2022

Homeless Persons

424.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Erie County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Erie County Sheriff's Office will address these needs in balance with the overall mission of this Office. Therefore, deputies will consider the following policy when serving the homeless community.

424.1.1 POLICY

It is the policy of the Erie County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this Office will not use homelessness solely as a basis for detention or law enforcement action.

424.2 FIELD CONTACTS

Deputies are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade a deputy from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

424.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Deputies should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Vulnerable Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

424.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

424.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Deputies shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When an emergency mental illness admission is not warranted, the contacting deputy should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, deputies may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

424.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

424.6 EFFECTIVE DATE

January 1, 2022

First Amendment Assemblies

425.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

425.2 POLICY

The Erie County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

425.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe Office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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425.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

425.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

425.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

425.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

425.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

425.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

425.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

425.7 USE OF FORCE

Use of force is governed by current Office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this Office shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

425.8 ARRESTS

The Erie County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

425.9 MEDIA RELATIONS

The Sheriff or authorized designee should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

425.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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425.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

425.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

425.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

425.13 EFFECTIVE DATE

January 1, 2022

Civil Disputes

426.1 PURPOSE AND SCOPE

This policy provides members of the Erie County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the primary goal of keeping the peace and minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Ohio law.

426.2 POLICY

The Erie County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the involved individuals and the community as a whole. Subject to available resources, members of this Office will assist, as appropriate, at the scene of civil disputes with the primary goals of maintaining the peace, safeguarding persons and property, and preventing any criminal activity. When handling civil disputes, deputies will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

426.3 GENERAL CONSIDERATIONS

When appropriate, deputies handling a civil dispute should encourage the involved parties to seek the assistance of the legal counsel and/or the courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and emotional, and deputies should be alert to the fact that one or more parties involved in a civil dispute can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, and when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 10-15 minutes may be necessary.

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Civil Disputes

426.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any alleged court order violation in a log note or report. If there appears to be a more immediate need for enforcement action, the investigating deputy should, when appropriate, consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should notify that person that they may be subject to a contempt finding by the issuing court.

426.4.1 STANDBY REQUESTS

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The deputy may advise the person to seek private legal advice as to the distribution of disputed property.

Deputies should accompany the person to the location of the property. Deputies should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a protection or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the deputy will not allow entry into the location or the removal of property from the location.

426.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified, the incident documented, and appropriate referrals to legal counsel and/or the courts be made.

426.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through the receipt of a court order.

426.7 EFFECTIVE DATE

January 1, 2022

Suspicious Activity Reporting

427.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

427.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

427.2 POLICY

The Erie County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

427.3 RESPONSIBILITIES

The Detective Bureau supervisor and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for Office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Detective Bureau supervisor include, but are not limited to:

- (a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

427.4 REPORTING AND INVESTIGATION

Any Office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to sworn member in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare an informational report and include details about involved parties and the circumstances of the incident. If, during any investigation, a member becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in an informational report and should not be included in the original incident report. The report number of the original incident should be included in the informational report as a cross reference. An informational report should be processed as any other incident report, but should not be released for public view.

Informational reports containing SAR information will be reviewed by members of the Detective Bureau as well as by other members of the Patrol Division. The Detective Bureau supervisor may forward any such reports to any other agencies that may best utilize or benefit from the information.

427.5 EFFECTIVE DATE

January 1, 2022

Medical Aid and Response

428.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

428.2 POLICY

It is the policy of the Erie County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

428.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 2. Changes in apparent condition.
 3. Number of patients, sex and age, if known.
 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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428.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available or the arrival of an ambulance and its personnel may be unacceptably delayed, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles unless exigent circumstances exist. The reason(s) for any such escort will be appropriately documented.

428.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with a mental health commitment in accordance with the Mental Health Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

428.6 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee experiencing an alleged serious medical issue to a hospital without a supervisor's approval.

Nothing in this section should delay a deputy from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the deputy's training.

428.7 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

428.8 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

Local fire departments/EMS providers are responsible for entering into local operating agreements for the use of air ambulances, as applicable. In addition, those fire department/EMS providers are responsible to assist in the landing of air ambulances. In the event that those agencies dictate the oversight of a landing zone to members of this agency due to exigent circumstances, members of this agency may need to be prepared for the following:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One Office member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

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- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

428.9 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

Members of this agency will utilize AEDs provided by the agency. However, nothing in this policy will prohibit the use of another type of AED by agency members if special circumstances dictate.

A member should use an AED only after the member has received the required training (ORC § 3701.85).

428.9.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in Office vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Officer who is responsible for ensuring appropriate maintenance.

In the event that an AED is utilized by an employee, whether or not a defibrillation shock is administered, the AED will be taken out of service and will be forwarded to the AED maintenance designee. That designee will ensure that the electronic data stored in the device as a result of its use is retrieved for documentation purposes. Once the data is downloaded, one copy will be filed for any needed future review in Records. If requested, a second copy will be forwarded to the medical facility to which the victim was transported. At the conclusion of the data downloading, the AED maintenance designee will ensure that the AED is cleaned and/or decontaminated and operational and fully equipped. The AED will be placed back into service as soon as possible.

Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (ORC § 3701.85).

428.9.2 AED REPORTING

In the event that an employee utilizes an AED to care for a sudden cardiac arrest victim, a standard incident report listing all pertinent details will be completed as soon as practicable after the event by the involved employee.

428.9.3 AED TRAINING AND MAINTENANCE

The Sheriff's designee will ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (ORC § 3701.85).

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The Training Officer is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (ORC § 3701.85).

428.10 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The Sheriff or authorized designee may authorize the acquisition of opioid overdose medication as provided in ORC § 2925.61 for use by members of this agency. The designee is responsible for the storage, maintenance, control and general oversight of the opioid overdose medication acquired by the Office.

Members who have completed opioid administration training may administer opioid overdose medication to a person experiencing an opioid-related overdose (ORC § 2925.61; ORC § 3707.561; ORC § 4731.941).

428.10.1 DEFINITIONS

Naloxone Hydrochloride (Narcan) – A medication that can reverse the potentially lethal condition caused by an opioid drug overdose in human beings.

Opioid – A sedative narcotic primarily used to relieve pain. When an individual is suffering from an opioid overdose, the effects of the opioid interfere with that individual's ability to breathe properly, and death may occur without proper intervention. Common opioids include Heroin, Codeine, Demerol, Morphine, Darvocet, Fentanyl, Dilaudid, Methadone, Opium, Hydrocodone, Oxycodone, Levorphanol, Vicodin, Oxycontin, Tylenol 3, Tylox, Percocet, and Percodan.

Recovery Position - The positioning of an individual suffering from an opioid overdose that allows the unconscious overdose victim's airway to remain open and provides for stability of the victim. To provide the proper recovery position for a prone opioid overdose victim, the subject should be positioned on his/her left side; left leg extended straight down; right leg extended out 90 degrees from the hip.

428.10.2 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Officer.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

428.10.3 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

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428.10.4 OPIOID OVERDOSE MEDICATION TRAINING

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication.

428.11 ADMINISTRATION OF EPINEPHRINE

Members who have completed epinephrine administration training may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member (ORC § 2925.64; ORC § 3728.01; ORC § 4729.47).

428.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the designee responsible for its oversight.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

428.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

428.11.3 EPINEPHRINE TRAINING

The designee should ensure that training is provided to members authorized to administer epinephrine.

428.12 FIRST AID TRAINING

Subject to available resources, agency members will receive periodic first aid training appropriate for their position.

428.13 EFFECTIVE DATE

January 1, 2022

Medical Marijuana

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Office with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Ohio's medical marijuana laws.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Medical marijuana - Can include any of the following marijuana products obtained from a licensed dispensary (ORC § 3796.06; OAC § 3796:8-2-01):

- (a) Oil, tincture, capsule, or edible forms
- (b) Metered oil or solid preparation for vaporization
- (c) Patches for transdermal administration or lotions, creams, or ointments for topical administration
- (d) Plant material

Registry identification card - A card issued by the State of Ohio Board of Pharmacy as evidence that an individual is registered as a patient or caregiver (OAC § 3796:7-1-01).

429.2 POLICY

It is the policy of the Erie County Sheriff's Office to prioritize resources to avoid making arrests related to marijuana that the arresting deputy reasonably believes would not be prosecuted by state or federal authorities.

Ohio's medical marijuana laws are intended to provide protection from prosecution to those who use, possess, administer, or cultivate marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Ohio medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Erie County Sheriff's Office will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Ohio law and the resources of the Office.

429.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations involving a registered patient
- (c) Investigations involving a caretaker

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429.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the deputy should proceed with a criminal investigation. A medicinal claim may be raised at any time, so deputies should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

429.3.2 INVESTIGATIONS INVOLVING A REGISTERED PATIENT

Deputies should not arrest or take enforcement action against registered patients who (ORC § 3796.22):

- (a) Obtain, use, or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Patients who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered patient.

429.3.3 INVESTIGATIONS INVOLVING A CAREGIVER

Deputies should not arrest or take enforcement action against registered caregivers who (ORC § 3796.23):

- (a) Obtain or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Caregivers who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered caregiver.

429.3.4 ADDITIONAL CONSIDERATIONS

Deputies should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) The State of Ohio Board of Pharmacy may enter into reciprocity agreements with other states to allow their medical marijuana patient registration to be recognized in Ohio (ORC § 3796.16).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, deputies may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, have been lawfully obtained.
 4. Any other relevant factors exist, such as limited available Office resources and time constraints.
- (c) A person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person was operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine (ORC § 3796.24).
- (d) Before proceeding with enforcement related to medical marijuana cultivators, processors, laboratories that test medical marijuana, and retail dispensaries, deputies should consider conferring with appropriate legal counsel, the Ohio Department of Commerce, and/or the State of Ohio Board of Pharmacy.
- (e) Patients and caregivers shall not cultivate medical marijuana or manufacture medical marijuana extract unless specifically licensed to do so (OAC § 3796:7-2-05).

429.3.5 EXCEPTIONS

This policy does not apply to the following offenses. Deputies may take enforcement action if the person:

- (a) Operates a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana (ORC § 3796.22; OAC § 3796:7-2-05).
- (b) Uses, possesses, or administers medical marijuana on federal land or in other prohibited areas (ORC § 3796.24; OAC § 3796:7-2-05).

429.4 FEDERAL LAW ENFORCEMENT

Deputies should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the deputy believes those authorities would have a particular interest in the information.

429.5 EVIDENCE

429.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Evidence Room member in writing when marijuana may be the subject of a medical claim.

429.5.2 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Evidence Room supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Evidence Room supervisor is not responsible for caring for live marijuana plants.

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Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Room supervisor should, as soon as practicable, return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property.

The Evidence Room supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Evidence Room supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.

429.6 EFFECTIVE DATE

January 1, 2022

Crisis Intervention Incidents

430.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

430.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A situation whereby a person has become unable to self-regulate thinking, mood, or behavior. A person could be experiencing intense feelings of distress and/or displaying obvious changes in functioning in their daily living activities. This disturbance with a person's understanding and comprehension, ability to regulate emotions, and/or ability to regulate behavior may occur due to mental illness, intellectual or developmental disability, an injury/trauma to the brain, deterioration of the brain, other medical conditions, or a medical emergency.

Service provider – Behavioral health service providers are licensed agencies or professionals who can diagnose various conditions, including mental health, and then provide treatment. These agencies and professionals may provide a range of diagnostic and treatment services and methods.

430.2 POLICY

The Erie County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

430.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control

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- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

430.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide Office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

430.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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430.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

430.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

430.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

430.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Office reporting procedures or other official mental health or medical proceedings.

430.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Health Commitments Policy.

430.9.2 DOCUMENTING CONTACTS WITH PERSONS IN CRISIS

Members should document encounters with persons in crisis on Office reports or Crisis Intervention Contact sheets, to include but not limited to:

- (a) The person's name, demographics, and location.
- (b) The type of crisis and behaviors exhibited.
- (c) If a crime is involved.
- (d) The response by the deputy and if force was used.
- (e) The disposition of encounter.
- (f) Whether the member is requesting service provider follow-up.

Documentation should be in a format that information on persons in crisis can be provided to other mental health service providers and easily transferred into data reports for analysis to determine the effectiveness of response.

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430.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

430.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this Office should ensure that a thorough review and analysis of the Office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

430.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all Office members to enable them to effectively interact with persons in crisis (ORC § 109.742).

Members should receive documented initial training to include recognizing and effectively communicating with a person in crisis, assessing a person's mental state, and determining how best to care for the person in crisis. All sworn personnel should have annual documented training to build on their initial training. Training should be reviewed annually and updated accordingly.

430.13 EFFECTIVE DATE

January 1, 2022

Response To Active Killers

431.1 PURPOSE AND SCOPE

Violence committed with the intent to kill large numbers of individuals in schools, places of employment, places of worship, and other areas that contain a significant number of people must be stopped as soon as possible to preserve human life. It is the duty of every on-duty sworn member of this agency to take immediate, aggressive, and decisive action to stop this type of violence. This policy is adopted to provide those employees with expected responses to an active killer incident.

431.1.1 DEFINITIONS

Active killer - Any individual, operating alone or in concert with others, who is in the act of rapidly and indiscriminately attempting to kill and/or fatally injure as many persons as possible. While most active killers utilize firearms to commit their crimes, active killers may also use edged weapons, vehicles, and/or other means to achieve their goal of mass murder.

431.2 POLICY

- (a) Employee(s) being dispatched to or otherwise becoming aware of an active killer situation anywhere within Erie County—or if a mutual aid request from another county is received—will respond immediately to the location of the incident.
- (b) Upon arrival at that location, any and all responding employee(s)—whether alone or in company with others—will immediately and aggressively strive to locate the active killer(s) and upon making contact with the active killer(s) will decisively take action to stop the active killer(s) from committing further criminal acts.
- (c) It cannot be overly stressed that in an active killer situation, and unlike most other types of incidents that an employee may be required to respond to, IMMEDIATE, AGGRESSIVE, AND DECISIVE RESPONSES BY EMPLOYEES ARE ABSOLUTELY REQUIRED. IT MUST BE EXPECTED THAT INNOCENT LIVES WILL BE LOST IF AN EMPLOYEE HESITATES; HESITATION OR UNNECESSARY DELAY IN RESPONDING TO AN ACTIVE KILLER SITUATION CANNOT AND WILL NOT OCCUR. (Emphasis intentionally added).
- (d) Any employee responding to an active killer call will attempt to notify the dispatcher and/or a supervisor that the employee has arrived at the scene. However, employees must be aware that dispatchers may be extremely busy in such situations; employees will not waste valuable time attempting to communicate with dispatch or a supervisor if it is clear that active killing is occurring or being attempted. It is the employee's responsibility in such a situation to act first and communicate later.
- (e) Employees are required to respond to such a call only with the equipment that they have on their person or that is at hand and readily available. Valuable time cannot and will not be wasted to assemble equipment that the employee should have immediately available while innocents are being killed.

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Response To Active Killers

- (f) The requirements of this policy do not supersede any other agency policies except for the absolute requirement of IMMEDIATE, AGGRESSIVE, AND DECISIVE RESPONSE to an active killer incident.
- (g) Once an active killer's actions have been stopped, employees will take immediate action, either alone or in coordination with others, to immediately treat any injured person with priority given to treating those with life-threatening injuries.

431.3 EFFECTIVE DATE

January 1, 2022

Winter Weather Road Condition Advisories

432.1 PURPOSE AND SCOPE

A numerical system of winter weather road condition advisories has been developed for voluntary use by county sheriffs throughout the State of Ohio. This system is utilized to notify the motorists when hazardous traveling conditions may exist on the roadways due to snow or ice. Employees of the Erie County Sheriff's Office will utilize this system when necessary to advise the public of potential travel hazards within Erie County.

432.1.1 DEFINITIONS

Level 1 - Roadways are snow covered and slippery due to snow or ice buildup. Motorists should use caution if they choose to drive.

Level 2 - Roadways are hazardous due to blowing and drifting snow and/or ice cover. Only those motorists who believe that that it is absolutely necessary should drive. Employees are encouraged to contact their employers concerning work schedules.

Level 3 - Roadways are closed to all non-emergency travel due to severe winter weather conditions. No one should be traveling on the roadways unless an emergency exists. Employees are encouraged to contact their employers concerning work schedules. Those operating a vehicle on the roadway and/or any passengers in a vehicle being operated on a roadway within the county without sufficient emergency justification may be subject to arrest or issuance of a summons pursuant to Ohio Revised Code Sections 2917.11(A)(5) and/or 2917.13(A)(3).

Shift supervisor - The senior ranking Patrol Division deputy sheriff on duty.

432.2 ISSUING ADVISORIES

Only the shift supervisor may determine to cause to be issued, on behalf of the Sheriff, a Level 1 or Level 2 winter weather road conditions advisory. Only the Sheriff or authorized designee may determine to cause to be issued, on behalf of the Sheriff, a Level 3.

If, due to road conditions, the shift supervisor determines that a Level 1 or Level 2 winter weather road condition advisory is necessary based upon the above criteria, the shift supervisor will notify a dispatcher to implement the appropriate advisory level. The dispatcher receiving that request will log the request and will then implement the advisory by following the set notification procedure – to include notifying local media outlets, placing the appropriate message on the Sheriff's Office website, and making any other notifications as directed.

The same procedure as noted above will be followed in the event that a Level 3 winter weather road condition advisory is deemed necessary. In that event, the shift supervisor will notify the Sheriff or authorized designee of the necessity for the implementation of a Level 3 advisory. A Level 3 advisory will only be issued after consultation with the Erie County Engineer's Office and other state or local highway departments as may be necessary. Once approval is received for that implementation, proper notification will be made as noted above.

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Winter Weather Road Condition Advisories

As shift supervisors determine that advisories should be downgraded or canceled, the same procedures as noted above will be followed in reverse order, including media advisories and web site postings.

432.3 EFFECTIVE DATE

January 1, 2022

Ohio Turnpike

433.1 POLICY

County Sheriffs throughout Ohio have full law enforcement authority on the Ohio Turnpike. The Ohio State Highway Patrol (OSHP) has concurrent jurisdiction on the Turnpike pursuant to state law and a contract with the Ohio Turnpike and Infrastructure Commission (OTIC). Emergency calls for service from individuals and/or motorists on the Ohio Turnpike are routinely received by this agency. The purpose of this policy is to provide direction to agency employees concerning calls for service involving the Ohio Turnpike. Unless otherwise indicated, nothing in this policy is meant to limit this agency's law enforcement responsibilities based solely upon an incident occurring on the Ohio Turnpike.

433.2 PROCEDURE

- (a) Any call for service involving a situation on the Ohio Turnpike will be immediately forwarded and/or transferred by the employee receiving the call to the dispatch center designated by OSHP. If the call cannot be immediately forwarded or transferred, the employee receiving the call will take the necessary information and will forward that information to OSHP as soon as possible. OSHP will generally handle the situation and no further action will be required on the part of this agency.
- (b) Any call for service involving a situation adjacent to, but not on, the Ohio Turnpike will be dispatched to the appropriate Sheriff's Office employee and/or other public safety agency that may need to respond based upon the situation. If it appears that the situation may interfere with motorists traveling on the Ohio Turnpike, OSHP will be dispatched as noted above.
- (c) In the event that a pursuit, either on foot or by vehicle, is initiated by a Sheriff's Office employee, and that pursuit enters the Ohio Turnpike, OSHP will be advised as noted above. Any vehicle pursuit will be continued or terminated based upon this agency's pursuit policy, and will not necessarily be terminated based solely upon the fact that the pursuit has entered the Ohio Turnpike. However, if the responsible supervisor determines that the pursuit will continue and OSHP becomes involved, due consideration will be given by the responsible supervisor to ordering the termination of the pursuit at that point. Foot pursuits will be handled on a case-by-case basis.
- (d) The Sheriff's Office has received two types of transponders; EZ Pass transponders and non-revenue transponders that allow for access through public toll gates and/or maintenance gates along the Ohio Turnpike. The EZ Pass transponders are white and are generally placed in prisoner transport vans. These transponders allow for entry to and exit from the Ohio Turnpike only through publicly utilized toll gates. The non-revenue transponders are orange, are generally assigned to individual employees assigned to patrol duties, and allow for access through all gates, including maintenance gates that allow access to the Ohio Turnpike from various township/county/state routes throughout the county.
- (e) Employees will only utilize non-revenue transponders to enter or exit Ohio Turnpike maintenance gates if engaged in a pursuit or response to an emergency situation that

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was initiated by an employee of this agency, or upon the request of OSHP. Employees are encouraged to periodically test the operation non-revenue transponders at one of the maintenance gates throughout the county, but only to determine if the transponder is functioning properly. Employees testing a transponder in such a fashion will not enter the Ohio Turnpike once the maintenance gate in question is observed to activate.

- (f) Non-revenue transponders will never be utilized by an agency employee to access the Ohio Turnpike for purposes of prisoner transportation or extradition, travel to or from training events, or any other non-emergent situation. Employees utilizing the Ohio Turnpike for travel for non-emergency situations will either:
 1. Obtain an agency issued EZ Pass transponder, or
 2. Obtain an agency issued Ohio Turnpike tolls credit card, or
 3. Sign and present the toll ticket to the toll collector upon exiting the Ohio Turnpike and explain to the toll collector that travel was for official agency duties, or
 4. Pay the toll upon exiting the Ohio Turnpike and submit a receipt for agency reimbursement.
- (g) All non-revenue transponders contain unique serial numbers and will be issued to individual employees, who will be responsible for their proper use. The receipt to be signed by employees receiving a non-revenue transponder is attached to this policy. Employees should always be aware that the Ohio Turnpike and Infrastructure Commission may audit transponder use at any time.
- (h) Transponders will be mounted in the center of the front windshields of agency vehicles, either above or directly below the rear-view mirror mount.

433.3 RECEIPT FOR OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION NON-REVENUE TRANSPONDER

See attachment: [Receipt For Ohio Turnpike and Infrastructure Commission Non-Revenue Transponder.pdf](#)

433.4 EFFECTIVE DATE

January 1, 2022

Death and Serious Injury Notification

434.1 PURPOSE AND SCOPE

One of the most sensitive duties that the Sheriff or a Deputy Sheriff may be called upon to perform is the notification of next-of-kin in cases of death or serious injury. The delicate nature of such notifications require that they be made with compassion and understanding. The following procedures will be followed to ensure that such notifications are made in a timely and appropriate manner and in compliance with current statutes.

434.2 POLICY

It shall be the responsibility of the Sheriff or Deputy Sheriff(s) conducting the original investigation to make the notification unless instructed otherwise by a supervisor.

434.3 NOTIFICATION INVOLVING THE GENERAL PUBLIC

- (a) All death and serious injury notifications shall be made in person if at all possible, with the exception of a serious injury notification where a delay in notification may prevent the next-of-kin from arriving at a hospital before the injured person's anticipated death.
- (b) Prior to making the notification, the Sheriff or Deputy Sheriff will gather the essential details concerning the incident and the deceased or seriously injured person, to include the victim's full name, age, race, and home address. The Sheriff or Deputy Sheriff will also gather details, as many as possible, of the death or serious injury, to include the circumstances, location of the victim or victim's body, and any other pertinent information.
- (c) The Sheriff or Deputy Sheriff will determine the identity of the next-of-kin to be notified. The descending order of priority for notification of relatives of a victim is as follows: spouse, parents, adult children, and then siblings. Notification need only be made to one of the above, but assistance may be rendered to the notified family member in contacting additional family members. Only when substantial delays would be required to make contact with next-of-kin should notification be made out of the above listed order.
- (d) The Sheriff or Deputy Sheriff will attempt to determine, to the best of their abilities at the time, if the survivor to be notified is elderly, disable, suffers from health problems that may be exacerbated by such notification, is visually or hearing impaired, and speaks the English language.
- (e) It may be appropriate for the Sheriff or Deputy Sheriff(s) to enlist the services of an interpreter, medical personnel, member of the clergy, or an acquaintance of the survivor to assist in making the notification.
- (f) Every reasonable effort will be made to make such notification in the privacy of the next-of-kin's home or in another location away from public scrutiny.
- (g) Upon arrival at the residence or place of business where the notification is to be made, the Sheriff or Deputy Sheriff will identify himself or herself by name and agency to the next-of-kin, along with the identities of anyone else that has accompanied the Sheriff

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or Deputy Sheriff to make the notification. The Sheriff or Deputy Sheriff will verify the relationship and identity of the next-of-kin of privacy.

- (h) The Sheriff or Deputy Sheriff will address the next-of-kin in a straight-forward manner and will use easily understood language to briefly explain the incident and that fact that the individual involved is seriously injured or dead. The Sheriff or Deputy Sheriff will not use phrases such as “pass on” or “no longer with us” in an effort to avoid using the word “dead” as such phrases could cause confusion or create false hope on the part of the next-of-kin. The Sheriff or Deputy Sheriff will refer to the deceased by his/her first name. The Sheriff or Deputy Sheriff will avoid providing graphic details of the incident but should provide basic details of the incident and the apparent cause of death. If circumstances dictate, next-of-kin will be cautioned that any information, particularly the actual cause of death, will be ultimately determined by the Coroner.
- (i) The Sheriff or Deputy Sheriff should be prepared for unexpected responses from the next-of-kin, to include hysteria, verbal outburst, and physical attack. Medical attention will be requested immediately for any next-of-kin who appear to be in need of such assistance.
- (j) The Sheriff or Deputy Sheriff will, if the situation warrants, provide the next-of-kin with written information, including disposition of the victim, location of personal effects, appropriate contact numbers, and the notifying Sheriff or Deputy Sheriff's name, agency, and telephone numbers.
- (k) The Sheriff or Deputy Sheriff will not leave next-of-kin unattended until all reasonable efforts been made to obtain someone to respond and provide support to the next-of-kin.
- (l) If another agency is requested to make the notification, that agency will be requested to make such notification in person. A report detailing the circumstances of the notification will be requested from that agency.

434.4 EFFECTIVE DATE

January 1, 2022

Low-Speed (Golf Cart)/Under-Speed/Mini-Truck Vehicle Inspections

435.1 POLICY

State law authorizes local political subdivisions to allow for, by enacted legislation, the operation of low-speed and under-speed vehicles, and mini-trucks, on certain public roadways within that political local subdivision after the vehicles have passed an inspection by a law enforcement officer and have been properly titled and registered. The purpose of this policy is to provide direction to agency employees responsible for the facilitation of these vehicle inspections.

435.2 DEFINITION

Golf cart - for purposes of this policy only, the term "golf cart" includes any low-speed, under-speed, or mini-truck as defined by statute.

435.3 REFERENCES

Ohio Revised Code Sections 4501.01(WW), (XX), and (BBB).

Ohio Revised Code Section 4511.214.

Ohio Revised Code Section 4511.215.

Ohio Revised Code Section 4513.02.

435.4 PROCEDURE

- (a) The Sheriff's Office will inspect golf carts intended for operation only within the boundaries of an Erie County political subdivision that does not have a local law enforcement agency and only within those local political subdivisions where the local legislative body has approved the operation of such vehicles on public roadways within the political subdivision. Anyone living within and wishing to have a golf cart inspected for operation within a political subdivision with its own local law enforcement agency, not including the Sheriff's Office, will be referred to that local agency for the inspection.
- (b) Upon request for a golf cart inspection from an individual whose request meets the initial requirements in Paragraph 1 above, a Deputy Sheriff will be dispatched to meet with the individual to inspect his/her golf cart. The location of the inspection will take place within the political subdivision where the golf cart is intended for use. Golf cart inspections will be prioritized based upon pending call types and call volume.
- (c) The Deputy Sheriff conducting the inspection will utilize the inspection form incorporated into this policy as Attachment A.
- (d) The inspection form will be legibly and fully completed by the inspecting Deputy Sheriff.
- (e) If the golf cart passes the inspection, the owner of the golf cart will be provided with a copy of the form to be used by the owner to obtain a title and license plates for the golf cart.

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- (f) If the golf cart does not pass the inspection, appropriate notations for the reason for the inspection failure will be clearly noted on the inspection form. Once any noted deficiencies are corrected, the owner of the golf cart may request another inspection.
- (g) All completed inspection forms—either for golf carts that passed or failed the inspection—will be forwarded to Records to be kept on file as needed for any future reference.
- (h) An Incident Report will not be generated to document a golf cart inspection. A log note, indicating the address where the inspection was completed, is sufficient record of the inspection along with the completed inspection form.
- (i) There is no charge for a golf cart inspection.

435.5 EFFECTIVE DATE

January 1, 2022

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This Office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Erie County Sheriff's Office. Information provided by the Ohio Traffic Safety Office (OTSO) is a valuable resource for traffic crash occurrences and therefore deputy deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address crash-causing violations during those periods and at those locations where the incidence of crashes is increased. As a matter of routine, all deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All deputies shall maintain high visibility while working general enforcement, especially at high-crash incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of crashes:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and may be substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation (ORC § 2935.27). Deputies should provide the following information at minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.
- (e) The person's driver license will be suspended for failure to comply with the directions on the citation.
- (f) For drivers issued a citation related to use of a cellphone or other device while driving in violation of ORC § 4511.204, notice that the driver may decline a search of the cellphone or device.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

A deputy who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county in which the offense charged is alleged to have been committed (Ohio Traf. R. Rule 3(E)(1)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION OR PROVIDE SATISFACTORY IDENTIFICATION

A person who refuses to sign a traffic citation or provide satisfactory identification, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (ORC § 2935.26(A)(2); ORC § 2935.26(A)(3)). When reasonable under the circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest.

500.4 SUSPENDED OR REVOKED DRIVER LICENSE

If a deputy contacts a traffic violator for driving on a suspended, revoked, or restricted license and the violation is not an unclassified misdemeanor, the deputy shall, without a warrant, arrest the violator (ORC § 2935.03; ORC § 4510.11; ORC § 4510.14).

In addition, if the violator is arrested for driving under an operating a vehicle under the influence (OVI) suspension, the deputy will arrange for the vehicle to be towed, and, if necessary, seize and remove the license plates from the vehicle. At the time of the vehicle tow and/or seizure of the license plate, the arresting deputy shall notify the arrestee of the following:

- (a) The vehicle is being towed and its license plates are being seized.

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- (b) The vehicle may either be released to a sober and licensed driver during normal business hours or may be impounded at least until the person's initial court appearance.
- (c) The court may order that the vehicle and license plates be released to the arrested person until the disposition of the charge.
- (d) If the arrestee is convicted, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle.
- (e) The arrestee may be charged expenses or charges.

The arresting deputy shall ensure that the Bureau of Motor Vehicles (BMV) Form 2255 is completed as required and that any required written notice of the seizure of a vehicle is forwarded to the court of initial jurisdiction (ORC § 4510.41(B)(2)) and to the arrestee.

500.5 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of Office members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes deputy might benefit from being readily identified as a deputy.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the designated storage area of each cruiser. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The designated Administrative Assistant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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500.6 EFFECTIVE DATE

January 1, 2022

Traffic Crash Response and Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement agencies include responding to traffic crashes, providing aid and assistance to those who may be injured during crashes, documentation of the incident and identification of any crash-associated criminal activity. The Erie County Sheriff's Office prepares traffic crash reports in compliance with ORC § 5502.11 and OAC § 4501-31-01(A). Pursuant to state public records statutes, the Erie County Sheriff's Office shall make traffic crash reports available to the public (ORC § 5502.12).

501.2 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic crash. A traffic crash with injuries reported may include an emergency response if the deputy reasonably believes such a response is appropriate and/or as directed by a supervisor.

501.2.1 RESPONSE CONSIDERATIONS

A deputy responding to and upon arrival at a crash, should consider the following:

- (a) The most appropriate route to the incident.
- (b) Proper placement of the emergency vehicle to provide protection for deputies and the scene.
- (c) Potential for involvement of hazardous materials.
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, tow vehicles and airship landing).
- (e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.
- (f) Provision of traffic control and protection of the scene.
- (g) Clearance of the roadway.

501.3 CRASH INVESTIGATION

Investigation of traffic crashes should include, at minimum, the following:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) Determination if any crime has occurred and appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

501.4 TAKING ENFORCEMENT ACTION

Deputies typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements

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indicate that a violation of Ohio law led to the crash, deputies may issue a traffic citation or a misdemeanor citation to the offending driver whose negligent or reckless behavior contributed to the traffic crash.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.5 TRAFFIC CRASH REPORTING

501.5.1 DEPUTY RESPONSIBILITIES

Office members shall utilize the Ohio traffic crash report prepared by the Ohio Department of Public Safety as required for the reporting of traffic crashes that occur on public roadways (OAC § 4501-31-01(A)). All such traffic crash reports taken by members of this Office shall be forwarded to the supervisor for approval and data entry into the records management system.

501.5.2 GENERAL RESPONSIBILITIES

- (a) The designated Administrative Assistant shall forward all traffic crash reports involving a fatality, personal injury or property damage greater than \$1,000 to the Department of Public Safety within five days of the investigation (ORC § 5502.11 and OAC § 4501-31-01).
- (b) The investigating deputy will, upon the request of an owner whose real property received damage caused by the operation of a motor vehicle, provide the name(s) of persons charged with any offense related to the damage as soon as possible after the person(s) are charged with the offense (ORC § 2935.28).

501.6 REPORTING SITUATIONS

501.6.1 TRAFFIC CRASHES INVOLVING COUNTY VEHICLES

Upon receipt of a report of a traffic crash involving a county-owned vehicle, an appropriate crash report shall be taken when the crash occurred on a public roadway resulting in any damage or personal injury. An incident report will be used to document such a crash that occurred on private property.

Photographs and body cam video of the crash scene and vehicle damage will be taken by the investigating deputy.

501.6.2 TRAFFIC CRASHES WITH SHERIFF'S OFFICE EMPLOYEES

When an employee of this Office, either on- or off-duty, is involved in a traffic crash within the jurisdiction of the Erie County Sheriff's Office and it results in a serious injury or fatality, the local law enforcement agency having jurisdiction (if any other than than Sheriff's Office) and/or the Ohio State Highway Patrol will be contacted to investigate and report on the crash.

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501.6.3 TRAFFIC CRASHES INVOLVING DEER KILLED BY MOTOR VEHICLE

A traffic crash involving the death of a deer entitles the driver of the motor vehicle to take possession of the deer provided that (ORC § 1533.121):

- (a) Within 24 hours of the crash, the driver reports the crash to the Sheriff's Office; and
- (b) The assigned deputy inspects the carcass and determines that injuries are consistent with a motor vehicle crash; and
- (c) Upon confirmation that the death has been caused as alleged, a deer carcass receipt shall be issued to the driver of the vehicle by the investigating deputy; and
- (d) If the deer is unclaimed, the carcass may be released to another.

501.6.4 TRAFFIC CRASHES INVOLVING INJURED ANIMALS

Office members shall refer to the Animal Control Procedures Policy when a traffic crash involves disposition of an injured animal.

501.7 NOTIFICATION OF SUPERVISOR

In the event of a serious injury or fatal traffic crash, the assigned deputy shall notify the shift supervisor. The shift supervisor may seek assistance from agency detectives or other outside agencies to assist with the investigation.

501.8 EFFECTIVE DATE

January 1, 2022

Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Erie County Sheriff's Office and under the authority of ORC § 4510.41, ORC § 4511.67, ORC § 4513.60 and ORC § 4513.61 or other applicable municipal ordinance.

502.2 RESPONSIBILITIES

The responsibilities of those employees causing for the towing and/or impounding of a vehicle are as follows.

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Sworn members requesting impound or storage of a vehicle shall complete a Vehicle Inventory Report including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to Records as soon as practicable after the vehicle is towed.

Records Section

The designated Administrative Assistant shall ensure that records are maintained of motor vehicles towed and/or disposed of by this Office, and not released to the owner, as required by Ohio law (ORC § 4513.60; ORC § 4513.61).

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC CRASH

When a vehicle has been involved in a traffic crash and must be removed from the scene, the deputy shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch. If the owner is not incapacitated and is on scene when the towing service arrives, the vehicle does not need to be inventoried prior to its removal from the scene.

If the owner is incapacitated or for any reason it is necessary for the Office to assume responsibility for a vehicle involved in a crash, the deputy shall request the dispatcher to call a company selected from the rotational list of towing companies. The deputy will then conduct an inventory using the standard Vehicle Inventory Report.

502.2.3 DRIVING A NON-COUNTY VEHICLE

Vehicles that are being towed by or at the direction of a deputy will not be driven by agency personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing service response, all dispatchers working shall ensure that the proper towing service is promptly contacted. The requesting deputy shall be advised immediately when the towing service has been contacted and is enroute.

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When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries to ensure the next towing service in rotation is called.

502.3 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this Office to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. To prevent the potential for damage or theft, a vehicle shall be towed if it would be left alongside a roadway for other than the time necessary for a local resident of the owner's choosing to remove the vehicle.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Office will not be responsible for theft or damages. Again, for any of these exceptions the vehicle will not be left alongside the roadway for an extended period of time.

502.4 VEHICLE INVENTORY

All property in a towed vehicle, unless excepted as listed above, shall be inventoried and listed on the vehicle inventory form. This includes property in the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in sheriff's custody, to provide for the safety of deputies and the public, and to protect the Office against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safe keeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, a deputy should make reasonable accommodations to permit

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a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

502.6 EFFECTIVE DATE

January 1, 2022

Impaired Driving

503.1 PURPOSE AND SCOPE

This policy provides guidance to those Office members who play a role in the detection and investigation of operating a vehicle under the influence of alcohol or drugs (OVI).

503.2 POLICY

The Erie County Sheriff's Office is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Ohio's impaired driving laws.

503.3 INVESTIGATIONS

Deputies should not enforce OVI laws to the exclusion of their other duties unless specifically assigned to OVI enforcement. All deputies are expected to enforce these laws with due diligence.

Any OVI investigation will be properly documented in writing and/or via video as follows:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Ohio or another jurisdiction.

503.4 FIELD TESTS

Deputies are authorized to utilize Standardized Field Sobriety Tests (SFST's) as approved by the National Highway Traffic Safety Administration (NHTSA), or other alternative divided-attention skills tests, when determining potential impairment while investigating violations of OVI laws.

503.5 CHEMICAL TESTS

A person implies consent under Ohio law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORC § 4511.191):

- (a) The arresting deputy has reasonable grounds to believe the person was operating or in physical control of a motor vehicle while under the influence of alcohol, a drug or a combination of the two.
- (b) A deputy has arrested a person under the age of 21 and has reasonable grounds to believe the person was OVI (ORC § 4511.19(B)).
- (c) The person has been arrested for a substantially equivalent municipal OVI ordinance.

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If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

503.5.1 STATUTORY NOTIFICATIONS

A deputy arresting a person for OVI shall, prior to requesting that the person submit to a chemical test, read from a written form (BMV Form 2255) the mandatory statutory advice provided by ORC § 4511.192(B). The reading of the advice shall be witnessed by one or more persons and the witness shall certify to this fact by signing the form (ORC § 4511.192(A)).

If the arrestee has a previous conviction for OVI as described in ORC § 4511.191, the deputy (ORC § 4511.191(A)(5)):

- (a) Shall request the person to submit to a chemical test.
- (b) Is not required to advise the person of the consequences of submitting or refusing to submit to a chemical test.
- (c) Is not required to provide the person with the written form described in this policy.
- (d) Shall advise the person that the deputy may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test.
- (e) At the time of arrest, shall advise the person that he/she may have an independent chemical test taken at his/her own expense and permit such testing (ORC § 4511.19(D)(3)).

If a deputy does not ask the arrestee to submit to a chemical test, the deputy shall seize the person's driver license and forward it to the court in which the person is to appear, pursuant to ORC § 4511.192(C). If the person is not in possession of his/her license, the deputy shall order the person to submit it to this Office within 24 hours of the arrest.

503.5.2 BREATH SAMPLES

BAC operators are responsible to ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Deputies and or operators obtaining a breath sample from on OVI arrestee should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly.

503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORC § 4511.19(D)(1)(b)). The blood draw should be witnessed by the assigned deputy. No deputy, even if properly certified, should perform this task.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

503.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the individual giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

503.6 REFUSALS

When an arrestee refuses to provide a chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (ORC § 4511.191).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, a deputy shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If a person was arrested only for having physical control of a vehicle while under the influence pursuant to ORC § 4511.194, the deputy shall not seize the person's driver license if the person submits to the chemical tests, regardless of the amount of alcohol or controlled substances indicated by the test (ORC § 4511.192(D)).

503.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an crash investigation or medical treatment of the person.

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503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another deputy) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, deputies are expected to use sound judgment and perform as a responding supervisor, as set forth above.

503.7 ARREST AND INVESTIGATION

503.7.1 DESIGNATION OF CHEMICAL TESTS

The type of chemical test to be administered to persons in violation of OVI laws shall be the type designated by the Office and administered at the direction of the arresting deputy (ORC § 4511.191(A)(3)).

503.7.2 DEPUTY RESPONSIBILITIES

If a person refuses to submit to a chemical test, or submits to the test and the results indicate a prohibited concentration of alcohol, controlled substance or metabolite of a controlled substance, the deputy shall (ORC § 4511.192(D)):

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- (a) Confirm the arrested person's residence and notify the Bureau of Motor Vehicles (BMV) of any change.
- (b) Within 48 hours, forward a sworn report to the BMV and the court in which the arrested person will appear that contains the statements required by ORC § 4511.192(D)(1)(d).
- (c) Provide a copy of the deputy's sworn report to the arrested person, if available. A copy of an unsworn report may be provided to the arrested person provided that the report is complete when given to the person and that it is subsequently sworn to by the arresting deputy (ORC § 4511.192(E)).

503.7.3 TIME TO CONSENT TO TEST

If a deputy requests that a person consent to providing a chemical sample pursuant to Ohio law, failure to consent to the test within two hours of the alleged violation automatically constitutes a refusal (ORC § 4511.192(A)).

503.7.4 VEHICLE SEIZURE

A deputy arresting a person for OVI shall seize the vehicle the person was operating at the time of the offense if the person is the registered owner of the vehicle and either of the following conditions apply (ORC § 4511.195(B)):

- (a) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to OVI, or an equivalent offense, within the last 10 years.
- (b) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to a felony OVI offense, regardless of when the conviction or guilty plea occurred.

503.8 RECORDS SECTION RESPONSIBILITIES

The designated Administrative Assistant will ensure that all case-related records not submitted to the court by the arresting deputy are transmitted according to current records procedures and as requested by the prosecutor.

503.9 ADMINISTRATIVE HEARINGS

The arresting deputy will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the BMV.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecutor.

503.10 TRAINING

All deputies participating in the enforcement of OVI laws will receive necessary training as determined by the agency. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OVI investigations.

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503.11 EFFECTIVE DATE

January 1, 2022

Traffic Citations

504.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

504.2 RESPONSIBILITIES

Employees of this Office shall use the Ohio Uniform Traffic Ticket for all traffic offense citations (Ohio Traf. R. Rule 3(A)). The Sheriff or designee shall determine whether to use the Ohio Uniform Traffic Ticket or adopt a local parking ticket for parking violations (ORC § 4521.03).

The Professional Standards Coordinator shall be responsible for the issuance and accounting of all traffic citations provided to employees of this Office (Ohio Traf. R. Rule 3(D)). Citations will be kept in a secure location and issued to deputies by Professional Standards Coordinator. Deputies will sign for traffic citations when issued to acknowledge their receipt by the deputy.

The deputy who issues a moving traffic ticket shall do all of the following (Ohio Traf. R. Rule 3(E)):

- (a) Complete the ticket with all available information and sign the ticket.
- (b) Serve a copy of the completed ticket on the defendant.
- (c) File the court copy with the court without unnecessary delay.
- (d) Notify the recipient that he/she must comply with the directions on the ticket or his/her license will be canceled, he/she will not be eligible for the reissuance of a license for one year, and he/she will be subject to any applicable criminal penalties.

504.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the appropriate prosecutor.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the prosecutor to dismiss the citation.

504.4 VOIDING TRAFFIC CITATIONS

Voiding of a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the designated Administrative Assistant.

504.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall notify the appropriate prosecutor and/or court through which the citation was issued.

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504.6 DISPOSITION OF TRAFFIC CITATIONS

Agency copies of traffic citations shall be forwarded to the designated Administrative Assistant or dispatcher for proper filing.

Upon separation from employment with this agency, all employees who were issued traffic citations shall return any unused citations to the designated Administrative Assistant.

504.7 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense may be considered before issuing the juvenile a citation.

504.8 WRITTEN WARNINGS

Written warnings may be issued when a deputy believes it is appropriate. The designated Administrative Assistant should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this Office in accordance with the organization's records retention schedule.

504.9 EFFECTIVE DATE

January 1, 2022

Disabled Vehicles

505.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles that are within their primary jurisdiction.

505.2 DEPUTY RESPONSIBILITIES

When an on-duty deputy observes a disabled vehicle, the deputy should make a reasonable effort to provide assistance. If that deputy is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available deputy or other Office member to respond as soon as practicable.

505.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Office personnel will be contingent on the time of day, the location, the availability of Office resources and the vulnerability of the disabled motorist.

505.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

Due to the myriad of electronic equipment contained therein, agency vehicles will not be used to “jump start” other vehicles, other than agency vehicles, except in emergency situations.

505.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this Office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

505.4 TAGGING OF ABANDONED MOTOR VEHICLES

Motor vehicles found abandoned and apparently disabled along a public roadway will be properly marked by placing the standard agency tag on the rear window, or other area on the rear of the vehicle readily observable to passing law enforcement personnel to signify that that vehicle has been checked. It is the responsibility of the deputy tagging a disabled vehicle to follow up and ensure that the vehicle is removed from the public right-of-way on or after forty-eight (48) hours has passed from the time that the vehicle has been tagged.

505.5 EFFECTIVE DATE

January 1, 2022

Abandoned and Overtime Parked Vehicles

506.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles or overtime parked vehicles on public or private property under the authority of ORC § 4513.60 and ORC § 4513.61.

506.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned Junk Vehicle - A motor vehicle meeting all of the following requirements (ORC § 4513.63):

- The motor vehicle has remained on private property for more than 48 hours without the permission of the property owner, or on a public street or upon or within the right-of-way of any road or highway for 48 hours or longer.
- The motor vehicle is three years old or older.
- The motor vehicle is extensively damaged, including but not limited to, any of the following: missing wheels, tires, motor or transmission.
- The motor vehicle is apparently inoperable.
- The motor vehicle has a fair market value of \$1,500 or less.

Private Residential Property - Private property on which is located (ORC § 4513.60(A)(3)):

- One or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures.
- Does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

506.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Ohio abandoned vehicle laws shall be tagged and their location noted via the computer aided dispatch (CAD) log.

If a tagged vehicle, apparently disabled and abandoned, has not been moved at least 48-hours after the application of the agency tag, the vehicle shall be towed from the public right-of-way.

506.3 VEHICLE STORAGE

506.3.1 PRIVATE PROPERTY

A vehicle, other than an abandoned junk motor vehicle, left on private residential or private agricultural property, that has not been established as a private tow-away zone, without the permission of the property owner, may be removed if (ORC § 4513.60(A)(1)):

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- (a) A complaint is received from any person adversely affected and the motor vehicle has been left for at least four hours.
- (b) A complaint is received from a representative of a repair garage or place of storage because the motor vehicle has been left at the garage or place of storage for a period longer than that agreed upon.

506.3.2 PUBLIC PROPERTY

Any motor vehicle, including an abandoned junk motor vehicle, left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, may be removed if the motor vehicle has been left for 48 hours or longer. When such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately (ORC § 4513.61).

506.3.3 VEHICLE STORAGE REPORTING

Any vehicle in violation shall be stored by the authorized towing service or municipal, impound facility and a vehicle inventory form shall be completed by the deputy authorizing the storage of the vehicle.

The vehicle inventory form shall be submitted to the designated Administrative Assistant as soon as practicable following the towing and storage of the vehicle.

506.4 EFFECTIVE DATE

January 1, 2022

Use of Speed Measuring Devices for Law Enforcement Purposes

507.1 POLICY

Sworn personnel are authorized to use agency owned and approved devices for measuring the speed of motor vehicles traveling on the roadways to facilitate the enforcement of traffic laws. The following procedures will be followed to ensure that such devices are utilized accurately and properly.

507.2 APPROVED DEVICES FOR SPEED MEASUREMENT

The following devices are authorized for use by sworn personnel of this agency for the measurement of the speed of motor vehicles traveling on the roadways for purposes of enforcement:

- Doppler radar speed measuring devices, utilizing either stationary or moving modes to measure vehicle speed
- Laser speed measuring devices
- Vehicle speedometers

507.2.1 RADAR SPEED MEASURING DEVICES - OPERATION REQUIREMENTS

Personnel operating radar speed measuring devices will adhere to the following requirements, along with any manufacturer's recommendations:

- (a) Calibration checks will be conducted of any radar speed measuring device to be used for enforcement purposes on a daily basis as follows:
 1. Prior to the commencement of any enforcement activities using the particular radar devices; and
 2. Immediately after the issuance of a citation based upon a speed measurement obtained from that particular radar device; and
 3. At the conclusion of enforcement activities for that particular day, if any traffic citations were issued as a result of a speed measurement obtained from that particular radar device;
 4. At any other time that the individual operating the particular radar device, believes that a calibration check is necessary to ensure that the radar device is operating properly.
- (b) A calibration check shall consist of the following:
 1. Internal calibration test – this test is performed by activating the radar device to conduct its own Internal self-check.
 2. External calibration test – this test is performed by placing vibrating tuning forks in front of the radar device's antenna while the radar device is activated, both in stationary and moving modes.

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3. Light test – this test is performed to ensure that all of the unit's light diodes are operating properly.
4. Dependent upon the type of radar device being operated, the internal calibration and light tests may be performed by the unit simultaneously.

507.2.2 LASER SPEED MEASURING DEVICES - OPERATION REQUIREMENTS

Personnel operating laser speed measuring devices will adhere to the following requirements:

- (a) Calibration checks will be conducted of any laser speed measuring device to be used for enforcement purposes on a daily basis, as follows:
 1. Prior to the commencement of any enforcement activities using the particular laser device;
 2. At the conclusion of enforcement activities for that particular day, if any traffic citations were issued as a result of a speed measurement obtained from that particular laser device;
 3. At any other time that the individual operating the particular laser device believes that a calibration check is necessary to ensure that the laser device is operating properly.
- (b) A calibration check for a laser speed measuring device will consist of all of the following:
 1. Check of the scope for proper alignment with the red aiming dot. Press the test button on the laser speed measuring device until the letters "tt" are displayed. Depress the trigger until an audible tone is heard. Pan the laser across an object isolated from any background interference, such as a utility pole or signpost. While scanning this object, with the laser device held in both a vertical, and horizontal, orientation, the tone emitted should be highest while the red aiming dot is passing across the object. This indicates that the laser beam is aligned with the aiming dot.
 2. Completion of the two-point verification check. This check consists of conducting a test of the laser's ability to measure the distance from a stationary point to two separate objects at different known distances, and to be able to accurately calculate the distance between those points.
 3. Completion of the speed measurement check. This check consists of obtaining a speed of "0" MPH while pointing the laser at an object at a known distance, and then checking to ensure that the laser properly measured the known distance.
 4. All measurements obtained in the calibration check of a laser speed measuring device should be within the tolerances allowed for by the manufacturer of the device.
 5. Only calibration courses approved by this agency or used by another public law enforcement agency will be utilized for laser calibration.

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507.2.3 VEHICLE SPEEDOMETERS

The vehicles used by members of this agency for speed enforcement purposes are generally equipped with speedometers that are certified from the factory. The term certified in this instance indicates that the speedometer has met factory specifications for accuracy. However, as the vehicle ages and repairs or adjustments are made, the vehicle's speedometer may lose accuracy.

Pacing of vehicles through the use of a vehicle speedometer for the purpose of speed enforcement is authorized. Any employee who issues a citation as the result of a speed reading obtained by pacing will, as soon as practicable after the issuance of the citation, arrange for a check of his or her vehicle's speedometer through the use of a radar or laser device operated by another member of this agency. Deputies issuing citations based upon the pace of a vehicle should be able to document, and if necessary, testify to, the distance that the vehicle was paced at the known speed. This check will consist of operating the cruiser at a known speed and having the speed measured by the second employee. The speedometer display and the reading obtained from the radar or laser device at the time of the check will be recorded as listed below.

507.3 DOCUMENTATION REQUIREMENTS

- (a) Each radar or laser speed measuring device owned or used by this agency will be assigned a unique inventory number. That particular number will be used when referring to the individual unit for documentation purposes.
- (b) All radar or laser calibration checks will be documented on the employee's daily activity report and in any reports generated due to the issuance of a citation, or the arrest of an individual, resulting from a reading obtained through the use of a laser or radar speed measuring device. This documentation will include the time that the calibration check was completed.
- (c) When issuing a citation based upon a reading obtained from a radar, or laser speed measuring device, the type of device used and the agency assigned inventory number will be noted on the face of the traffic citation.
- (d) When issuing a citation based upon a reading obtained from a vehicle speedometer while conducting a pace, the cruiser's assigned unit number and the distance of the pace should be noted on the traffic citation and in any reports generated as a result of the issuance of that citation. All information regarding the subsequent check of the speedometer utilized in pace will be documented in any subsequent reports generated pertaining to the issuance of a citation.

507.4 GENERAL REQUIREMENTS

- (a) Only those employees operating marked vehicles will utilize radar or laser speed measuring devices for enforcement purposes.
- (b) Employees utilizing speed measuring devices for enforcement purposes will place their vehicles in plain view of passing traffic. Visibility is the key to efficient and effective traffic enforcement activities. Employees are expressly forbidden from concealing, or attempting to conceal, their cruisers while operating speed measuring devices for enforcement purposes.

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- (c) Employees operating speed measuring devices from or near their cruisers during nighttime hours will ensure that, at the least, the vehicle's parking lights and tail lamps are on.
- (d) Speed display retention on the radar or laser device, if available, is preferred until the conclusion of an enforcement contact. The alleged violator should be given the opportunity to view the speed display, if the violator desires to do so. At no time will such a request be honored if compliance would appear to compromise the safety of the employee. Failure to retain the speed of a violator's vehicle for display on the radar or laser device, which could occur for any number of reasons, is not to be considered a violation of this policy unless done intentionally and for no legitimate law enforcement purpose.
- (e) If a violator wishes to observe the calibration process, particularly with a radar unit, this request should be honored if possible. At no time will such a request be honored if compliance would appear to compromise the safety of the employee.
- (f) The power cord for a radar or laser speed measuring device, generally using a cigarette lighter plug, will, if possible, be plugged into an auxiliary outlet placed in the vehicle and will not be plugged into the cigarette lighter outlet. This will avoid the potential for electronic interference from the vehicle itself.
- (g) If, at any time, the reliability of any speed measuring device is legitimately questioned, the device will be taken out of service until it can be checked and/or repaired, and any pending legal action taken as a result of the unreliable equipment will be resolved in favor of the alleged violator.
- (h) Maintenance files will be kept on each laser and radar speed measuring device owned by this agency. Said files will be cataloged in order of agency assigned inventory number and will include all original calibration certificates, as well as documentation of repairs made and any subsequent calibration certificates obtained for each individual unit. All original documents will remain in these files, unless they are required to be produced in a court pursuant to a subpoena.
- (i) Unless instructed otherwise, employees will not operate laser or radar speed measuring devices from a stationary position in an attempt to clock vehicles within any political subdivision that maintains its own law enforcement agency.

507.5 TRAINING

Only those employees who have successfully completed an agency approved course of instruction in the use of radar and/or laser devices may utilize those devices for enforcement purposes.

507.6 EFFECTIVE DATE

January 1, 2022

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Erie County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

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600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.4.1 AUDIO/VIDEO RECORDINGS

Any employee of this law enforcement agency conducting a custodial interrogation, in a place of detention, of an individual suspected of having committed a violation of Ohio Revised Code statutes relating to aggravated murder, murder, voluntary manslaughter, Involuntary manslaughter, rape, attempted rape, sexual battery, aggravated vehicular homicide, vehicular homicide, and/or vehicular manslaughter shall electronically record that custodial interrogation.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

If a person is suspected of committing a violation of any offense enumerated in ORC § 2933.81, deputies should both audio and video record, in its entirety, any custodial interrogation occurring at the station, a jail or other place of detention (ORC § 2933.81).

No recording of a custodial interrogation should be destroyed or altered without written compliance with this agency's records retention schedule, and, if appropriate, authorization from the prosecuting attorney. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 REQUIRED RECORDING OF INDIVIDUALS

Both audio and video recording of custodial interrogations is statutorily required when an individual is suspected of committing a violation of any offense enumerated in ORC § 2933.81 and the interrogation occurs at the station, a jail, or other place of detention except when (ORC § 2933.81):

- (a) The suspect requests that the interrogation not be recorded. Any such request shall be preserved in a recording or in writing.
- (b) The recording equipment malfunctions.
- (c) There are exigent circumstances related to public safety.
- (d) The interrogation occurs outside of the state.
- (e) The statements are made during routine processing or booking.
- (f) The statements are made spontaneously and not in response to interrogation.

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600.4.3 RECORD KEEPING AND RETENTION REQUIREMENTS

Electronic recordings of custodial interrogations shall be clearly labeled and retained as required by ORC § 2933.81(D).

600.5 COLD CASE REGISTER

Cold cases should be revisited periodically for new information.

The Detective Bureau may consider submission of cases to the Ohio Bureau of Criminal Investigation (BCI), which may provide investigative support in accordance with the BCI's Unresolved Homicide Initiative.

600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult or Vulnerable Person Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that appropriate trained members or appropriately trained personnel from other agency(ies) assist with

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seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this Office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using Office equipment.

Information obtained via the Internet should not be archived or stored in any manner other than Office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any Office computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

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600.9 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization unless sufficient cause exists to do so. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.10 EFFECTIVE DATE

January 1, 2022

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult or Vulnerable Person Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Title 29, Chapter 2907 (Sex Offenses).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Erie County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (ORC § 2907.30).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator (ORC § 2907.30).

No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; ORC § 2907.10).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SANE nurse should collect and package forensic evidence obtained from the victim's body.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, will be submitted to an Ohio Bureau of Criminal Investigation (BCI) for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence will be collected, stored appropriately, and submitted to BCI for testing.

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601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Submit biological evidence to the appropriate crime laboratory within thirty days for a DNA analysis after it has been determined that any of the following offenses have occurred (ORC § 2933.82; OAC § 109:7-1-07):
 1. A rape offense (ORC § 2907.02).
 2. A sexual battery offense (ORC § 2907.03).
 3. Gross sexual imposition with a victim less than 13 years of age (ORC § 2907.05).
 4. Any sexual assault involving a homicide or an attempted homicide offense (ORC § 2907.02).
 5. Any sexual assault related to human trafficking (ORC § 2905.32).
- (b) Facilitate the testing of a suspect for disease as set forth in ORC § 2907.27 upon the request of a victim or the prosecutor.
- (c) Log and update information relating to sexual assault evidence kits into the state tracking system as required by OAC § 109:7-1-07 (e.g., receiving a kit, forwarding a kit to a laboratory, a change in the status of the case).

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable and/or coordinate that notification with the Victims Assistance Program at the Erie County Prosecutor's Office.

A Victims Assistance Program staff member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original

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statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 CASE REVIEW

The Detective Bureau supervisor should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- (a) Case dispositions.
- (b) Decisions to collect biological evidence.
- (c) Submissions of biological evidence for lab testing.

Summary reports on these reviews will be forwarded to the Sheriff upon request.

601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.10 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes but is not limited to:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. This includes but is not limited to:
 - (a) Interviewing sexual assault victims.
 - (b) SANE or multidisciplinary response team.
 - (c) Medical and legal aspects of sexual assault investigations.
 - (d) Serial crimes investigations.
 - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - (f) Techniques for communicating with victims to minimize trauma (ORC § 2907.30).

601.11 EFFECTIVE DATE

January 1, 2022

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Erie County Sheriff's Office seizes property for forfeiture or when the Erie County Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and acting as the liaison between the Office and the assigned attorney.

Property subject to forfeiture - Includes the following (ORC § 2981.02; ORC § 2981.04; ORC § 2981.05):

- (a) Contraband involved in an offense.
- (b) Proceeds derived from or acquired through the commission of an offense.
- (c) An instrumentality that is used in, or intended to be used in, the commission or facilitation of any of the following offenses:
 1. A felony.
 2. A misdemeanor, when forfeiture is specifically authorized by a section of the Ohio Revised Code, or by a municipal ordinance that creates the offense or sets forth its penalties.
 3. An attempt to commit, complicity in committing or a conspiracy to commit either of the above.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Erie County Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

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It is the policy of the Erie County Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order.
- (b) Property subject to forfeiture that is not the subject of a court order but for which a deputy has probable cause to believe qualifies as property subject to forfeiture (ORC § 2981.03).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method. Real property shall only be seized by court order unless an immediate need to protect the public exists (ORC § 2981.03).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property that reasonably appears to the deputy to have a value disproportionate to the severity of the crime considering the impact of the offense on the community, the extent to which the owners participated in the offense and whether the offense was completed or attempted (ORC § 2981.09).

When deciding to seize property as an alleged instrumentality of a crime under ORC Chapter 2981.02, deputies should consider:

- Whether the offense could not have been committed or attempted but for the presence of the property.
- Whether the primary purpose in using the property was to commit or attempt to commit the offense, and
- The extent to which the property furthered the offense.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

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- (a) All items of property seized by the Erie County Sheriff's Office that can physically be secured at the Erie County Sheriff's Office (cash, weapons, etc.) shall be secured in the appropriate designated evidence room, evidence locker, or other suitable and secure location unless otherwise noted in this agency's policies. Larger or bulkier items, such as vehicles, shall be secured in a suitable location. All information pertaining to items seized and determined to be subject to forfeiture shall be properly noted in all agency documents, to include reports, search warrant inventories, and/or this agency's Seizure/Forfeiture Forms.
- (b) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.
- (c) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (d) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.
- (e) A copy of any Seizure/Forfeiture Form served on an individual from whom property subject to forfeiture has been seized will be forwarded to the Erie County Prosecutor's Office as soon as possible to allow for that agency to perform its required duties pertaining to the forfeiture.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Evidence Room supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

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- (d) Property received for forfeiture is not used by the Office unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Sheriff will appoint a forfeiture reviewer. Prior to assuming duties or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Office on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly ORC § 2981.01 et seq., ORC § 2923.32 and ORC § 2925.42, and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Office and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
 - 1. Restrictions on transfers or referrals exist unless property exceeds \$100,000 or relates to a federal criminal forfeiture proceedings (ORC § 2981.14).
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for Office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished

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through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Directive/Memos. The training should cover this policy and address any relevant statutory changes and court decisions.

- (h) Reviewing each asset forfeiture case to ensure that:
 1. Written documentation of the seizure and the items seized is in the case file.
 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
 3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ORC § 2981.03; ORC § 2981.11).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to deputies.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Sheriff to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
- (j) Ensuring that the Office disposes of property as provided by law following any forfeiture.
- (k) Ensuring that the process of selling or adding forfeited property to the Office's regular inventory is in accordance with all applicable laws and consistent with the Office's use and disposition of similar property.
- (l) Upon completion of any forfeiture process, ensuring that no property is retained by the Erie County Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives (ORC § 2981.11).

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602.7 DISPOSITION OF FORFEITED PROPERTY

Assets forfeited shall be disposed of as set forth in ORC § 2981.12 and ORC § 2981.13.

The receipt and deposit into a financial institution of forfeited funds, and/or the monetary proceeds of any forfeiture, will be properly documented based upon standard accounting principles and all supporting documentation will be incorporated into the appropriate investigative file.

No member of this Office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No Office member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

The transfer of and/or final disposition of any seized property will be properly documented, to include a receipt signed by the person to whom the property is ultimately released.

602.8 RECORDS REQUIREMENTS

Detailed records related to the amount of forfeited property acquired by the Office under ORC Chapter 2981 and the date the property was acquired shall be kept and open to public inspection (ORC § 2981.11).

Detailed records of the disposition of acquired property shall be kept and open to public inspection. These shall include, but not be limited to (ORC § 2981.11):

- (a) The manner in which property was disposed, the date of disposition, detailed financial records concerning any property sold and the name of any person who received the property. The record shall not identify or enable identification of the individual deputy who seized any item of property.
- (b) The general types of expenditures made with amounts that are gained from the sale of the property and that are retained by the Office, including the specific amount expended on each general type of expenditure, except for the identification of any specific expenditure that is made in an ongoing investigation.

602.9 EFFECTIVE DATE

January 1, 2022

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Erie County Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Erie County Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Erie County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this Office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this Office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 18 is prohibited without prior authorization of the Sheriff.

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated Office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff or Detective Bureau supervisor or their authorized designees.

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1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Unauthorized criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as Deputy Sheriffs or employees or agents of the Erie County Sheriff's Office, and that they shall not represent themselves as such.
- (d) The relationship between Office members and informants shall always be ethical and professional.
 1. Members shall not become intimately involved with an informant.
 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Bureau supervisor.
 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Detective Bureau supervisor.
 1. Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.
- (g) In all instances when Office funds are paid to informants, a record will be kept documenting the specific reason and a voucher completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.

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- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this Office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of Office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Bureau. The Detective Bureau supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Detective Bureau supervisor and their authorized designees.

The Detective Bureau supervisors may arrange for an audit using a representative sample of randomly selected informant files on a periodic basis. If the Detective Bureau supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant identification number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Briefs of information provided by the informant and his/her subsequent reliability

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1. If an informant is determined to be unsuitable, an appropriate notation will be made along with notations included detailing the issues that caused this classification.
 - (i) Name of the deputy initiating use of the informant
 - (j) Signed informant agreement
 - (k) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

An informant will be told in advance the amount of payment percentage for his/her service. The amount of funds to be paid to any informant will be based upon the informant's established reliability and credibility.

603.6.1 PAYMENT PROCESS

Approved payments for informant services will be made with funds originating from the Law Enforcement Trust Fund (LEFT), unless otherwise approved by the Sheriff.

- (a) To complete the payment process to the informant, the deputy delivering the payment shall complete an informant cash receipt form.
 1. The informant cash receipt form shall include the following:
 - (a) Date
 - (b) Payment amount
 - (c) Erie County Sheriff's Office case number
 - (d) A statement that the informant is receiving funds in payment for informant services.
 2. The informant will acknowledge the payment in writing to protect the informant's identity, the informant may be asked to write the word "Received" in his/her handwriting on the form as opposed to affixing an actual signature.
 3. The informant cash receipt form will be kept in the informant's file.

603.6.2 AUDIT OF PAYMENTS

The Detective Bureau supervisor or his/her authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

As necessary, the Sheriff or authorized designee may conduct an audit of all informant funds for the purpose of accountability and security.

603.7 EFFECTIVE DATE

January 1, 2022

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Office employ eyewitness identification techniques (ORC § 2933.83).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Erie County Sheriff's Office will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (ORC § 2933.83):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
 - 1. If applicable, the member shall advise the witness that the member does not know who the suspect is.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and any results.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any witness identification of one or more fillers in the lineup.
- (l) Other process direction adopted by the Ohio Attorney General under ORC § 2933.831.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (ORC § 2933.83).

604.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques

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to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (ORC § 2933.83)

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.7 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show up, rather than bring the subject of the show up to the witness.
- (e) A subject of the show up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show up one at a time.

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- (g) The person who is the subject of the show up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show up as the perpetrator, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.9 EFFECTIVE DATE

January 1, 2022

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Erie County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Erie County Sheriff's Office will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Erie County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Deputies must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If a deputy learns of potentially incriminating or exculpatory information any time after submission of a case, the deputy or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Office case file.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this Office is a material witness in a criminal case, a person or persons designated by the Sheriff shall examine the personnel file and/or internal affairs file of the deputy to determine

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whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and Office member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or Office counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Sheriff should periodically examine the personnel files and/or internal affairs files of all deputies who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

605.5 INVESTIGATING BRADY ISSUES

If the Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

605.6 TRAINING

Office personnel should receive periodic training on the requirements of this policy.

605.7 EFFECTIVE DATE

January 1, 2022

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

606.2 POLICY

Unmanned aerial systems may be utilized to enhance the Office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for Office operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and Office-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

606.8 EFFECTIVE DATE

January 1, 2022

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this Office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of arrest or search warrants on persons or locations already secured or routine field warrant arrests by patrol deputies, or for warrants that are designated for service by the Sheriff's Office SRT.

607.2 POLICY

It is the policy of the Erie County Sheriff's Office to balance the safety needs of the public, the safety of Office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The Sheriff shall designate an operations director (see the Operations Planning and Deconfliction Policy), who shall review any risk assessment documents with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form, if necessary and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If a deputy reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the deputy should notify the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence

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to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

607.6 WARRANT PREPARATION

A deputy who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the

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designated members to the presence of potential evidence and not touch or disturb the items.

- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Deputies must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, deputies must be mindful that only reasonable force may be used and weapons should be displayed no longer than the deputy reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Deputies should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Erie County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Erie County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Sergeant should assume this role.

If deputies intend to serve a warrant outside Erie County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Erie County Sheriff's Office when assisting outside agencies or serving a warrant outside Erie County Sheriff's Office jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Training Officer should ensure deputies receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

607.13 EFFECTIVE DATE

January 1, 2022

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by deputies on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Erie County Sheriff's Office to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this Office to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the deputy should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the deputy should also submit information to these resources.

The deputy should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Deputies will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. Special Response Team (SRT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. K-9s
 9. Evidence Room or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate Office members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The deputy should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed deputies should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult or Vulnerable Person Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for deputies who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SRT PARTICIPATION

If the operations director determines that SRT participation is appropriate, the director and the SRT supervisor shall work together to develop a written plan. The SRT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SRT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Sheriff. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SRT debriefing.

608.11 TRAINING

Trainers should ensure, as practicable, that deputies and SRT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

608.12 EFFECTIVE DATE

January 1, 2022

Arrest Warrants

609.1 PURPOSE AND SCOPE

The purpose of this policy is to outline specific guidelines to be followed by employees of the Erie County Sheriff's Office responsible for receiving or serving arrest warrants.

609.1.1 DEFINITIONS

LEADS - An acronym for the Law Enforcement Automated Data System, a computer database administered by the Ohio State Highway Patrol linking most law enforcement agencies in the State of Ohio.

NCIC - An acronym for the National Crime Information Center, a computer database administered by the United States Department of Justice linking most law enforcement agencies in the United States. NCIC is accessed by this agency through LEADS.

Pick-up radius (PUR) - A pre-determined distance, generally set by the court issuing an arrest warrant or by the attorney required to prosecute the case on behalf of the State of Ohio or a political subdivision. This agency will travel to arrest an individual pursuant to a warrant.

Return - That portion of the warrant document that requires the Sheriff or deputy sheriff to endorse the fact that the warrant has been served on the named.

Supervisor - The Sheriff or a deputy sheriff with the rank of Sergeant or above.

Warrant - A written order issued by any court of competent jurisdiction, or other agency authorized to order the arrest of an individual such as a probation or parole organization, requiring the arrest of the person named in the order.

Warrant process - The formalized procedure developed to enter the information regarding a particular warrant into this agency's records and, required, into LEADS and/or NCIC and/or any other law enforcement information database.

Warrant service – the taking into physical custody of the individual named in an arrest warrant and the provision of a copy of the warrant to that individual.

Validation – the periodic process whereby information contained in an arrest warrant is checked and/or updated through the issuing court or other authority and through various informational databases to ensure that the warrant is still valid.

609.2 POLICY

Under both common and codified law, one of the primary responsibilities of the Sheriff is the service of all writs and orders issued to the Sheriff for service by the various courts, including arrest warrants. Prompt service of arrest warrants is necessary to ensure that the interests of justice are served efficiently and effectively.

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609.3 WARRANT RECEIPT

Warrants are generally received in person by an employee directly from the court or authority issuing the warrant. Warrants may also be received by this agency through the mail or by delivery to the agency from a representative of the issuing authority.

The actual delivery of the warrant to the Erie County Sheriff's Office constitutes receipt. As soon as practicable after receipt in the building, the employee receiving the warrant will cause the warrant to be file stamped near, but not over, the return section. This file stamp, consisting of a date and time, is considered the official date and time of the receipt of the warrant by the agency.

Upon receipt of the warrant, the warrant will be forwarded to the employee designated for warrant processing.

609.4 WARRANT PROCESSING

- (a) As soon as practicable after receipt of a warrant, the responsible employee will process the warrant following established agency procedures. That employee will ensure that, based upon all information available through the agency's records and any other information database, the personal identification information for the individual named in the warrant is accurate. Any discrepancies will be noted and the employee processing the warrant will cause for issuing court or other authority to be advised of the apparent discrepancy for further action by that court or authority.
- (b) The employee processing the warrant will enter the information regarding the warrant into the appropriate Sheriff's Office internal and law enforcement information databases to ensure that any law enforcement officer who comes into contact with the individual named in the warrant, within the area of a set pickup radius, may be made aware of the existence of the warrant.
- (c) In the event that a warrant is received naming an individual whose address is outside of Erie County, and the address is outside of the pick-up radius, the local law enforcement agency having jurisdiction over the address may be made aware of the existence of the warrant.
- (d) In the event that a warrant is received naming an individual whose address is outside of Erie County, and the address is either within the pick-up radius pre-set by the issuing court or other issuing authority, or falls within the guidelines as noted below, contact will be made with the local law enforcement agency having jurisdiction over that address requesting that service of the warrant be attempted. Any such communication will be documented in writing and said documentation will be filed with the warrant.
- (e) There will always be two (2) copies of a warrant on file – one to be provided to the person named in the warrant upon service, and one to be returned to the issuing court or other issuing authority for documentation of service.

609.5 PICK-UP RADIUS CONSIDERATIONS

- (a) In many instances, a warrant will be received by this agency with a pre-set pick-up radius as determined by court or issuing authority. In the event a pick-up radius is not preset, the following criteria will be utilized unless the employee processing the warrant is advised differently by a superior.

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1. Warrant for any felony of the fourth or fifth degree, or any misdemeanor offense; adjacent county pick-up radius.
 2. Warrant for any felony of the second or third degree: State of Ohio pick-up radius.
 3. Warrant for a felony of the first degree: nationwide pick-up radius.
 4. Warrant for contempt issued by the Domestic Relations Division of the Erie County Common Pleas Court in cases considered civil in origin: adjacent county pick-up radius.
- (b) In the event that this agency is requested to enter a warrant into LEADS for a non-terminal LEADS agency, the pick-up radius will be set either by the court issuing the warrant or by the agency requesting the warrant entry. This agency will not determine the pick-up radius in those cases.

609.6 WARRANT SERVICE ATTEMPTS

- (a) It is the responsibility of all employees of this agency to cause for the service of an arrest warrant as soon as possible after the warrant has been received. It is a goal of this agency to attempt to serve, within twenty-four (24) hours of the completion of its processing, any warrant that names an individual whose address is listed within Erie County. In the event that service of a warrant cannot be attempted within this time frame, supervisory personnel will ensure that service is attempted as soon as possible.
- (b) Only the Erie County Sheriff or an Erie County Deputy Sheriff is authorized to serve any warrant received by this agency for service. Non-sworn employees are prohibited, by this policy and by the lack of statutory authority, from serving warrants.
- (c) Prior to attempting to serve a warrant, the validity of the warrant will be confirmed with the employee responsible for maintaining warrant records either through direct communication or by electronic means.
- (d) All warrant service attempts, and the disposition of said attempts, will be noted in writing. This documentation will be filed with the warrant or in such a fashion that it may be readily electronically retrieved.
- (e) In the event that the Sheriff or a Deputy Sheriff, upon attempting service of a warrant, receives information that may assist in the service of the warrant, such as a new address, it is the responsibility of that individual employee with the consent of his/her supervisor to either investigate that information in an attempt to serve the warrant or to cause for such information to be investigated further. All such information and any follow-up investigation shall be properly documented, and said documentation will be filed either with the warrant or in such a fashion that it may be readily electronically retrieved.

609.7 WARRANT VALIDATION REQUIREMENTS

On a periodic basis, but no less than once annually after receipt of a warrant, a designated employee will ensure that the issuing court or other issuing authority still considers the warrant "valid" (i.e., that authority still desires to have the named individual arrested).

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In the event that the information pertaining to a specific warrant has been entered into a law enforcement computer database, all of that information will also be verified as to its accuracy. Any information discovered during this verification process that could lead to the serve of the warrant will be documented and investigated by the employee, or that employee will cause for the information to be investigated, as outlined in paragraph five of the preceding section.

609.8 WARRANT RETURN PROCEDURE

- (a) Upon the arrest of an individual pursuant to a warrant, the Sheriff or deputy sheriff affecting the arrest will physically hand to the arrested individual a copy of the warrant and will explain to the individual the contents of the warrant. In the event that the arrested individual's conduct deems such explanation impractical, the arrestee will still be provided with a copy of the warrant for his/her arrest.
- (b) The Sheriff or Deputy Sheriff affecting the arrest of an individual pursuant to a warrant is responsible to fully complete the return portion of the warrant document. The date and time that the warrant was received by the agency, which is required in the return, is the date and time as noted on the agency file stamp. Service fees and mileage will be noted as set by current statutory language. The employee completing the return will then forward that copy of the warrant containing the documented return to the employee responsible for receiving warrants that have been served. That employee will then cause for information regarding the service of the warrant to be entered into the agency's records; to remove any information pertaining to the warrant's existence from any law enforcement databases, excluding this agency's internal database; and to then forward the warrant back to the issuing court or other authority so that the court or other authority may be formally advised that the warrant has been served.
- (c) In the event that the Sheriff or Deputy Sheriff is called upon to serve a warrant at a court or other facility, and this agency has copies of the warrant on file, the employee serving said warrant is obligated to immediately notify the designated agency employee responsible for the maintenance of warrant records that the warrant has been served.

609.9 EXCEPTIONS

This policy provides general guidelines for the receipt, service, and return of warrants by this agency to provide for the arrest of wanted individuals in the most efficient fashion possible. Therefore, nothing in this policy is to be construed to prohibit the Sheriff or a Deputy Sheriff, upon receipt of a warrant from a court or other issuing authority, from arresting the individual named in the warrant immediately without following the receipt procedures as noted above.

In addition, nothing in this policy prohibits the Sheriff or a Deputy Sheriff from attempting service of a warrant outside of Erie County, provided that the service attempt takes place within the State of Ohio. In the event that service of a warrant will be attempted outside of Erie County, the local law enforcement agency, and/or that county Sheriff's Office, having jurisdiction at the address will be notified prior to the warrant service attempt and will be permitted to have a representative present, if the agency desires –during said service attempt.

Finally, nothing in this policy is meant to prohibit – under special circumstances and for good cause shown as determined by a supervisor – the omission of parts of this policy in the interest

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of achieving the stated goal of prompt service of all warrants received by the agency while still providing basic law enforcement services throughout Erie County.

609.10 EFFECTIVE DATE

January 1, 2022

Chapter 7 - Equipment

Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of Office-owned property and the role of the Office when personal property, the property of another, or Office-owned property is damaged or lost.

700.2 OFFICE-ISSUED PROPERTY

The Appropriate supervisor will document all property and equipment issued by the Office in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Office, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.2.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of Office property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any Office-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, Office-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Office-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

700.3 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Sheriff or the appropriate Division Commander. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Office will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

700.3.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

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Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff, who will then forward the claim to the County department responsible for issuing payments.

700.4 DAMAGE OF PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through the member's chain of command.

700.4.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the County of Erie or of another person while performing their duties within the jurisdiction of this Office. The Office member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

700.5 EFFECTIVE DATE

January 1, 2022

700.6 POLICY

The Erie County Sheriff's Office will ensure that members are issued appropriate property and equipment necessary for the member's job function. The Office will take steps to minimize the cost associated with maintaining Office property, including personal property authorized for use in the member's duties.

700.7 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Division Commander. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

The Erie County Sheriff's Office allows members to utilize Office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 OFFICE-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Office-issued or -funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Sheriff or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Office and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

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701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provision of this policy.
- (b) The Office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device may be used for work-related purposes, as noted below. Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any Office business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative tasks if so authorized by the Sheriff.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Office, without the express authorization of the Sheriff, authorized designee, or shift supervisor.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Office with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Erie County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty Office-related business activities in any manner shall promptly provide the Office with a copy of such records to ensure accurate record keeping.

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701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct Office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official Office business. Disclosure of any such information to any third party through any means, without the express authorization of the Sheriff or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official Office business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.
- (h) To avoid unnecessary distractions that would interfere with inmate observation by Corrections Officers within the Erie County Jail; to prevent any security breaches involving cellular telephones; and unless otherwise specifically authorized in writing by the Sheriff, Sheriff's Designee, or Jail Administrator, no Corrections Officer or other agency employee entering the Erie County Jail is authorized to possess a cellular telephone while present within the confines of the Jail. The Sheriff, Sheriff's Designee, and Jail Administrator are hereby deemed exempt from this policy requirement because of their job duties. The Jail Supervisor on duty, in addition to the Sheriff and Jail Administrators are permitted to retain their personal communication devices in the jail. In addition, shift supervisors will have their PCD secured in Main control only and they are not to be stored on their person at any point during their shift.
- (i) To avoid unnecessary distractions that would interfere with emergency public safety communication duties, and unless otherwise specifically authorized in writing by the Sheriff, Sheriff's Designee, or Communications Supervisor, any Communications Officer (Dispatcher) or other agency employee entering the Erie County Sheriff's Dispatch Center is specifically prohibited from possessing a cellular telephone while present within the confines of the Dispatch Center. The Sheriff and Sheriff's Designee are hereby deemed exempt from this policy requirement because of their job duties.

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701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisor include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Sheriff or the authorized designee.

701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Deputies operating a moving emergency vehicle are prohibited from using these devices (ORC § 4511.204).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORC § 4511.204). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other Office communications network.

701.10 EFFECTIVE DATE

January 1, 2022

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When an Office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured by the member to whom those weapons are issued prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Office vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Deputies shall ensure that, at all times, their patrol vehicle contains issued and serviceable safety equipment to include the following:

- First aid kit and supplies
- Blanket
- Fire extinguisher
- Traffic safety vest
- Latex/nitrile gloves
- Any other equipment issued to the member and designed to be carried in the member's assigned cruiser to be utilized during the member's day-to-day activities

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702.3.2 UNMARKED VEHICLES

An employee driving an unmarked Office vehicle shall ensure that, at minimum and as practicable, the equipment listed to be carried in marked vehicles is also carried in unmarked vehicles.

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall keep vehicles properly fueled. Except in emergency situations, vehicles shall only be refueled at an authorized location.

702.5 WASHING OF VEHICLES

To the extent practicable, a agency vehicle shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift, and it is the responsibility of the deputy to whom the vehicle is assigned to keep the interior of the vehicle clean and neat.

702.6 EFFECTIVE DATE

January 1, 2022

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure Office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of Office vehicles and shall not be construed to create or imply any contractual obligation by the Office to provide assigned take-home vehicles.

703.2 POLICY

The Erie County Sheriff's Office provides vehicles for Office-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Office, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

All personnel operating agency vehicles for purposes of routine driving will comply with all applicable state or local laws pertaining to the operation of motor vehicles. Those deputies who are assigned agency vehicles will utilize them for Office business only. Office owned vehicles will not be utilized to conduct personal business. Employees of this Office will not operate any agency owned vehicle without first receiving approval to do so from a supervisor.

703.3.1 ASSIGNED VEHICLES

If applicable, members will generally operate vehicles assigned to them, unless a mechanical malfunction or other situation requires them to operate another vehicle. If a member exchanges vehicles during their shift, dispatchers will be made aware of that fact.

703.3.2 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to the Operations Officer and documented as appropriate.

In the event that a vehicle is found to be soiled or filthy, inside or out, by a member preparing to use it, such condition will be reported immediately to the member's supervisor, followed by a written report detailing the problem. The member using the vehicle will make arrangements for the vehicle to be cleaned as soon as possible. Members leaving vehicles in such condition will be subject to the disciplinary process.

The interior of any vehicle that has been used to transport any person other than a member of this Office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All Office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.3 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, K-9 safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.4 MDT

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch when appropriate. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.5 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require the approval of the Sheriff.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.6 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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703.3.7 AUTHORIZED PASSENGERS

Members operating Office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.8 ALCOHOL

Members who have consumed alcohol are prohibited from operating any Office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.9 PARKING

Except when responding to an emergency or when urgent Office-related business requires otherwise, members driving Office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned areas. Members shall not park privately owned vehicles in areas assigned to Office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.11 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Office vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other Office members at the discretion of the Sheriff or the authorized designee.

703.4.2 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in Erie County is a prime consideration for assignment of a take-

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home vehicle. Members who reside outside of Erie County may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Sheriff has given advance written authorization.
- (b) To further promote physical fitness opportunities, deputies with assigned vehicles are authorized—if they so choose—to drive that agency vehicle to or from a commercially operated gym within Erie County to work out, provided that this is done contiguously with deputy's scheduled shift.
- (c) The deputy may choose to go to the gym using the agency vehicle either immediately before the commencement of, or immediately after the conclusion of their shift.
- (d) Any deputy utilizing an agency vehicle for such purpose is expected to travel directly to the gym from their residence prior to shift commencement and will then report directly to their work assignment upon leaving the gym, and vice-versa for those working out after their shift. Also, deputies will be attired in clothing that clearly identifies them as a Deputy Sheriff.
- (e) In addition, it is mandatory that the gym that is being patronized must have facilities that allow for the storage of any firearm securely and under lock and key or combination that is only accessible to the deputy while the firearms is being stored in the facility. Sidearms will not be left in vehicles but must be secured in the gym; if the gym does not have such a facility then the agency vehicle will not be driven there.
- (f) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (g) Vehicles will not be used for transportation of any type when off-duty.
- (h) While operating the vehicle, authorized members will carry their Office identification card, a badge, and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (i) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (j) Unattended vehicles are to be locked and secured at all times.
 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, k-9 safety, equipment charging).
 2. All weapons shall be secured while the vehicle is unattended.
 3. All Office identification, portable radios and equipment should be secured.

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- (k) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee.
- (l) Vehicles are to be secured at the member's residence or the appropriate Office facility, at the discretion of the Office when a member will be away (e.g., on vacation or off on extended sick leave) for periods exceeding three days.
 - 1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.
- (m) The member is responsible for the care and maintenance of the vehicle.

703.4.3 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Office. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the Office supervisor in charge of vehicle maintenance.
- (d) The Office shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Shift Sergeant on the shift assignment roster.

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703.6 DAMAGE, ABUSE AND MISUSE

When any Office vehicle is involved in a traffic crash or otherwise incurs damage, the involved member shall promptly notify a supervisor, unless the crash involves the Office vehicle striking an animal in the roadway. That supervisor will ensure that the employee, as soon as practicable, file an internal memo detailing the facts and circumstances that led to the damage being caused.. Any traffic crash report shall be filed with the agency having jurisdiction (see the Traffic Crash Response and Reporting Policy).

Damage to any Office vehicle that was not caused by a traffic crash shall be immediately reported, documented in memorandum format and forwarded to a supervisor. An administrative investigation will be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD ACCESS

Law enforcement vehicles are exempt from incurring toll road charges while being used in the performance of official duties (ORC § 5537.16; OAC § 5537-4-05).

The assigned Administrative Assistant and/or Erie County Fleet Manager shall maintain a record of all exempt and nonexempt license plates and may notify the Ohio Turnpike and Infrastructure Commission or other appropriate toll road authority regarding Office vehicles that traverse the toll roads while in the performance of their official duties in order to prevent toll charges from occurring (ORC § 5537.16).

To avoid unnecessary toll road charges, all members operating Office vehicles on a toll road shall pay the appropriate toll charge for later reimbursement or utilize the appropriate agency-issued Turnpike transponder.

703.8 ATTIRE AND APPEARANCE

When operating any Office vehicle while off-duty, members will dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Office.

703.9 EFFECTIVE DATE

January 1, 2022

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Office as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Erie County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.95.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.133.

704.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

704.7 RESPIRATORY PROTECTION

The Administration Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (OAC § 4167-3-03; 29 CFR 1910.134):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per Office-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (OAC § 4167-3-03; 29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (OAC § 4167-3-03; 29 CFR 1910.134):

After initial testing, fit testing for respiratory PPE shall be repeated (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Training Officer is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule, OAC § 4167-3-03 and 29 CFR 1910.134.

704.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (OAC § 4167-3-03; 29 CFR 1910.132).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (OAC § 4167-3-03; 29 CFR 1910.134).

704.10 EFFECTIVE DATE

January 1, 2022

Use of the Fitness Room

705.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure proper use of the fitness room and equipment with the Sheriff's Office.

705.2 POLICY

- (a) Only employees of the Sheriff's Office, or others designated by the Sheriff, may use the room.
- (b) Prior to anyone using the equipment, that person must:
 - 1. Have on file, within his/her personnel file, or otherwise on file with the agency, a signed waiver of liability provided by the agency.

705.3 EFFECTIVE DATE

January 1, 2022

Law Enforcement Vessels - Operation and Staffing

706.1 PURPOSE AND SCOPE

The purpose of this policy is to define guidelines for the operation and staffing of law enforcement vessels by members of this agency.

706.2 POLICY

Operation of any watercraft, and particularly a law enforcement vessel, is a complex task requiring the full time and attention of the vessel operator and crew. Due to the increased visibility to the public of law enforcement vessels, and the fact that law enforcement officers are, and should be, held to a higher standard of conduct by the boating public, it is imperative that the operators and crew members of such vessels be vigilant in their operation at all times. This policy is promulgated to provide standardization in the operational and maintenance responsibilities of members of this agency while operating or crewing law enforcement vessels owned or controlled by this agency and/or any other law enforcement agency.

706.3 REFERENCES

Ohio Revised Code Chapter 1547

Applicable United States Coast Guard Regulations.

706.4 GENERAL OPERATION OF LAW ENFORCEMENT VESSELS

- (a) Law enforcement vessels operated or crewed by members of this agency assigned to marine patrol duties shall comply with all requirements as listed in Chapter 1547 of the Ohio Revised Code, as well as with any applicable federal laws.
- (b) Only those members of this agency having completed a course of instruction approved by the agency will participate in the operation or crewing of law enforcement vessels.
- (c) Compliance with applicable statutes.
 - 1. All personnel operating or crewing law enforcement vessel will comply with all applicable federal or state laws and/or local ordinances pertaining to the operation of watercraft.
 - 2. In accordance with the above, personal flotation devices will be worn at all times by any member of this agency while operating or crewing a law enforcement vessel.
- (d) The use of tobacco products of any sort while operating or crewing any law enforcement vessel is prohibited.
- (e) The use of cellular telephones, texting devices, or other communications equipment (other than the agency 2-way radio(s)) by an employee while operating or crewing a law enforcement vessel while under way will be kept to a minimum, so that full time and attention can be devoted to the operation of the vessel. Agency owned mobile data computers (MDC) may be utilized while the vessel is moving at the discretion of

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the operator for registration checks or other brief uses where the employee's attention is not unduly distracted from the operation of the vessel. If there is any concern on the part of the employee that the use of the MDC would not be safe at a particular time or place, the employee will not utilize the device until the vessel has been stopped.

- (f) Those deputies who are operating or crewing law enforcement vessels will utilize the vessels for agency business only. Law enforcement vessels will not be utilized to conduct personal business.
- (g) Unauthorized passengers on law enforcement vessels are hereby prohibited. Unauthorized passengers are those individuals that are not being transported in a law enforcement vessel for official purposes (i.e., prisoners, stranded boaters, or others who may need to be transported in an emergency situation).
- (h) Certain individuals may be authorized by the Sheriff or the Sheriff's designee to participate in ride-along programs wherein the citizen rides with a member of the agency while the employee is performing his or her duties on a law enforcement vessel. Such individuals must have executed a waiver of liability prior to being transported in an agency vehicle. This definition includes members of other law enforcement agencies that wish to ride with members of this agency while the rider is not working in an official capacity for his/her agency.

706.5 SPECIAL RESPONSIBILITIES

- (a) Employees of this agency will not operate or crew any law enforcement vessel without first receiving approval to do so from a supervisor.
- (b) Employees of this agency operating a law enforcement vessel are responsible to examine the vessel prior to use to ensure that the vessel is seaworthy and in satisfactory condition to operate on the water. Lights, fluid levels, cleanliness, required equipment, and general operability shall be checked to ensure the seaworthiness of the craft and its suitability for use on a law enforcement mission. Any damage noted beyond what would be considered wear from normal use will be reported in writing to the Operations Officer.
- (c) In the event that a vessel is found to be soiled or filthy – inside or out – by an employee preparing to use it, such condition will be reported in writing to the Sheriff detailing the problem. The employee operating the vessel will make arrangements for the vessel to be cleaned as soon as possible. Employees leaving vessels in such condition will be subject to the disciplinary process.
- (d) Vessel operators will routinely check their vessels, particularly prisoner transport compartments, to ensure that contraband that could be dangerous to personnel is not concealed in those areas. It is not unreasonable for deputies to inspect these areas at the conclusion of any prisoner transport to ensure that contraband or weapons have not been concealed by the transported prisoner.
- (e) No member of this agency will tamper with or modify the engine(s) drive train, hull, electrical system, emissions or exhaust systems, or any other part of any law enforcement vessel in any fashion without the consent of the Sheriff or Operations Officer.

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- (f) Each employee of this agency will, at all times, exercise due diligence and care while operating or care while operating or crewing any law enforcement vessel. Failure to do so may subject the employee to the disciplinary process as well as to criminal and/or civil liability.
- (g) Regardless of the rank or employing agency of other crew members, the operator of any law enforcement vessel being operated by or crewed by a member of this agency shall be considered the supervisor of the vessel concerning the operation of the vessel, and all other crew members will defer to the operator. The operator is, therefore, responsible for all decisions concerning the operation and maintenance of the vessel and shall be held responsible in the event of any issues regarding the vessel's operation.
- (h) At no time will members of this agency participate in the operation or crewing of a law enforcement vessel when weather or sea conditions would be unfavorable, or in the event of the issuance of a small craft advisor on Lake Erie. If there is any doubt by the operator of the vessel about the safety of a scheduled mission due to sea or weather conditions, the mission will be canceled.

706.6 COLLISIONS INVOLVING DAMAGE TO LAW ENFORCEMENT OR OTHER VESSELS

- (a) Any damage caused by the operation of a law enforcement vessel by an agency employee will be promptly and immediately reported to the employee's supervisor.
- (b) The employee operating the vessel at the time the damage occurs will submit an internal report to the Operations Officer containing sufficient and detailed information pertaining to the incident as soon as possible after the damage has occurred.
- (c) Any collision involving property damage or injury that occurs involving a law enforcement vessel operated or crewed by a member of this agency shall be immediately reported to the Ohio Department of Natural Resources, Division of Watercraft and the United States Coast Guard. All reporting requirements of these agencies will be followed.

706.7 EXCEPTIONS

Due to the complex nature of law enforcement activities in general, and water borne law enforcement activities in particular, this policy cannot address all situations that may arise during a law enforcement patrol mission on the water. Employees will be expected to refer to other policies that may apply to a given situation and/or use sound discretion to solve any problems that may arise.

706.8 EMERGENCY OPERATIONS OF LAW ENFORCEMENT VESSELS

- (a) Any employee of this agency responding to an emergency situation while operating a law enforcement vessel will utilize due caution to prevent, as much as practicable, endangering the safety of other vessels or persons. Emergency lights and siren will be utilized when responding to emergencies. All applicable sections of Vehicle Pursuits policy are hereby incorporated into this policy and shall be followed.

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- (b) When pursuing another vessel, any employee operating a law enforcement vessel will utilize due caution. All applicable sections of the Vehicle Pursuits policy are hereby incorporated into this policy and shall be followed.

706.9 EFFECTIVE DATE

January 1, 2022

Use of Agency Credit Cards

707.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of Sheriff's Office credit cards.

707.2 POLICY

The following employees of this agency are authorized to use credit cards to pay for work-related expenses:

- (a) The Sheriff or any Deputy Sheriff of this agency
- (b) The Jail Administrator
- (c) Administrative Assistants as determined by the Sheriff
- (d) Any Deputy Sheriff is authorized to use credit cards to pay for extradition expenses.

707.3 CARD USE

Employees are authorized to use the agency credit cards up to an amount of \$1,000.00, unless otherwise approved by the Sheriff or his designee.

Work-related expenses, for the purpose of this policy, are defined as those expenses that are incurred as the result of the performance of official duties for the Erie County Sheriff's Office by the employee. As a further guide to proper expenditures, employees will also abide by the Erie County Commissioners "Out-Of-County Travel/Expense Request and Reimbursement Policy".

[See attachment: Out of County Travel-Expense Request and Reimbursement Form.pdf](#)

707.3.1 APPROVED CARD USE

Agency credit cards may be used to pay for the following work-related expenses:

- Food expenses;
- Transportation expenses;
- Gasoline and oil expenses;
- Minor motor vehicle expenses:
- Emergency motor vehicle repair expenses;
- Telephone expenses; and
- Lodging expenses;
- Office supplies.

707.3.2 PROHIBITED CARD USE

Agency credit cards may not be used to purchase the following:

- Entertainment
- Alcoholic beverages

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- Personal Services
- Tips
- Cash advances

Any employee of this agency who utilizes an agency credit card will, no later than the end of the employee's next regularly scheduled shift, submit all credit card receipts to the Sheriff's designee. The employee will also complete and submit at the same time an Erie County Commissioners Out-of-County Travel/Expense Request and Reimbursement Form to provide an accurate accounting of all expenditures made using the agency credit card.

Any employee who violates this standard operating guideline will be subject to disciplinary action and/or criminal prosecution.

707.4 EFFECTIVE DATE

January 1, 2022

Security Screening System - Body Scanner

708.1 POLICY

This policy is developed and implemented by the Erie County Sheriff to provide agency employees written guidelines in the use and application of security screening systems. The primary purpose of any security system utilized by this agency is to provide for a safer and more secure environment in the Erie County Jail by detecting contraband in the possession of those in custody and preventing its introduction into secure jail environment. This policy outlines agency employee responsibilities and describes the requirements and implementation of the radiation safety program for the use of security screening systems.

Any security screening system obtained by the Erie County Sheriff will be utilized only to scan subjects (as defined below) presented for admission as an inmate to be confined in the Erie County Jail.

708.2 DEFINITIONS

Bystander - Any person other than the individual being screened who is not directly associated with operation of the system.

Effective dose - Sum of the tissue-weighted equivalent doses in all the tissues and organs of the body.

Employee - Any member of the Erie County Sheriff's Office who is assigned duties in the Erie County Jail, including but not necessarily limited to the Sheriff, Jail Administrator, Deputy Sheriffs, and/or corrections Officers.

Inspection zone - A well-defined (demarcated by tape, paint, rope barrier, etc.) area around the security screening system where no unauthorized individuals are granted access during the operation of the device. The purpose of the demarcation of the inspection zone is to control unnecessary exposure to radiation.

Operator - Any employee associated with the operation of the system whose responsibilities include at least one of the following: initiating or stopping the scan, verifying the system is operating correctly, providing information and instructions to the screened individuals, and controlling access to the inspection zone. This does not include other employees, such as individuals who may be remotely viewing the image results but are not directly responsible for the other functions.

Scan - The operation necessary to produce one image (e.g., front view) from one radiation source. In some cases several scans may be required for a single screening of a subject.

Security screening system - A device or combination of devices designed for the detection of contraband and weapons concealed on or inside a person. May also be referred to as "screening system or "system." As of the date of original publication of this policy, the term(s) generally refer to the SOTER RS Body Scanning System, purchased and installed for use in the Erie County Jail, but may be applicable to other system(s) purchased in the future.

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Subject - A person that is in the custody of a law enforcement agency/court and is being presented by a representative of that law enforcement agency/court for admission to the Erie County Jail for incarceration in lieu of bond and/or committal.

708.3 RESPONSIBILITIES

- (a) The Sheriff will:
 - 1. Make the ultimate decision to use security-screening system(s) in the Erie County Jail
- (b) The Jail Administrator will:
 - 1. Be ultimately responsible for radiation safety; and
 - 2. Designate an individual responsible for radiation safety, to be known as the Radiation Safety Officer. This individual must have training and experience commensurate with the scope of the radiation safety program; and
 - 3. Designate an individual to manage the day-to-day use of the system; and
 - 4. Designate operators.
- (c) The individual responsible for radiation safety will:
 - 1. Formulate, implement, and exercise staff supervision over the radiation safety program; and
 - 2. Formulate, implement, and supervise an active, documented program to keep ionizing radiation doses to levels that are as low as reasonably achievable; and
 - 3. Advise and assist the Jail Administrator and any other pertinent agency personnel in all matters regarding radiation safety; and
 - 4. Review current and proposed uses of the system for compliance with applicable regulatory requirements and guidance; and
 - 5. Ensure radiation safety considerations are incorporated into system operating procedures; and
 - 6. Review the location/relocation of security screening systems to ensure compliance with radiation safety criteria and manufacturer's recommendations and specifications. Other individuals may need to review and approve the location/relocation of security screening systems to ensure compliance with other safety/engineering requirements (e.g., floor loading, electrical, and/or operational process); and
 - 7. Ensure that radiation safety surveys are performed in areas around security screening systems at least annually; and
 - 8. Ensure surveys are performed with appropriately calibrated equipment and documented accordingly; and
 - 9. Ensure that dosimeters, if issue, are use, collected, and processed properly; and
 - 10. Maintain an inventory of radiation producing devices; and

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11. Maintain radiation safety records in accordance with applicable federal regulations and agency policies; and
 12. Ensure initial and annual (refresher) radiation safety training is provided to system operators and other personnel; and
 13. Coordinate investigations of radiation safety related system defects, damage, malfunctions, and violations of radiation safety procedures; and
 14. Immediately terminate any unsafe activity involving personnel security screening systems; and
 15. Ensure that the radiation safety program is reviewed at least annually. This review will ensure that the program is adequate to ensure the safety of personnel and that the program is being followed. At least once every three years, an external qualified expert will perform this review.
- (d) Operators will:
1. Follow all applicable procedures, regulations, and training; and
 2. Immediately report any unsafe situation, damage to or malfunction of the security screening system, violation of regulations or radiation safety procedures to their supervisor and/or the individual responsible for radiation safety; and
 3. Ensure only trained and authorized personnel operate the security screening systems; and
 4. Appropriately maintain system use and maintenance long(s).
- (e) Declared Pregnant operators will not operate or be allowed in the Soter scanning room during exposure. This will ensure the dose to the fetus does not exceed 5rem. (3701:1-38)
- (f) Other employees will:
1. Follow all applicable policies and procedures; and/or
 2. Immediately report any unsafe situation, damage to or malfunction of the security screening system, violation of regulations or radiation safety procedures to their supervisor and/or the individual responsible for radiation safety.

708.4 EQUIPMENT LIFE CYCLE AND MANAGEMENT

- (a) Licensing/Regulations
1. The Ohio Department of Health Radiation Protection program requires that all radiation emitting machines be registered. This registration ensures that each x-ray tube, and the facility in which it is used are properly accounted for when used. Registration is required before operating any radiation machine or modifying any facility in which an x-ray machine is to be used for dental and medical diagnosis and therapy, industrial, scientific or veterinary purposes. The Erie County Sheriff will ensure that any security screening system requiring such registration will be properly registered; and

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2. The Erie County Sheriff will follow all applicable policies to ensure that all security screening system equipment is properly recorded on the agency inventory; and
- (b) Installation
1. Security screening systems shall be installed in accordance with the manufacturer's installation instructions. Only properly trained individuals will install security-screening systems; and
 2. From a radiation safety standpoint, security-screening systems must be installed in locations that are as far as reasonably possible from routinely occupied areas, subject to the operational requirements. Consideration must also be given to the direction of the x-ray beam relative to occupied areas, traffic flow, the number of scans per day, the effective dose per scan, and locations of existing walls or structures that can provide shielding; and
 3. During installation the area for the Inspection Zone for the system shall be determined, documented and clearly delineated.
- (c) Maintenance
1. Qualified personnel will perform all maintenance. Maintenance records will be properly and accurately maintained; and
 2. Routine Preventive Maintenance. Preventive maintenance for any security screening system used by the Erie County Sheriff will be performed in accordance with the manufacturer's recommended maintenance schedule; and
 3. Non-Routine Maintenance. Provisions will be made to provide for security screening system repairs outside of the recommended preventive maintenance schedule.
- (d) Relocation/Transfer
1. Security screening systems utilized by the Erie County Sheriff will not be relocated without appropriate approval from the Jail Administrator. Many factors, such as: radiation safety, electrical safety, traffic flow, floor loading, etc., will be considered prior to relocating a security screening system; and
 2. Security screening systems will not be transferred to another organization without appropriate approval; and
 3. Any relocation or transfer of any security screening system operated by this agency will require registration with the Ohio Department of Health Radiation Protection program.
- (e) Disposal
1. The disposal of any security screening system will be coordinated with the Jail Administrator and the Erie County Facilities Maintenance Department supervisor to ensure proper disposal of all hazardous materials, to include any cooling oil and/or lead shielding; and

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2. The Erie County Sheriff will notify the Ohio Department of Health Radiation Protection Program writing when any security screening system is sold, transferred, or otherwise no longer controlled by the Erie County Sheriff; and

708.5 TRAINING

- (a) Each operator will be provided with training on the operation and use of any body scanner security screening system authorized to be used by employees of this agency. This training will include: pre-operational checks, operation of the system, subject positioning, interpretation of images, procedures to be followed if the system is damaged or malfunctions, and practical operational experience.
 1. Periodic updates will be provided if/when the security screening systems or relevant threats change.
- (b) Each individual associated with the operation of any security screening system will be provided radiation safety training prior to performing security-screening operations. This training will include the following:
 1. Types of radiation
 2. Sources and magnitudes of radiation exposures
 3. Radiation units
 4. Concept of time, distance, and exposure
 5. Concept of ALARA
 6. Biological effects
 7. Radiation risk
 8. Basic risk communication concepts
- (c) Other individuals who work near the security screening system, but are not directly associated with it operation, will be provided with basic radiation awareness training. This will be a simplified version of the radiation safety training discussed above and include information pertinent to the system around which they will be working.

708.6 SURVEYS

- (a) A formal radiation survey by a qualified expert is required and will be conducted upon installation of a security screening system and at least once every twelve months; and
- (b) A formal radiation survey is also required whenever the system is relocated, or non-routine service involving the x-ray source, any x-ray collimating device, or x-ray shielding is performed; and
- (c) These surveys will verify the effective dose per scan, radiation leakage, the adequacy of the inspection zone, and other parameters specified by the manufacturer; and
- (d) Records of surveys will be maintained by the Jail Administrator.

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708.7 PRE-SCAN

- (a) Pre-operational Checks
 1. Before operating the screening system, the operator will walk around the system to perform a visual inspection. The operator will also check the following items:
 - (a) Ensure that emergency buttons (E-Stop) on the X-ray unit and the console are released; and
 - (b) There are no obstacles around the platform; and
 - (c) The cables on the unit are not bent or broken.
- (b) Notification and Communication Plan
 1. Upon his/her request, each individual screened will be provided with information regarding the security screening process. The individual may be told:
 2. The system emits radiation; and
 3. The dose per scan from the system and the number of scans that would result in an effective dose of 25 mrem; and
 4. Comparisons of the dose to other common exposures (such as natural background radiation); and
 5. If the inmate has additional questions, those questions will be addressed to the Radiation Safety Officer.
- (c) Security/Access
 1. All access to the security screening system will be controlled, primarily through the utilization of a username password. The username and password will be issued by the Jail Administrator and/or self-generated.
- (d) System damage or malfunction
 1. In the event of damage to the system or a system malfunction, the system will be removed from service until appropriate maintenance or repair personnel have corrected the problem. In no case will damaged or malfunctioning equipment be used for security screening; and
 2. Any damage or malfunction will be documented on a Discrepancy Report and/or email to be forwarded to the Jail Administrator.

708.8 SCANNING PROCEDURES

- (a) The subject will be thoroughly searched by an employee(s) and will then be instructed by the scan operator on the proper manner to enter the body scanner; and
- (b) The subject will be instructed to stand on the platform, will be instructed where to place his/her hands, and will be instructed where to place each foot on the designated area; and
- (c) The subject will be instructed to stand still while the body scanner platform moves him/her through the scanning process. The scan takes approximately seven (7) seconds; and

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- (d) The operator and/or any other employee(s) will not make any suggestive or inappropriate statements or comments concerning the person being scanned; and
- (e) The images generated by the system may only be viewed by the operator unless the person scanned is believed to be in possession of contraband or the operator observes anything unusual about the scan, in which case the employee's direct supervisor will view the scan and other employees and/or members of other law enforcement agencies who have presented the subject for incarceration may view the scan as necessary; and
- (f) Operator will ensure that any bystander is outside of the inspection zone.

708.9 CONTRABAND DISCOVERY AND DISPOSITION

If it appears from the scan that the subject may be concealing contraband on or in his/her person, the shift supervisor will be contacted immediately and the shift supervisor will respond to the security screening system area to supervise all further activities involving the subject, and the procedures delineated below will be followed:

- (a) If the contraband may be immediately and safely removed from the subject, this will be done. If the subject is being presented as a new admission to the jail, and the contraband consists of narcotics, weapons, or criminal tools, the possession of which was illegal at the time of the individual's arrest, that contraband will be immediately turned over to the transport officer for the filing of appropriate criminal charges. If the transport officer refuses to accept possession of the contraband the jail supervisor will do so. The contraband will then be properly secured as evidence and the jail supervisor will then contact the Sheriff's Designee to arrange for the filing of appropriate criminal charges against the subject; and
- (b) If the transport officer accepts the contraband for the filing of criminal charges, that transport officer will be advised that the Sheriff's Office will file any necessary criminal charges related to the possession of the contraband by the subject within the Erie County Jail; and
- (c) If the subject being scanned is a not a new arrestee being presented for incarceration but is a jail inmate, the contraband will be seized and properly secured by an employee. The Sheriff's Designee will be notified and will coordinate the ensuing investigation; and
- (d) If the contraband that has been discovered through the scan cannot be simply removed from the clothing or the exterior of the subject's body due to the fact that the contraband appears to have been inserted in a body cavity, and if it appears that the subject's behavior makes it safe to do so, the subject will be asked if he/she can remove the contraband from his/her body cavity. If the subject agrees to do so, the subject will be placed in the inmate processing (strip search) room with an employee of the same sex to be given that opportunity; and
- (e) If the subject refuses to attempt to remove the contraband from a body cavity, or if the subject advises that he/she cannot remove the contraband, or if the contraband appears to be concealed in the subject's body such that it cannot be readily removed, admittance of the subject to the jail will be refused and the transport officer will be

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required to return the subject for admittance to the jail only when the contraband has been removed from the subject's body; and

- (f) If contraband is discovered being concealed on the person of an employee or outside contractor as a result of a scan, the Jail Administrator will be immediately notified. The Sheriff's Designee will also be contacted to coordinate the ensuing investigation. The contraband will be handled as described above; and
- (g) Subjects arrested but not being presented for.

708.10 GENDER CONSIDERATIONS AND PROHIBITIONS

- (a) Gender
 - 1. If possible, all body scans will be conducted by an officer of the same sex as the inmate/offender being scanned; and
 - 2. If possible, all cross-gender inmates/offenders will be scanned by the sex that the inmate/offender feels most comfortable with; and
 - 3. In the event that an officer of the same sex as the person being scanned is not available, the scan will be conducted by a person of the opposite sex.
- (b) Prohibitions (Do not use when no security benefit is derived - Only screen individuals who are in custody)
 - 1. Subjects confined to a wheelchairs, minors and pregnant females will not be subject to security scanning. In the event that a subject indicates that he/she cannot be scanned due to any other medical reason, the operator will make reasonable efforts to determine if the subject may or may not be scanned by consulting with the Jail Administrator, the Radiation Safety Officer, the jail medical staff, and/or any other individual who may be able to provide clarification concerning the issue and the subject's claim. Employees will err on the side of caution and not submit the subject to a scan if a reasonable decision cannot be made based upon the subject's claim.

708.11 REFUSALS TO BE SCANNED

Subjects that refuse to be scanned will be advised that their refusal is a violation of jail policy and will be treated accordingly. Once admitted to the jail, they will be placed in an isolation cell with the water turned off ("dry cell") until the jail shift supervisor and/or the Jail Administrator can make a determination concerning the subject's disposition. Inmates in a dry cell will never be denied drinking water, and they will be afforded the opportunity to use toilet facilities on an as-needed basis.

708.12 IMAGE DISPOSITION

- (a) All images obtained through scans will be stored pursuant to this agency's records retention policy; and
- (b) Images showing no contraband may be deleted pursuant to that policy; and

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- (c) In the event contraband is observed in the scan, a printed copy of the scan will be attached to the report(s) generated as a result of that observation, with an appropriate description of the image and contraband location.

708.13 RECORDS MAINTENANCE

- (a) Use and Maintenance Logs
 - 1. Records of upgrades, modifications, maintenance and repair will be maintained for the life of the system by the Jail Administrator; and
- (b) Survey Records
 - 1. Records of radiation surveys will be maintained for the life of the systems by the Jail Administrator. Survey records will include the following:
 - (a) System make, model, serial number, and location
 - (b) Surveyor
 - (c) Survey date
 - (d) Instrumentation make, model, serial number, and calibration dates
 - (e) Results of visual inspection of system safety features
 - (f) Background measurements
 - (g) Survey measurements
 - (h) Survey diagram
 - (i) System parameters at which measurements were made
- (c) Training Records
 - 1. Records of training will be maintained for each applicable employee that contain the date of the training, a training syllabus, and a notation that the employee successfully completed the training.
- (d) Frequently exposed individuals (Soter Scanner will not allow scan to proceed if exposure limits are met - operator will refer to annual physicist reports to verify number of scans per individual allowed)
 - 1. General use screening systems delivering a maximum effective dose less than or equal to 0.1 uSv (10 microrem) (3701:1-66-16D6)
 - (a) Limit the reference effective dose to 0.25 uSv (25 urem) per screening;
 - (b) Limit the reference effective dose to 250 uSv (25 millirem) over any 12 month period;
 - (c) Records available (i.e. exposure logs: ONLY if needed);
 - 1. Limited-use screening systems delivering a maximum effective dose greater than 0.1 uSv (10 microrem)/scan (3701:1-66-16D7)
 - (a) Limit the reference effective dose to 10 uSV (1 mrem) per screening;

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- (b) Limit the reference effective dose to 250 uSv (25 millirem) over any 12 month period:
 - (c) Records available (i.e. exposure logs: kept/available by Soter system - computer generated/saved):
 - (a) These records will include the following:
 - (a) The maximum estimated effective dose per scan or the actual effective dose per scan, if known; and
 - (b) The number of times and dates when the individual was scanned; and
 - (c) The cumulative effective dose to the individual over the past 12 months.
2. If an over exposure occurs the ODH Director will be notified in accordance with 3701:1:1-38
 3. Most Current ODH Rules reviewed online annually by IRRP (odh.ohio.gov)
 4. Any changes to the program will be disseminated to all affected workers via Relias.

708.14 EFFECTIVE DATE

January 1, 2022

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Office in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Erie County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance, as well as to provide 24-hour answering message relay services to public safety and service entities from throughout Erie County.

The Office provides two-way radio capability for continuous communication between Dispatch and public safety and/or public service employees in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures may be established, as necessary, in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to dispatchers and authorized individuals only.

800.4 RESPONSIBILITIES

800.4.1 DISPATCH SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Sheriff and the Erie County Sheriff's Dispatch Advisory Board.

The responsibilities of the Dispatch Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures.
 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that the victim's health and safety needs are met, as well as steps that the victim may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.
 3. Procedures should be consistent with the requirements of OAC 5507-1-06, including requirements that 9-1-1 calls are always an emergency function and guidelines regarding the transfer of calls (OAC 5507-1-06).
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (i.e., general contacts, rosters, mapping systems).
- (e) Emergency Medical Dispatch (EMD) instructions.
- (f) Procurement of other public safety services (e.g., fire and ambulance personnel employed by agencies not dispatched by the Sheriff's Office).
- (g) Handling misdirected, silent and hang-up calls.
- (h) Handling private security alarms, if applicable.
- (i) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report primarily to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 1. Emergency 9-1-1 calls.
 2. Business telephone lines.
 3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
 4. Radio communications with various public safety employees in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

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5. Other electronic sources of information (e.g., text messages, digital photographs, video).
 - (b) Documenting the field activities of public safety employees and support resources, as necessary.
 - (c) Inquiry and entry of information through various law enforcement database systems (e.g., Bureau of Motor Vehicles (BMV) records, Ohio Law Enforcement Automated Data System (LEADS) and NCIC).
 - (d) Monitoring Sheriff's Office and other agency video surveillance systems, as necessary.
 - (e) Maintaining the current status of employees in the field, their locations and the nature of calls for service.
 - (f) Notifying the appropriate supervisor of any emergency activity, including, but not limited to:
 1. Vehicle pursuits.
 2. Foot pursuits.
 3. Assignment of emergency response.
 - (g) All Dispatchers working at any given time are singly and jointly responsible to see that all of the listed responsibilities are completed at all times.

800.5 CALL HANDLING

This Office provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

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If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers will be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding Office members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Sergeant shall be notified of pending emergency calls for service when Office members are unavailable for dispatch.

800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.5.3 STATE-MANDATED NOTIFICATION

Dispatchers who receive a call about an apparent drug overdose should make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity from prosecution for minor drug possession (ORC § 128.04).

800.6 RADIO COMMUNICATIONS

The Sheriff's Office radio system is for official use only, to be used by dispatchers to communicate with public safety officers in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

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800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Erie County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Unit numbers (personal or vehicle) are assigned to all public safety personnel by their employing agencies., and the Erie County Sheriff's Office is identified by the standard call sign of 2200 ("twenty-two hundred"). Dispatchers shall identify themselves on the radio with that call sign, and those contacting a dispatcher on the radio will utilize their agency assigned unit number.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident dispatch and /or report number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.

800.8 TRAINING AND CERTIFICATION

The Dispatch Supervisor shall ensure that all dispatchers receive initial and ongoing training (ORC § 4742.01 et seq.; OAC § 5507-1-07).

Training shall include providing notice to individuals who call about an apparent drug overdose of the immunity from prosecution available under ORC § 2925.11 (ORC § 128.04).

800.8.1 TRAINING STANDARDS

Dispatchers will, as appropriate, acknowledge in writing that they received training and testing to become proficient in:

- Obtaining complete and accurate information from callers requesting law enforcement assistance.
- Accurately classifying and prioritizing requests for assistance.
- Obtaining and accurately relaying information that may affect responder and/or citizen safety.

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800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Sheriff's Office Public Records Policy.

Automated data, such as BMV records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized law enforcement personnel.

800.10 EFFECTIVE DATE

January 1, 2022

Evidence Room

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (ORC § 2981.11).

801.1.1 EVIDENCE ROOM SECURITY

The Evidence Room shall maintain secure storage and control of all property necessitating custody by the Office. The Detective Bureau supervisor is responsible for the appointment of Evidence Custodians. Evidence Room keys are maintained only by the Evidence Custodians. An additional key may be maintained securely in the Sheriff's office. The Evidence Custodians shall not loan Evidence Room keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Room other than the Evidence Custodians must be accompanied by an Evidence Custodian.

801.2 DEFINITIONS

Definitions related to this policy include:

Contraband - Includes property or evidence that is illegal to possess and cannot be returned to the owner.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a criminal case. This includes photographs, documents temporary and latent fingerprints.

Found Property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value related to a criminal investigation.

Property - Includes all items of evidence, items taken for safekeeping, found property and contraband.

Safekeeping - Includes the following types of property:

- Property obtained by the Office for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the property form. All evidence and property which does not require special handling will be temporarily stored in the designated lockers temporary storage lockers.

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Special circumstances and certain incidents may require additional attention to detail in the collections, processing and storage of evidence or investigation oversight. In these cases, an Evidence Custodian or detective shall be contacted for assistance.

Any property seized by a deputy with or without a warrant, shall be safely kept for as long as necessary for the purpose of being produced as evidence or for any other lawful purpose (ORC § 2981.11(A)(1)).

Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ORC § 2981.12 and ORC § 2981.13).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the appropriate form or computer entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b) The deputy shall mark each item of evidence with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- (e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.
- (f) The original property form, if completed, shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if it is stored somewhere other than a property locker.
- (g) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any Office supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property form placed into a numbered property locker indicating the location of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

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The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker accompanied by a copy of any relevant form.

801.3.3 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify an immediate supervisor. Representatives of an agency-approved bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the sheriff's facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Detective Bureau supervisor is ultimately responsible for disposing of any fireworks or signaling devices that are not retained as evidence according to current procedures for disposing of such materials.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.
- (b) License plates found not to be stolen or connected with a known crime should be returned directly back to the Ohio Bureau of Motor Vehicles, or may be destroyed.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. Such items may be placed in the designated bicycle storage area until a Detective Sergeant can log the property.
- (d) All cash shall be counted in the presence of another member and placed in a suitable envelope, with the envelope being initialed by both members to indicate their consensus concerning the count.
- (e) Items, such as gemstones, drugs, etc., will be secured in separate containers within the appropriate evidence storage area.
- (f) All evidence collected by personnel processing a crime scene requiring specific storage requirements on the evidence containers and/or other documentation.
- (g) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

County property, unless connected to a known criminal case, should be released directly to the appropriate County department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 TESTING OF BIOLOGICAL EVIDENCE

The Evidence Custodians or their supervisor shall ensure that Office records are reviewed and that all biological evidence that relates to specific homicide and sex offenses is sent to the BCI or another crime laboratory for DNA analysis (ORC § 2933.82).

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801.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES

The deputy seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated storagelocker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances, if appropriate. When conducted, the result of this test shall be included in the deputy's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking deputy shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking deputy shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property form. After packaging and sealing as required, the entire package will be weighed and the gross package weight will be written on the outside of the package, initialed and dated by the packaging deputy.

801.4.3 RIGHT OF REFUSAL

The Evidence Custodian may refuse to process any evidentiary item(s) deemed to be hazardous for storage or that has not been properly documented or packaged. Should the Evidence Custodian refuse to process any evidentiary item based upon any of those reasons, they shall maintain secure custody of the item in a temporary property locker or other documented secured location until the evidence is properly documented or packaged and/or a suitable location for

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hazardous items is determined. In any case involving a refusal to process evidence, the Evidence Custodian will promptly notify the submitting deputy and their supervisor.

801.5 RECORDING OF PROPERTY

The Detective Sergeant receiving custody of evidence or property shall create a property control card for each piece of property received. The property control card will be the permanent record of the property in the Evidence Room. The Detective Sergeant will record his/her signature, gross package weight if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property control card (ORC § 2981.11(B)(1)(a)).

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Erie County Sheriff's Office shall be noted in the property logbook.

801.6 PROPERTY CONTROL

Each time the Detective Sergeant receives property or releases property to another person, he/she shall enter this information on the property control card. Deputies desiring property for court shall contact the Detective Sergeant at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Detective Sergeant. This request may be filled out anytime after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Detective Sergeant releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

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801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to deputies for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom it was released.

The Detective Sergeant shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Room or released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time and the person who returned it.

801.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Sergeant shall not release any property without a signed authorization from an appropriate authorized member of the Office. The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Office.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, a Detective Sergeant shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property form or must specify the specific item to be released. Release of all property shall be properly documented.

A Detective Sergeant shall release the property to the owner or finder upon valid identification and proper documentation presented by the owner or finder for which an authorized release has been received. The owner or finder shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room.

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Release of unclaimed or forfeited property to an authorized finder shall be released in compliance with existing laws and as deemed appropriate by a court (ORC § 2981.12(B)).

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs (ORC § 2981.11(B)(1)(b)).

801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this Office shall be restored to the legal owner. Such property may be released from law enforcement custody when the following are satisfied:

- (a) Photographs of the property are filed and retained by the Evidence Room.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.
- (d) A receipt for the property is obtained from the owner upon delivery.

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Office, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Office may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922(d) or ORC § 2923.13.

The Office shall make best efforts to identify the owner and shall retain the firearm for at least 90 days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to ORC § 2981.12(B). The Office shall properly destroy all other firearms and dangerous ordnance or send them to the Bureau of Criminal Identification and Investigation (BCI) (ORC § 2981.12(A)(2)).

801.6.9 FIREARMS RECEIVED FROM CORONER'S OFFICE

When a firearm is delivered to this Office by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Sheriff or the authorized designee shall give the firearm to the person who has been assigned the rights of disposition for the deceased person, upon request, and if the person is lawfully allowed to possess the firearm. The Sheriff or the authorized designee shall keep a record of the person to whom the firearm is given, the date of delivery, and a description of the

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firearm. If the person who has been assigned the rights of disposition for the deceased person does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Sheriff (ORC § 313.14).

801.7 ABUSE OF PROCESS/WITHHOLDING EVIDENCE

Property or evidence which has been discovered, gathered or received in connections with department responsibilities will be handled and processed in accordance with established department procedures and professional training. Members of this department shall not; convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation or other agency activity. No evidence, recovered property or contraband will be stored, or for any other reason, kept in personal lockers or other unauthorized areas.

801.8 DISPOSITION OF PROPERTY

The Office shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it may be described in a local newspaper, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)).

All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13).

Upon any release or disposal of any property, the proper notation shall be made on the property entry to include the final disposition, date of disposition, financial recordings and expenditures related to the property if it was sold, and the name of any person who received the property. However, the record shall not identify or enable identification of the individual employee who seized any item of property or the specific expenditure related to the property in an ongoing investigation (ORC § 2981.11(B)(1)(b)).

801.8.1 EXCEPTIONAL DISPOSITIONS

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

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

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- Gaming devices
- Computers, computer networks, systems, or software

801.8.2 UNCLAIMED MONEY

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

801.8.3 RETENTION OF BIOLOGICAL EVIDENCE

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

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

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Evidence Custodian or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail, return receipt requested, and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion for retesting or a written request for retention is filed and served on the Office within one year of the date of the notification.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Detective Bureau Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the approval of the Sheriff and a representative of the county prosecutor's office.

801.8.4 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the Evidence Custodian shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The Evidence Custodian should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

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801.8.5 MEDICAL MARIJUANA

The investigating member should advise the Evidence Custodian and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The Evidence Custodian shall store marijuana, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

801.9 REPORTS

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

801.9.1 PUBLIC ACCESS

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

801.10 INSPECTIONS OF THE EVIDENCE ROOM

On a monthly basis, the Detective Bureau supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas may be conducted annually, as directed by the Sheriff.
- (b) Evidence Custodians may be required to conduct a quarterly inventory of all property and report such, in writing, to the Sheriff
- (c) Whenever a complete change is made in personnel who have access to the Evidence Room, an inventory of all evidence/property may be made by an individual not associated with the Evidence Room or function to ensure that records are correct and all evidence property is accounted for.

801.11 EFFECTIVE DATE

January 1, 2022

Records Maintenance and Release

802.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of Office records. Protected information is separately covered in the Protected Information Policy.

802.2 POLICY

The Erie County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Ohio Public Records Act (ORC § 149.43).

802.3 CUSTODIAN OF RECORDS

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORC § 149.43):

- (a) Managing the records management system for the Office, including the retention, archiving, release and destruction of Office public records.
- (b) Maintaining and updating the Office records retention schedule, including:
 1. Identifying the minimum length of time the Office must keep records.
 2. Identifying the Office division responsible for the original record.
 3. Making a copy of the current retention schedule readily available to the public.
- (c) Establishing rules regarding the inspection and copying of Office public records as reasonably necessary for the protection of such records.
 1. The Custodian of Records may limit the number of records requested by a person that the Office will physically deliver via mail or by another delivery service to 10 records per month unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or information contained in the records, for commercial purposes.
 2. Records in digital format that are publicly available on the internet may be limited as set forth in ORC § 149.43.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing a notice that incorporates this policy and ensuring that it is displayed in conspicuous places in all locations where Office records are available to the public.
- (h) Maintaining current information on the Office website that relates to public records release.
- (i) Ensuring that records are organized and maintained in such a manner as to make them available for inspection or copying.

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

802.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any Office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

802.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORC § 149.43):

- (a) The Office is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Office-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - 2. The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.
- (c) If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied.
 - 1. The Custodian of Records must contact the requester for clarification and should assist the requestor in revising the request. The requestor shall be informed by the Custodian of Records of the manner in which records are maintained by the Office and how the records are accessed in the ordinary course of business.
- (d) A person requesting records may be asked to make a request for records in writing to expedite processing of the request and may be asked for his/her identity. Prior to such a request, the person shall be told that:
 - 1. There is no requirement to provide a written request.
 - 2. There is no requirement to provide his/her identity.
 - 3. There is no requirement to disclose the intended use of the records.
 - 4. The purpose of the written request or disclosure of the person's identity or intended use would benefit the person making the request by enhancing the ability of the Custodian of Records to identify, locate or deliver the records requested.
- (e) Those seeking public records will not be charged a fee.
- (f) If a request is denied, either in whole or in part, the Custodian of Records shall provide the requester with an explanation setting forth the reason(s) for the denial, including

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the legal authority relied upon in making the determination. If the initial request was in writing, the explanation shall also be provided in writing.

- (g) Nothing in this policy prohibits the custodian of records or any other employee from seeking clarification from legal counsel concerning a public records request prior to the release of the record(s) sought.

802.5 INFORMATION REQUESTS FROM OTHER LAW ENFORCEMENT AGENCIES

Inquiries by other law enforcement agencies regarding copies of inmate records (mug shots, fingerprint cards, etc.) or any other record from the Erie County Jail will be complied with as soon as possible. If the request is beyond the capabilities of the on-duty Corrections Officers to comply with, the request will be forwarded to the Custodian of Records and/or the Jail Administrator for compliance.

802.6 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Office record, including traffic accident reports, is restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; ORC § 4501.27; ORC § 149.45).
- (b) Victim information that may be protected by statutes, including photographs or images of victims as prohibited by ORC § 149.43 (ORC § 2907.11).
- (c) Juvenile-related information that may be protected by statutes (ORC § 149.435).
- (d) Confidential investigatory records of the Office that pertain to a law enforcement matter of criminal, quasi-criminal, civil, or administrative nature if release would create a high probability of disclosure of any of the following (ORC § 149.43):
 1. Identity of a suspect not yet charged with an offense to which the record pertains.
 2. Identity of an information source or witness to whom confidentiality has been reasonably assured. This also includes information provided by an information source or witness if the release would tend to disclose the person's identity.
 3. Confidential investigatory techniques, procedures, or specific investigatory work product.
 4. Information that would endanger the life or physical safety of a member, crime victim, witness, or confidential information source.
- (e) Certain types of reports involving but not limited to child abuse and molestation (ORC § 2151.421) and adult abuse (ORC § 5101.61).
- (f) Records pertaining to the residential or family information of peace officers and dispatchers (ORC § 149.43).

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- (g) Personally identifiable information of a program participant of the Ohio Secretary of State's address confidentiality program (ORC § 149.43).
- (h) Restricted portions of recordings made by a dashcam or a member's body-worn camera as provided in ORC § 149.43(A)(1). Certain recordings may be disclosed with the consent of the subject of the recording or the subject's representative pursuant to the requirements of ORC §149.43 (H)(1).
- (i) Telephone numbers for a person involved in a motor vehicle accident or a witness of a crime as provided in ORC § 149.43.
- (j) Any other information that may be appropriately denied by ORC §149.43(A)(1).

802.6.1 ENHANCED RECORDS ACCESS BY JOURNALISTS

- (a) Journalists, as defined in ORC § 149.43, are entitled to enhanced access to certain records not available to the general public provided:
 - 1. The request is in writing.
 - 2. Journalists identify themselves by name, title, and employer's name and address.
 - 3. Journalists establish and sign a request that the information sought is in the public interest.
- (b) Records available to journalists but not the general public include:
 - 1. Personal residential addresses of a deputy or dispatcher of this Office (ORC § 149.43).
 - 2. The business name and address of a spouse, former spouse, or child of a deputy of this Office, only if employed by a public office (ORC § 149.43).
 - 3. Coroner records pursuant to ORC § 313.10.
 - 4. The name, county of residence, and date of birth of a person for whom the sheriff issued, suspended, or revoked a permit for a concealed weapon (ORC § 2923.129).
 - 5. The names, addresses, and telephone numbers of workers' compensation claimants subject to the requirements and restrictions in ORC § 4123.88(D).
 - 6. Limited information about minors involved in a school vehicle accident (ORC § 149.43).

802.7 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Prosecutor, County Prosecutor or the courts.

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All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

802.8 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Office name and to whom the record was released.

Each audio/video recording released should include the Office name and to whom the record was released.

802.9 SECURITY BREACHES

Members who become aware that any Erie County Sheriff's Office system containing personal information may have been breached should notify the Administrative Assistant as soon as practicable. The Administrative Assistant shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (ORC § 1347.12).

Notice shall be given in the most expedient time possible but not later than 45 days following its discovery or notice of the breach consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired and to restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security but notice shall be made once it is determined that disclosure or notification will not compromise the investigation or jeopardize homeland or national security (ORC § 1347.12).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (ORC § 1347.12):

- (a) Social Security number
- (b) Driver's license number or Ohio identification card number
- (c) Full account number, credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account

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

802.10 SEALED RECORDS OR EXPUNGEMENT

Expungement orders or an order to seal records received by the Office shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged or sealed, members shall respond to any inquiry as though the record did not exist.

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802.11 TRAINING

The Custodian of Records and any member who may be responsible for access or release of public records shall attend training approved by the Ohio Attorney General, such as that provided by the Ohio Association of Chiefs of Police (OACP).

The Custodian of Records and all Office members shall acknowledge and sign that they have read and received a copy of this policy (ORC § 149.43).

802.12 EFFECTIVE DATE

January 1, 2022

Protected Information

803.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Erie County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

803.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Erie County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

803.2 POLICY

Members of the Erie County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

803.3 RESPONSIBILITIES

The Sheriff shall select member(s) of the Office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Bureau of Motor Vehicles (BMV) records and Ohio Law Enforcement Automated Data System (LEADS) (OAC § 4501:2-10-03; OAC § 4501:2-10-06).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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803.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Erie County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (OAC § 4501:2-10-03).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

803.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (OAC § 4501:2-10-06(C)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Administrative Assistant for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other Office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

803.6 SECURITY OF PROTECTED INFORMATION

The Sheriff will select a member of the Office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (OAC § 4501:2-10-03):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

803.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

803.7 DEPUTY SUZANNE HOPPER ACT

The Records Section shall enter into NCIC information provided by a court regarding (ORC § 2929.44):

- (a) The conditional release of a person found incompetent to stand trial or not guilty by reason of insanity.
- (b) An order that a person convicted of an offense of violence receive a mental health evaluation or treatment for a mental illness.

Members of this Office who have contact with a person who has such information entered into NCIC shall report the contact to the Department of Mental Health and Addiction Services, and, if the terms of the release require the defendant or person to receive mental health treatment, to the treatment provider.

803.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (OAC § 4501:2-10-03).

803.9 EFFECTIVE DATE

January 1, 2022

Animal Control

804.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

804.2 POLICY

It is the policy of the Erie County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

804.3 DOG WARDEN RESPONSIBILITIES

Animal control services involving dogs are generally the primary responsibility of Dog Warden and include the following:

- (a) Dog-related matters during periods when Dog Warden is available.
- (b) Ongoing or persistent nuisance complaints involving dogs. Such complaints may be scheduled, if reasonable, for handling during periods that Dog Warden is available for investigation and resolution.
- (c) Follow-up on dog-related calls, such as locating owners of injured dogs when the Dog Warden is available.

In the event that a dog-related call is received and the dog warden is not available, it is the responsibility of the member to resolve the issue as satisfactorily as possible at the time.

804.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding deputies generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

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1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

804.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty and animal fights (ORC § 959.13; ORC § 959.15; ORC § 959.16).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

804.5.1 NOTIFICATION TO SOCIAL SERVICE AGENCY

Members who have knowledge or reasonable cause to suspect that a violation involving a companion animal (as defined by ORC § 959.131) has occurred or is occurring shall immediately notify the appropriate social service agency of the violation when the member (ORC § 959.08):

- (a) Has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.
 1. An older adult is a person age 60 or older who suffers from the infirmities of aging or who has an impairment that prevents the person from protecting the person (ORC § 959.07).
- (b) The violation may have an impact on the child or older adult residing with the alleged violator.

Members who fail to comply with the requirements of ORC § 959.08 shall be subject to discipline (ORC § 959.10).

See the Child Abuse and Adult or Vulnerable Person Abuse policies for additional guidance.

804.5.2 SOCIAL SERVICE AGENCY NOTIFICATION PROCEDURE

Members may make the notification in writing or orally. Notification should contain the following information if known (ORC § 959.09):

- (a) The name and description of the companion animal involved.
- (b) The address and telephone number of the owner or other person responsible for care of the companion animal.
- (c) The nature and extent of the suspected abuse.
- (d) Any other information that may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.

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Information that is confidential or information that the member reasonably believes would jeopardize a pending criminal investigation may be excluded from the report (ORC § 959.09).

804.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal. All reports of animal bites will be immediately forwarded to the Erie County Health Department.

804.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the Dog Warden's Office.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

804.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the shift and/or other agency supervisor will be consulted to determine resources to be contacted or requested.

804.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

804.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property may be removed either by a member of this agency or through notification to another agency (i.e., appropriated road department).

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

804.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, arrangements may be made for the animal to be taken to a designated animal care facility.

804.12 EFFECTIVE DATE

January 1, 2022

Jeanne Clery Campus Security Act

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this Office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

805.2 POLICY

The Erie County Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Erie County Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Erie County Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Erie County Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

805.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

- (a) Ensure that the Erie County Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into agreements as appropriate with local law enforcement agencies to:
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
 3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the Erie County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

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5. Notify the Erie County Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
- (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
- (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
- (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

805.4 RECORDS COLLECTION AND RETENTION

The Records Section Supervisor is responsible for maintaining Erie County Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this Office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 1. Murder
 2. Sex offenses, forcible or non-forcible
 3. Robbery
 4. Aggravated assault
 5. Burglary
 6. Motor vehicle theft

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7. Manslaughter
 8. Arson
 9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
- (c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
1. On campus.
 2. In or on a non-campus building or property.
 3. On public property.
 4. In dormitories or other on-campus, residential or student facilities.
- (d) Statistics will be included by the calendar year in which the crime was reported to the Erie County Sheriff's Office (34 CFR 668.46(c)(3)).
- (e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

805.4.1 CRIME LOG

The Records Section Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4) and 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the Erie County Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

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- (b) All log entries shall be made within two business days of the initial report being made to the Office.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the sheriff's Office or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

805.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3) and 34 CFR 668.46(e) and (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to, the following:
 - 1. Crime statistics
 - 2. Crime and emergency reporting procedures
 - 3. Policies concerning security of and access to campus facilities
 - 4. Crime and sexual assault prevention programs
 - 5. Enforcement policies related to alcohol and illegal drugs
 - 6. Locations where the campus community can obtain information about registered sex offenders
 - 7. Emergency response and evacuation procedures
 - 8. Missing student notification procedures

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805.6 EFFECTIVE DATE

January 1, 2022

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide direction to employees of this agency interacting with individuals who are in the custody of this agency, either as a result of an arrest made by an employee or as a result of the individual being incarcerated in or committed to the jail by another authority.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Custodial interrogation - Any interrogation involving a law enforcement officer's questioning that is reasonably likely to elicit incriminating responses and under circumstances in which a reasonable person in the subject's position would consider themselves to be in custody, beginning when a person should have been advised of the person's right to counsel and right to remain silent and of the fact that anything the person says could be used against the person, as specified by the United States Supreme Court in *Miranda v. Arizona* (1966), 384 US 436, and subsequent decisions, and ending when the questioning has been completed. [Ohio Revised Code Section 2933.81(A)(1)].

Detention facility – This has the same meaning as in Section 2921.01 of the Ohio Revised Code [Ohio Revised Code Section 2933.81(A)(2)].

Electronic recording or electronically recorded - An audio and visual recording that is an authentic, accurate, unaltered record of a custodial interrogation [Ohio Revised Code Section 2933.81(A)(3)].

Foreign national - Any person who is not a United States citizen.

Law enforcement agency – This has the same meaning as in Section 109.573 of the Ohio Revised Code. [Ohio Revised Code Section 2933.81(A)(4)].

Law enforcement vehicle - Means a vehicle primarily used by a law enforcement agency or by an employee of a law enforcement agency for official law enforcement purposes. [Ohio Revised Code Section 2933.81(A)(5)].

Local correctional facility – This has the same meaning as in Section 2903.13 of the Ohio Revised Code. [Ohio Revised Code Section 2933.81(A)(6)].

Place of detention - Means a jail, police or sheriff's station, holding cell, state correctional institution, local correctional facility, detention facility, or department of youth services facility. Place of detention does not include a law enforcement vehicle. [Ohio Revised Code Section 2933.81(A)(7)].

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State correctional institution – This has the same meaning as in Section 2967.01 of the Ohio Revised Code. [Ohio Revised Code Section 2933.81(A)(8)].

Statement - Means an oral, written, sign language, or non-verbal communication. [Ohio Revised Code Section 2933.81(A)(9)].

900.2 POLICY

All employees shall treat those persons in the custody of this agency with professional courtesy and respect. Employees shall never physically or mentally abuse any person in custody. Any employee who abuses any person in custody in any fashion shall be subject to this agency's disciplinary process, and the employee shall also be subject to criminal (federal, state, and/or local) penalties and/or civil liability.

900.3 EFFECTIVE DATE

January 1, 2022

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Erie County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of Office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.

901.4 SEARCHES AT SHERIFF'S FACILITIES

All custody searches, strip searches, and body cavity searches will be conducted by jail staff or jail medical personnel. Refer to the Searches Policy in the Custody Manual for further direction.

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Custodial Searches

901.5 EFFECTIVE DATE

January 1, 2022

Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Erie County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Erie County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Office will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Erie County Sheriff's Office will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee Office efforts to comply with PREA standards in the Erie County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Erie County Sheriff's Office detainees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and Office leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the Office's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Office shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Office and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Sergeant any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any Office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 SHIFT SERGEANT RESPONSIBILITIES

The Shift Sergeant shall report to the Office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Sergeant shall also report the allegation as required under mandatory reporting laws and Office policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift Sergeant shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Sergeant shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Office shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first deputy to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not a deputy the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Erie County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the County Prosecutor for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Administrator. The Sheriff or County Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Sheriff shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Sergeant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Sergeant or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Sheriff and the PREA Coordinator. The Sheriff or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the Office's progress in addressing sexual abuse.

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The report shall be approved by the Sheriff and made readily available to the public through the Office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Erie County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the Office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive Office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Officer shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Office's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Officer shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

902.10 EFFECTIVE DATE

January 1, 2022

Inmate Transports

903.1 PURPOSE AND SCOPE

This policy provides guidance for members when transporting jail inmates, or sentenced criminal defendants

903.2 POLICY

The following policy will be adhered to when transporting criminal defendants and/or jail inmates to and from the Erie County Jail, or from other jails or institutions for court appearances, appointments, inter-institutional transfers, or after sentencing.

903.3 TRANSPORTING INMATES

- (a) All inmates will be handcuffed and shackled, and additional restraints may be utilized on a needs basis, unless the use of such restraints is precluded by law, for medical conditions, and/or other clearly delineated reasons. The transporting deputy, prior to departing the jail facility, will discuss with the jail staff any additional security needs.
- (b) No physical contact or direct verbal communication with anyone other than an inmate's attorney, medical staff or counselor will be permitted while the inmate is outside the confines of the jail.
- (c) The inmate will remain in the sight of the transporting deputy unless special medical or psychological evaluations call for privacy. All attorney visitations will be made on a private basis. The transporting deputy will determine the necessary security needs on an individual basis when dealing with attorneys, medical personnel or counselors.
- (d) The transporting deputy will be responsible for all security needs of any inmate in their custody.
- (e) All inmates leaving the Jail facility are under the custody of the Erie County Sheriff's Office and will not be permitted to smoke or use any other form of tobacco.
- (f) If a jail inmate is transported to court or for a medical or other appointment, the transporting deputy will receive a court or appointment document from the jail staff prior to leaving the jail with the inmate. The transporting deputy is responsible to see that this document is completed accurately and with sufficient detail, so that it may be plainly understood from the reading of the document what occurred during the transport. These documents will be returned to the jail staff immediately upon the inmate's return to the jail facility.
- (g) Transports of an individual arrested and remaining in custody at the jail will be the responsibility of the arresting deputy if the arresting deputy is subpoenaed to a later court hearing also requiring the inmate's presence, unless prior arrangements for the transport have been made. Arresting deputies should contact the jail facility prior to their mandated appearance to ascertain if the inmate is still in custody. Arresting deputies will be responsible to report to the facility and obtain custody of any inmate within an adequate time period to ensure that all appearances are on schedule.

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Inmate Transports

903.4 EFFECTIVE DATE

January 1, 2022

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Erie County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

The goal of every Ohio law enforcement agency should be to recruit and hire qualified individuals while providing equal employment opportunity and consisting of a diverse workforce. The Erie County Sheriff's Office strives to reach this goal. Communities with diverse populations should strive to have a diverse law enforcement workforce that reflects the citizens served.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Erie County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Office does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law or prescribed by a specific United States Department of Labor ruling.

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

The Sheriff's Office utilizes due diligence in ensuring that its prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. The Sheriff's Office has appropriate mechanisms in place in order to achieve this mission. Further, the Sheriff's Office ensures that its employment requirements are related to the skills that are necessary for an individual to be a successful employee of the Sheriff's Office.

1000.3 RECRUITMENT

The Erie County Sheriff's Office shall employ a comprehensive recruitment and selection strategy/plan to recruit and select employees from a qualified and diverse pool of candidates.

The strategy/plan may include but is not limited to the following activities:

- (a) Identification of racially and culturally diverse target markets
- (b) Use of marketing strategies to target diverse applicant pools (e.g., distributing informational brochures)
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive Office website and the use of Office-managed social networking sites, if resources permit.

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

The Erie County Sheriff's Office shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

Generally, since the agency only accepts Ohio Peace Officer Training Commission (OPOTC) certified applicants for Deputy Sheriff positions who have successfully passed a written examination, recruitment efforts are focused on publicizing our employment process on our agency's website and regularly speaking with the commanders of local OPOTC recognized basic police training academies.

1000.4 EQUAL EMPLOYMENT OPPORTUNITY

The Erie County Sheriff's Office is an Equal Opportunity Employer that supports the Americans with Disabilities Act (ADA) and will respond to reasonable requests for job accommodations and take reasonable action to employ qualified individuals with disabilities. This agency is committed to making reasonable, sustained, and diligent efforts to identify and consider such individuals for employment and for possible advancement opportunities arising during employment.

It is the sworn duty of all law enforcement officers to uphold the constitutional rights of all individuals. The Erie County Sheriff's Office strictly prohibits any retaliatory action against an employee for opposing a practice which he or she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a state or federal civil rights enforcement agency.

Non-discrimination and equal employment opportunity is the policy of this agency. All applicants for employment and employees will be provided equal terms and conditions of employment regardless of race, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

All employees will abide by this entire policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.

1000.5 SELECTION PROCESS

The Office shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Office should employ

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a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Be a United States citizen
- (c) Have a high school diploma or GED. If the applicant does not have a high school diploma or GED, but is authorized to participate in a work-based learning training agreement through a school located in Erie County, the Sheriff has the discretion to authorize the agreement and employ the applicant as a dispatcher or corrections officer.
- (d) Driving record and possession of a valid Ohio driver's license
- (e) Reference checks and criminal history checks
- (f) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (g) Information obtained from public internet sites
- (h) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (i) Local, state, and federal criminal history record checks
- (j) Polygraph or voice stress analyzer examination (when legally permissible). The Sheriff has the ability to waive the Polygraph or Computer Voice Stress Analysis (CVSA) on an individual basis.
- (k) Medical and psychological examination. The Sheriff has the ability to waive the medical and psychological examination on an individual basis.
- (l) Review board or selection committee assessment

1000.5.1 VETERAN PREFERENCE

Veterans or reservists of the United States Armed Forces who are residents of Ohio, separated from the armed forces under honorable conditions following more than six months of active duty and are candidates for job openings shall receive preference as applicable (ORC § 124.23(C)).

In the event that ratings are equal, candidates who are eligible for veteran's preference shall receive priority in rank on eligibility lists and in original appointments over non-veterans on the list. Ties among veterans or reservists shall be decided by priority of filing the application. A tie between a veteran and a reservist shall be decided in favor of the veteran (ORC § 124.26).

1000.5.2 APPLICATION PROCESS

Employment applications are accepted by the Erie County Human Resources Department in accordance with published job postings. The completion of a regular application form and any necessary prescribed written test will ensure that each candidate will be considered for all positions

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within the agency for which he/she has made application. Applications are kept on file for pursuant to the policies of the Erie County Human Resources Department. Applications of hired individuals are maintained in their employee personnel file.

The Administration Division Commander shall maintain documentation defining a fair and impartial application process.

- (a) All elements of the process, including physical ability testing, shall be job-related and nondiscriminatory.
- (b) All elements of the process shall be administered, scored and interpreted in a uniform manner.

1000.6 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Erie County Sheriff's Office.

1000.6.1 NOTICES

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

1000.6.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Erie County Sheriff's Office should not require candidates to provide passwords, account information or access to password-protected social media accounts.

An appropriately trained investigator will be utilized to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

The Erie County Sheriff's Office will strive to ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.6.3 DOCUMENTING AND REPORTING

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

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1000.6.4 RECORDS RETENTION

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

1000.7 DISQUALIFICATION GUIDELINES

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

- Age at the time the behavior occurred
- Not possessing the minimum qualifications for the position
- Failing to be punctual in taking prescribed tests or undergoing evaluations
- Making a fraudulent statement during the interview or on any application
- Failing to properly complete the application in the manner prescribed
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

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

1000.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Erie County Sheriff's Office and/or the Erie County Department of Human Resources should maintain validated standards for all positions.

1000.8.1 STANDARDS FOR DEPUTIES

Candidates shall meet the minimum standards for training and certification established by the Ohio Peace Officer Training Commission (OPOTC) prior to permanent employment as a peace officer (ORC § 109.73).

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1000.9 PROBATIONARY PERIODS

The Erie County Sheriff's Office shall identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

1000.10 GUIDELINES FOR FILLING A VACANCY

Whenever a vacant position is to be filled within Erie County Sheriff's Office, a number of guidelines to ensure all applicants are treated equally will be followed, to include:

- (a) A position vacancy notice will be posted within the agency. If no successful applicants are selected from within the agency, outside applications will be solicited.
- (b) Review of applications for suitability will be completed by the Sheriff's designee(s) dependent upon the division of the agency (Patrol or Jail) in which the vacancy exists.
- (c) Once all pre-employment screening and testing is completed, the Sheriff will make the final decision concerning employment of an individual.

1000.11 ANNUAL REVIEW

The Sheriff shall review the recruitment and hiring activities annually. This review will be documented.

1000.12 DISTRIBUTION, REVIEW, AND TESTING

All agency personnel will receive a copy of this policy, either on paper or electronically.

All agency personnel involved in the recruitment and hiring activities for all agency personnel shall review this agency's directive, recruitment plan, application process and selection process and EEO plan at least annually and revise it when necessary. Employees conducting recruitment and hiring activities shall complete annual proficiency testing over the content of this entire policy.

1000.13 TRAINING

Annual recruitment and hiring training should be provided for those members involved in recruitment and hiring activities. Training should include, but is not limited to, the recruitment and hiring plan, the Office's equal employment opportunity plan, recruitment and hiring qualifications, the Office's application and selection processes, and the Office's annual review/analysis of the recruitment and hiring process.

1000.13.1 POLICY ACKNOWLEDGEMENT

Applicable Office members shall initially read and sign that they understand this policy.

1000.14 EFFECTIVE DATE

January 1, 2022

Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Office's evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Erie County Sheriff's Office utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for his/her input.

All sworn and non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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Evaluation of Employees

1001.4 EVALUATION FREQUENCY

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Non-sworn Employees	X		1 Year
Non-Probationary, Non-sworn Employees		X	

1001.4.1 AUXILIARY AND RESERVE DEPUTIES EVALUATIONS

Auxiliary and reserve deputy evaluations are covered in the Reserve and Auxiliary Deputies Policy.

1001.4.2 VOLUNTEER EVALUATIONS

Volunteer evaluations are covered in the Volunteers Policy.

1001.5 EVALUATIONS FOR NON-PROBATIONARY EMPLOYEES

Non-probationary employees will be evaluated by the Sheriff, his/her designee, or his/her immediate supervisor annually, within thirty (30) days of the employee's anniversary date.

1001.6 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time non-sworn personnel during the probationary period. Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period.

An employee who does not successfully complete his/her probationary period will be subject to discharge or to be returned to his/her former classification or rank.

1001.6.1 EVALUATIONS FOR PROBATIONARY EMPLOYEES

Probationary employees will be evaluated as follows:

- (a) Each new employee, and each newly promoted employee, will be evaluated twice during his/her probationary period. The employee will be evaluated approximately halfway through the probationary period, and again approximately two (2) weeks before the end of the probationary period. The ratings determined during these evaluations will be utilized to determine the continued employment of the employee.
- (b) The Sheriff may not personally conduct these evaluations, but may rely on designee(s) and/or the employee's immediate supervisor to perform the evaluations.

1001.7 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

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Regular - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed anytime the rater or the rater's supervisor determines one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1001.7.1 RATINGS

The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Exceeds standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

Meets standards - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Needs improvement - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.8 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor

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should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

1001.9 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

1001.10 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Sheriff for the employee's tenure. A copy will be given to the employee and a copy will be forwarded to County Department of Human Resources.

1001.11 EFFECTIVE DATE

January 1, 2022

Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions not listed in an applicable collective bargaining agreement (CBA) and for making special assignments within the Erie County Sheriff's Office.

1002.2 POLICY

The Erie County Sheriff's Office determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. The final decision for all assignments and promotions is made by the Sheriff. When applicable, promotions are made pursuant to any terms and conditions listed in a Collective Bargaining Agreement, rather than this policy.

1002.3 SPECIAL ASSIGNMENT POSITIONS

Special assignment positions include, but are not limited to, the following:

- (a) Special Response Team member
- (b) Detective
- (c) K-9 handler
- (d) Field Training Deputy (any discipline)
- (e) Community Relations/Training Deputy
- (f) School Resource Deputy
- (g) DARE Deputy

1002.3.1 GENERAL REQUIREMENTS

The following requirements may be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any advanced certification required by the Ohio Peace Officer Training Commission (OPOTC) or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

1002.3.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.

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- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership skills
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to Office goals and objectives in a positive manner

1002.3.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Sheriff to include:

- (a) Supervisor recommendations - Upon request, each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
 - 1. The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work.
- (b) Sheriff designee(s) interview - The Sheriff's designee(s) will schedule interviews with each candidate.
 - 1. Based on supervisor recommendations and those of the Sheriff's designee after the interview, the Sheriff's designee(s) will submit his/her recommendations to the Sheriff.
- (c) Assignment by the Sheriff.

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Sheriff.

1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional processes are generally found in applicable CBA.

1002.5 EFFECTIVE DATE

January 1, 2022

Grievance Procedures (Non-Bargaining Unit Employees)

1003.1 PURPOSE AND SCOPE

It is the policy of this Office that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Office's philosophy is to promote free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- This Policy Manual; and/or
- Any other rules and regulations covering personnel practices or working conditions

Specifically excluded from the category of grievances are:

- (a) Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
- (b) Complaints related to state workers' compensation.
- (c) Personnel complaints consisting of any allegation of misconduct or improper job performance against any Office employee that, if true, would constitute a violation of Office policy, federal, state, or local law as set forth in the Personnel Complaint Procedure Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

- (a) Any employee having a grievance may file his or her grievance orally to their immediate supervisor. In order for the grievance to be recognized, it must be filed within five (5) working days from the date the alleged grievance occurred. Within five (5) working days from the date the aggrieved first presented his/her complaint, the Supervisor will attempt to resolve the matter.
- (b) If the grievance is not resolved in item (a), the aggrieved may pursue the matter by reducing the grievance to writing and presenting such to the department head within (5) working days of the reply received in item (a). The departments head shall, if it is deemed necessary, meet those concerned and otherwise attempt to resolve the matter.
- (c) Any disciplinary process will follow the steps as outlined in the current and applicable Collective Bargaining Agreement.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process.

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Grievance Procedures (Non-Bargaining Unit Employees)

1003.4 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

1003.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be placed in the employee's personnel file.

1003.6 JUDICIAL RELIEF

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.

1003.7 EFFECTIVE DATE

January 1, 2022

Anti-Retaliation

1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1004.2 POLICY

The Erie County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member and/or the Sheriff.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as appropriate.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1004.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

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Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1004.7 WHISTLE-BLOWING

Ohio law protects employees who report violations of a state or federal statute, an ordinance or regulation of the County, or Office policy when there is a reasonable belief that the violation is one of the following (ORC § 4113.52):

- (a) A criminal offense that is likely to create an imminent risk of physical harm to persons or a hazard to public health or safety
- (b) A felony
- (c) An improper solicitation for contribution
- (d) Fraud or misuse of public resources (ORC § 124.341)

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Sheriff for investigation.

1004.8 RECORDS RETENTION AND RELEASE

The designated Administrative Assistant shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9 TRAINING

Each new member will familiarize himself/herself with this policy.

All members should receive periodic refresher training on the requirements of this policy.

1004.10 EFFECTIVE DATE

January 1, 2022

Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Ohio and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1005.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a crime and/or domestic violence incident (see Domestic Violence Policy Firearms section).

All employees are required to immediately notify the Sheriff or Sheriff's Designee if the employee is arrested for any criminal offense and /or charged with any traffic violation. All employees are further required to immediately notify the Sheriff or Sheriff's Designee if the employee accumulates more than four (4) points on his/her driving record.

1005.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Ohio (see generally ORC § 737.052 and ORC § 737.162).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this Office may prohibit him/her from carrying out law enforcement duties.

- (a) State law prohibits any person convicted of a felony, a fugitive from justice, an unlawful user or addict of any controlled substance, a person who is mentally ill or illegally in the United States from possessing a firearm.
- (b) If a person is convicted of a crime involving family violence or stalking or is currently subject to a restraining order, injunction or other order for protection against domestic violence, it may be unlawful for the person to carry a concealed weapon.

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1005.4.1 COURT ORDERS

All employees shall promptly notify the Office if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certification.

1005.5 REPORTING PROCEDURE

All members of this Office and all retired deputies with an identification card issued by the Office shall promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired deputies with an identification card issued by the Office shall further promptly notify their immediate supervisor (or the Sheriff in the case of retired deputies) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1005.6 EFFECTIVE DATE

January 1, 2022

Drug- and Alcohol-Free Workplace

1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1006.2 POLICY

It is the policy of this Office to provide a drug- and alcohol-free workplace for all members.

1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Office time can endanger the health and safety of Office members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1006.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1006.4 PROGRAM MANAGEMENT

The Sheriff's Office appoints the Erie County Director of Human Resources and the Erie County Loss Control Coordinator as Designated Employer Representatives (DER) for this policy. These individuals will have responsibilities limited to:

- (a) Receiving notifications from the contracted drug testing agency regarding employees who are required to submit to random drug testing pursuant to the procedure as specified elsewhere in this policy;
- (b) Transmitting the name(s) to the Employer or Employer's designee; and
- (c) Receiving and reporting the results of such tests to the Employer.

All communications regarding any portion of this policy and any test results will be directed by a DER only to the Employer and/or the Employer's designee. Confidentiality of all information

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received pursuant to this policy will be strictly guarded and maintained by the Employer and/or the Employer's designee, with no information being made available to any other person without a legitimate need to know.

1006.5 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on Office premises or on Office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1006.6 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

Although an employee's decision to seek assistance will not be used as the basis for disciplinary action, it will also not be allowed as a defense by the employee from imposition of disciplinary action when facts confirming a violation of this policy become known, nor will such decision to seek assistance be used as a defense against any disciplinary action for violation of any other policy. Also, should any employee who makes such a voluntary disclosure be subjected to a reasonable suspicion testing that results in a positive result, he/she will become subject to disciplinary action and follow up testing as defined in this policy and will lose any protections he/she may have enjoyed under the voluntary disclosure status.

1006.7 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

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If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Office.

1006.8 SCREENING TESTS

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
 - 1. Reasonable suspicion testing may be based upon, among other things:
 - (a) Observable phenomena, including but not limited to: direct observation of drug or alcohol use or possession; physical symptoms or appearance of being under the influence of a drug or alcohol; and/or the odor of alcohol or other prohibited substances; and/or
 - (b) An abnormal pattern of conduct or erratic behavior which may include repeated examples of deteriorating job performance, unexplained patterns of absenteeism, tardiness, recurrent accidents, repeated violations of established safety or work rules, etc., which are not attributable to other known factors; and/or
 - (c) Convictions of or plea (including no contest or nolo contendere) to an alcohol or drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, manufacture, use or trafficking. The employee must immediately report to the employer or his designee any arrest and/or plea to and/or conviction for any drug-related offense; and/or
 - (d) Self-admission, information provided either by a reliable or credible source, or independently corroborated information, pertaining to an employee's alleged alcohol or drug abuse; and/or
 - (e) Newly discovered evidence that the employee has impeded with a previous drug or alcohol test.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Office while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

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1006.8.1 SUPERVISOR RESPONSIBILITIES

Any suspicion must be documented in writing within twenty-four (24) hours of the development of such suspicion, but need not be placed in writing prior to ordering the employee to undergo a reasonable suspicion test.

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

The first priority of the employer is the removal of the employee suspected of abusing alcohol or illicit drugs from the work environment. This shall be done to prevent the employee from causing harm to himself, herself, other individuals in the workplace, or anyone else.

The employer and/or the employer's supervisor shall instruct the employee under suspicion to accompany him/her to a private area that is removed from the individual employee's co-workers to advise the employee of such suspicion and to arrange for any testing and/or transportation for such testing. If the Employer and/or supervisor determine that the employee cannot finish his/her scheduled shift and the Employer and/or the supervisor determine that the employee cannot be entrusted to operate a motor vehicle, the Employer and/or supervisor will allow the employee to make arrangements for alternate transportation or the Employer will make such arrangements.

The employee will be compensated for any leave taken in conjunction with the employer's ordering of reasonable suspicion test result is negative. The employee will not be paid if the test is positive, with the exception that any applicable CBA language shall take precedence.

1006.8.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.
- (c) Any employee who tampers with, or attempts to tamper with, the submission of a saliva or breath sample, or the actual sample itself, or falsifies any statement made in conjunction with the testing process will be subject to any and all appropriate progressive disciplinary action up to and including termination.

If a claimed medical condition, confirmed by a medical professional (physician, physician's assistant, or registered nurse) does not allow for the collection of a saliva and/or breath sample, alternate testing methods will be considered by the Employer.

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1006.9 RANDOM DRUG TESTING PROCEDURES, FREQUENCIES, AND PATTERN

General requirements of all drug and alcohol testing situations on part of the employee include:

- (a) Reporting at Firelands Corporate Health Center (Firelands), or specimen collection site as designated by the Employer; and
- (b) Providing the required specimens(s) as soon as possible after arrival at the specimen collection site; and
- (c) Immediately returning to assigned duties at the conclusion of the specimen collection process as advised by specimen collection site personnel; and
- (d) Full compliance with this policy, all procedures contained herein, and compliance with all reasonable instructions of individuals who are collecting the biological sample and/or employed by the specimen collection site. In all cases in which the Employer has cause to believe that the employee's or the public's safety may be endangered by allowing the employees to drive to the specimen collection site, the Employer will provide transportation to the collection site.
- (e) An employee's refusal to comply with any random testing requirements and/or failing to provide the requested specimens when selected for random testing, or adulteration or substitution of the employee's specimen(s) will be considered a refusal to test and will be interpreted the same as a positive test and/or insubordination. Any such refusal subjects the employee to the full range of discipline, up to and including termination of employment or cancellation of an offer of employment.
- (f) A specific percentage of employees, as determined by the Employer, will be subject to annual random drug and alcohol testing in a pattern determined by the Employer. All employees will always be subject to random testing, regardless of their prior test history.

1006.10 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1006.11 APPEAL OF DRUG TEST RESULTS

Employees who have a positive drug test result may review the initial test results and request a retest according to any requirements of an applicable collective bargaining agreement or, in the absence of such agreement, within three (3) calendar days of receiving the initial test result. Such requests shall be in writing, signed, dated and shall be presented to the Employer. The Employer will, as soon as possible but no later than twenty-four (24) hours after receipt of the request, forward the request to the DER. Such retest will be scheduled at Firelands, or at another laboratory of the employee's choosing, provided that the laboratory performing such a retest is certified by the National Institute on Drug Abuse. Any such retest shall be at the expense of the employee.

An employee who is suspended, pending appeal of a positive test required pursuant to this policy, will be permitted to use any available sick, vacation or personal days in order to remain in an

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active pay status. If the employee has no sick, vacation or personal days he/she will be placed on unpaid leave status. If the employee's re-test indicates a negative result, the employee's unused time balance will be restored.

1006.12 RECORDS AND SPECIMEN RETENTION

All records pertaining to a given alcohol or drug test shall be maintained as required by federal law. All positive specimens shall be routinely retained in frozen storage so as to be available for any necessary retest for a period of one year, unless otherwise authorized in writing by the employer. A longer retention shall be required under legal challenge for an indefinite period.

1006.13 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

1006.14 EFFECTIVE DATE

January 1, 2022

Sick Leave

1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave for members of this agency. The accrual and terms of use of sick leave for eligible employees are detailed herein and/or the applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and state law (29 USC § 2601 et seq.; ORC § 124.38 et seq.).

1007.2 POLICY

It is the policy of the Erie County Sheriff's Office to provide eligible employees with a sick leave benefit.

1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1007.3.1 NOTIFICATION

All members should notify the appropriate supervisor or answering point (Dispatch or Jail, dependent upon assignment) as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the appropriate supervisor or answering point, every effort should be made to have a representative for the member contact the supervisor or answering point. Members receiving information that another member is calling off sick will notify the on-duty supervisor for that member's assigned division.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Office with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1007.4 SICK LEAVE (PART-TIME EMPLOYEES ONLY)

Sick leave credit for part time employees shall be earned at the rate of .0575 hour for each hour worked. Part time employees are not entitled to sick leave payout upon separation from employment.

Sick leave shall be granted to a part time employee upon approval of the Employer for the following reasons:

- (a) Illness or injury of the employee.
- (b) Death of a member of the immediate family.
- (c) Medical, dental, optical examination, or treatment for the employee, which cannot be scheduled during non-working hours.
- (d) If a member of the immediate family is afflicted with a contagious disease or requires the care and attention of the employee or when, through exposure to a contagious disease, the presence of the employee at his/her job would jeopardize the health of others.
- (e) Pregnancy and/or childbirth and other conditions related thereto.

The Employer may require an employee to furnish a written statement justifying the use of sick leave. Falsification of either a signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.

When an employee is unable to work, he/she shall notify his/her immediate supervisor or other designated person at least one (1) hour before the time he/she is scheduled to work on each day of absence, unless emergency conditions make it impossible or unless the employee has made other reporting arrangements with his/her immediate supervisor.

1007.5 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

1007.5.1 EXPIRATION OF SICK LEAVE

If illness or disability continues beyond the time covered by earned sick leave, the employee may be granted a disability leave or a personal leave, at the discretion of the Employer.

1007.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

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- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with the designated Administrative Assistant as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected Office operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

1007.7 EFFECTIVE DATE

January 1, 2022

Communicable Diseases

1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Office members contracting and/or spreading communicable diseases.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Erie County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1008.2 POLICY

The Erie County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1008.3 EXPOSURE CONTROL OFFICER

As necessary, the Sheriff may assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that Office members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff 136).
 2. Employment risk standards (OAC § 4167-3-03 et seq.).
 3. Emergency temporary employment risk standards (OAC § 4167-3-02).

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4. Bloodborne pathogen precautions (OAC § 4167-3-05).

The ECO should also act as the liaison with the Ohio Public Employment Risk Reduction Program (PERRP) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of Office vehicles, as applicable.
- (b) Wearing Office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

1008.5 POST EXPOSURE

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1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup and notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Illness and Injury Reporting and the Illness and Injury Prevention policies).

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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Communicable Diseases

1008.5.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO or other designee. If the ECO or designee is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Submitting a complaint to compel testing under ORC § 3701.247.
- (c) Requesting notification from a medical facility under ORC § 3701.248.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Prosecutor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

1008.8 EFFECTIVE DATE

January 1, 2022

Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Erie County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY

The Erie County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all Office facilities, buildings and vehicles, and as is further outlined in this policy (ORC § 3794.02).

Employees of other governmental or private agencies who work at the Sheriff's Office are expected to comply with this policy.

1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Erie County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1009.4 ADDITIONAL PROHIBITIONS

Members shall not be allowed to smoke in areas of ingress or egress to any Office facility (ORC § 3794.02).

1009.4.1 NOTICE

The Sheriff or the authorized designee shall ensure that proper signage is in place to provide notice of restricted tobacco use areas (ORC § 3794.06).

1009.5 EXCEPTIONS

The only exception to this policy for employees of the Sheriff's Office who choose to smoke inside their personal vehicles, parked on the grounds of the Sheriff's Office, during uncompensated time—and such conduct is highly discouraged for health reasons. The only other exception to this policy is for visitors to the Sheriff's Office who choose to smoke inside private vehicles parked on the grounds of the Sheriff's Office.

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Smoking and Tobacco Use

1009.6 NON-COMPLIANCE

Non-compliance will result in the individual's employer being contacted and possible referral to the Erie County Health Department for enforcement action. Failure of the involved individual to comply with this policy may result in further action being taken.

1009.7 EFFECTIVE DATE

January 1, 2022

Personnel Complaints

1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Erie County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1010.2 POLICY

The Erie County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this Office to ensure that the community can report misconduct without concern for reprisal or retaliation.

1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of Office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate Office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office.

1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Sheriff's Designee, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Sheriff's Designee, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any Office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the Office website. Forms may also be available at other County facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

See attachment: [ECSO_Citizen_Complaint_Form.pdf](#)

1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any Office member. Upon learning of the allegation, the employee receiving the information will immediately refer the complainant to the most senior supervisor on duty within the respective division in the agency (Patrol or Jail). Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint.

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On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff, Jail Administrator, or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Sergeant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) A supervisor receiving a written statement from a citizen alleging a violation of law and/or agency policies or procedures is not required to notify the employee of the allegation, but will notify the Sheriff, Sheriff's Designee, and/or Jail Administrator as soon as possible and practicable depending upon the severity of the alleged infraction. The employee may be notified at a later date as the investigation proceeds.
- (d) May initiate any counseling or other necessary disciplinary action against the employee in question. The investigating supervisor may also, once the written complaint has been received, refer the investigation to the Patrol Division Operations Officer and/or the Jail Administrator for investigation and initiation of disciplinary action.
- (e) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Sergeant.

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- (f) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Sheriff are notified via the chain of command as soon as practicable.
- (g) Promptly contacting the Department of Human Resources and the Shift Sergeant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (h) Forwarding unresolved personnel complaints to the Shift Sergeant, who will determine whether to contact the complainant or assign the complaint for investigation.
- (i) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (j) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (k) Ensuring that the procedural rights of the accused member are followed.
- (l) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Sheriff's Designee, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Erie County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators

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should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

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Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any Office badge, identification, assigned weapons and any other Office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Erie County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1010.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.

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- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

At no time will an agency employee institute disciplinary action against an employee of the same or higher rank based upon a citizen complaint. Disciplinary action in such cases will follow the chain of command.

Disciplinary action will not be pursued against an employee based solely upon an anonymous, unsubstantiated complaint.

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1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement and/or personnel rules.

1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate (see also the Temporary Modified-Duty Assignments Policy).

1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1010.16 EFFECTIVE DATE

January 1, 2022

Seat Belts

1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Office vehicles.

1011.1.1 DEFINITIONS

Definitions related to this policy include:

Child Restraint System - An infant or child passenger restraint system that meets federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1011.2 POLICY

It is the policy of the Erie County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle crash.

1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this Office while on- or off-duty or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Office, are properly restrained (ORC § 4513.263).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the Office member or the public. Members must be prepared to justify any deviation from this requirement.

1011.4 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORC § 4511.81).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1011.6 INOPERABLE SEAT BELTS

Office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

1011.9 EFFECTIVE DATE

January 1, 2022

Body Armor

1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members who are issued body armor with guidelines for its wear and use.

1012.2 POLICY

It is the policy of the Erie County Sheriff's Office to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1012.3 ISSUANCE AND REPLACEMENT OF BODY ARMOR

The designated supervisor and/or Administrative Assistant shall ensure that appropriate body armor is issued to all deputies when the deputy begins service at the Erie County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The designated supervisor and/or Administrative Assistant shall ensure that body armor is replaced pursuant to established manufacturer's guidelines or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1012.3.1 USE OF SOFT BODY ARMOR

The use and wear of body armor is required, subject to the following:

- (a) Deputies shall only wear agency-approved body armor.
- (b) Uniformed deputies shall wear body armor at all times.
- (c) Deputies may be excused from wearing body armor when they are functioning primarily in a non-uniformed administrative support or investigative (detective) capacity and could not reasonably be expected to take enforcement action; however, all such personnel will have body armor readily available to be donned immediately in an emergency or arrest situation.
- (d) Regardless of assignment, body armor shall be worn when a deputy is taking part in Office range training involving the firing of live ammunition.
- (e) A deputy may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor may be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

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1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1012.3.4 HARD BODY ARMOR

Certain deputies may be issued hard body armor that is designed to defeat rifle-caliber projectiles. Those deputies issued this type of body armor will ensure that it is maintained pursuant to manufacturer's standards, that it and the garment(s) issued with it are kept clean and serviceable, and that it is available to be utilized in emergencies involving potential threats from individuals brandishing rifles.

1012.4 FIREARMS INSTRUCTOR RESPONSIBILITIES

The Firearms Instructor should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Office-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

1012.5 EFFECTIVE DATE

January 1, 2022

Personnel Records

1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1013.2 POLICY

It is the policy of this Office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Ohio.

1013.3 PERSONAL INFORMATION SYSTEM RECORDS

A designated Administrative Assistant or other authorized designee shall be responsible for Erie County Sheriff's Office personnel information. Personnel records will be maintained by this Office in accordance with Ohio's Public Records statutes, guidelines listed in this policy, and any other applicable federal, state, or local regulations.

1013.4 PERSONNEL FILES

Each employee's personnel file and its contents shall be maintained as a permanent public record. Personnel Files may also be created and stored remotely, either manually or automatically [e.g., Lexipol Daily Training Bulletin (DTB) records, and Relias] and will contain the following:

- (a) Personal data, to include the employee's original job application and background check(s), photograph(s) if available, familial relationships, educational and employment history, and any other pertinent information;
- (b) Benefits that the employee elects to receive;
- (c) Personnel information reflecting assignments, promotions and/or other changes in employment/appointment status;
- (d) Performance evaluations;
- (e) Disciplinary records;
- (f) Commendations and awards;
- (g) Any other information deemed appropriate by the Sheriff or their designee for inclusion in the personnel file.

1013.5 TRAINING FILE

An individual training file shall be maintained by the designated Training Coordinator for each employee. Training files will contain records of all training, to include original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically [e.g., Lexipol Daily Training Bulletin (DTB) records, and Relias].

- (a) The involved member is responsible for providing the Training Coordinator and/or their immediate supervisor with evidence of completed training/education in a timely manner.

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- (b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the member's training file or stored electronically; [e.g., Lexipol Daily Training Bulletin (DTB) records, and Relias].

1013.6 TEMPORARY INTERNAL AFFAIRS INVESTIGATIVE FILES

Temporary internal affairs files shall be maintained under the exclusive control of the Sheriff or their designee(s) conducting an internal investigation.

These files shall contain information pertaining to the ongoing investigation of any formal complaints of the member(s) misconduct, prior to disposition. Once an internal investigation is completed, the report will become a permanent record and will be placed in the employee's personnel file. The completed report will have a conclusion of the following as designated by the Sheriff

- (a) Sustained; upheld or confirmed as valid.
- (b) Not Sustained; not able to be upheld or defended.
- (c) Unfounded; having no foundation or basis in fact.
- (d) Exonerated; to clear from accusation or blame.

1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1013.8 SECURITY

Personnel records should be maintained in a location that is not subject to general employee access. Personnel records maintained in an electronic format will have adequate password protection. At no time will an employee, without authorization from the Sheriff and/or based upon the employee's job description and general job duties, access confidential personnel records.

Personnel records are subject to disclosure only as provided in this policy or according to applicable legal discovery procedures.

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Nothing in this policy is intended to preclude review of personnel records by the County Prosecutor or other attorneys or representatives of the County in connection with official business, and/or review of personnel records by those with a proper release signed by the individual employee, and/or review by the appropriate supervisor in preparation for the employee's annual performance review.

1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the designated Administrative Assistant or other person charged with the maintenance of such records.

Upon receipt of any such request and, if applicable, that designee person shall notify the affected member as soon as practicable that such a request has been made.

The designee shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this appropriate response may require the involvement of legal counsel.

Any written request and/or release for the review of an employee's personnel file shall be incorporated into the personnel file itself.

1013.8.2 RELEASE OF PERSONNEL INFORMATION

Residential and familial information including the home address and telephone number of an employee, and any photograph of an employee who holds a position that may include undercover or plain clothes assignment that is in the possession of the Office is not a matter of public record and shall not be disclosed without a court order (ORC § 149.43(A)). However, the actual personal residence and/or personal contact information (telephone number, email address, etc.) of a deputy may be released by the designated Administrative Assistant, designated supervisor, and/or the Sheriff to a journalist, but only for administrative purposes and if the journalist makes a written request including the journalist's name, title, name of the journalist's employer, address of the journalist's employer and a statement that the information would be in the public interest pursuant to the provisions of ORC § 149.43(B)(9).

1013.9 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to their own personnel records during the normal business hours of those responsible for maintaining such files.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Criminal investigations involving the member.
- (c) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments,

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management bonus plans, promotions and job assignments or other comments or ratings used for Office planning purposes.

- (d) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (e) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

1013.10 EFFECTIVE DATE

January 1, 2022

Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts by members of the Erie County Sheriff's Office and/or other community members.

1014.2 POLICY

It is the policy of the Erie County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any Office member or by any person from the community.

1014.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.4.1 OFFICE MEMBER DOCUMENTATION

Members of the Office may document meritorious or commendable acts. The documentation will be in the form of a memorandum to the Sheriff and should contain the name of the agency member and/or the name, address, and phone number of the community member along with a narrative of the incident and any corresponding report numbers.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted through the Office's community relations program, social media, or forms maintained in a clearly visible location in the public area of the sheriff's facility. Written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
 1. For members of the Office - name, division and assignment at the date and time of the meritorious or commendable act
 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

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1014.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the Sheriff for his/her review.

The Sheriff e commendation to the Office member, and a copy of the documentation will be placed in the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Sheriff. An appropriate venue or ceremony to acknowledge the individual's actions may be arranged.

1014.5 AWARDS

Awards may be bestowed upon members of the Office and individuals from the community. These awards include will be presented based upon the program criteria developed by the Buckeye State Sheriff's Association. The Sheriff will make the final determination as to the presentation of any awards or commendations to be issued by, or on behalf of, the Sheriff's Office.

1014.6 EFFECTIVE DATE

January 1, 2022

Meal Periods and Breaks

1015.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall apply to all members of the agency.

1015.1.1 MEAL PERIODS

All Deputy Sheriff, Dispatchers, and Corrections Officers are considered to be on-duty and subject to call during meal breaks. Administrative employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Deputy Sheriff, Dispatchers, and Corrections Officers may be required to request clearance from a supervisor prior to taking a meal or other type of break, and within a specific area or designated building.

The time spent for the meal period shall not exceed the authorized time allowed.

Additional information concerning meal periods and breaks may be contained in an applicable collective bargaining agreement.

1015.2 BREAK ROOMS

In order to ensure that electrical and electronic equipment is not accidentally damaged, and to ensure professionalism to the public, all food and liquids may be prohibited from the jail control rooms and the communications center.

Break rooms, properly equipped with a microwave oven and refrigerator are provided in both the administrative and secure areas of the building. These areas will be used by employees only.

Breaks from assigned duties may be taken in an area away from a duty area, and should not interfere with any other employee's responsibilities or duties.

Employees should not leave assigned areas without proper relief and should be in contact with supervisors in case of emergency.

1015.3 EFFECTIVE DATE

January 1, 2022

Lactation Breaks

1016.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1016.2 POLICY

It is the policy of this Office to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1016.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are per se reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1016.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1016.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such and shall remove it when the member's shift ends.

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1016.6 EFFECTIVE DATE

January 1, 2022

Payroll Record Procedures

1017.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the proper payment of wages.

1017.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Members are personally responsible for the accurate and timely submission of their payroll records for the payment of wages.

1017.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis. Payroll records shall be completed and submitted as required by each employee on a daily basis when possible.

1017.2 EFFECTIVE DATE

January 1, 2022

Outside Employment and Special Details

1018.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall initially obtain written approval from the Sheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

Additional guidance, provisions, changes or additions may be contained in the employee Collective Bargaining Agreement.

1018.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - The employment of any member of this Office who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this Office for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this Office for services, products or benefits rendered.

1018.2 OBTAINING APPROVAL

No member of this Office may engage in any outside employment without first obtaining prior written approval of the Sheriff. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

It is the responsibility of the individual deputy to schedule extra-duty details without conflicting with the deputy's normally scheduled duties. A deputy will not volunteer for special detail work that could physically or mentally impair the deputy to the point that his/her performance during regularly scheduled work hours could be affected. For this reason, the Sheriff always reserves the right to prohibit a deputy from working a special detail if it appears that such work is interfering with, or could interfere with, the deputy's regularly assigned duties.

No more than sixteen (16) total hours of regular, special detail, and off-duty work, in any combination thereof, may be scheduled by a deputy within a twenty-four (24) hour period without a six (6) consecutive hour break in any type of employment during that twenty-four (24) hour period. Obviously, the deputy is to ensure that regularly assigned full-time job duties are prioritized.

Special detail employment shall not, in any way, conflict with the objectives and mission of this agency or impair the agency's reputation. For these reasons, special details may be prohibited by the Sheriff if working such details would not be considered in the best interest of the Erie County Sheriff's Office.

If an employee's application is denied or rescinded by the Office, the employee may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current collective bargaining agreement.

1018.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Office time, facilities, equipment or supplies, the use of the Office badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Office for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this Office.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this Office that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this Office.
- (d) Involves time demands that would render/have rendered the performance of the employee's duties for this Office below minimum standards or would render/have rendered the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1018.3.1 PROHIBITED OUTSIDE EMPLOYMENT EXAMPLES

- (a) The employment presents no potential conflict of interest between the employee's duties as a sworn Deputy Sheriff or non-sworn member of this agency and the employee's duties for secondary employment. Examples of employment representing potential conflicts of interest are as follows:
 - 1. Acting as a process server, reposessor, bill collector, vehicle towing service employee, or in any other employment in which law enforcement authority could be implied for the collection of money or merchandise for a private enterprise;
 - 2. Conducting private personnel investigations or any other employment which may require the employee to have access to law enforcement information, files, records, or services as a condition of employment with the secondary employer;
 - 3. The wearing of an agency uniform or clothing identifying the employee as a member of this agency while performing tasks that are not related to this agency;
 - 4. Acting in any manner in the assistance in case preparation for the defense in any criminal prosecution, or assisting any party in any civil action or proceeding;
 - 5. Employment in any fashion for a business or labor group that is on strike; or
 - 6. Any employment that requires the agency employee to act as a doorman, bouncer, or to perform any other security duties other than extra-duty employment as approved by this agency.

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- (b) The employment does not constitute a threat to the status or dignity of the Erie County Sheriff's Office. Examples of employment that may constitute a threat to the status or dignity of the agency as determined by the Sheriff are as follows:
 - 1. Employment in businesses or areas that sell pornographic books, magazines, sexual videos, or that otherwise provide entertainment or services of a sexual nature; or
 - 2. Employment involving the retail sale of alcoholic beverages as the employees primary responsibility (ie: bartender) not including charitable activities.

1018.3.2 SPECIAL DETAIL AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment or special detail shall be required to complete all related reports in a timely manner pursuant to Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

1018.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Sheriff, undercover deputies or deputies assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the deputy's law enforcement status.

1018.4 SPECIAL DETAIL EMPLOYMENT POLICY

Deputy Sheriffs may engage in special detail employment, as follows:

- (a) All special detail employment, either paid or voluntary, must be approved by the Sheriff or his/her designee.
- (b) The special detail employment rate of pay will be \$40.00 per hour, or other rate as mutually agreed upon between the Sheriff and the entity requesting the special detail employment. Unless previously approved by the Sheriff, all compensation due from special detail employment will be paid directly to the deputy(ies) working the special detail. In addition to the special detail rate paid directly to the deputy(ies) working the detail, a fee of \$18.50 per hour per cruiser needed to perform a traffic control or other function, as determined by the Sheriff, shall be charged to the requesting entity. The vehicle cost reimbursement will be paid directly to the Sheriff's Office to be deposited in the appropriate account.
- (c) Special details that will be considered for approval by the Sheriff are as follows:
 - 1. Traffic control; and/or
 - 2. Crowd control; and/or
- (d) It is the responsibility of the individual deputy to schedule extra-duty details without conflicting with the deputy's normally scheduled duties. A deputy will not volunteer for special detail work that could physically or mentally impair the deputy to the point that his/her performance during regularly scheduled work hours could be affected. For this reason, the Sheriff always reserves the right to prohibit a deputy from working a

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special detail if it appears that such work is interfering with, or could interfere with, the deputy's regularly assigned duties.

- (e) No more than sixteen (16) total hours of regular, special detail, and off-duty work, in any combination thereof, may be scheduled by a deputy within a twenty-four (24) hour period without a six (6) consecutive hour break in any type of employment during that twenty-four (24) hour period. Obviously, the deputy is to ensure that regularly assigned full-time job duties are prioritized.
- (f) Special detail employment shall not, in any way, conflict with the objectives and mission of this agency or impair the agency's reputation. For these reasons, special details may be prohibited by the Sheriff or the authorized designee if working such details would not be considered in the best interest of the Erie County Sheriff's Office.

1018.4.1 SPECIAL DETAIL EMPLOYMENT GUIDELINES

- (a) Special details will be filled based upon agency rank seniority.
- (b) Special detail notices will be posted by the Sheriff or Sheriff's Designee in an appropriate location that is available to all sworn members of the agency.
- (c) Any deputy wishing to work a special detail will print his/her name clearly in the space provided on the notice, along with the date and time that the name was placed on the notice. By placing his/her name on the notice, the deputy is accepting assignment to that special detail and is acknowledging that he/she will report for the special detail as required.
- (d) In the event that a deputy determines that he/she is unable to work a special detail after signing up to work, it is the responsibility of that deputy to locate another deputy willing to work the detail. If a replacement cannot be found, the deputy who originally signed up to work the detail will be responsible to work it.
- (e) Prior to twenty-four (24) hours before the starting time of a special detail, a senior deputy may bump a less senior deputy from a special detail by placing a single line through the less senior deputy's name and placing his/her name next to the bumped deputy's name. The senior deputy is obligated to notify the less senior deputy that he/she has been bumped from the detail.
- (f) No bumping from a special detail will occur within twenty-four (24) hours of the start of the detail, unless the special detail request was posted less than twenty-four (24) hours before its start.
- (g) In the event that a deputy sheriff has bumped a less senior deputy from a special detail, and the senior deputy subsequently determines that he/she is unable to work the detail, the detail will be offered first to the deputy previously bumped from the detail in inverse order (last bumped, first asked) prior to the detail being offered to any other detail.
- (h) Unless otherwise posted, deputies working any special detail will be dressed in the standard uniform of the day and will utilize a marked agency vehicle. In the event that it is necessary to affect an arrest during the special detail, the deputy working the detail will be responsible for all tasks associated with the arrest unless other arrangements are made with the shift officer-in-charge.

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- (i) Deputies working special details represent the Erie County Sheriff's Office. Those entities that wish to employ deputies for special details make their requests with the understanding that a deputy or deputies will appear for the detail. It is a poor reflection on the agency when a deputy does not appear for a special detail after having committed to working it. Any deputy who does not report for a scheduled special detail will be subject to disciplinary action for a violation of Group I, Rule 3 of this agency's Rules and Regulations for failing to commence duties at the beginning of a scheduled work period.
- (j) Duties performed during a special detail are restricted to those duties customarily performed by members of this agency and as provided for by state and/or local statutes.
- (k) Deputies working a special detail are deemed to be acting within the course and scope of their official duties while fulfilling their responsibilities during the course of the special detail. All agency rules, regulations, policies, and procedures are, therefore, applicable while a deputy is working a special detail.
- (l) Deputies working special details are obligated to communicate their location at all times, either to the dispatcher via radio or via mobile data computer.
- (m) Deputies working special details are authorized to use all issued agency equipment.
- (n) Any entity requesting special detail employment requiring the use of a cruiser throughout the employment period (i.e., traffic control) will be billed separately by the Erie County Sheriff's Office at the rate of \$18.00 per hour, per cruiser. Said funds, upon receipt, shall be deposited into the general fund of the county.

1018.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment, the employee shall promptly submit written notification of such termination to the Sheriff through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Sheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1018.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Office members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Sheriff whether such outside employment should continue or the permit be suspended or revoked.

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In the event the Sheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, permission to perform outside employment may be revoked.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the County's professional medical advisers.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to his/her supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.

1018.7 EFFECTIVE DATE

January 1, 2022

Illness and Injury Reporting

1019.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational illnesses and work-related injuries.

1019.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related illness or injury - Any occupational illness or work-related injury received or contracted in the course of the employee's employment. This may include a psychiatric condition arising from an occupational illness or work-related injury, or from being the victim of sexual abuse/misconduct while at work (ORC § 4123.01).

1019.2 POLICY

The Erie County Sheriff's Office will address occupational illnesses and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORC § 4123.01 et seq.; OAC § 4123-3-01 et seq.).

1019.3 RESPONSIBILITIES

1019.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

1019.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational illness or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related County-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1019.3.3 SUPERVISOR RESPONSIBILITIES

The supervisor who receives a report of an occupational illness or work-related injury should review the reports for accuracy and determine what, if any, additional action should be taken. The reports shall then be forwarded to the designated Administrative Assistant, the Sheriff, and the County's Risk Management Entity through the Erie County Human Resources Department to ensure that Risk Reduction Program (PERRP) reporting is made as required in the Illness and Injury Prevention Policy (OAC § 4167-6-01).

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1019.3.4 SHERIFF RESPONSIBILITIES

The Sheriff shall review and ensure that copies of the report are forwarded to the Erie County Human Resources Department. The Sheriff should ensure that incidents involving seven days or more of total disability or death are immediately forwarded to the Department of Human Resources so that timely reporting to the Ohio Bureau of Workers' Compensation may be accomplished (ORC § 4123.28; OAC § 4123-3-03).

Copies of the report and related documents retained by the Office shall be filed in the member's confidential medical file.

1019.4 OTHER ILLNESS OR INJURY

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Administrative Assistant.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1019.5 SETTLEMENT OFFERS

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1019.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose of such notice is to permit the County to determine whether the offered settlement will affect any claim the County may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation for the illness or injury is not affected.

1019.6 EFFECTIVE DATE

January 1, 2022

Personal Appearance Standards

1020.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Office and for their assignment.

1020.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards to ensure employees shall be clean and well-groomed when on-duty, shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1020.2.1 HAIR

Hair will not touch the ears or collar, except for the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. Hair shall be cut so as to have a neat, clean, and business-like appearance. Numerals, designs, and radical vertical or side blocking is not permitted. Hair color shall not be different from that occurring in nature. Non-functional hair ornaments shall not be worn. When functional hair ornaments are worn, they shall be gold, silver, or blend with the color of the hair.

1020.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1020.2.3 SIDEBURNS

Sideburns shall not extend below the middle of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1020.2.4 FACIAL HAIR

Beards and goatees may be worn under the following circumstances:

- (a) Employees may only start to grow a beard or goatee on October 1st annually.
- (b) If the beard or goatee is shaved off after October 1st annually, the employee may not grow another beard or goatee until the following October 1st.
- (c) Beards or goatees will be kept closely trimmed and well maintained such that the employee presents a professional appearance at all times. Areas outside of the beard (i.e., upper face and neck) will be kept clean shaven at all times.
- (d) If an employee who chooses to grow a beard or goatee fails to maintain the beard or goatee as required above, the employee will be ordered to remove the beard or goatee and will not be authorized to grow another beard or goatee until the following October 1st.

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1020.2.5 FINGERNAILS

For the Sheriff, Deputies, and Corrections Officers, fingernails shall be naturally grown, neatly trimmed and shall not extend more than one-quarter (1/4) inch beyond the quick of the nail. Fingernail polish, if worn, shall be either clear or a single subtle color that blends with the uniform. No design of any type is permitted to be placed on or in the fingernail(s).

For Administrative Assistants and Dispatchers, fingernails may be natural or artificial (acrylic), they shall be neatly trimmed and shall not extend more than one-half (1/2) inch beyond the end of the fingertip. Fingernail polish colors are not limited.

1020.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the Office member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings of any type are prohibited for all uniformed personnel or sworn personnel assigned to plainclothes duty, unless prior approval of the Sheriff or the Sheriff's Designee is obtained under limited circumstances (i.e., employees performing "undercover" law enforcement activities).
- (c) Dispatchers and Administrative Assistants may wear no more than two conservative earrings on/in each ear, and no more than one gold or silver nose stud, with or without a clear stone, and with a maximum diameter of 1.1mm, provided that the wearing of said earrings, or stud does not interfere with the employee's job duties. These employees may also wear no more than one visible neck chain.
- (d) One ring or ring set may be worn on each hand of the Office member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
 - 1. No rings will be worn on either thumb or, for sworn personnel, on either index finger.
- (e) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (f) Wristwatches shall be conservative and present a professional image.
- (g) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1020.3 TATTOOS

All agency employees are generally prohibited from displaying any tattoos that are visible outside of the prescribed uniform of the day or other approved attire and would be exposed to public view, except that employees wearing short-sleeved shirts are permitted to have visible tattoos on both arms that do not extend below the wrist line, provided that such tattoos are not offensive, as

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determined by the Sheriff; and employees are authorized to have a visible tattoo that replaces the wearing of an engagement and/or wedding ring, again provided that this tattoo is not offensive as determined by the Sheriff. Any employee contemplating the application of a tattoo that the employee believes could be deemed to be offensive, or otherwise not in compliance with this policy, is encouraged to receive the approval of the Sheriff prior to the tattoo's application.

No other tattoos that would be visible while the employee is wearing the uniform of the day or other approved attire and would be visible to the public, except as noted above, are authorized without the permission of the Sheriff and/or the authorized designee.

Tattoos on the arms that are not in compliance with this policy will be covered with a black or flesh-colored tattoo "sleeve" or a long-sleeved shirt. Other tattoos will be covered as practicable.

1020.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing.
- (b) Nose rings.
- (c) Eyebrow rings.
- (d) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (e) Abnormal shaping of the ears, eyes, nose or teeth.
- (f) Branding or scarification.

1020.5 EFFECTIVE DATE

January 1, 2022

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1021.1 PURPOSE AND SCOPE

The uniform policy of the Erie County Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel, and non-sworn employees will be readily identifiable to the public through the proper use and wearing of Office uniforms. Employees should also refer to the following associated sections:

- Firearms Policy
- Office-Owned and Personal Property Policy
- Body Armor Policy
- Grooming Standards Policy

The uniform and equipment specifications manual is maintained and periodically updated by the Sheriff or a designee. That manual and associated procedures should be consulted regarding authorized equipment and uniform specifications required by law (OAC § 311-1-01).

The Erie County Sheriff's Office will provide uniforms for all employees required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's collective bargaining agreement.

1021.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

The Erie County Sheriff's Office Sheriff and deputies shall be fully in uniform during normal working or duty hours in accordance with the standards promulgated by the County Sheriff's Standard Car-Marking and Uniform Commission, unless otherwise approved by the Sheriff. In cases of emergency duty or duties that are incompatible with uniform dress, the Sheriff may authorize alternative dress (OAC § 311-1-01).

- (a) The uniform shall consist only of the articles of clothing and other uniform items described in this policy and allowed by law (OAC § 311-1-01(A)).
 1. All components of the uniform will be worn at all times when the employee is subject to being viewed by the public, including while in transit to or from the workplace or for assigned duties, or no part of the uniform will be worn.
- (b) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
- (c) All deputies of this Office shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (d) Personnel shall wear only the uniform specified for their rank and assignment.

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- (e) Employees shall not loan any portion of the uniform to others.
- (f) Employees shall not permit the uniform to be reproduced or duplicated.
- (g) The uniform is to be worn in compliance with the specifications set forth in the Office's uniform specifications and procedures that are maintained separately from this policy or as required by law.
- (h) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (i) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (j) Uniforms are only to be worn while on-duty, while in transit to or from work, for court, or at other official Office functions or events (OAC § 311-1-01(C)).
 - 1. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
- (k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Office uniform, including the uniform pants.
- (l) Mirrored sunglasses will not be worn with any Office uniform.
- (m) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Sheriff or a designee.
 - 1. Wrist watch.
 - 2. Wedding ring, class ring, or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
 - 3. Medical alert bracelet.

While on duty, employees shall maintain a military bearing and appearance. Employees will avoid such habits as keeping hands in pockets, slouching, leaning, or any other mannerisms that project a slovenly attitude.

1021.2.1 OFFICE ISSUED IDENTIFICATION

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Office issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Office, employees shall display their Office-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) While performing his/her duties or otherwise performing a law enforcement function whether on or off duty, an employee shall, without delay, furnish his/her to any person requesting that information, except when authorized not to do so by prior written approval of the Sheriff.

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- (c) Deputies working specialized assignments may be excused from the requirement regarding possession and display of identification when directed by their Division Commander.

1021.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1021.3.1 REQUIRED CLASS B UNIFORM

The Class B uniform shall be the required duty uniform absent exceptions due to special assignments or details. All deputies will possess and maintain at least one serviceable Class B uniform at all times (OAC § 311-1-02(A)).

1021.3.2 CLASS B UNIFORM

The short-sleeve or long-sleeve shirt shall be worn during the required months and may be alternatively worn during the discretionary months absent other direction from the Division Commander (OAC § 311-1-03(B)).

The Class B uniform will prescribe to the requirements of OAC § 311-1-03 as follows, unless otherwise directed by the Sheriff:

- (a) Trousers in conformance with OAC § 311-1-03.1 and OAC § 311-1-03.2.
- (b) The long- or short-sleeve shirt in conformance with OAC § 311-1-03.3 and OAC § 311-1-03.4. The long-sleeved shirt shall be worn with a tie and tie clip, dickie, or mock turtleneck at the discretion of the Sheriff (OAC § 311-1-13).
- (c) A black crew neck under shirt must be worn with the uniform and shall not extend beyond the sleeve ends (OAC § 311-1-13(J)).
- (d) All shirt buttons must remain buttoned except for the last button at the neck for short-sleeve shirts.
- (e) Approved footwear (OAC § 311-1-12).
- (f) A gold chain with or without a gold whistle, if worn, should conform to the requirements in OAC § 311-1-13(D).
- (g) Black gloves, if worn, should conform to the requirements in OAC § 311-1-13(E).
- (h) Black or gray scarf when weather conditions require (OAC § 311-1-13(F)).
- (i) Earmuffs when weather conditions require, provided they do not interfere with the wearing of the hat (OAC § 311-1-13(G)).
- (j) Unless otherwise directed, black stocking hats may be worn with the winter uniform in place of the Stetson (OAC § 311-1-13(G)).
- (k) All mandatory uniform items specified in OAC § 311-1-13 through OAC § 311-1-15 or discretionary items as allowed by the Sheriff.

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1021.3.3 CLASS A UNIFORM

The Class A uniform shall be worn to special occasions, such as funerals, graduations, promotions, formal ceremonies, or as directed and shall be worn in accordance with the requirements of OAC § 311-1-08.1. It shall be worn with:

- (a) The Class B uniform with long-sleeve shirt and tie with tie clip (OAC § 311-1-13(B); OAC § 311-1-13(C)).
- (b) Polished black shoes.
- (c) The Stetson hat will be worn for events held outdoors.

1021.3.4 SPECIALIZED UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units such as Custody, Marine Patrol, K-9 Team, SWAT, Bicycle Patrol, Motor deputies, and other specialized assignments.

Bicycle Patrol uniform - Employees assigned to bicycle patrol duties shall wear the bicycle uniform conforming to OAC § 311-1-06 to OAC § 311-1-06.5, absent direction or approval of the Division Commander.

K-9 Team uniform - Employees assigned to the K-9 Unit shall wear the K-9 uniform, absent direction or approval of the Division Commander.

Custody Jail uniform - Corrections Officers shall wear the custody uniform, absent other direction or approval of the Sheriff. Employees assigned to correctional duty shall generally not wear metal accessories or insignia (OAC § 311-1-01(E)).

Marine Patrol uniform - Employees assigned to marine duties shall wear the marine uniform conforming to OAC § 311-1-05, absent direction or approval of the Division Commander.

Tactical uniform - Upon approval of the Sheriff, employees may wear the tactical uniform conforming to OAC § 311-1-04 through OAC § 311-1-04.3 in situations that may subject the garments to high levels of soil and rough wear, or that is likely to involve intense physical activity, such as transfer or supervision of prisoners, crime scene activities, weight and measure duty, and SRT assignments, as well as duties associated with the positions of litter prevention/environmental deputy patrol, bomb technician, and K-9 patrol.

1021.3.5 FOUL WEATHER GEAR

The uniform and equipment specifications manual lists the authorized uniform jacket, rain gear, and sweaters as prescribed in OAC § 311-1-08, OAC § 311-1-09 and OAC § 311-1-10.

1021.3.6 HATS AND HELMETS

The uniform and equipment specifications manual lists the authorized hats and helmets as prescribed in OAC § 311-1-07.

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1021.4 ALTERNATIVE ADMINISTRATIVE UNIFORM

Certain employees (Dispatchers and Administrative Assistants) may be issued an alternative uniform consisting of polo-style shirts, khaki pants, black belt, and black shoes or boots. In addition, sworn personnel may also be issued this uniform to be worn when performing certain duties. As with the wearing of the standard uniform, all components of the alternative administrative uniform will be worn at all times when the employee is subject to being viewed by the public, including while in transit to report for assigned duty, or no part of the uniform will be worn, and any uniform item issued to an employee by this agency will only be worn for employment related activities (i.e., traveling to and from the workplace, working a shift, and traveling to and from, and attending, agency approved training or events during which the employee is representing the agency). Black socks will be worn with this alternative administrative uniform.

1021.5 ALTERNATIVE UNIFORM SWEATERS FOR NON-SWORN PERSONNEL

Corrections Officers, Dispatchers, and Administrative Assistants may purchase black sweaters to be worn over the issued uniform shirt while on duty to meet their individual comfort needs, provided that those sweaters are free of defects (rips, holes, etc.) and have the proper shoulder patches displayed. Patches will be obtained and attached at the expense of the employee. Other than these black sweaters, no other alternative uniform item is authorized to be worn while the employee is in uniform.

1021.6 INSIGNIA AND PATCHES

Insignia and patch requirements include:

- (a) The authorized shoulder emblem supplied by the Office shall be machine stitched to the sleeves of all uniform shirts and jackets, except the raincoat and commando sweater, one and one-half inches below the shoulder seam and bisected by the crease in the sleeve.
 1. The design, material, thread, merrow stitch, lettering, size, stitch count, and colors will be in conformance with OAC § 311-1-15.
 2. Subdued shoulder emblems are authorized for tactical uniforms.
- (b) Service stars and other indicators for length of service may be worn centered one-quarter inch above the right pocket flap on the outermost uniform garment (OAC § 311-1-14(F)).
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Sheriff. The nameplate shall be worn and placed centered above the left pocket with equal distance from both sides of the nameplate to the outer edge of the pocket (OAC § 311-1-14(E)). When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

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- (d) Assignment insignias (e.g., SWAT, FTO or similar) may be worn as designated by the Sheriff.
- (e) Ribbons, awards, and medals may be positioned one-quarter inch above the right pocket flap on the outermost uniform garment or one-quarter inch above the service stars, if worn (OAC § 311-1-14(G)).
- (f) An American flag pin may be worn, centered above the nameplate.
- (g) The Office-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform. It shall be worn on the uniform shirt, any authorized outerwear and the uniform hat (OAC § 311-1-14(C)).
- (h) The designated insignia indicating the employee's rank must be worn at all times while in uniform and on authorized outerwear as prescribed in OAC § 311-1-14(A). The Sheriff may authorize exceptions.
 - 1. Collared brass – Shall be worn in compliance with OAC § 311-1-14(D).

1021.6.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) A deputy of this Office - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15th) - From midnight through the following midnight.
- (e) As directed by the Sheriff or a designee.

1021.7 CIVILIAN ATTIRE

There are assignments within the Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
- (b) All male administrative, investigative, and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks, or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
 - 1. T-shirt alone.

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2. Open-toed sandals or thongs.
 3. Swimsuit, tube tops or halter tops.
 4. Spandex type pants or see-through clothing.
 5. Distasteful printed slogans, buttons or pins.
- (e) Variations from this order are allowed at the discretion of the Sheriff or a designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Erie County Sheriff's Office or the morale of the employees.

1021.8 POLITICAL ACTIVITIES, ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, Erie County Sheriff's Office employees may not wear any part of the uniform; be photographed wearing any part of the uniform; utilize a Office badge, patch or other official insignia; cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Erie County Sheriff's Office to do any of the following:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or website.

1021.9 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
 1. Replacement of items listed in this order as optional shall be done as follows:
 - (a) When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - (b) When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Office-Owned and Personal Property Policy.

1021.10 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

Erie County Sheriff's Office employees may not wear any uniform item, accessory, or attachment unless specifically authorized in the uniform and equipment specifications manual, by the Sheriff or a designee or by law. No unsightly items may be worn on the uniform duty belt or anywhere

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else on the employee's body if the item would be visible to the general public while the employee is in uniform.

Erie County Sheriff's Office employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual, by the Sheriff or a designee, or by law.

1021.11 EFFECTIVE DATE

January 1, 2022

Nepotism and Conflicting Relationships

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this Office.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Relative or Immediate family member - An employee's parent, stepparent, spouse, parents of spouse, siblings of spouse, other immediate relatives, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Personal Relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Office employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Office employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1022.2 POLICY

An immediate family member, or other family or household member, ("family member"), of an Erie County

Erie County Sheriff's Office employee may be considered for employment by the agency, provided that the applicant possesses all of the necessary qualifications for employment. A family member of an Erie County Sheriff's Office employee will not be hired, however, if the employment of the applicant would:

- (a) Immediately create either a direct or indirect relationship that would involve the supervision of the applicant by the currently employed family member, or vice-versa; and/or
- (b) Create a situation where the family members would work in the same division of the agency, or would routinely work together on job assignments; and/or,

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- (c) Create a conflict of interest and/or the appearance of impropriety.

1022.3 RESTRICTED DUTIES AND ASSIGNMENTS

While the Office will not prohibit personal or business relationships between employees, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
 1. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.
- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To voluntarily seek to work with the other family member, either on a routine basis or to work voluntary overtime assignments.
- (e) To avoid actual or perceived conflicts of interest or impropriety, members of this Office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (f) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

Should one of the above situations occur, the employer will attempt to resolve the issue through voluntary modification(s) to the schedule by the affected employees. If voluntary modifications cannot be made, the employer will seek other remedies, including involuntary schedule changes. If the conflict cannot be otherwise resolved, the affected employees will be permitted to determine which will resign, within a time period of thirty days after the date that the unresolved conflict has been identified.

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1022.3.1 EMPLOYEES RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1022.3.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Sheriff or a designee of such actual or potential violations through the chain of command.

1022.4 EFFECTIVE DATE

January 1, 2022

Office Badges

1023.1 PURPOSE AND SCOPE

A Erie County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Erie County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1023.2 POLICY

The uniform badge shall be issued to Office members as a symbol of authority. The use and display of Office badges shall be in strict compliance with this policy. Only authorized badges issued by this Office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1023.2.1 WALLET BADGE

Certified deputies, with the written approval of the Sheriff or a designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

- (a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Erie County Sheriff's Office with the written approval of the Sheriff or a designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in the Office-Owned and Personal Property Policy.
- (c) An honorably retired deputy may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1023.2.2 NON-SWORN PERSONNEL

Badges and Office identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g., Corrections Officer, Dispatcher).

- (a) Non-sworn personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn deputy.

1023.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be provided with a retirement badge. This badge is intended for use only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1023.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired employee.

Office badges are issued to all certified employees and non-sworn uniformed employees for official use only. The Office badge, shoulder patch or the likeness thereof, or the Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Office name for all material (e.g., printed matter, products or other items) developed for Office use shall be subject to approval by the Sheriff or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1023.4 NON-PERMITTED USE

The likeness of the Office badge or shoulder patch shall not be used without the express authorization of the Sheriff or a designee.

1023.5 EFFECTIVE DATE

January 1, 2022

Temporary Modified-Duty Assignments

1024.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, County rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1024.2 POLICY

Subject to operational considerations, the Erie County Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1024.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Ohio Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury (ORC § 4112.01 et. seq.).

No position in the Erie County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1024.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Sheriff regarding temporary modified-duty assignments that may be available based on the needs of the Office and the limitations of the employee. The Sheriff or the authorized designee shall confer with the Department of Human Resources or the County Prosecutor as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Division Commander, with notice to the Sheriff.

1024.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Office operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1024.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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1024.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

- (a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1024.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1024.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1024.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

1024.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1024.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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1024.10 EFFECTIVE DATE

January 1, 2022

Employee Speech, Expression and Social Networking

1025.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1025.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1025.1.2 DEFINITIONS

Blog - A self-published diary or commentary on a particular that may allow others to post responses, reactions or comments.

Digital Technology - All photographs, audio, and video recordings.

Employee - Any person employed by the Erie County Sheriff's Office, including volunteers.

News Media Comment posting - A section in media posts where readers can provide their reactions or comments to the content.

Page - The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrative rights.

Post - Content an individual shares on any social media site or the act of publishing content on a social media site.

Profile - Information that a user provides about his/herself on social networking site.

Social Media - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Instagram, and LinkedIn), microblogging sites (Twitter), photo and video sharing sites (YouTube), blogs and media sites.

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Employee Speech, Expression and Social Networking

Social Networks - Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Speech - Expression or communication of thought or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related form of communication.

1025.2 POLICY

Because public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and negatively impact the performance of this Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Erie County Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

Any employee who becomes aware of, or has knowledge of a posting, or any website or web page in violation of this policy shall notify his/her supervisor of the violation.

1025.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Erie County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this Office has had professional contact with, such as crime victims or the staff of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.
- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1025.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or deputy associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Erie County Sheriff's Office or its employees.

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- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Erie County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Erie County Sheriff's Office or its employees. Examples may include:
 - 1. Statements that indicate disregard for the law of the state or U.S. Constitution.
 - 2. Expression that demonstrates support for criminal activity.
 - 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Erie County Sheriff's Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial or personal gain, data classified as confidential by state or federal law or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Erie County Sheriff's Office on any personal or social networking or other website or web page without the express authorization of the Sheriff. This shall include any pictures of any employees, whether on or off duty, in any part of his/her uniform or agency owned equipment unless the posting of such picture or image is approved in writing by the Sheriff or the Sheriff's Designee.
- (h) Posting of any pictures, video, audio, comments, discussion, or other digital technology media of any incident, inquiry, investigation, or all other information relating to the Erie County Sheriff's Office.
- (i) It is understood that employees may desire to post or place pictures of him/herself or pictures of his/her specific unit to a social networking site for the purpose of promoting the image of the Erie County Sheriff's Office. When an employee desires to post a picture of him/herself, of other employees, or any equipment or property owned by the Erie County Sheriff's he/she will request approval in writing from the Sheriff or the Sheriff's Designee. When such picture, video, or audio recording has other agency employees or other persons in the item to be posted, the employee making the request shall submit with his/her written or email request, a written memo or email addressed to

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the Sheriff or the Sheriff's Designee from each person pictured or recorded, authorizing their picture, or recording, to be posted on a social networking site. No such posting will occur unless written permission has been given by the Sheriff or the Sheriff's Designee.

- (j) Employees are prohibited from updating, posting any comments, pictures, video, audio, or responding in any way to any comments or inquiries to any social networking site, including their own, while on duty unless such activity is related to an investigation in which a supervisor has knowledge of and has approved this use of social media.
- (k) Employees are prohibited from posting anything via social media that contains obscene or explicit language, or any sexually explicit language, images or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- (l) The posting of any pictures, information, alerts or other information to the Erie County Sheriff's Office website or other internet based programs utilized by the Erie County Sheriff's Office to alert the public of important information are only permitted to post information authorized by the Sheriff or the Sheriff's Designee.
- (m) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Office-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees of the Erie County Sheriff's Office while on duty shall never utilize social media or any social networking sites to harass, belittle, ridicule, or criticize an employee or another individual in any manner. The posting of any pictures, video, audio, comments, discussion, or digital media to a social networking site or forwarding or sending an email(s) that criticizes, ridicules, or otherwise may potentially embarrass or disgrace another employee or person is strictly prohibited. This also includes the altering or editing of digital technology that harasses, belittles, or criticizes an employee in any manner. This policy does not prohibit a supervisor(s) from sending an employee a corrective email.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1025.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or deputy associations, employees may not represent the Erie County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Erie County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff:

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- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this Office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Erie County Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1025.5 PARTISAN POLITICAL ACTIVITY

Employees are restricted in partisan political activity based on the following (ORC § 124.57):

- (a) Classified employees are prohibited from engaging in political activity, directly or indirectly, orally or by letter, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office. In addition, they may not solicit or receive any assessment, subscription, or contribution for any political party or for any candidate for public office.
- (b) Unclassified service employees are prohibited from participating in any political activity during duty time and from soliciting political contributions from any state employee.

1025.6 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any Office technology system (see the Information Technology Use Policy for additional guidance).

1025.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

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- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

1025.8 TRAINING

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

1025.9 EFFECTIVE DATE

January 1, 2022

Illness and Injury Prevention

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Erie County Sheriff's Office, in accordance with the requirements of the Ohio Public Employment Risk Reduction Program (PERRP) (ORC § 4167.01 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

1026.2 POLICY

The Erie County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Office to comply with all laws and regulations related to occupational safety.

1026.3 ILLNESS AND INJURY PREVENTION PLAN

The Erie County Sheriff's Office may initiate any or all of the below programs or initiatives, either solely or in conjunction with the Erie County Human Resources Department, that may include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Prepare a written record of safety and health committee meetings.
 3. Review the results of periodic scheduled inspections.
 4. Review investigations of accidents and exposures.
 5. Make suggestions to command staff for the prevention of future incidents.
 6. Review investigations of alleged hazardous conditions.
 7. Submit recommendations to assist in the evaluation of member safety suggestions.
 8. Assess the effectiveness of efforts made by the Office to meet applicable standards.

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- (f) Establishing a process to ensure illnesses and injuries are reported as required under PERRP (OAC § 4167-6-01).

1026.4 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with general illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Ensure the completion of required forms and reports relating to illness and injury prevention, including injury and illness reports (OAC § 4167-6-01); such forms and reports shall be submitted to the designated Administrative Assistant.
- (e) Notifying the Sheriff when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Occupational illnesses and injuries occur.
 - 4. Workplace conditions warrant an inspection.
- (f) Ensuring the reporting of incidents to the Ohio Bureau of Workers' Compensation - Division of Safety and Hygiene that involve the death of a member, the hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye (OAC § 4167-6-10).

1026.5 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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All significant actions taken and dates they are completed shall be documented on a hazards and correction record form. This form should be forwarded to the Administration Division Commander via the chain of command.

1026.6 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards.

1026.6.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete an appropriate report if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1026.7 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible, if necessary.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an investigation/corrective action report.

Additionally, the supervisor should proceed with the steps to report an on-duty injury in conjunction with this investigation to avoid duplication and ensure timely reporting.

1026.8 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with this policy and state law (OAC § 4167-6-01; OAC § 4167-6-09).

1026.8.1 MONITORING AND MEASURING

The Office shall maintain accurate records of employee exposure to potentially toxic materials, carcinogenic materials and harmful physical agents that are required to be monitored or measured under any Ohio PERRP standard (OAC § 4167-6-09).

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Each affected employee or employee representative shall have the opportunity to observe and/or participate in any monitoring or measuring of such regulated exposures and may undertake his/her own monitoring or measuring of such regulated exposures (OAC § 4167-6-09).

1026.8.2 RETENTION OF RECORDS

All records and reports required to be maintained in accordance with the Ohio PERRP shall be retained for five years (OAC § 4167-6-01).

1026.8.3 ACCESS TO RECORDS

The Office shall provide, upon request, records for inspection and copying by any state or county representative as allowed by law. In addition, the Office shall post a copy of the annual summary report as required by OAC § 4167-6-01.

Current or former employees may review records regarding the individual employee's exposure as well as the required log and summary of all recordable occupational injuries and illnesses (OAC § 4167-6-01; OAC § 4167-6-09).

1026.9 EFFECTIVE DATE

January 1, 2022

Line-of-Duty Deaths

1027.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Erie County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the Office in providing proper support for the member's survivors.

The Sheriff may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1027.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1027.2 POLICY

It is the policy of the Erie County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this Office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1027.3 INITIAL ACTIONS BY STAFF

- (a) The Sheriff, or any deputy sheriff, who becomes aware of the death or serious injury of a member of this agency, while in the line of duty, will obtain as much information as possible concerning the circumstances. The highest ranking member of this agency on duty at the time will be contacted and advised of the situation. That person will immediately respond to the scene of the incident, if it has occurred in this county, and will coordinate any and all activities.
- (b) As soon as possible, the supervisor will immediately contact the Sheriff and advise the circumstances of the incident. If the Sheriff is unavailable, the Patrol Division Operations Officer or the Jail Administrator dependent upon which division the involved employee is assigned to –will be notified.
- (c) The supervisor will coordinate with command level staff the notification of next-of-kin. Personal notification of next-of-kin in such a situation will be given priority

1027.4 INITIAL ACTIONS BY COMMAND STAFF

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- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to dispatch.
 - (a) (a) Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Sheriff or Authorized Designee of this policy).
- (b) The shift supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the shift supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Office Liaison as soon as practicable (see the Notifying Survivors section and the Office Liaison and Hospital Liaison subsections in this policy).

1027.5 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, shift supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Office Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present. This transport may require the use of the cruiser's emergency equipment, if it is felt to be necessary by the involved deputy or their shift supervisor.

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- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Erie County Sheriff's Office members may be apprised that survivor notifications are complete.

1027.5.1 OUT-OF-AREA NOTIFICATIONS

The Office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Office Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the Office member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Office Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Office to pay travel expenses without the authorization of the Sheriff.

1027.6 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are responsible for notifying Office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

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Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Office regarding the deceased member or the incident.

1027.7 LIAISONS AND COORDINATORS

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available Office resources. The Office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1027.7.1 OFFICE LIAISON

The Office Liaison should be of sufficient rank to effectively coordinate Office resources, and should serve as a facilitator between the deceased member's survivors and the Office. The Office Liaison reports directly to the Sheriff. The Office Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

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- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that Office members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1027.7.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 - 1. The survivors and others whose presence is requested by the survivors.
 - 2. Office members and friends of the deceased member.
 - 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Erie County Sheriff's Office members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 - 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 - 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Office, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.

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- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1027.7.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term Office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Office and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of Office-issued equipment that may be at the deceased member's residence.

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1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the Office's Sheriff or Authorized Designee (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Sheriff or Authorized Designee section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to Office activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Office to facilitate communications necessary to the assignment. The Office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1027.7.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the Office wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 1. Members involved in the incident.
 2. Members who witnessed the incident.
 3. Members who worked closely with the deceased member but were not involved in the incident.

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- (b) Ensuring that members who were involved in or witnessed the incident are relieved of Office responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1027.7.5 FUNERAL LIAISON

The Funeral Liaison should work with the Office Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Office, including, but not limited to the following:
 - (a) Honor Guard
 - 1. Casket watch
 - 2. Color guard
 - 3. Pallbearers
 - 4. Bell/rifle salute
 - (b) Bagpipers/bugler
 - (c) Uniform for burial
 - (d) Flag presentation
 - (e) Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using Office vehicles and drivers.

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1027.7.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Erie County Sheriff's Office members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1027.7.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Survivor's benefit (ORC § 145.45)
 - 2. Death benefit (ORC § 742.63; ORC § 742.446)
 - 3. Education benefit (ORC § 3333.26)
 - 4. Volunteer Peace Officers' Dependents Fund (ORC § 143.09)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

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1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1027.7.8 FINANCE COORDINATOR

The finance coordinator should work with the Sheriff and the Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
 1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1027.8 SHERIFF OR AUTHORIZED DESIGNEE

In the event of a line-of-duty death, the Office's PIO should be the Office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that Office members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.

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- (f) If requested, assist the member's survivors with media inquiries.
 - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to Office members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

1027.9 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting Office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1027.10 INVESTIGATION OF THE INCIDENT

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved Office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1027.11 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

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1027.12 NON-LINE-OF-DUTY DEATH

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

1027.13 EFFECTIVE DATE

January 1, 2022

Non-Fraternization

1028.1 PURPOSE AND SCOPE

The Erie County Sheriff must ensure the safety and security of the Erie County Jail and must also ensure that the confidentiality of any information pertaining to allegations of criminal misconduct is protected to the maximum extent possible. It would be contrary to these goals for employees to fraternize with criminal offenders. The ethics of any employee who engages in such a relationship may be easily compromised. The purpose of this policy is to set appropriate guidelines on personal relationships between employees of this agency and criminal offenders, to prevent jail security breaches and/or release of confidential information.

1028.1.1 DEFINITIONS

Employee - Any individual employed by the Erie County Sheriff's Office.

Ex-offender - Any person who has been convicted of a felony offense pursuant to any criminal statute and is currently on probation or parole, or any person who has been convicted of a local, state, or federal felony criminal statute and has been discharged from the custody of any local, state, or federal jail, prison, or any other type of correctional facility within the last 365 days.

Offender - Any person in custody as a prisoner in any local, state, or federal jail, prison, or any other type of correctional facility; or any person who has been charged with any violation of a local, state, or federal felony criminal statute and who has been released from custody on bond or is otherwise under the supervision of a court pending the resolution of that case; and/or any person incarcerated in the Erie County Jail.

Personal contact - Non-employment related direct correspondence between the employee and an offender or an ex-offender, including; private conversations or telephone calls; the sending and/or receipt of any correspondence and/or object through the United States Postal Service or any private package delivery service; personal correspondence through the use of any form of electronic communications medium; the formation of a personal friendship; any type of personal visitation; any type of social relationship; any type of dating relationship; any type of relationship involving sexual contact or conduct as defined in the Ohio Revised Code.

Social relationship - An on-going friendship, or any type of personal contact, outside of the scope of an employee's agency assigned duties and responsibilities.

1028.2 PROHIBITIONS

Pursuant to this policy, employees are prohibited from engaging in the following activities:

- (a) Personal contact with an offender or ex-offender; and/or
- (b) Personal contact with any person when that contact is for the purpose of furthering any type of relationship between the employee and an offender or ex-offender; and/or
- (c) Involvement in the posting of any type of bond (including acting as a co-signer or surety, or providing any personal funds or item[s] of value, that, as a direct or indirect

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result, are used for a bond) to facilitate the release of anyone incarcerated in any local, state, or federal jail, prison, or other correctional facility.

1028.3 NOTIFICATION OF RELATIONSHIP TO ERIE COUNTY JAIL PRISONER

An employee must immediately notify the Sheriff and/or Jail Administrator upon the employee becoming aware of such information, if any family or household member as defined in Section 2919.25(F)(1) is incarcerated in the Erie County Jail, whether or not that individual is released prior to said notification being made.

1028.4 EXCEPTIONS

With the approval of the Sheriff, an employee may be granted an exception to this policy if a personal relationship with an offender or ex-offender existed between the employee and the offender or ex-offender prior to the offender or ex-offender's arrest and/or incarceration. A request for such an exception will be made in writing directly to the Sheriff.

1028.5 EFFECTIVE DATE

January 1, 2022

Wellness Program

1029.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for Office members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1029.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support member – An active or retired deputy, dispatcher, or civilian employee of the Office who has received the required basic peer support training and who provides support to individuals with similar life experiences (ORC § 2317.023).

Peer support services – Consultation, risk assessment, referral, or on-site intervention services provided by a peer support member to an individual experiencing psychological or physical symptoms caused by exposure to acute or chronic high stress incidents in the course of the individual's employment (ORC § 2317.023).

1029.2 POLICY

It is the policy of the Erie County Sheriff's Office to prioritize member wellness to foster fitness for duty and support a healthy quality of life for Office members. The Office will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1029.3 WELLNESS COORDINATOR

The Sheriff should appoint a trained wellness coordinator. The coordinator should report directly to the Sheriff or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Office should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for Office peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for Office peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 - 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
- (g) Maintaining a roster of the names and training status of each peer support member consistent with the requirements of ORC § 4113.42.

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1029.4 OFFICE PEER SUPPORT

1029.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a Office peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1029.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of Office peer support members include (ORC § 2317.023):

- (a) Providing pre- and post-critical incident support.
- (b) Presenting Office members with periodic training on wellness topics, including but not limited to:
 1. Stress management.
 2. Suicide prevention.
 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 1. Referrals should be made to Office-designated resources in situations that are beyond the scope of the peer support member's training.
- (d) Providing access to multiple resources for mental and physical support for deputies and their families.

1029.4.3 PEER SUPPORT MEMBER TRAINING

A Office peer support member shall complete Office-approved initial and refresher training as required by ORC § 2317.023.

1029.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

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Attendance at the debriefing should only include peer support members and/or critical incident stress management team members and those directly involved in the incident (ORC § 2317.02).

1029.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with a critical incident stress management team member made from a member receiving crisis response services or during a debriefing session are confidential and may not be disclosed except as allowed by ORC § 2317.02.

A critical incident stress management team member is an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network. Crisis response services are consultation, risk assessment, referral, and on-site crisis intervention services to members affected by a crisis or disaster (ORC § 2317.02).

1029.6 PEER SUPPORT COMMUNICATIONS

Communications between a peer support team member and a person receiving peer support services are confidential and may not be disclosed except as provided in ORC § 2317.023.

1029.7 WELLNESS PROGRAM REVIEW

At least annually, the coordinator or the authorized designee shall conduct an administrative review of the effectiveness of the Office's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed administrative review to the Sheriff for review and consideration of updates to improve program effectiveness.

1029.8 MEMBER FAMILY SUPPORT

Subject to available resources, the Office shall provide mental and physical support to members' families.

1029.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Officer to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of Office wellness support systems.

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- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Officer as appropriate for inclusion in training records.

Attachments

Application For Emergency Admission.pdf

APPLICATION FOR EMERGENCY ADMISSION

In Accordance with Sections 5122.01 and 5122.10 ORC

TO: Hospital or Community Mental Health Agency _____
(Behavioral Healthcare Organization – BHO/Facility Name) (Date)

The undersigned has reason to believe that: _____
(Name of Person to be admitted)

1. Is a mentally ill person subject to hospitalization by court order under division B of Section 5122.01, of the Revised Code, i.e., this person? (check all that apply)

- 1. Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- 2. Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerousness;
- 3. Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs cannot be made immediately available in the community;
- 4. Would benefit from treatment in a hospital for his mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or of himself.

2. Represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending an examination.

Therefore, it is requested that said person be admitted to the above named facility.

STATEMENT OF BELIEF

Must be filled out by one of the following: a psychiatrist, licensed clinical psychologist, licensed physician, health or police officer, sheriff, deputy sheriff, or probation officer with his/her judge's approval.

(Statement shall include the circumstances under which the individual was taken into custody and the reason, facts, observations for the person's belief that hospitalization is necessary. The statement shall also include a reference to efforts made to secure the individual's property at his residence if he was taken into custody there. Every reasonable and appropriate effort should be made to take this person into custody in the least conspicuous manner possible.)

APPLICATION FOR EMERGENCY ADMISSION

In Accordance with Sections 5122.01 and 5122.10 ORC

Name of Person to be Admitted _____

STATEMENT OF BELIEF (continued)

Signature	
Title/Position/Badge or License No.	Place of Employment

STATEMENT OF OBSERVATION BY PSYCHIATRIST, LICENSED PHYSICIAN,
OR LICENSED CLINICAL PSYCHOLOGIST, IF APPLICABLE

Place of Observation (e.g., community mental health center, general hospital, office, or emergency facility)

Signature	Title
-----------	-------

Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	Signature of Chief Clinical Officer	Date
--	-------------------------------------	------

**Out of County Travel-Expense
Request and Reimbursement Form.pdf**

Erie County, Ohio
OUT OF COUNTY
TRAVEL/EXPENSE REQUEST AND REIMBURSEMENT FORM

EMPLOYEE NAME:	DEPARTMENT/TITLE:	DATE:
NAME OF MEETING OR FUNCTION: Copy of meeting notice (or affidavit) must be attached.		
NAME OF PLACE MEETING OR FUNCTION BEING HELD (Including City):		
DATE OF MEETING OR FUNCTION:		
NAME OF OTHER EMPLOYEES ATTENDING, IF APPLICABLE: (Others attending)		
CHECK APPROPRIATE ITEMS: COUNTY VEHICLE ___ PERSONAL VEHICLE ___ OTHER ___ CREDIT CARD ___ GASOLINE CARD ___		

PLEASE PROVIDE ESTIMATED EXPENSES FOR THE FOLLOWING:

ITEM	QUANTITY	RATE	TOTAL
1. MILAGE (Round trip)	miles	@.31 per mile	\$
2. MEALS: Breakfast		\$	\$
Lunch		\$	\$
Dinner		\$	\$
3. MOTEL/HOTEL ACCOMMODATIONS	night(s)	@\$	\$
4. REGISTRATION FEES: (Check one)			
___ To be paid by employee and reimbursed by county			
___ To be prepaid by Auditor and presented at registration by employee (allow 7days for check)			\$
___ To be prepaid by Auditor and mailed in with registration (completed form attached-allow 7 days for check)			
5. PARKING FEES			\$
6. OTHER EXPENSES (List)			\$
APPROPRIATION ACCOUNT NO. _____ PURCHASE ORDER NO. _____			\$
			TOTAL ESTIMATED EXPENSE

AUTHORIZATION	APPROVAL	DISAPPROVAL	DATE
Supervisor or Director/Department Head			
Elected Official			
Erie County Commissioner			
Erie County Commissioner			
Erie County Commissioner			
County Administrator as to Policy			

EXPENSE VOUCHER

RECEIPTS ATTACHED FOR:

- | | | |
|-------------------------------------|----------|---|
| 1. ACTUAL MILAGE _____ @ \$.31/mile | \$ _____ | |
| 2. MEALS | \$ _____ | EXPENSES ARE APPROVED _____ DISAPPROVED _____ |
| 3. MOTEL/HOTEL | \$ _____ | ELECTED OFFICIAL(S) OR DEPARTMENT HEAD SIGNATURE(S) |
| 4. REGISTRATION FEES | \$ _____ | |
| 5. PARKING FEES | \$ _____ | |
| 6. OTHER | \$ _____ | |

GRAND TOTAL CLAIMED TO BE _____
REIMBURSED \$ _____

SIGNED _____ DATE _____
DATE _____

**Patrol Ride-Along Application
and Waiver of Liability.pdf**

ERIE COUNTY SHERIFF'S OFFICE
PATROL RIDE-ALONG APPLICATION AND WAIVER OF LIABILITY

Date of application: _____

The undersigned hereby requests permission from the Sheriff of Erie County or his designee to accompany said Sheriff or deputy sheriff(s) of the Erie County Sheriff's Office on patrol and in the execution of their regular duties. In consideration of permission for such request being granted, and recognizing the potential danger inherent in law enforcement patrol operations, the undersigned does hereby release and agree to hold harmless said Sheriff of Erie County, Erie County deputy sheriffs, the Erie County Sheriff's Office, and/or the County of Erie, from any and all liability and/or claim or claims for damages or any type of physical harm that may arise or could arise in connections therewith or as a result thereof.

This agreement is in full force during the time period beginning at _____ M., _____, 2_____, and ending at _____ M., _____, 2_____.

In the presence of:

Witness

Signature of applicant

Witness

Parent (if applicant is a minor)

Sheriff of Erie County or designee

Date

APPROVAL

Permission is hereby granted/denied for the above applicant to ride-along during the listed time period.

Sheriff of Erie County or designee

OCLEAC Standard 2.pdf



OHIO COLLABORATIVE LAW ENFORCEMENT AGENCY CERTIFICATION

STANDARDS COMPLIANCE CHECKLIST

Standard Number: 2

AGENCY EMPLOYEE RECRUITMENT AND HIRING The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

2.1 Policy statement

A directive establishes the agency's recruitment and hiring policy statement for sworn personnel and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's employee recruitment and hiring policy statement.
- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's employee recruitment and hiring policy statement.
- c.** agency provides documentation showing compliance.

Comments: _____

2.2 Recruitment plan

A directive establishes the agency’s recruitment plan for sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s recruitment plan.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s recruitment plan.
- c. agency provides documentation showing compliance.

Comments: _____

2.3 Employee recruitment and hiring equal employment opportunity plan

A directive states the agency’s plan on equal employment opportunity for sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s equal employment opportunity plan.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s equal employment opportunity plan.
- c. agency provides documentation showing compliance.

Comments: _____

2.4 Employee recruitment and hiring qualifications

A directive establishes the agency’s qualifications for sworn applicants and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s employee recruitment and hiring qualifications.

- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s employee recruitment and hiring qualifications.

- c.** agency provides documentation showing compliance.

Comments: _____

2.5 Application process

A directive establishes the agency’s sworn application process including but not limited to physical examinations, emotional/psychological examinations, and background checks and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s application process.

- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s application process.

- c.** agency provides documentation showing compliance.

Comments: _____

2.6 Selection process

A directive establishes the agency’s selection process for hiring sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s selection process.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s selection process.
- c. agency provides documentation showing compliance.

Comments: _____

2.7 Annual review/analysis of recruitment and hiring process

A directive requires the agency to conduct a documented annual review/analysis of its sworn personnel recruitment and hiring process and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s selection process.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s annual review/analysis of recruitment and hiring process.
- c. agency provides documentation showing compliance.

Comments: _____

Agency Name: _____ ORI # _____

Agency Contact: _____ Contact # _____

OCLEAC Standard 1.pdf



**OHIO COLLABORATIVE
LAW ENFORCEMENT AGENCY CERTIFICATION**

STANDARDS COMPLIANCE CHECKLIST

Standard Number: 1

USE OF FORCE Employees may only use the force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

USE OF DEADLY FORCE The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

1.1 Policy Statements

A directive establishes the agency's use of force and use of deadly force policy statements and

- a.** agency sworn personnel are issued copies of the agency's use of force and use of deadly force policy statements.
- b.** agency sworn personnel are annually trained and tested on use of force and use of deadly force policy statements.
- c.** agency provides documentation showing compliance.

Comments: _____

1.2 Training

A directive states the agency’s policy on use of force and use of deadly force training and

- a. agency sworn personnel are issued copies of the agency’s use of force and use of deadly force training policy.
- b. agency sworn personnel are annually trained and tested on the agency’s use of force and use of deadly force training policy.
- c. agency provides documentation showing compliance.

Comments: _____

1.3 Reporting

A directive requires a written report be taken when there is a use of force or use of deadly force incident and

- a. agency sworn personnel are issued copies of the agency’s use of force and use of deadly force reporting policy.
- b. agency sworn personnel are annually trained and tested on the agency’s use of force and use of deadly force reporting policy.
- c. agency provides documentation showing compliance.

Comments: _____

1.4 Reviews/investigations

A directive requires each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with agency policies and

- a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force reviews/investigations policy.
- b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force reviews/investigations policy.
- c. agency provides documentation showing compliance.

Comments: _____

Receipt For Ohio Turnpike and Infrastructure Commission Non-Revenue Transponder.pdf

RECEIPT FOR OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION NON-REVENUE TRANSPONDER.

I have received one Ohio Turnpike and Infrastructure Commission Non-Revenue Transponder. I acknowledge that I am responsible for its proper use as outlined elsewhere in this policy.

Non-Revenue Transponder serial number: _____

Received by (printed name): _____

Signature: _____

Date: _____

ECSO_Citizen_Complaint_Form.pdf

Erie County Sheriff's Office Citizen Complaint Instructions

Please read carefully and completely.

If you wish to make a complaint about the actions of an Erie County Sheriff's Office employee, or about any aspect of the Erie County Sheriff's Office operations, please:

- Stop at the Sheriff's Office and tell any employee that you want to make a complaint; or
- Call the Sheriff's Office at 419-625-7951, option 1, and tell the dispatcher answering the phone that you want to make a complaint; or
- Write out your complaint, and mail it to the Erie County Sheriff's Office, Attention: Sergeant Dennis Papineau; 2800 Columbus Ave., Sandusky Ohio 44870; or
- Email your complaint to Sgt. Dennis Papineau at dpapineau@eriecounty.oh.gov.

If you stop at the station to file a complaint, a supervisory officer can assist you in completing this Citizens Complaint form. While this form asks you to identify yourself, you may make an anonymous complaint.

Your complaint will then be investigated. If you have identified yourself, you may be contacted and asked additional questions about your complaint.

If the investigation into your complaint may be lengthy, and if you have identified yourself, you will be contacted and will be advised of an approximate time frame for the conclusion of the investigation of your complaint.

When the investigation into your complaint has been completed, the Sheriff will review the investigation and you will then be notified with an explanation of the outcome.

**Erie County Sheriff's Office
Citizen Complaint
Page 1 of 3**

Name:

DOB: _____

Address:

Phone number that we may use to reach you for additional information:

Date and time of incident:

Location of incident:

Name of employee(s) against whom complaint is being filed, or other identifying information, description, cruiser license plate number, etc. if name is not known:

Name(s)/address/phone number or other identifying information of witnesses to incident:

**Erie County Sheriff's Office
Citizen Complaint
Page 3 of 3**

I understand that this written complaint is being submitted to the Erie County Sheriff's Office and will be the basis for an investigation involving a Sheriff's Office employee. I declare and affirm that my statement has been made by me voluntarily without persuasion, coercion, or promise of any kind.

I understand that, in compliance with the policies and procedures of the Sheriff's Office, the employee against whom this complaint is filed may be entitled to a hearing.

By signing and filing this complaint, I hereby agree to appear and to testify under oath concerning all matters relevant to this complaint if called upon to do so.

My signature below signifies that the facts contained herein are complete, accurate, and true to the best of my knowledge and belief.

Signature of Complainant

Date

Signature of Person Receiving Complaint

Date and Time Received

Erie County Sheriff's Office Policy Manual

LE Policy Manual

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