AS OF
11/17/16

# ASHLAND POLICE DEPARTMENT
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# Ashland Police Department

## GENERAL ORDER A - 1

| SUBJECT: DEPARTMENT CORRESPONDENCE | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 15AUG16 | Review Date: 8AUG18 | **REVISED** |
| Accreditation Standards: KACP 17.1 | | |

**1.1 PURPOSE:** To establish a uniform format for the publication and/or release of Department correspondence.

**1.2 WRITTEN CORRESPONDENCE**: All written correspondence pertaining to departmental matters shall be handled as set forth in this general order. Written correspondence shall include electronic mail.

**1.3 RESTRICTIONS**

A. Signature

1. Under no circumstances shall any employee prepare and mail correspondence relating to departmental matters other than through the commander of the division to which (s)he is assigned.

2. The Chief of Police, division commanders and section supervisors are the only members authorized to sign official department correspondence.

B. Official Representation: No member shall engage in any correspondence pertaining to departmental matters representing such correspondence to be official except through the prescribed routine.

**1.4 CORRESPONDENCE WITH GOVERNMENTAL ENTITIES**

A. Signature: All departmental correspondence shall be prepared for the signature of the Chief of Police when it is directed to:

1. President of the United States;

2. Members of the US Congress;

3. Governor of any state;

4. Staff members of the Governor of the Commonwealth of Kentucky;

5. Members of the Kentucky Legislature;

6. Elected or appointed officials of any governmental entity;

   **NOTE:** A copy of any correspondence listed above shall be prepared for the Office of the City Manager.

7. Heads of governmental departments or agencies, including the Kentucky Justice Cabinet and the Department of Criminal Justice Training.

## 1.5 DEPARTMENT LETTERHEAD AND ENVELOPE

A. Stationery: The official letterhead of the Department is the "uniform" letterhead of the City of Ashland.

1. This letterhead shall be used when corresponding on official business with other governmental agencies and the general public.

2. It should not be used for corresponding within the department or other departments within the City.

B. Envelope

1. The official envelope of the Department is the envelope that matches the "uniform" letterhead of the city of Ashland.

2. If an oversized envelope is necessary, it shall be addressed with the official Ashland Police Department address.

**1.6 LETTER FORMAT**: Description: When keying a letter for the Chief of Police signature, the following format is to be utilized:

1. Key for printing on official letterhead stationery.

2. All paragraphs are to be keyed in block form.

3. The left margin of the letter shall be 1½ inches.

4. The right margin of the body of the letter shall not be less than ¾ ".

5. The top margin for letterhead correspondence shall be 3". The date the correspondence is being keyed shall be at the 3" margin.

6. The inside address shall be keyed after the enter key is depressed two to five times (depending on length of letter).

7. Depress the enter key two times and key the salutation; depress the enter key two times and begin the body of the letter.

8. Depress the enter key two times and key the complimentary closing.

9. Depress the enter key four times and key the name of the Chief of Police.

10. Depress the enter key one time and key "Chief of Police" immediately under the name.

## 1.7 LETTER FORMAT FOR DIVISION COMMANDER'S SIGNATURE

A. Description: Use the same letter format as outlined in Section 1.6 with the following exceptions:

1. Depress the enter key two times and key complimentary closing (Sincerely).

2. Depress the enter key two times and key the name of the Chief of Police.

3. Depress the enter key and key "Chief of Police".

4. Depress the enter key four times and key name of appropriate commander, title and section of assignment.

B. Signature: A copy of all correspondence going out over a division or section commander's signature shall be prepared for the office of Chief of Police.

## 1.8 INTRA - AND INTERDEPARTMENTAL CORRESPONDENCE (KACP 17.1)

A. Memorandum

1. All correspondence between divisions and sections of the Department shall be written in Police Department memorandum format.

2. Interdepartmental correspondence with other City departments shall be written in department memorandum format.

3. The author of the memorandum shall place his/her initials by the name on the “FROM” line.

4. Copies of such communications shall always be filed in the office of issuance.

B. See Section 1.8.1 for example.

## 1.9 MEMBERS REPRESENTING THE ASHLAND POLICE DEPARTMENT OR CITY OF ASHLAND

A. Department Correspondence

1. Members representing the Ashland Police Department or City of Ashland in meetings, committees or government organizations shall ensure that all correspondence and member contact information be the official departmental mailing address, departmental phone number and departmental issued email address.

2. Members shall not use personal addresses, phone numbers or email accounts without expressed approval by the Chief of Police or his designee.

*NOTICE:* This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

## 1.6.1 EXAMPLE, LETTER FORMAT FOR CHIEF'S SIGNATURE

July 1, 2016

Mike Keyser
Department of Criminal Justice Training
Eastern Kentucky University
Stratton Building 354
Richmond, Kentucky 40475-0957

Dear Mr. Keyser:

It has come to my attention that Officer Clark from the Ashland Police Department was excused from class on June 15, 2016.

It is my understanding that Officer Clark was involved in a research project on the day he was absent from class. If my information is correct, I have no objection to his being excused from training as noted above.

Sincerely,

W. Todd Kelley
Chief of Police

WTK/ss

## 1.7.1 EXAMPLE, LETTER FORMAT FOR DIVISION COMMANDER'S SIGNATURE

July 1, 2016

Mike Keyser
Department of Criminal Justice Training
Eastern Kentucky University
Stratton Building 354
Richmond, Kentucky 40475-0957

Dear Mr. Keyser:

It has come to my attention that Officer Clark from the Ashland Police Department was excused from class on June 15, 2016.

It is my understanding that Officer Clark was involved in a research project on the day he was absent from class. If my information is correct, I have no objection to his being excused from training as noted above.

Sincerely,

W. Todd Kelley
Chief of Police

Mark McDowell
Technical Services Division

WTK/MEM/ss

### 1.8.1 EXAMPLE, INTRA- AND INTERDEPARTMENTAL CORRESPONDENCE

TO: Major McDowell

FROM: Chief Kelley

DATE: July 1, 2016

RE: SELECTIVE TRAFFIC ENFORCEMENT ON OLD ORCHARD DRIVE AND SURROUNDING AREA

We have received a complaint reference speeding and other traffic violations on Old Orchard Drive. The complainant reports that these violations occur most frequently before and after school, around 7:00 a.m. and 3:00 p.m. Monday through Friday.

Please initiate a selective traffic enforcement effort in this area for the next 30 days. Report the results by August 15, 2016.

Should you have any questions on this matter, please contact me.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER A - 2

| SUBJECT: PROCUREMENT PROCEDURES | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01NOV15 | |
| Revision Date: 15AUG16 | Review Date: 15AUG18 | **REVISED** |
| Accreditation Standards: KACP 8.5 | | |

**1.1 PURPOSE:** To establish a uniform procedure for the procurement of goods or services to be utilized by the city of Ashland Police Department.

**1.2 POLICY:** The department will follow procurement procedures per ordinance. Delegated authority for procurement for each cost center is as follows:

A.

| *CODE* | *COST CENTER* | *DELEGATED AUTHORITY* |
|---|---|---|
| *5101* | *Administration Section*<br>*Criminal Investigations Section*<br>*Support Services Section* | *Chief of Police / Technical Services Division Commander* |
| *5201* | *Field Operations* | *Field Operations Division Commander* |

B. Expenditure of funds from each cost center shall be under the exclusive control of the identified authority as set forth in "A" above.

**1.3 PROCUREMENT:**

A. Each purchase made for and on behalf of the city of Ashland shall conform to the current City of_Ashland Procurement Regulations and the city of Ashland Credit Card Procedures Manual. A copy of the Procurement Regulations and the Credit Card Procedures Manual are attached and made part of this General Order.

B. Each purchase in the amount of $.01 through and including $2,000.00 made for and on behalf of the city of Ashland shall be made by following the guidelines established in the above referenced documents.

1. Certain members are issued a credit card for use when making small purchases for the Department. To reduce paperwork and administrative costs associated with processing requisitions and checks to vendors, the credit card will be used, when possible.

2. Paperwork for purchases in the amount of $2,000 or less shall be approved by the delegated authority specified in section 1.2 of this order and forwarded directly to the Finance Department for payment.

3. Quotes required: When more than three sources are readily available locally, reasonable effort will be made to obtain quotations from all local sources.

a. *$2,000.01 - $5,000.00* – A completed telephone quote form shall be attached to the appropriate paperwork for each purchase. Preapproval by delegated authority required before acquisition.

b. *$5,000.01* - $*20,000.00* - The delegated authority shall obtain a minimum of three formal written quotations ("REQUEST FOR QUOTATION" form) and prepare a **purchase order.** The delegated authority shall forward all copies of aforementioned documents to the administration section for review. The administration section shall forward the documents to the finance director. Purchase order approval by the Finance Director is **required prior to acquisition.**

c. *$20,000.01 and above*:

1) Competitive bids and approval by City Manager on purchase order before acquisition.

2) The CHECKLIST FOR PURCHASE IN THE AMOUNT OF $20,000.01 OR MORE (attached) is to be used as a guide.

## 1.4 AUTHORIZATION FOR PAYMENT

A. All invoices shall be submitted to the Finance Department for payment.

B. The delegated authority shall be responsible to verify receipt of all goods and services. No payment for goods or services shall be recommended without prior authorization by the delegated authority.

C. $.01 - $2,000.00: This type of purchase requires only a purchase requisition form – see attached, with department head approval prior to purchase, forwarded along with any applicable documents for processing to Finance.

D. $2,000.01 - $5,000.00 – This type of purchase requires a purchase requisition form and documentation of three verbal quotes. After approval by the department head the documents shall be forwarded to the Finance Department for payment.

E. $5,000.01 - $20,000.00 – A minimum of three formal written quotations and department head approval are required prior to purchase. Documents related to the purchase (quotes, packing slip, delivery tickets, etc.) are attached to the yellow copy of the purchase order and forwarded to the administration section for submission to the finance department for payment.

F. $20,000.01 and above:

1. Expenditures in this category require Board of Commissioners approval for payment.

2. The delegated authority shall complete a "REQUEST TO CITY LEGAL DEPARTMENT" form, attach support documentation, and forward paperwork to administration section for review prior to submission for payment approval.

G. If it is determined that goods or services are defective or lacking after approval for payment has been made, the delegated authority shall notify the administration section to request the Finance Director to stop payment.

H. To ensure uninterrupted services and prompt payment, recurring, contractual services such as cellular services, paging services, LINK/NCIC services, etc., the delegated authority shall submit a check request form monthly, or as otherwise required to meet payment schedule, to the administration section for review and submission to the Finance Department for payment.

**1.5 DOCUMENTATION FILE:** After a purchase has been approved by the Chief of Police or his designee, a copy of the credit card approval form, check request, purchase requisition, or other proper form shall be maintained in the office of the purchasing designated authority. If a purchase order is required, a copy shall be filed in the office of the delegated authority.

**1.6 CREDIT CARD PURCHASES**

A. The city of Ashland Credit Card Program is designed to improve efficiency in processing small purchases (under $2000.00) from vendors who accept credit cards.

B. Each member who is issued a City credit card will also receive a copy of the City of Ashland Credit Card Procedures Manual.

C. Each cardholder shall strictly adhere to policies set forth in the Credit Card Procedures Manual.

D. Payment Procedure:

1. Obtain a receipt for each purchase (ensure tax exemption is applied to all purchases);

2. Keep the receipt in a secure location;

3. When the cardholder receives his/her monthly statement from the credit card company, the cardholder will complete a Credit Card Approval Form, attach the statement and relevant receipts to the form, and forward it through channels to the delegated authority for review and approval.

**1.7 INSPECTION: (KACP 8.5)**

A. Each delegated authority shall cause a line inspection of his procurement procedure to be conducted at least quarterly.

B. The Chief of Police or his designee may conduct announced or unannounced inspections of each cost center.

C. The City Manager and the Department of Finance will conduct both line and staff inspection on an announced and unannounced basis.

**1.8 PAYMENT INQUIRIES:** When a telephone inquiry is received reference payment of an

invoice, the call taker shall determine if purchase is complete and if paperwork has been

forwarded to the Finance Department. If this information cannot be determined in a reasonable time, inform the caller that you will determine the status of the payment and return the call.

A. If paperwork has been forwarded, inform the inquiring party, and offer to transfer him/her to the Finance Department for further information.

B. If paperwork has not been forwarded, and payment is authorized, immediately forward it for processing, and inform the inquiring party of the status.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# Ashland Police Department

## GENERAL ORDER A - 3

| SUBJECT: POLICE DEPARTMENT TELEPHONE LINES | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01NOV15 | |
| Revision Date: 12AUG16 | Review Date: 12AUG18 | **REVISED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish efficient and consistent policy, standards, and procedure for the management of Ashland Police Department (APD) administrative telephone equipment including cellular telephones and facsimile machines.

**1.2 POLICY**: It is the policy of the APD to provide the necessary telephonic equipment to ensure or enhance the ability of its members to carry out the duties and responsibilities of their assignments.

A. Administrative telephone lines are installed in the APD for the purpose of conducting business other than calls for service.

B. Cellular technology is provided to command and administrative officers and detectives or as assigned by the chief to facilitate communications.

C. Facsimile machines are for use in transmitting and receiving business related documents.

**1.3 DISCUSSION**:

A. Personal long distance phone calls are the financial responsibility of the individual caller. Individuals who make personal long distance phone calls shall not allow such calls to be billed to the City. Each personal long distance phone call shall be made collect, charged to a non-City phone number, or a personal calling card, etc.

B. The facsimile machines utilize phone lines and are subject to the same rules as telephone calls.

C. Except in exigent circumstances, City owned phones shall be used only in the performance of official City business.

**1.4 THE NATIONAL EMERGENCY TELEPHONE NUMBER** (9-1-1) 9-1-1 has been installed to enhance public access to public safety services in Ashland/Boyd County. This number is available to all of Boyd County and may be used to request public safety service; police, fire and ambulance. 9-1-1 lines terminate at the Regional Public Safety Communication Center (RPSCC).

**1.5 ADMINISTRATIVE TELEPHONE EQUIPMENT** - The administrative telephone equipment is installed in the APD Headquarters and cellular devices in certain vehicles assigned to the APD for conducting business other than calls for service.

A. The administrative telephone number for the APD is 327-2020.

B. The primary telephone answering point during normal business hours will be in the APD Information Center. Personnel from the Technical Services Division, Support Services Section, shall be responsible for answering incoming telephone calls on the administrative lines.

C. Administrative lines shall be answered as follows:

* **EXAMPLE**: "Ashland Police Department, Officer Good, may I help you?"

* The answering procedure will only change to reflect the employee's rank and last name.

* It is the responsibility of each member of the APD to ensure that calls placed to the Department are answered promptly.

D. Calls made to other phone stations within the police building or city facilities need to be made on intercom to the specific intercom number for that person or section. By using this process it increases the use of band width on the system.

E. All other calls outside the facilities use the intercom but must dial 9 to get an outside line before dialing.

## 1.6 DISPOSITION OF TELEPHONE CALL RECEIVED ON ADMINISTRATIVE LINE

A. Request for Service - Emergency

1. An employee who receives a request for service that requires an emergency response shall determine the nature and location of the incident and without delay transfer the call to RPSCC. This transfer shall be made consistent with Section 1.6 C of this order. At the time of transfer, the employee transferring the call shall notify RPSCC of nature and location of incident.

B. Request for Service - Non-Emergency: The employee who receives a non-emergency request for service is responsible for ensuring that a response is initiated. Based on the nature of the incident and current volume of work, the employee receiving the request shall:

1. transfer the reporting party to RPSCC for action; or

2. direct the reporting person to redial 9-1-1 and speak with a RPSCC dispatcher.

C. Telephone Calls to be Routed: Administrative lines are to be kept open for incoming calls. Incoming calls on administrative lines shall be **quickly** routed by:

1. informing caller the call will be transferred,

2. depress~~ing~~ TRANSFER key on phone, dial 9-329-2191,

3. informing person who answers that a call is being transferred, and

4. releasing the call.

## 1.7 CELLULAR PHONES

A. City-Owned Cellular Phone\Allowance

1. It is the policy of the City of Ashland to provide cellular telephones for designated personnel as a means of efficient communication to improve productivity, enhance customer service and the delivery of governmental services.

   The City provides two (2) options:

   a. Option 1 – a taxable allowance for cellular telephone service.

   b. Option 2 – a city-owned cellular telephone for business use only.

   Both options meet Internal Revenue Service (IRS) regulations regarding business versus personal use of cellular telephones. All requests for cellular telephone services require written City Manager approval.

2. City-Owned Cellular Telephone/Employee Responsibilities

   a. No personal calls are allowed on City-owned cellular telephones

   b. Insure the physical security of the cellular telephone. Lost, misplaced and stolen cellular telephones should be reported to the department head immediately upon discovering the device is missing.

   c. Keep cellular telephone conversations as brief as possible.

   d. All equipment purchased by the City remains the property of the City. When an employee terminates employment, all equipment must be returned to the City.

   e. Review and acknowledge receipt and understanding of this policy in writing.

3. Responsibility of the City of Ashland

   a. Each department head shall regularly monitor the cellular telephone usage and charges for each employee issued a City-owned cellular telephone.

   b. Furthermore, the Finance Department shall report any unusual usage or trend to the responsible department head and the City Manager.

c. Each department head is responsible for taking remedial and/or corrective action to enforce this policy and City regulations.

d. Each department head will ensure that any additional telephones, service plan changes, etc. have written City Manager endorsement before forwarding to the Finance Department.

4. Employee Liability

a. Inadvertent or emergency personal calls must be reimbursed to the City of Ashland at the current applicable rate.

b. City employees shall be personally liable for any unapproved usage above the standard plan approved by the department head and the City Manager. Personal liability will be reported to the department head.

5. The Finance Department shall bill unapproved usage when notified.

a. City employees shall pay for unapproved usage within fourteen (14) calendar days of invoice date.

b. City employees must sign a statement stating, “I certify all calls on the statement were made for business related to the City of Ashland.”

c. Note that misuse of the phone, using it in ways inconsistent with City policy or local, state or federal laws, can result in immediate cancellation of the City-owned cellular telephone and/or disciplinary action.

B. Personal Cellular Phone~~/Pager Policy:~~

The city shall not be liable for the loss or damage of personal cellular phones ~~or pagers~~ brought into the workplace.

1. Employees shall exercise discretion while using personal cellular phones during normal duty hours**. DISCLAIMER: while officers can use their personal cell phones for duty related activities or receive text related information from RPSCC, there is no requirement to do so. If used, it is of the officer’s own accord and the Police Department/City of Ashland is not responsible for**

**their account or any reimbursement(s).** Cellular phones for personal business may be used during non-work time such as breaks or lunch periods, but shall not be used during work time, except in emergency situations.

3. It is the employee's responsibility to inform family members and friends of the city's policy.

4. Safety and Use of Cellular Telephones (personal or city-owned)

All City of Ashland employees shall consider safety first when driving. Use of a cell phone for texting while operating a vehicle is prohibited. Use of a cell phone (except hands-free) while operating a vehicle is prohibited. Safety recommendations for operating a cellular telephone include:

a. Stop at a safe location before operating a cellular telephone.

b. Ask a passenger to dial and receive a call.

c. When driving, using programmed numbers or voice activated dialing.

d. Do not use cellular telephones if there are hazardous road or traffic conditions.

e. Do not do multiple tasks when driving, such as note taking while on a telephone call.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT TELEPHONE DIRECTORY

| | 327 Phone # | Intercom | Cell Phone # |
|---|---|---|---|
| ***ADMINISTRATION SECTION:*** | | | |
| Chief of Police (Kelley) | 2077 | 3102 | 923-4882 |
| Community room | 2054 | 3146 | |
| Admin. Asst. (Sherman) | 2079 | 3101 | |
| ***TECHNICAL SERVICES DIVISION***: | | | |
| Commander (Major McDowell) | 2082 | 3116 | 922-1456 |
| Admin. Asst. (Sherman) | 2079 | 3101 | |
| ***Criminal Investigations Section***: | | | |
| Supervisor (Sergeant Renfroe) | 2043 | 3117 | 922-6662 |
| Investigator (Officer Bohanon) | 2095 | 3120 | 694-1621 |
| Investigator (Officer McDavid) | 2096 | 3119 | 922-0340 |
| Investigator (Officer Daniels) | 2072 | 3115 | 465-3320 |
| ***Support Services Section*** | | | |
| Supervisor (Lieutenant. Conley) | 2020 | 3122 | 923-2356 |
| Senior PSO (Barber) | 2020 | 3134 | |
| PSO (Mable) | 2020 | 3124 | |
| Data Entry () | 2020 | 3123 | |
| D.A.R.E./CrimePrevention (Officer Patrick) | 2071 | 3107 | |
| School Resource Officer (Officer Church) | 2067 | 3106 | |
| Property Officer (Officer Jordan) | 2062 | 3126 | |
| Adam 1 | 2020 | 3104 | |
| Follow-up Officer (Officer Harrison) | 2073 | 3125 | |
| *FAX* 324-5500 | | | |
| ***FIELD OPERATIONS DIVISION***: | | | |
| Commander (Major Hensley) | 2080 | 3110 | 922-3898 |
| Secretary (Ms. Litteral) | 2082 | 3109 | |
| ***Watch Commander's Office:*** | | | |
| Lt. Sexton/Sgt. Simpson | 2074 | 3103/3108 | |
| Lt. Crawford/Sgt. Wessel | 2074 | 3111/3112 | |
| Lt. Moore/Sgt. Taylor | 2074 | 3113/3114 | |
| Lt. Dooley/Sgt. Clark | 2074 | 3129/3136 | |
| Interview Room 104/Room 103 | | 3139/3140 | |
| Locker Room Men's/Women's | 2086 | 3128/3132 | |
| ***Regional Public Safety Communications Center*** | | | |
| Emergency/Request for Service | 9-1-1 | None | |
| Dispatcher | 327-2053 | None | |
| Director (Ott) | 329-2191 | None | |
| Administrative Assistant (Ms. Fairchild) | 329-2191 | None | |

Updated 8/12/16

# Ashland Police Department

## GENERAL ORDER A - 4

| SUBJECT: TRANSPORTATION POLICY | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01NOV15 | |
| Revision Date: 15AUG16 | Review Date: 15AUG18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: Members of the Department must often travel to out-of-town locations for various reasons; i.e., training, seminars, meetings, prisoner pick-up, etc. Therefore, a written policy concerning transportation is provided.

**1.2 PROCEDURE**

A. Vehicle Available

1. A member traveling to an out-of-town location on official department business must utilize a department vehicle, or a pool vehicle from Fleet Services if available, and shall complete a Fuel Credit Card Request form and forward it through channels, during normal business hours for a gasoline credit card for use with that vehicle.

   a. The division commander or watch commander responsible for the vehicle requested shall determine its availability based upon:

      * Scheduled use of the vehicle by on-duty personnel during the period requested,

      * Conditions of the vehicle,

      * Number of personnel included in the request, and

      * Funds available for mileage payments.

   b. Out-of-town official business, for the purpose of this order, does not include appearances directed by an order of a legislative, judicial or legal body or person for which special or additional compensation or expenses may be received by a member. (This includes court appearances, conferences with prosecutor, etc., for which member receives additional pay).

B. Vehicle Not Available: Should a Department vehicle not be available for out-of-town official business:

1. The Department may reimburse a member for the use of his/her personal vehicle at the current rate per mile, as designated by the City, for official business only. This must be pre-approved by the Divison Commander of the officer requesting:

   * From Ashland to point of destination and return;

   * Living quarters to function and return while out-of-town (dormitory to school, range, etc.).

2. Mileage is to be determined by officially published road maps or reliable computer generated route.

3. Should more than one member be traveling to the same location on the same date and time for the same reason, mileage may be reimbursed to one member only.

4. Commercial transportation may be more convenient for the member or for the Department. If so, the member doing the traveling shall arrange the commercial transportation.

**1.3 BASIC TRAINING:** Members attending basic training shall be furnished a Department vehicle or pool vehicle from Fleet Services, if available, and gasoline credit card.

**1.4 AUTHORITY AND CONTROL**: The Chief of Police shall have ultimate authority and control of Department vehicles and property as prescribed by the Rules and Regulations.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER A - 5

| SUBJECT: SERVICE OF SUBPOENAS AND COURT APPEARANCE PROCEDURE | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 15AUG16 | Review Date: 15AUG18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To provide a receipt of subpoena service for the courts and to establish a procedure for confirming or rescheduling court appearances.

**1.2 SUBPOENAS FOR POLICE OFFICERS**

A. Authority to serve subpoena: RCr 7.02 (3) states that a subpoena may be served by any person eighteen (18) years of age or older and this affidavit endorsed thereon shall be proof of service, or the witness may acknowledge service in writing on the subpoena. Service of the subpoena shall be made by delivering or offering to deliver a copy thereof to the person to whom it is delivered.

B. Employees who receive subpoenas related to their employment with this Department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution and defense to ensure the successful conclusion of a case. The Department will compensate employees who appear in their official capacity on criminal and civil matters arising out of the employee's official duties. Employees who receive a civil subpoena will inform the requesting attorney that reimbursement may be requested by the City of Ashland for attending.

C. Any subpoena for court actions such as lawsuits, bankruptcy or divorce against police officers (non duty related) will not be served to them on duty. Service of these such subpoenas and court actions are covered in Ashland Police Department General Order A-9, Section 2.1.

D. Acknowledgment:

1. Each subpoena received by the Ashland Police Department (APD) will be first directed to support services where it will be logged in the subpoenas received file. A subpoena will then be forwarded to the employee's watch commander for service. Support services personnel will note the time and date the subpoena was forwarded to a watch commander.

2. When a subpoena arrives in support services, and the court appearance date is less than four days time, support services section personnel will immediately notify the division commander of the subpoenaed officer.

3. A division or watch commander receiving a subpoena for a member of his command will forward the subpoena to the employee for service.

4. Each member will acknowledge receipt of a subpoena by signing the copy. The signed copy is to be directed to support services for return to court.

**1.3 COURT APPEARANCE PROCEDURE**

A. Each on-duty officer scheduled to appear in Boyd County District or Circuit Court or the Boyd County Grand Jury will, on the date of such scheduled appearance:

1. Contact the County Attorney's office by telephone between 0830 and 0900 hours.

2. Confirm the case is still scheduled, and if so,

3. Advise the prosecutor he/she (the officer) is on duty and ask to be placed on standby for call when his/her case is ready.

B. Each officer scheduled to appear in Boyd County District or Circuit Court or Boyd County Grand Jury on his/her off-duty time shall, on the date of such scheduled appearance:

1. Contact the County/Commonwealth's Attorney office by telephone:

   * Between 0830 and 0900 hours if case is scheduled for 0930 hours, or

   * Between 1100 and 1145 hours if case is scheduled for 1300 hours.

2. Confirm the case is still scheduled and officer's appearance is necessary and expected.

C. Each officer scheduled to appear in any court that is not overseen by the County or Commonwealth Attorney will contact the Circuit Court Clerk and/or the attorney that has issued the subpoena between 0830 and 0900 to confirm the case is still scheduled and the officer's appearance is necessary and expected.

D. A subpoena issued by a Court other than enumerated above shall be processed consistent with this order. Members shall be responsible to use a similar process to verify the need for their appearance at a particular time and location.

E. A request to reschedule a court appearance shall be in writing to the officer's immediate supervisor and shall be forwarded with recommendations to the division commander of the member requesting the change. The request shall include:

1. Name of the member making the request.
2. Name of defendant.
3. Court docket number, and if applicable, APD original incident control number.
4. Date and time case is scheduled, and
5. Reason for request.

F. A member shall appear in court at the date, time, and location as specified on the subpoena, unless excused by the presiding judge.

G. Members attending criminal court events will prepare the appropriate Court Attendance Form for the allowed compensation. The same documentation will also be prepared for officers attending court on civil matters arising out of their employment. This documentation will be sent through channels to the Administration Section for consideration of reimbursement billing to the requesting attorney.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER A - 6

| SUBJECT: FIRE EVACUATION PLAN | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01NOV15 | |
| Revision Date: 15AUG16 | Review Date: 15AUG18 | **REVIEWED** |
| Accreditation Standards: KACP 29.5 | | |

**1.1 PURPOSE**: To provide a plan for the orderly evacuation of persons and the protection of Police Department property occupying assigned areas of the Police Building.

**1.2 EVACUATION**:

A. Members of the Police Department, upon hearing the fire alarm or receiving verbal warning of a possible fire within the Police Building, shall immediately and calmly:

1. Secure confidential material;

2. Close doors; and,

3. Exit the building and proceed to the designated staging area located on the sidewalk at the 17th Street entrance to the Ashland City Building and remain until an "all clear" is sounded.

a. DO NOT USE ELEVATOR.

b. Attempt to determine that all coworkers who should be present are present at the staging area and notify the senior sworn member on duty and present.

c. Evacuation routes are posted in main hallways and office suites. These also show locations of fire extinguishers.

B. Members who become aware of a possible fire in the Police Building and the alarm has not sounded, shall:

1. Activate the nearest fire alarm. An alarm activation unit is located in the main corridor of each floor. The alarm control box is located within the main entry vestibule on the first floor.

2. Alert the information center. Members should give the information center the location, status and type of fire along with other pertinent information available.

C. Information Center: The member assigned to the information center shall remain at post if the fire poses no immediate threat to the member's safety, and shall:

1. Alert the Fire Department through the Regional Public Safety Communication Center (RPSCC).

2. Notify, or cause to be notified, the watch commander on duty or if the watch commander is not physically present shall notify, or cause to be notified, the senior sworn member present.

3. Transfer administrative telephone lines to RPSCC via call forwarding.

D. General Instructions:

1. The senior sworn member on duty and available shall report his presence to the Information Center.

2. The senior sworn member on duty and available shall attempt to keep the evacuation of personnel orderly.

3. Assist the Fire Department as appropriate.

4. If there is a prisoner(s) on the premises, he/she shall be handcuffed, placed in a police unit and moved away from the Police Building for safekeeping. The member responsible for the prisoner shall remain with him/her.

5. All police vehicles will be moved away from the Police Building, if possible.

**1.3 PROPERTY OFFICER**:

A. The property officer shall keep ready at hand a list of types and quantities of ordnance and hazardous materials and where it is being stored within the Police Building.

B. A copy of the list shall be provided to the Fire Department.

**1.4** It is understood a police officer must occasionally use exceptional tactics under exigent circumstances and no part of this order shall be construed to prohibit actions by members to prevent injury or loss of life to any person.

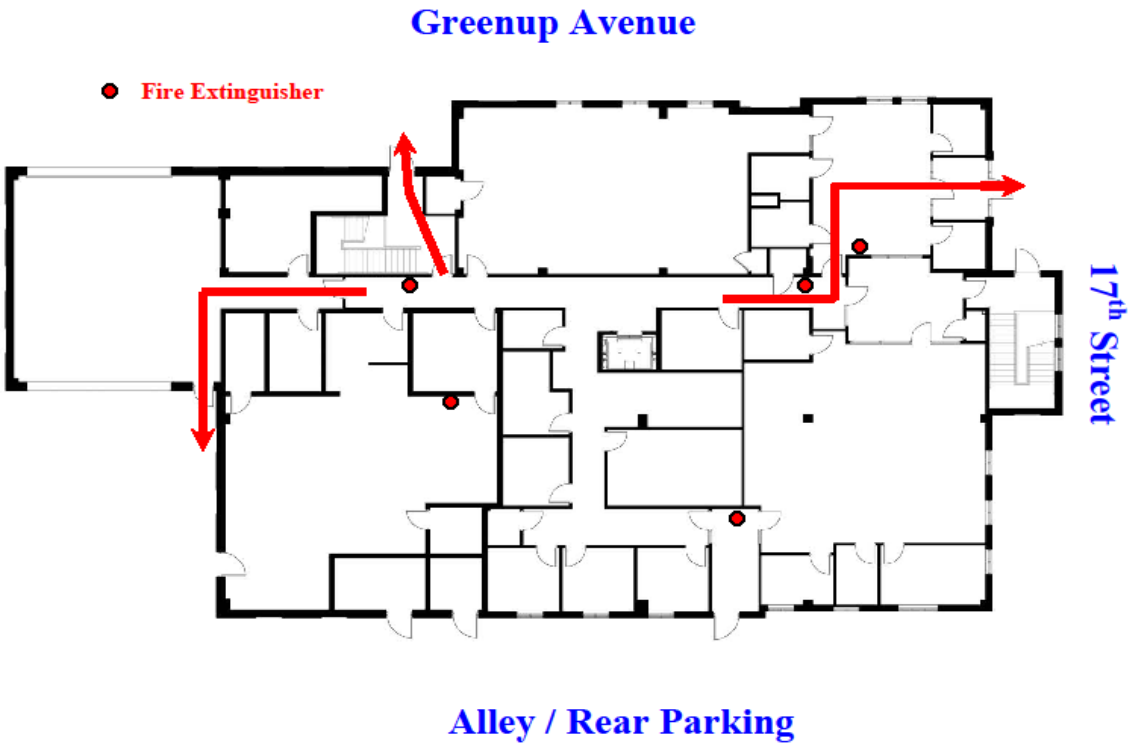
**1.5 PORTABLE FIRE EXTINGUISHERS**: Each work area will be equipped with a multi-purpose, dry chemical, portable fire extinguisher. Training will be conducted annually on the proper and safe method of use. Training documents will be forwarded to Administration for inclusion in the training file.
**(KACP 29.5)**

*NOTICE:* This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

**Ashland Police Station – First Floor**




**Ashland Police Station – Second Floor**

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER A - 7

| SUBJECT: ACCESS TO POLICE DEPARTMENT RECORDS | | |
|---|---|---|
| Date of Issue: 20MAR86 | Effective Date: 01FEB16 | |
| Revision Date: 15AUG16 | Review Date: 15AUG18 | **REVISED** |
| Accreditation Standards: KACP 18.9D, 20.2B, 20.2C, 26.1, 26.2 | | |

**1.1 PURPOSE**: To adopt a policy in conformity with the provisions of KRS 61.870 to 61.884, to provide access to public records, to protect public records from damage and disorganization, to prevent excessive disruption of the record maintenance functions, to provide assistance and information upon request, and to ensure efficient and timely response to application for inspection of such public records. **(KACP 26.1)**

**1.2 DEFINITIONS**

A. ***Public Agency*** shall mean every county and city governing body, council, school district board, municipal corporation, court or judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council, or agency therefore.

B. ***Public*** *Records* shall mean all books, papers, maps, photographs, cards, tapes, discs, recordings, or other documentary materials regardless of physical form or characteristics, prepared, owned, used, in the possession or retained by a public agency. *Public Records* shall not include any records owned by a private person or corporation that is not funded by state or local authority.

C. ***Official Custodian*** shall mean the Chief of Police or his designee as established by personnel order, who is responsible for the maintenance, care and keeping of public records for the Ashland Police Department (APD), regardless of whether such records are in his actual personal custody or control. The mailing address of the official custodian is P.O. Box 1864, 201 17th Street, Ashland, Kentucky 41105-1864.

D. ***Custodian*** shall mean the official custodian or any authorized person having personal custody and control of public records. The custodian having personal custody of the records of the APD shall be the sergeant commanding the support services section. No persons other than those designated by the Custodian shall have access to the records of the APD.

E. ***Person/requestor*** shall mean a human being who makes a bodily appearance before the office of the custodian and makes a request for inspection of public records, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement, and the record is otherwise accessible to the person by law.

F. ***Request*** shall mean an oral petition by any person, or at the option of the custodian, the completion of a written application that clearly states the specific public record or records wanted for inspection and/or duplication.

G. ***Reasonable Fee*** shall mean the fair payment required by a public agency for making copies of public records that shall not exceed the actual cost thereof not including the cost of staff required, postage, or as defined by Kentucky Revised Statutes (i.e. Collision Reports)

H. ***Personally identifiable information*** refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

**1.3 PROCEDURES FOR REQUESTING PUBLIC RECORDS (KACP 20.2B)**

A. The following procedures shall be followed by both persons making a request to inspect public

records and by the official custodian(s) of those public records.

B. Initial Request for Inspection

1. Any person wanting to inspect or copy the records of the APD shall make a request and/or complete a written application (see attached form) for such records at the APD Information Desk during regular office hours, which are from 8:30 a.m. to 5:00 p.m., Monday through Friday of each week except during legal holidays. Request forms may also be downloaded via the Ashland Police Department Website. Requests and forms will be received in person, via mail, and facsimile. Requests specific to the Ashland Police Department will be received by the Support Services Supervisor. On the next regular business day, the 3 day requirement for response shall start.

2. If the custodian determines a person's request is in compliance with the open records law and the requested records are immediately available, the custodian shall offer such records for inspection within 3 days as prescribed by Kentucky Revised Statutes. Suitable facilities shall be made available in the APD during regular business hours for the inspection, and no person shall remove original copies of public records from the offices of the APD.

3. The applicant shall have the right to make abstracts of public records and to obtain copies of all written public records. When copies are requested, the custodian may require a written request and advance payment of the prescribed fee as set in Section 1.2 (G).

C. Referral to Proper Custodian

If the custodian does not have custody or control of the public record(s) requested, the custodian shall so notify the applicant and shall furnish the name and location of the custodian of the record, if such facts are known to him.

D. Public Records Not Immediately Available

If the public record is in active use, in storage or otherwise not available, the custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection of the public record. If the record is not available, a detailed explanation of the cause will be given for unavailability or further delay. If it is known how long the delay will take, then the place, time, and earliest date on which the public record will be available for inspection and/or duplication will be given to the applicant.

E. Refusal of Unreasonable Requests

If the application places an unreasonable burden in producing voluminous public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the APD, the official custodian may refuse to permit inspection of the records. Refusal must be sustained by clear and convincing evidence.

F. Time Limitation/Denial of Inspection

1. The time period begins on the next regular business day after the request is received by the Records Custodian. Any response denying, in whole or in part, inspection of any record shall include a statement of the specific exception authorizing the withholding of the record and a brief explanation of how the exception applies to the record withheld.

2. If the party making the request does not agree with the APD denial response they may contact the Attorney General as noted in K.R.S. 61.880 (2).

3. If action is filed against the APD in circuit court concerning a denial response, the APD shall notify the Attorney General as mandated in K.R.S. 61.880 (3).

G. Miscellaneous Regulations

1. No member of the APD shall willfully conceal or destroy any record with the intent to violate any rules, regulations, or statutes.

2. Any person shall have access to any police record relating to him or in which he is mentioned by name, upon presentation of appropriate identification, subject to the provisions of KRS 61.878.

## 1.4 RELEASE OF RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION

A. Unless prohibited by law, a requestor has a right to inspect or copy any records, including those containing personally identifiable information.

B. The requestor may be an individual who is subject of a department record containing personally identifiable information; or, the requestor may be a person who is authorized by the individual who is the subject of a department record containing personally identifiable information.

## 1.5 RELEASE PROCEDURES OF RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION

A. The custodian shall first determine whether the requestor has a right to inspect or copy records.

B. The custodian will examine the request within the scope of the exemptions of Kentucky Revised Statutes and Section 1.6 of this order.

C. If the requestor has a right to inspect or copy the record, the request will be granted.

D. If the requestor does not have a right to inspect or copy the record, the request will be denied in accordance with Section 1.6 of this order.

## 1.6 POLICE RECORDS PROTECTED FROM DISCLOSURE (KACP 20.2B, 20.2C)

There are police/public records that are required to be excluded from disclosure. When records are requested, Kentucky Revised Statutes 61.870 - 61.884 will apply. These excluded records shall be subject to inspection only upon order of a court of competent jurisdiction. Partial listings of records that may be excluded are:

A. Any records containing information of a personal nature where the public disclosure thereof would:

1. Constitute a clearly unwarranted invasion of personal privacy or endanger an individual's life or safety, (Personally Identifiable Information)

2. Endanger the security of any state correctional institution, jail, secured child caring institution, mental health institute or center for the developmentally disabled, or the population or staff of any of these institutions, facilities or jails.

B. City of Fort Thomas v. Cincinnati Enquirer, Citation: 406 S.W.3d 842. The Court of Appeals correctly determined that KRS 61.878(1)(h), the law enforcement exemption, does not create a blanket exclusion from the Open Record Act's disclosure provisions for all law enforcement records pertinent to a prospective law enforcement action. Such records are exempt from the Act, rather, only if their disclosure would harm or interfere with a prospective enforcement action in some significant and concrete way. To invoke the exemption, the agency must articulate a factual basis for applying it to particular records or to particular classes of records, and any non-exempt records should be disclosed. To meet its burden, the agency may provide an outline or index of its responsive records indicating meaningful classes into which they have been or might be sorted and then may explain through a custodian's affidavit or testimony how disclosure of particular records or the records in a particular class would harm a prospective enforcement action.

C. No exemption under this order shall be construed to prohibit disclosure of statistical information not descriptive of any readily identifiable person. If police records contain material which is not exempted, it shall be separated and made available for inspection, subject to the applicability of KRS 61.872 (5).

D. This order shall in no way prohibit or limit the exchange of public records or the sharing of information between public agencies when the exchange is serving a legitimate governmental need or is necessary in the performance of a legitimate government function.

E. Pursuant to KRS 610.320 and KRS 610.340, juvenile records shall not be open to public scrutiny. Pursuant to KRS 610.340, juvenile records shall only be accessed by personnel involved in an investigation and/or on a need to know basis **(KACP 18.9D)**

**1.7 PERSONNEL INFORMATION**: The Ashland City Clerk/Human Resources Director is the only person authorized to release information about present or former city of Ashland employees or applicants for employment with the city of Ashland. A request for personnel information shall be directed to the City Clerk/Human Resource Director. **(KACP 20.2B, 26.2)**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

**Ashland Police Department**
201 17th Street
Ashland, KY 41101
606-327-2020
Fax: 606-324-5500

## OPEN RECORDS REQUEST FORM

*Requester information (Please print legibly or no response will be possible):*

First Name: _____

Last Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

E-mail: _____

Best Contact Phone: _____ Cell: _____

Preferred Delivery: ☐ Pick Up *(10 cents per page on criminal reports, $5 per collision report)*

☐ U.S. Mail *(10 cents per page, $5 per collision report, plus Postage cost)*

☐ On-Site Inspection *(8:30 am to 5:00 p.m. M-F, except holidays)*

**Records Requested:**

*(To expedite the request, be as specific as possible in describing the records being requested. Include the type of access requested; copying or inspection.)*

1. Ashland Police Case #: _____-_____ *(Case number of the report)*
2. Type of Report: _____ *(Collision, Crime, Citation, etc.)*
3. Date/Time of Event: _____ *(For example; January 1, 2015 at 2:30 pm)*
4. Location of Event: _____ *(Address of where the event took place)*
5. Involved Person's Name: _____
6. What are you requesting?

*To inspect a public record, you must make a written request to the official custodian of records of the agency. You should describe the records you want to inspect in detail, sign the request, and print your name on it. You may hand deliver, mail, or fax your request to the agency. If you wish, you may use our form. (KRS 61.872)(Open Records Act, KRS 61.870 to 61.884)*

**Signature:** _____ **Date:** _____

*******AGENCY USE ONLY*******

Received by: _____ Date: _____ Time: _____

Received by Records Custodian, Date: _____ Time: _____ Initial: _____

Response Sent Date: _____ *(US Mail) (Pick Up) (On Site Inspection)*

Notes:

# Ashland Police Department

## GENERAL ORDER A-8

| SUBJECT: COMMAND OFFICER RESPONSIBILITIES AND ACCOUNTABILITY | | |
|---|---|---|
| Date of Issue: 27NOV91 | Effective Date: 01NOV15 | |
| Revision Date: 15OCT15 | Review Date: 15OCT17 | **REVIEWED** |
| Accreditation Standards: KACP 4.3, 4.4,17.4 | | |

**1.1 PURPOSE**: To establish responsibilities and accountability for the management and supervision of police personnel.

**1.2 GENERAL COMMAND OFFICER RESPONSIBILITIES:** The responsibilities of APD command officers include but are not limited to: **(KACP 4.3)**

A. Maintaining general supervisory control and oversight over the activities of subordinates, completing performance evaluations, training subordinates and ensuring compliance regarding all department directives, general orders, rules and regulations, and city personnel policies, scheduling and submission of accurate payroll records and other duties as listed in APD general orders, rules and regulations, and City of Ashland job descriptions.

B. A command officer, supervisor/management/administration, has responsibility and accountability for every aspect of the command function.

C. Command officers have the authority to coordinate and direct assigned employees and other allocated resources in achieving organizational objectives. They must perform the full range of administrative functions, relying upon policy, direction, training, and personal initiative to guide other employees in achieving the highest level of performance possible.

D. All commanders and supervisors are fully responsible and accountable for the acts and omissions of their subordinates. Any failure on the part of a subordinate may be assumed to be failure in supervision and/or command.

**1.3 INCIDENTS REQUIRING RESPONSE BY COMMAND OFFICER: (KACP 17.4)** An APD command officer having responsibility for the supervision of field operations division officers shall respond to the scene and assume command when made aware of the following types of incidents: (it is understood that emergency or unusual circumstances such as a major incident or multiple major incidents occurring simultaneously may affect the first line supervisor's ability to respond. In these instances another command officer as available or the senior officer on scene shall assume command of the incident until properly relieved)

A. Incidents involving injury to an APD employee.
B. Traffic collisions involving injury or fatality.
C. Major crimes to include those listed in general order L-1 section 1.3 (E).
D. Disasters and catastrophes.
E. Complaints on police officers.
F. Use of force incidents.
G. Barricade, shooting, or hostage situations.
H. Bomb threats.
I. Fires listed in General Order L-3.
J. Vehicle/Foot pursuits.
K. Mutual aid response.
L. Critical incidents.
M. Reports of missing or abducted children.
N. When directed by an officer of higher rank.
O. Incidents of unusual or serious nature that could expose the department to liability or damaged reputation.
P. Other incidents as required by operational necessity or as stated elsewhere in general orders or rules and regulations.

**1.4 COMMAND AT POLICE SITUATIONS:**

A. Command of department resources at a police situation rests with the commanding officer or the assigned senior officer. Such person has the authority to direct the operation and is responsible for its outcome.

B. Senior command officers may make suggestions, however, they will not actively direct the operation unless they have properly relieved the subordinate of command.

C. Senior command officers at an emergency scene who do not choose to take command may be held accountable for unfavorable developments which could have been prevented by their assuming command and control.

**1.5 ACCOUNTABILITY FOR PERFORMANCE OF SUBORDINATES**: Each command officer shall be held accountable for the performance of subordinate personnel under their immediate control and shall be expected to provide the following direction, coordination, and control of subordinate personnel: **(KACP 4.4)**

A. Direction shall be provided through verbal and/or written means;

B. Coordination of any work efforts shall be either directly or indirectly monitored by the command officer responsible for its outcome; and

C. Control shall be maintained over subordinate personnel and all work efforts with respect to conduct and final disposition.

**1.6 COMMAND OFFICER LIABILITY**: Nothing in this general order shall make a command officer liable or responsible for the act of his subordinate when such act is outside the subordinate's scope of employment, unless the command officer ordered, approved, or ratified such act.**(KACP 4.4)**

**1.7 ACTING AUTHORITY**: This general order shall apply to all personnel designated to serve in an acting capacity by proper authority or through incapacitation of a command officer.

**1.8 ACCOUNTABILITY FOR DELAGATED AUTHORITY (KACP 4.4)**

A. Persons who assume a delegated responsibility should realize they will be held responsible for the results. Employees will be fully accountable for the use of delegated authority as well as for the failure to use it.

B. Responsibility should always be accompanied with commensurate authority. Supervisors may confer upon subordinates the same authority and responsibility they possess, however, it is the final responsibility of the supervisor to ensure that the work is done.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER A - 9

| SUBJECT: SERVICE OF ORDERS OF THE COURT | | |
|---|---|---|
| Date of Issue: 17APR97 | Effective Date: 15JUL15 | |
| Revision Date: 15JUL15 | Review Date: 15JUL17 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: The purpose of this general order is to provide procedure for the procurement and processing of arrest warrants, search warrants, criminal summons, emergency protective orders, domestic violence orders, subpoenas, and uniform citations not issued at initial contact with the violator and court appearance procedure for officers.

**1.2 POLICY**: It is the policy of the Ashland Police Department (APD) to process and serve orders of the court as expeditiously as possible, while adhering to the strictest of standards in civil and criminal procedure.

**1.3 DISCUSSION**: The service of court orders must be expedient and follow clearly defined procedure. Improperly secured or serviced court orders often lead to an ineffective prosecution. Litigation against police officers for failure to follow rules of criminal procedure is well documented and failure of the police to initiate actions, such as an arrest for violation of an emergency protective order, subjects a police officer to a litany of criminal and civil actions.

**1.4 PROCEDURE**:

A. An Adult Prosecution Request and Disposition report (APD 94-003): This form shall serve as the cover report for each request from the APD for issuance of a prosecution document to include but not limited to criminal summons, misdemeanor arrest warrant, felony arrest warrant, etc.

B. Request for prosecution (cases originating within the department):

1. Misdemeanors (warrants and summons)

a. It shall be the responsibility of the victim of a crime to initiate appropriate court process. The victim shall be assisted by the case officer who shall be responsible for a completed case report being presented to the County Attorney's office. A request for prosecution shall accompany each case report sent to the County attorney.

b. An officer may in specific cases make a request for a misdemeanor warrant or summons without the victim. This is especially possible and appropriate where the victim, due to illness, incapacitation, age, or fear is hesitant to initiate prosecution absent an officer's support. Supervisor's pre-approval is required.

2. Felony Process

a. Felony request for prosecution shall be initiated by the assigned case officer. The case officer shall be responsible for presenting a complete case file to the prosecutor's office.

b. During business hours and the officer is "walking" the request for prosecution through the process, after the judge signs the warrant, the officer shall place the original I.C. # in the upper right corner of the warrant. This applies to felony and misdemeanor warrants.

C. The watch commander shall be notified of the warrant.

D. When the warrant is served it shall be submitted with necessary documentation: incident and supplemental reports, and citations shall be submitted and reviewed by the watch commander. The warrant will then be delivered with the arrestee to the county jail. **The Ashland Police Department**

**Threat Risk Assessment is a tool that may be used to evaluate the circumstances of the wanted person and/or location to determine the appropriate response in the execution of the court order.**

E. When a warrant is not served on the initial attempt, it shall be taken to RPSCC for processing and entry into LINK/NCIC.

F. **SEARCH WARRANTS** are short lived and require procedural changes from other warrant service when the following occur:

1. When an officer receives a search warrant signed by a judge or empowered magistrate, the officer shall hand deliver the warrant to a supervisor.

   a. A supervisor shall be on the scene of all search warrants served.

   b. Before service of a search warrant, a plan of operation shall be developed, and each member of the search team shall be thoroughly briefed on the plan.

2. A copy of the search warrant shall be given to the person present at the time of the search that has proprietary standing; no copies of the affidavit shall be given regardless of standing.

3. When no one of standing is present for the search, a copy of the search warrant shall be left in a prominent location at the scene of the search.

4. A return of service, listing each item seized, shall be made on the back of the search warrant or on a separate attached paper.

5. An APD property record form listing everything taken during the search shall be completed and the pink copy left at the search scene. All property seized in a search shall be accounted for on a property record and shall be secured in a property locker or given directly to the property officer.

6. When the return of service is completed, the search warrant shall be placed with the departmental mail going to the clerk's office for delivery at the earliest opportunity after the search. The return is to be made no later than the next business day. The report review officer shall be responsible to see that the warrant is returned to the clerk's office at the earliest possible time.

7. A search warrant may be required when an officer has a warrant of arrest and is attempting service, when it is not known if the person named in the arrest warrant owns or resides at the location of the potential arrest.

   a. The officer shall try to determine residence of the person named in the arrest warrant.

   b. When the question of residency is undetermined, or when it is known that the wanted person is not a resident, the officer shall present to the prosecutor preparing the warrant, the question of a need of a search warrant in conjunction with the arrest warrant.

      NOTE: It is the policy of the Ashland Police Department to honor the more conservative court decisions regarding entry into private residences to serve warrants or to affect an arrest. When the officer has not established ownership or residency, it is in the Department's best interest to proceed with a search warrant and a warrant of arrest; both based on probable cause.

8. An Ashland Police Department Threat Risk Assessment must be completed prior to the service of any search warrant in which the building/residence is not already secure.

G. Orders of the court will normally be served between the hours of 0700 and 2300. In most instances, it would be considered unreasonable for officers to routinely serve low priority court orders between

2300 and 0700 hours. Low priority court orders consist of misdemeanor warrants against property and summons, warrants for traffic violations, failure to appear warrants, and show cause orders.

**EXCEPTIONS**: When the officer has a suspect named in a court order on view, the officer should make the service. On high priority, felony, and misdemeanor crimes against persons, the orders should be serviced as soon as possible, and it may be necessary to make the service between the hours of 2300 – 0700 if the service cannot be made during normal process hours of 0700 -–2300. Many D.V.O.'s and E.P.O.'s are obtained late at night and are normally served immediately after obtaining them. In this example, to alleviate the dangers or hostile situation, the officer will be justified in serving a court order whenever he/she can, regardless of the hour.

***NOTE*: *Before the service of any court order, the watch commander or field supervisor shall be notified. RPSCC shall also be advised of the service and a location of the service and identity of each officer (by assignment number) shall be given the dispatcher*.**

**1.5 EMERGENCY PROTECTIVE ORDER**:

A. The original Emergency Protective Order (EPO) is held at the Circuit Court Clerk's office.

B. Copies are given to police officers for service of EPOs.

C. A facsimile copy of EPOs is filed at the Regional Public Safety Communication Center (RPSCC).

D. Due to the nature of EPOs, every effort should be made to serve the order as quickly as possible after receiving the order at the department. When the officer goes with the victim to the clerk's office to file for an EPO, the officer will be given a certified copy of the EPO at the time.

E. If the officer is successful in serving the EPO, the officer will notify RPSCC so that a copy can be made and attached to the faxed copy, if on file, so that the dispatcher will have information for other field units that may be inquiring about the status of the EPO. If the officer is unsuccessful in serving the EPO, he shall return the EPO, by the end of his tour of duty, to RPSCC.

**1.6 DOMESTIC VIOLENCE ORDERS**:

A. Domestic Violence Orders (DVO) are normally served on the respondent at the time the hearing is held on the EPO.

B. Few DVOs are received at the department. Those that are, for the most part, are from other jurisdictions. When received at the department, DVOs shall be served without delay. Service of DVOs should follow the same procedure as given for service of other court orders.

C. RPSCC is the point of entry into LINK for all EPOs and DVOs.

**1.7 CITATIONS NOT WRITTEN AT THE TIME OF THE VIOLATION**:

Citations can be written after the fact that include the following circumstances:

A. When the city citation was written and the violator wishes to go to District Court.

B. When the citation is to be used as the summons for a future court date. See rules of criminal procedure where citations can be used in lieu of an arrest.

C. While assisting code enforcement for service of citations written by code enforcement officers and the code enforcement officer is not present at the time that a police officer serves the citation.

**1.8 FUGITIVE FROM JUSTICE WARRANTS**:

A. A Fugitive from Justice Warrant is required when a fugitive is wanted for a felony offense and is being detained or information has been received that the fugitive is in the City.

B. Prior to an individual being arrested, the investigating officer will verify with the agency in the issuing state that the person is wanted for a felony offense. Once appropriate hit confirmations have been received, a locate message shall be sent to the original agency. The individual may be arrested and delivered to the Boyd County Detention Center for booking procedures.

C. The arresting officer, with all practicable speed, shall follow-up with the Boyd County Commonwealth Attorney's office to secure a Fugitive From Justice Warrant and have the warrant signed by a judge. The officer will serve the warrant on the defendant. If the arrest occurs during regular business hours the warrant should be obtained and served immediately by the arresting officer. If the arrest occurs after business hours, the arresting officer can meet the warrant requirement by making arrangements to have the court liaison officer obtain and serve the warrant during business hours. The original case number shall be used for the warrant service.

**1.9 COURT ORDERS ORIGINATING OUTSIDE THE ASHLAND POLICE DEPARTMENT**:

A. An aggressive effort shall be made to serve court orders from other agencies or jurisdictions and shall be handled in like manner as those originating within the department.

B. The APD will accept only originals of court orders (that include adequate identifying information such as date of birth, social security number, etc.) for service from other agencies or jurisdictions. The APD watch commander may authorize service of a copy only when the warrant has been properly entered into LINK/NCIC or when the originating agency transmits confirmation via teletype that they are holding the original warrant at the time of service. A paper copy of the teletype shall be attached to the arrest packet and maintained in records.

C. When an officer makes a Link/NCIC inquiry, gets a hit, and makes an arrest based on the inquiry, the arresting officer will initiate contact with the jurisdiction/agency holding the court order and shall direct that the original court order be sent by priority mail to the APD. A fax copy will be requested while awaiting the original.

D. When service is made on a warrant from another county or jurisdiction, pursuant to Kentucky Rules of Criminal Procedure RCr 3.02, the person charged will be taken to the Boyd County Detention Center. At no time will a person charged be delivered to another agency for transportation to the county or jurisdiction in which the warrant originated.

**2.0 E-WARRANTS**

A. The eWarrants system facilitates the sharing of information among all law enforcement concerning active warrants in jurisdictions throughout the Commonwealth. It replaces the manual protocols for processing warrant information with an electronic method for making warrants available via the Law Enforcement Information Network of Kentucky (LINK), the system administered by Kentucky State Police and used by law enforcement to transmit and retrieve information on active warrants.

1. RPSCC will be notified of eWarrant service whenever an APD officer receives an eWarrant "hit" via MDT. RPSCC will confirm the eWarrant is active.

2. There is no need to attempt to confirm the warrant with the originating jurisdiction. If the warrant is in the eWarrant system and confirmed by RPSCC, there will be no paper warrant available at the originating jurisdiction. Any warrant in the eWarrant system that has been confirmed by RPSCC should be presumed to be valid and servable as long as adequate identifying information is available to ensure that the correct person is being arrested.

3. A computer is available in the prisoner processing area of the Boyd County Detention Center for the officer to access the eWarrants portal at the following web address:

https://ewarrants.ky.gov. This will be the primary processing location of the ewarrant process. The officer will access the eWarrant record in the system, complete the required information and print the eWarrant to submit with citation. The officer will ensure that the warrant status is changed to **served** in the eWarrants system. If the available computer is not in service, RPSCC can be a source for processing the ewarrant.

## 2.1 CIVIL PROCESSES AGAINST DEPARTMENT PERSONNEL

A. Any police officer that is presented with court action that is not a result of the performance of their duties can be accessed off duty. Examples of court action are lawsuits as a result of personal related issues, bankruptcy, family matters, small claims, etc. Being a non-employee matter these are private issues and will be handled away from the work environment so that they will not interrupt the performance of his/her duties. These matters are those not covered in Ashland Police Department General Order A-5, Section 1.2C.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

**Ashland Police Department Risk Assessment Matrix Warrant Service**

Risk assessment is based on facts and circumstances stated in the affidavit for the arrest or search warrant and the criminal history of the suspect(s). A copy of the warrant should be attached to the risk assessment matrix.

Suspect / Location:

**Please check only one block in each of the six colored categories. The block checked should be the highest block that is applicable to the subject location**

| Points | Facts | Score |
|---|---|---|
| 0 | Search Warrant is for property crimes | 0 |
| 1 | Search Warrant is for crimes against persons | 0 |
| 2 | Search Warrant is for drug possession/distribution | 0 |
| 0 | Arrest warrant is for property crimes | 0 |
| 2 | Arrest warrant is for crimes against persons | 0 |
| 3 | Arrest warrant is for drug possession/distribution | 0 |
| 0 | Subject of warrant has property crimes history only | 0 |
| 1 | Subject has history of crimes against persons | 0 |
| 2 | Subject has made statements regarding resisting arrest/search | 0 |
| 3 | Subject has history of arrest/involvement w/drugs | 0 |
| 4 | Subject has a violent criminal history | 0 |
| 10 | Subject has used firearms during commission of crimes | 0 |
| 1 | Location of service requires minimal forced entry | 0 |
| 2 | Location has surveillance/counter surveillance by suspect(s) | 0 |
| 3 | Location requires use of ram or sledgehammer | 0 |
| 10 | Location is fortified requiring specialty breaching / has guard dogs | 0 |
| 2 | Firearms are readily available to suspect(s) at the location | 0 |
| 3 | Previous runs to location where weapons were involved or where violence against officer has occurred | 0 |
| 4 | Subject is known to carry firearms or has arrests for CCDW | 0 |
| 6 | Subject is always armed | 0 |
| 8 | Subject has history of assault or resisting arrest offenses against police | 0 |
| 25 | Automatic weapon is possessed or used in commission of the crime | 0 |
| | TOTAL: | |

<u>0 – 14 points</u> Service / Execution may be handled by supervisor and officers
<u>15 – 20 points</u> Consultation with SWAT Commander is optional, warrant service requires approval of a division commander or designee
<u>21 – 24 points</u> Consultation with SWAT Commander is required, warrant service requires approval of a division commander or designee
<u>25 + points</u> SWAT Team is required for service of warrant, warrant service requires

approval of jurisdiction head of agency or designee

# Ashland Police Department

## GENERAL ORDER A - 10

| SUBJECT: PLANNING AND RESEARCH | | |
|---|---|---|
| Date of Issue: 15JAN08 | Effective Date: 15JUL15 | |
| Revision Date: 15JUL15 | Review Date: 15JUL17 | **REVIEWED** |
| Accreditation Standards: KACP 6.1, KACP 6.2 | | |

**1.1 PURPOSE:** To establish a uniform standard for the planning and research for the future plans and goals of the Ashland Police Department (APD).

**1.2 INTENT:** The APD performs a variety of planning functions, including analysis of reported crimes and requests for service, departmental planning and budgeting, and liaison with other criminal justice planning activities. These functions and other related activities are performed by the Chief of Police or his designee.

**1.3 PROCEDURE**:

A. Planning and Research Function: Planning and research functions may include, but are not limited to: **(KACP 6.1 a,b,c,d,e)**

1. Development of short term and long range agency plans;

2. Research and preparation of budgeting items;

3. Liaison with other criminal justice planning agencies;

4. Development/maintenance of general orders;

5. Preparation of other studies and analysis as the Chief of Police may direct;

6. Planning and formulation of aspects of research and development proposals such as the objective or purpose of a project, applications that can be utilized from findings, cost of a project, and equipment and human resource requirements;

7. Conducting annual analysis of operational activities;

8. Disseminating monthly analytical reports to effected personnel;

9. Providing staff support for crime analysis, budgeting, operations, planning, personnel allocation, contingency planning, etc.;

10. An annual analysis will be conducted studying calls for service, time of calls for service, locations, and day/dates that calls were received. This analysis will be forwarded to the Chief of Police for allocation of manpower; and,

11. The Chief of Police or his designee shall have access to the necessary information and resources.

B. Goals and Objectives:

1. The Chief of Police or his designee will at the beginning of each fiscal year require each division to establish and report the goals and objectives for each division;

2. As necessary during the year and at the end of the year, the Chief of Police or his designee will meet with each division to determine if goals and objectives are being met; and,

3. Established goals and objectives will be made available to all effected personnel.

C. Multi-Year Plan: The Chief of Police will ensure the goals and operational objectives for the department are well planned and documented in order to provide for adequate staffing/operational funding for future years. Multi-year considerations will include anticipated: **(KACP 6.2 a,b,c,d)**

1. population trends;
2. work load;
3. personnel levels; and,
4. capital improvements and equipment needs.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 1

| SUBJECT: ROBBERY IN PROGRESS RESPONSE | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 17APRIL13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: | | |

1.1 **PURPOSE**: Establish a uniform response to a report or alarm of a robbery in progress.

1.2 **POLICY:** A report or alarm of a robbery in progress is a priority 1 call. A priority 1 call shall not be stacked and requires an immediate police response.

1.3 **REGIONAL PUBLIC SAFETY COMMUNICATIONS CENTER (RPSCC)**

A. Obtain initial information and initiate a police response without delay. Response codes are the decision of the responding officer(s) and police supervisors based on available information. Dispatchers will not suggest a response code. After police response is initiated, keep responding officers fully informed:

1. If RPSCC panel alarm, verify that the alarm is indicating a robbery in progress;

2. If reporting person is witnessing the crime, attempt to keep the person on the telephone line until officers are on the scene and the situation is stable. Dispatcher must be sensitive to the hazard a person may be exposed to while reporting a robbery in progress. Determine from the reporting person information about the robber(s); if armed, type of weapon, exact location, complete description, vehicles involved, etc. Communicate new or updated information to responding officers; or

B. Initial RPSCC radio broadcast:

1. Initial broadcast of a report or alarm of a robbery in progress should be transmitted over the primary law enforcement channels in use. Alert tones will be utilized on all robbery and panic alarms. The tones indicate a need for greater attention not a recommended response code. Response codes are the decision of the responding officer(s) and police supervisors based on available information. The dispatcher shall clearly establish during the initial broadcast which channel is to be utilized by responding units.

2. The dispatcher shall identify the primary and cover unit. Normally, the first unit on the scene will be considered as the primary unit.

3. As soon as the primary and cover units are assigned, the dispatcher shall confirm that the field supervisor is aware of the incident.

4. Restrict radio traffic on the assigned channel to assigned units until the responding units declare the scene secure. The dispatcher is to alert all police units to the need for a clear channel and the channel involved.

C. Additional responsibilities of RPSCC when an alarm of robbery in progress at a bank or lending institution is received:

1. Upon request from the primary or cover unit, a dispatcher shall call the bank's main telephone number. The dispatcher shall use the **coded** "ROBERT ALERT" procedure, give the telephone

number of the bank, and the name of the main or branch office from which the alarm is being received. The purpose of coded message is to alert the bank employee answering the telephone that an alarm is being received and the office in alarm condition.

EXAMPLE OF DISPATCHER'S TELEPHONE MESSAGE TO BANK EMPLOYEE: "Do not transfer this call! This is Mrs. Robert Alert! Tell me the balance of account number 329-2900. My account is at the South Ashland Branch."

The dispatcher should anticipate person answering the bank telephone will have to confer with a bank officer before responding. If it is necessary for the employee to check with another bank employee, the dispatcher should be told.

2. If during normal bank hours the telephone is not answered, the dispatcher should suspect a robbery is in progress. The dispatcher shall alert the responding police units if the telephone is not answered or the bank employee fails to follow procedure.

3. RPSCC shall notify responding units in clear text of the response received from the bank employee. This will **not** involve the use of a coded "ROBERT ALERT" message. The dispatcher will provide a plain English statement as to the condition inside the bank i.e., suspect still at the scene, suspect fled the scene on foot, false alarm (if a known procedure will be used), telephone not answered, etc. Give the officer details.

D. Additional responsibilities of RPSCC when an alarm of robbery in progress at a business is received.

1. Upon request from the primary or cover unit, a dispatcher shall call the business and advise them that the alarm has been activated. The dispatcher shall ask the employee if there is a robbery. The purpose of that question is to allow the employee to answer with a yes or no.

2. If the alarm is false the dispatcher shall instruct the employee to exit the business and make contact with a police officer. If the employee answers yes, the dispatcher will ask the employee if the suspect is still inside the business. If the employee answers no, the dispatcher shall obtain suspect information and broadcast the description on the assigned law enforcement channel. If the employee answers yes, the dispatcher will ask if the employee is able to talk. If the employee answers yes, the dispatcher shall obtain suspect information and relay that information to the units. If the employee answers no, the dispatcher shall ask the employee to lay the phone down without hanging it up. If the suspect has left the building the dispatcher shall immediately broadcast the information to the units.

3. If during normal business hours the telephone is not answered, the dispatcher should suspect a robbery is in progress. The dispatcher shall alert the police units if the telephone is not answered.

4. RPSCC shall notify units in clear text of the response received from the business employee. The dispatcher will provide information as to the condition inside the business, i.e., suspect still at the scene, suspect fled the scene on foot, false alarm, telephone not answered, etc. Give the officers details.

## 1.4 POLICE RESPONSE

A. Selection of a response code to a violent crime in progress is difficult. The sound of a siren may cause a perpetrator to flee and stop the violence. On the other hand, it may encourage hostage taking. There is no clear answer to this dilemma.

A report of shots fired, victim down, or violence in progress helps decision making. Obviously, violence warrants a code 3 response.

Response code 2 or 3 may be appropriate based on information known or learned by the dispatcher or officer. Code three response will only be considered in the case of a confirmed incident. Code three response shall not be used on unconfirmed alarms.

Code 2 provides a tactical advantage to the police and is most appropriate when responding to a silent alarm.

B. Officers not assigned to the scene of a robbery shall discontinue non-essential police duties, remain within their assigned beat, and position themselves to observe escape routes the robber may use.

C. Arrival at the scene

1. The primary unit shall be responsible to cover the main entrance and is the lead officer until relieved by a supervisor.

2. The first cover unit is responsible for the rear or most likely alternate exit.

3. Responding officers shall take cover and observe their primary sector. Attempt to avoid being observed.

4. If the robber remains inside a structure, take defensive positions, be aware of field of fire, backstop, and wait for the robber to exit the building. Apprehension should be made outside the building, if possible, to reduce the possibility of forcing a hostage situation.

5. If the responding officers determine that a problem exists, request the assignment of a supervisor. Do not enter a building where a robbery is in progress. Keep in mind that time is on your side and your primary objective is to avoid injury or death to yourself, and others.

6. If the primary officer is satisfied the robber has fled the scene, enter the building and request an employee to lock all entrances and exits to protect the crime scene from further contamination.

7. Follow normal procedures. Pertinent information needs to be communicated to RPSCC for broadcast. The primary officer is responsible to protect the crime scene. Areas requiring special protection are:

   a. Demand note, if any,

   b. The counter or position where the robbery actually took place,

   c. Any area where robber may have touched or climbed over, or

   d. Doors used by the robber to enter or exit the scene.

8. Handling witnesses

   a. Keep all witnesses at the scene. If a witness must leave, the primary officer shall obtain the name, address and telephone number prior to the witness' departure.

   b. All witnesses shall be separated or requested not to discuss the incident until they are individually interviewed.

c. Provide each witness with a witness statement form and obtain a preliminary written statement.

d. Only necessary persons (police and civilian) shall be permitted to enter the crime scene until the area has been processed for evidence and declared clear.

1.5 ROBBERY IN PROGRESS: BANK OR LENDING INSTITUTION

A. Officers shall respond to a report or alarm of a robbery in progress at a bank or lending institution consistent with the provisions of this order.

B. Responding officers shall be alert for an employee of a bank or lending institution carrying a "yellow flag."

C. An employee carrying a "yellow flag" (known procedure) will leave the main entrance of the bank or lending institution and walk directly to the nearest uniformed police officer. The employee will provide the officer with information i.e., false alarm; robbery has occurred; robber has fled; etc.

D. When a robbery of a bank or lending institution has occurred where funds are insured by the Federal Deposit Insurance Corporation, the Watch Commander shall cause to be notified the Louisville office of The Federal Bureau of Investigation (FBI) at (502) 583-3941

E. Due to the fact that the Ashland FBI office is currently not staffed with a resident agent, APD officers on the scene of a bank robbery should not expect an immediate FBI response unless notified otherwise.

1.6 EMPLOYEES OF BANK OR LENDING INSTITUTIONS

A. Obey the robber's instructions, if reasonable, so as to avoid injury or death.

B. Activate alarm and surveillance cameras. Give the robber bait money.

C. Obtain a good description of the suspect and the vehicle, if possible, and attempt to determine the robber's direction of flight.

D. As soon as the robber has left the bank lock all entrances and exits to prevent re-entry.

E. Upon receipt of the **coded** call from "Robert Alert", determine if a robbery is in progress. If the robber is still in the bank, tell the dispatcher "Your account is closed". A bank employee must consider the potential hazard of providing the dispatcher with information while robber is still inside the bank. If safe to do so, stay on the telephone and provide information. This may save lives.

F. If the robber has left the bank tell the dispatcher in plain English that a robbery has occurred. Stay on the telephone line until a police officer is inside the bank. Provide the dispatcher with as much information as possible.

G. If you determine the alarm is false, tell the dispatcher in plain English and further inform the dispatcher that the bank will “follow the procedure”. Stay on the telephone line until a police officer has arrived at the bank.

H. Assign an employee with a "yellow flag" to make contact with an uniformed police officer. It shall be the responsibility of the employee to leave the main door and **WALK TO THE NEAREST**

**UNIFORMED POLICE OFFICER**. Provide the officer with relevant information i.e., robbery has occurred, false alarm, etc.

I. Bank employees servicing automatic teller machines (ATM) shall wear yellow safety vests while working on and when departing from the ATM location. This will provide a visible identification of bank employees.

1.7 **ALARM TEST:**

A. It is necessary to test alarm systems. Prior to conducting an alarm test, an employee shall notify RPSCC that the alarm test is to be conducted. The message from the employee must follow a standard format. EXAMPLE: "This is (name and title of caller). Third National Bank, South Ashland Branch, is going to test the alarm."

B. If the dispatcher believes message is authentic, RPSCC shall recall the institution, talk with person who made initial call and verify that an alarm test is underway.

C. If dispatcher questions authenticity of call or recall, initiate a police response as outlined above.

1.8 **POLICE MEDIA RELATIONS**: Police media relations is governed by Ashland Police Department General Order D-1.

**EXCEPTION**: Release of information to the media relevant to a robbery of a bank or lending institution where funds are insured by the Federal Deposit Insurance Corporation shall be coordinated by the Chief of Police or his designated representative and the Special Agent in Charge, Federal Bureau of Investigation, Louisville Field Office.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 2

| **SUBJECT: ADULT BOOKING AND PRISONER SEARCH PROCEDURES** | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 15JUL15 | Review Date: 15JUL17 | **REVIEWED** |
| Accreditation Standards: KACP 1.2 | | |

**1.1 PURPOSE:** To establish standard booking and search procedures of adults arrested by the Ashland Police Department (APD).

**1.2 POLICY**:

A. It is the policy of the APD to uniformly report each arrest and adhere to standard procedure for prisoner searches and booking.

B. Uniform Citations, fingerprint impressions, and other items obtained during the booking process shall be forwarded without delay to Support Services.

**1.3 BOOKING PROCEDURE AND DISPOSITIONS FOR ADULT OFFENSES**

A. Location of Booking: The booking of adults shall be completed in the booking room of the Boyd County Detention Center (BCDC) unless permission is granted by the on-duty watch commander to complete the booking at a different location. Officers of the Criminal Investigations Section (C.I.S.) may be granted authorization by their supervisor to complete the booking at a different location.

B. Utilizing a paper Uniform Citation: The arresting officer will obtain a photocopy of the citation and submit the back page (hard copy) of the completed uniform citation and the "court 2/police (blue)" carbon copy. The arresting officer will complete a memo of transmittal and attach it to the Uniform Citation.

C. Utilizing the eCitation: The arresting officer will produce a paper copy of the eCitation from the KyOps system to provide to the BCDC. The second copy of the citation that is produced when printing the citation will be retained by the officer and submitted to records. The arresting officer will transmit the completed citation through the KyOps system.

D. eDisposition: Upon disposition of the case in the court system, the case manager will have completed the eDisposition function of the KyOps system to complete the electronic version of the Kentucky Offender Disposition Report (KSP-1). Sentencing information for the charges will be entered and transmitted through the KyOps system to complete the arrest record and provide an accurate criminal history. This process will be done for both electronic and paper forms.

E. Fingerprints: Fingerprinting of persons arrested by APD will be completed by personnel of the BCDC. APD personnel reserve the option to complete fingerprinting due to the nature of the criminal charge and/or the need for palm prints and fingertip prints.

**1.4 EMERGENCY DETENTION OF MENTALLY ILL**

A. When a law enforcement officer makes a warrantless arrest of a person who they have probable cause to believe may be mentally ill (KRS 202A.041) the law enforcement officer shall bypass the booking procedure and take the alleged mentally ill person to King's Daughters' Medical Center Emergency Room. When appropriate, the patient can be transported by Boyd County Emergency Medical Services.

B. The arresting officer shall complete a uniform citation on voluntary and involuntary hospitalizations. All copies, except for the copy left with the person arrested, shall be forwarded to the Support Services Section for distribution.

## 1.5 SEARCH OF PRISONERS

A. Responsibility to Search: Individuals arrested by APD shall be searched. It is the responsibility of the arresting officer to conduct a thorough field search of arrested individuals to reasonably assure the discovery and removal of items that may be utilized to inflict personal injury or items having evidential value. A field search of arrested individuals shall be conducted as soon as practical after the arrestee is under control and before the arrestee is placed in a vehicle for transport.

B. Cursory Search: Due to circumstances surrounding an arrest, or the location of the arrest, it may be appropriate to remove the offender to a more secure area prior to conducting a search. However, an arresting officer shall complete a cursory (frisk) search of the arrested individual prior to placing a prisoner in a vehicle.

C. Custodial Search: A custodial search shall be conducted prior to transferring an arrestee to the BCDC. If possible, the custodial search shall be conducted with two (2) officers present.

## 1.6 SEARCH OF PRISONERS OF THE OPPOSITE GENDER

A. Officer safety is the primary concern regardless of the arrestee's gender. The arrest of a person of the opposite gender compounds the problems facing an officer. An officer must take extreme care to protect himself/others from physical harm and at the same time avoid allegations of unreasonable search.

B. Field searches of females shall be limited to what is necessary to protect the officer, the arrested individual and other persons. Removal of handbags, billfolds, shopping bags, spike shoes, etc., and the correct use of handcuffs may well be reasonable action to prevent personal injury.

C. Custodial Search of Member of the Opposite Gender: A custodial search of a member of the opposite gender shall be conducted by a member of the same gender as the person being searched (preferably an APD employee). If no member of the same gender is available to conduct a custodial search, said search shall be conducted by BCDC personnel (same gender as the person being searched). Officers are reminded to carefully document the procedure utilized for searching a member of the opposite gender. This is necessary to protect the officer from undue criticism.

## 1.7 STRIP SEARCHES OF PRISONERS

A. A strip search of a prisoner is defined as the opening or removal of clothes worn by a prisoner and the visual inspection of the surface and cavities of the prisoner's body.

B. A strip search is appropriate only when the arresting officer has reasonable grounds to believe an item which could inflict harm or evidence is concealed upon a prisoner and a frisk or custodial search is not sufficient.

C. A strip search shall be conducted in private and in an area secure and free from unplanned intrusion. The area must be such that no person may view the search except the two (2) officers directly involved.

D. Two (2) officers shall conduct a strip search. The two (2) officers shall be of the same sex as the prisoner and individuals of the opposite sex from the prisoner shall not be present or observe the strip search. (In the event two (2) female officers are not available to search a female prisoner, the watch commander may solicit the assistance of other females. Preferably, females requested to assist will be from government service.)

## 1.8 PRISONER'S PROPERTY - DISPOSITION:

A. Prisoner property, other than evidence of a crime or contraband, shall be itemized on an Ashland Police Department Property Form. Prisoners' general property, which is not held as evidence or

contraband, shall be placed in an envelope and transferred to the Boyd County Jailer with the prisoner. The appropriate correction officer should sign and acknowledge the receipt of the property on the form in the lower portion of the form "released to." The white copy of the Property Record shall be submitted along with all other original reports to the Records Section. The second (yellow) copy shall be attached to the envelope being transferred with the prisoner to the Boyd County Jailer. The third (pink) copy shall be given to the prisoner as a receipt for his/her property.

B. When an officer encounters a prisoner who has a concealed deadly weapons (CDW) permit and is carrying a CDW, but is arrested on other charges, the officer shall have the dispatcher notify the BCDC that they are in route with a prisoner and a weapon;

1. When the officer arrives in the BCDC sallyport, he shall wait by his unit with the weapon until the deputy jailer meets him. The prisoner shall be left in the police unit.

2. The officer will turn the weapon over to the deputy jailer. The deputy will log the weapon into detention center records. APD officers should follow the same procedure as above on the Ashland Police Department Property Form.

C. Evidence of a crime or contraband found under the control of or on a prisoner shall be seized, reported and controlled consistent with Ashland Police Department Rules and Regulations, and General Order E - 1.

**1.9 ARREST AS A RESULT OF A FRESH PURSUIT OUTSIDE BOYD COUNTY:** An Ashland Police Officer may have probable cause and authority to arrest a person in a Kentucky county other than Boyd when the arrest is preceded by a fresh pursuit. The arrestee shall be taken to the BCDC. **(KACP 1.2)**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 3

| SUBJECT: TRAFFIC LAW ENFORCEMENT | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 28MAY13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 22.3, 22.4, 22.4A, 22.4B, 22.4C, 22.4D, 22.5, 22.6, 22.6A, 22.6B, 22.6C | | |

**1.1 PURPOSE**: To provide a uniform procedure for traffic enforcement.

**1.2 POLICY**: The enforcement of traffic laws (statutes and ordinances) is the responsibility of each Ashland police officer. The purpose of traffic enforcement is to encourage voluntary compliance with traffic regulations so as to avoid traffic accidents.

A traffic violator is not a criminal in the truest sense and will often remind the officer of the fact when stopped for a violation. More often than not the violator is a law abiding citizen who is just not attentive to his driving. ***As always, officer safety is highest priority***.

As in all citizen contacts, officer shall: **(KACP 22.5).**

A. Conduct himself/herself in a calm and professional manner;

B. Be courteous and avoid coarse language and threatening remarks;

C. Not engage in excessive dialogue, thus not giving the violator an opportunity to become argumentative;

D. Identify himself/herself to violator by stating rank and last name;

E. Inform violator of nature of offense; and,

F. In non-arrest, minor traffic offenses, complete citations with mandatory information. The post arrest complaint area (narrative) will list the charge in its entirety. Officers will follow guidelines of issuing citations relating to information sheets supplied by the Administrative Office of the Courts. The violator can then be released and the officer can relocate and complete the post arrest complaint (narrative) portions with needed details. **(KACP 22.3).** This will reduce contact time with the violator. This may aid in reducing an attack verbally or physically against the officer.

**1.3 USE OF RADAR IN TRAFFIC ENFORCEMENT (KACP 22.6, 22.6A).**

A. The officer must be able to make visual contact with the target vehicle and be able to state unequivocally that he observed the target vehicle in front of other traffic in a position nearest the police car.

B. If several vehicles are moving in a group, and going about the same rate of speed, there may not be a reading in the target window. Only when one vehicle leaves the group will the radar pick it up and supply a reading. Discretion should be used.

C. Avoid use of radar on Winchester Avenue when a train is passing. Chance of error outweighs possible advantages.

D. Do not use radar readout if police car is going at a speed greater than target vehicle. Stay within posted speed limit if taking mobile readings.

E. Best result from radar is obtained on a one-on-one basis. The operator can identify target and lock in. Ideal roadway is two-lane roadway with light to moderate traffic conditions.

F. Do not use reading when police radio is being utilized to transmit (FM Two-way).

G. Consistent with established enforcement policy, violators exceeding the speed limit of one to six miles per hour may be issued a verbal or written warning, but should not be cited for speeding (officer's discretion). Violators exceeding the speed limit by more than six miles per hour may be issued a Uniform Traffic Citation.

H. Radar is not a "cure-all" for traffic enforcement problems. It is a tool which must be controlled carefully. Essentially, radar should only confirm what the officer sees. In providing court testimony, officers should be able to testify he observed a vehicle speed because it was:

1. Out in front of other traffic;

2. Was passing other traffic that was going the speed limit;

3. The officer could have cited violator without use of radar, but radar confirmed belief of speeding violation.

NOTE: Kentucky courts permit lay witness testimony as to speed of automobiles. In court, the officer can go further and give history as to past experience in traffic enforcement and base his actions on that experience. Officers should de-emphasize the fact radar was being utilized and make his decision to issue speeding citations on experience and training, not radar.

I. When operating radar in a moving mode, and an unusually high reading appears in the target window, check both vehicle speed window and speedometer. If they are not comparable, take no action on speed displayed in target window.

J. Operation of a radar unit in the stationary mode requires an officer to take positive steps to avoid perception by the motoring public that a "speed trap" is in operation. Our goal is to achieve voluntary compliance. This goal is more likely to be achieved through a high visibility traffic enforcement effort. When radar is being operated in a stationary mode, the police vehicle should be highly visible. The vehicle should present no unnecessary traffic hazards and shall comply with all parking ordinances and statutes.

K. The Ashland Police Department installs mobile applications of doppler radar in analog and digital formats for speed detection. These units will have front and rear antenna capability to allow speed ranging from either direction of the patrol unit while in moving or stationary mode. These devices are capable of being integrated into the mobile video recording unit. Tuning forks provided by the manufacturer are used to determine accuracy of the device and to determine if there is a need for calibration or repair. The Field Operations Division Commander or his designee will inspect to ensure that the units are working properly and installed as required by the manufacturer. If any deficiencies in the equipment are identified the unit will be taken out of the vehicle and sent to the authorized vendor for repair and calibration. Documents of the repair and calibration will be on file in the Field Operations Division office. (**KAPC 22.6B)**

L. The Ashland Police Department also utilizes the laser style speed detection with a handheld device. This unit is stored in the Field Operations Equipment Room for use. The unit will be checked out

through the on duty supervisor. The use of the unit is strictly stationary/handheld and will be operated as instructed in training and by the manufacturer.

**1.4 INSTALLATION AND USE OF THE RADAR UNITS**:

A. Install the radar unit securely to vehicle. Make certain cords are secure and present no hazard to operation of the vehicle.

B. Calibrate the radar unit using the tuning fork and internal calibration.

**1.5 IMPAIRED DRIVER COUNTERMEASURES**: Sworn officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and must make every effort to detect and apprehend them. After conducting an initial investigation at the scene of the traffic contact and upon determining that probable cause to arrest is present, officers shall effect a physical arrest of the person suspected of driving under the influence of alcohol and/or drugs.

A. Impaired Driver Detection:

1. Recognize and identify specific driving or other behaviors that signify that the driver may be impaired by alcohol and/or drugs.

2. Detection is the first step in any impaired driver enforcement action. The officer's observations in this stage are crucial in establishing articulable facts which form the basis for traffic stop or initial contact with a motorist.

3. New technology advances provide equipment that is an extension of the police officer's senses (eye, nose, ear, taste, and touch). Equipment such as the Passive Alcohol Sensor "sniffer" is an authorized tool to detect the odor of alcoholic beverages within a vehicle and or its operator during a traffic stop. The device is installed within a flashlight and is only an extension of the officer's senses and, therefore, is not an evidentiary chemical test for impaired drivers.

4. Recognize and identify specific characteristics, attitudes, and actions commonly manifested by impaired drivers.

5. Note all observations leading to the suspicion that the driver may be impaired.

6. If evidence exists to support your observation, request the driver to exit the vehicle for further investigation.

B. Field Sobriety Testing:

1. Select and administer appropriate field sobriety tests to assess impairment.

2. Consistent with General Order B – 13, document field sobriety testing on a mobile video system. if vehicle is so equipped. Officer must document on citation that videotape recording was made.

3. Subject may be requested to take a preliminary breath test (PBT).

a. The testing officer shall allow fifteen (15) minutes of observation time before administering the PBT test.

b. Kentucky Revised Statute (KRS 189 A.100) gives statutory authority to use a PBT in a pre-arrest situation as a non-chemical test.

c. Refusal to submit to a preliminary breath test is not a legal refusal and the officer cannot testify that the person arrested refused the test.

d. There is no legal requirement to submit to any field sobriety testing including a PBT test, however, the officer can testify that the arrestee did refuse to take movement performance tests such as walk and turn and horizontal gaze and eye nystagmus.

e. Numerical results of the PBT shall not be shown on the uniform citation. When testimony is given by a police officer that the arrested person took a PBT, the officer shall indicate alcohol was present.

f. Officers are expected to conduct a thorough and complete investigation to obtain all possible evidence concerning the subject's impairment. The arrest decision cannot be based solely on the result of the preliminary breath test. The PBT should be used when the officer has reason to believe the subject has been drinking, but evidence of impairment is not conclusive. The PBT can also eliminate alcohol as a source of impairment and assist in identifying other sources of impairment such as drugs.

g. When the person being detained and tested asks to see or be told the result of the PBT reading, the officer should tell the person the reading.

C. Use, Storage, Maintenance, and Calibration of Alco-Sensor III and the CMI SD5 Preliminary Breath Tester (PBT): The use, storage, maintenance, and calibration of the PBT is outlined in a manual provided by the manufacturer. The instructions in the manual shall be followed when administering a test, when performing calibration, and when performing maintenance or storage procedures. PBT units are available in most Field Operations Vehicles.

D. Request for Drug Recognition Expert(s) (DRE)

1. DREs can be requested for assistance and respond to the following situations:

a. A suspect has a low BAC level (under .08) that is inconsistent with his/her field sobriety test results.

b. A suspect has admitted to using medication and/or drugs in the past two hours.

c. A suspect is obviously drug-impaired (cannot perform field soriety tests to the satisfaction of the arresting officer).

d. A collision in which the driver has no signs of alcohol impairment, but has some observable signs of intoxication by drugs.

e. A traffic stop involving a drug arrest where there is evidence the driver may be under the influence of drugs.

f. There is an odor of a controlled substance on the suspect or in the vehicle.

g. In any felonious or fatal collision a DRE may respond to the scene and evaluate the surviving driver(s). Exceptions must be approved by the appropriate division commander.

h. In any city vehicle involved collision where there is reasonable suspicioun that drug impairment could be a factor.

2. Requests for a DRE should be made as soon as possible because the physical indicators of drug impairment diminish as time passes. The requesting officer should be available to the DRE to answer specific questions about the suspect.

3. On-duty DRE(s) can be utilized when possible. With division commander approval, supervisor(s) may call out a DRE if the situation warrants.

E. Arrest and processing:

1. If all elements of an impaired driver violation have been established, the officer shall affect a physical arrest of the subject.

2. The APD designated test offered for persons arrested for driving under the influence of alcohol should be the breath test.

   a. In the event that the breath test instrument in Boyd County is not in service, a blood test can be offered in lieu of the breath test.

   b. In the case of the person arrested for driving under the influence of drugs, the designated evidentiary test offered will be the blood test.

   c. In the event the person arrested for any driving under the influence event and the person has been removed to a local medical facility for treatment for an injury or illness the evidentiary test offered will be the blood test.

3. If subject's blood alcohol content (BAC) from breath testing and does not substantiate impairment, an offer of an evidentiary blood test can be made to check for drugs or a medical condition that may cause impairment.

4. Conduct supplementary chemical test(s) in accordance with KRS 189A.103, if impairment by drugs is suspected.

F. Blood draws by paramedics:

In cases where a driver who is suspected of driving while impaired is seriously injured in a traffic crash, and is going to be removed to an out of state trauma center, the Boyd County Emergency Medical Service has agreed to assist with drawing of blood for evidentiary purposes (pursuant to K.R.S 189A.103) at the crash scene prior to transport out of state. The investigating officer shall make this request of the paramedics when appropriate, shall obtain consent from the driver in the presence of the paramedic, and shall provide the blood evidence kit for this purpose. It should be noted that the paramedics can only perform this service when the drawing of blood does not affect or

delay the medical care of the patient. It should also be noted that a person who is unconscious or otherwise incapable of consent is deemed to have given consent and the blood can be drawn according to K.R.S 189A.103.

The Boyd County Emergency Medical Service's policy for drawing blood under these circumstances is attached to this order.

**1.6 REGISTRATION VIOLATIONS:** Thousands of Kentucky residents are "beating the system" through improper use in Kentucky of motor vehicles bearing out of state license plates. KRS 186.020 requires residents of Kentucky to register their vehicles in Kentucky within 15 days. Any person who violates the provisions of KRS 186.020 shall be guilty of a violation.

To assist in establishing residency KRS 186.010(12) states that possession of a valid Kentucky driver license is prima facie evidence that the operator is a resident of Kentucky.

A. On view violation of KRS 186.020 (vehicle being operated upon the highway).

1. Determine ownership.

2. Determine residency. Kentucky operator's license is prima facie evidence that the owner/operator is a resident of Kentucky.

3. If investigation reveals that there is reasonable ground to believe that the motor vehicle is being operated in the Commonwealth of Kentucky in violation of KRS 186.020, the investigating officer shall issue a uniform citation for the violation.

B. Upon a complaint alleging improper registration, (vehicle not being operated upon the highway), the officer shall initiate an investigation to determine if there is a violation of KRS 186.020.

1. Contact the registered owner of the vehicle; obtain his/her Kentucky address.

2. Determine ownership.

3. Determine residency - Kentucky operator's license is prima facie evidence that owner/operator is a resident of Kentucky.

4. If investigation reveals that there is reasonable ground to believe that the motor vehicle is being operated in the Commonwealth of Kentucky in violation of KRS 186.020, the investigating officer shall issue a courtesy notice on form APD-7. One copy shall be given to the owner of the vehicle. One copy shall be given to the officer's immediate supervisor. The supervisor shall hold the Courtesy Notice for fifteen (15) days, at which time it will be reissued to the case officer for follow-up.

5. If upon follow-up, it is found that the vehicle has a valid Kentucky registration plate, the case shall be closed.

6. If the vehicle is still bearing the out of state registration, the officer shall contact the owner for updated status. If it is determined that the vehicle is in violation, the officer shall obtain a criminal summons for the offense.

C. Unable to locate owner of the vehicle.

1. Document pertinent information on a Courtesy Notice (Form APD-7). Do not note the date or vehicle owner at this time. Obtain Kentucky address of owner or location of vehicle.

2. The officer shall submit both copies of the Courtesy Notice to his immediate supervisor. The supervisor will issue the Courtesy Notice to the case officer daily, until contact is made with the owner.

3. Upon contact with the vehicle owner, the officer shall complete the Courtesy Notice (Form APD-7). One copy of the Courtesy Notice shall be given to vehicle owner. One copy shall be given to the officer's immediate supervisor. The supervisor will hold the Courtesy Notice for fifteen (15) days at which time it will be reissued to the case officer for follow up.

4. If upon follow up it is found that the vehicle has a valid Kentucky Registration plate, the case shall be closed.

5. If the vehicle is still bearing the out of state registration plate, the officer shall contact the owner for updated status. If it is determined that the vehicle is in violation, the officer shall obtain a criminal summons for the offense.

**1.7 ACCOUNTABILITY AND TRACKING OF UNIFORM CITATIONS**: The primary source of the Kentucky

Uniform citation is E-citation. These citations are obtained through the (KYOPS) Kentucky Open Portal Solution provided by the Kentucky State Police. Officers download citations as needed from the portal and are assigned to the mobile data terminal they downloaded them to. Officers receive blocks of citation numbers for use in 1, 5, 10 and 25 allotments Officers are accountable for the use and are required to follow KYOPS processes for all completed and voided citations. Completed and voided citations will be transmitted as required and will be printed by the supervisor reviewing so submission can be made to Supports Services Section for local storage. Storage of these citations will be in each officers citations file in Support Services. **(KACP 22.4D)**

Support Services has on hand booklets of Kentucky Uniform citations. These booklets will be distributed by Support Services Section. The officer will initial receipt of a book of citations with the citation numbers indicated on the form. **(KACP 22.4A)**

When a person is issued a paper uniform citation for a violation, the officer will remove the pink "Violator" carbon copy and issue it to the violator. When a physical arrest is made, the arresting officer will photocopy the completed Ecitation or the paper citation at the Detention Center. The arresting officer will retain the "Agency" hardcopy and the blue "Court 2/Police" blue carbon copy. The remainder copies of the citation will remain at the Detention Center.

All paper uniform citations will be accompanied by a Memorandum of Transmittal and submitted for approval to the watch commander before the end of watch. All approved citations will be forwarded to the Support Services/Records Section to be sent to the Boyd County Clerk's office for processing. **(KACP 22.4A, 22.4D)**

All citations, arrests, case reports, witness forms, implied consent and any other supporting documents will be submitted to the Support Services Section for storage once supervisor approval is given. **(KACP 22.4B, 22.4C, 22.4D)**

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

Boyd Co EMS
Daily Operational Guidelines

## Blood Draw Procedures Requested By Law Enforcement

With the growing problems that local Law Enforcement is having with the collection of evidence from patients that are transported out of state, that are suspected of having been under the influence of alcohol the County Attorney as requested we assist with Blood evidence collection. In an attempt to comply with the request and understanding the need for our assistance addressing this issue the following procedure will be followed.

1. The Paramedic attending the run will draw blood at the request of a Law Enforcement Officer on the scene of a MVC when:
    a. The victim is going to be transported by air or ground to a Huntington Trauma Ctr.
    b. The requesting Officer must be present when the blood is collected.
    c. The requesting Officer will provide a evidence kit with the required blood tubes.
    d. The time it takes to draw blood does not affect the care of the patient.

2. Consent to draw blood from victims that are unconscious, or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn the consent provided in KRS 189A.103.

3. Law Enforcement Officers requesting the blood draw will address the victim and obtain consent in front of the Paramedic doing the blood draw. The Officer will follow procedures outlined in their guidelines and procedures and advise the Paramedic when it is appropriate to obtain the blood sample.

4. Once the Officer has made the request and obtained consent the following procedure will be followed:

    a. The attending Paramedic will obtain a blood sample sufficient to fill all tubes provided in the evidence collection kit, approximately 20 ml.
    b. **Providone Iodine** will be used to prep the skin not alcohol swabs.
    c. All blood tubes in the provided kits will be filled and the Paramedic collecting the sample will initial the corner of the label on the collection kit blood tubes.
    d. The filled blood tubes with initialed labels will be given to the requesting Officer for him to finish labeling and packaging.
    e. The Officer will remain present thru the entire collection process.

5. The process for collection of the sample my be done by several acceptable means:
    a. Use of vacutainer systems.
    b. Use of syringe and needle.
    c. Collection during an IV start.
        i. If it is suspected by the attending paramedic that a request will be made by Law Enforcement for a blood sample he or she may go ahead and draw 20 ml of blood during a IV start. The sample must stay in the possession of the Paramedic that drew the sample until the proper request and procedures are followed. At that time the paramedic can transfer the sample into the evidence collection tubes and transfer the samples to the Officer.

Adopted 2/09

# Ashland Police Department

## GENERAL ORDER B - 4

| SUBJECT: FOOT PURSUITS | | |
|---|---|---|
| Date of Issue: 17AUG10 | Effective Date: 01DEC16 | |
| Revision Date: 01DEC16 | Review Date: 01DEC18 | **REVISED** |
| Accreditation Standards KACP: 30.9 | | |

**1.1 Purpose:** To provide for the safety of law enforcement personnel while at the same time facilitating the safe apprehension of suspects.

**1.2 Policy:** Whenever an officer decides to engage, or continue a foot pursuit a quick and continuous risk assessment must take place. The officer must evaluate the risk involved to themselves, the suspect and the community versus the benefit of continuing. (KACP 30.9)

**1.3 Definitions:**

A. **Foot Pursuit**: A situation in which an officer, on foot chases a suspect in an effort to detain or arrest that individual who he has a reasonable suspicion to believe is about to commit, is committing, or has committed a crime and who is resisting apprehension by fleeing from the officer.

B. **Suspect**: Includes any individual who a police officer reasonably believes is about to commit, is committing or has committed an offense or poses an imminent threat to the safety of the public, other officers or themselves.

C. **Contact/Cover**: A tactical practice of having two or more officers working together during a foot pursuit. The officers work as a team utilizing direct or indirect communication methods to coordinate their efforts, remain aware of the locations of officers and suspects, and keep abreast of the status of the pursuit.

**1.4 Procedure**:

A. **Alternatives to Foot Pursuit**: To the extent that resources are available, officers should consider the following alternatives to a foot pursuit:

1. Area Containment;
2. Additional officers;
3. Surveillance until additional resources become available.

B. **Factors to Consider in Conducting the Risk Assessment**:

1. Whether the suspect is armed;
2. How serious is the suspect's offense i.e. does he or she pose a serious threat to the community if allowed to escape;
3. Officer acting alone;
4. Backup is not available in a timely manner;
5. Officer pursuing more than one suspect;
6. Officer not in physical condition to pursue a subject on foot;
7. Location:
   a. Nature of area - (i.e. residential, commercial, freeway) which impacts the safety of all those who may be affected by the foot pursuit,
   b. Conditions of structures: abandoned and condemned,
   c. Environmental factors: weather conditions or darkness,
   d. Area of pursuit is hostile to law enforcement personnel;
8. Ability to apprehend the subject at a later time. i.e. identity is known;
9. Communications Issues:
   a. Officer familiarity with location-able to identify subject's location with accuracy during pursuit,
   b. Radio frequency and coverage- Is officer in area where radio coverage may fail.

C. **Pursuing Officer Responsibilities:**

1. The decision to initiate or continue a foot pursuit requires weighing the need to apprehend the suspect against the degree of risk to which the officer and others are exposed to as a result of the pursuit.
2. Once an officer decides to engage in a foot pursuit, the officer must immediately relay the following information to communications:
   a. Officer identifier (car number),
   b. Location (continuing responsibility),
   c. Direction of travel,
   d. Description of suspect,
   e. Whether suspect is armed,
   f. Reason for foot pursuit,
   g. Coordinating with other officers to establish perimeter for containment.
3. The primary officer should maintain sufficient tactical gap between him or herself and the suspect to allow time for maintaining cover and allow for the arrival of backup officers before engagement.
4. An officer should not enter a building, structure, or area of limited or no cover without a backup officer present.
5. An officer should not continue a foot pursuit if the officer has lost their firearm.
6. Officers should note that residents may mistake pursuing officers as prowlers; to the extent possible efforts should be made to notify area residents of the police presence. Officers or supervisors might consider notification to area residents:
   a. RPSCC,
   b. Backup officers' use of vehicle's P.A.,
   c. Use of vehicle siren,
   d. Any other means possible to communicate clearly.

7. It will be the responsibility of the primary pursuing officer to prepare an Ashland Police Department Foot Pursuit Incident Report to describe the particulars of the pursuit regardless of whether the suspect escaped or was arrested. This report shall be required of each unit that becomes the primary pursuit unit during the course of the pursuit.

8. It will be the responsibility of the secondary pursuing officer to file an Ashland Police Department Foot Pursuit Incident Report to fully describe his/her actions in the pursuit.

D. **Supervisor's responsibility:** If a supervisor is on duty, the supervisor shall:

1. Monitor the pursuit and direct available resources to provide for the swift and safe apprehension of the suspect.
2. Terminate any foot pursuit where the risk to the officer, the public, or the suspect outweighs the need for the foot pursuit.
3. Consider the use of specialized units/personnel to aid in the apprehension i.e. Ashland Police Department Special Response Team, K-9 from the Kentucky State Police following containment etc. In the absence of a supervisor, this consideration should be undertaken by involved officers.

E. **Communications Responsibility**:

1. Maintain open communications with involved officer.
2. Notify a supervisor and provide relevant information (without compromising ability of involved officer in communicating ongoing information)

F. **Termination of Foot Pursuits:** Officers shall terminate a foot pursuit:

1. If ordered by a supervisor;

2. If the officer believes the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the suspect;
3. If the suspect's identity is known and he or she is not an imminent threat to the safety of the public or other officers, consider terminating the pursuit and apprehend at a later date;
4. After termination of a foot pursuit, the involved officers will notify communications of the last known location of the suspect or in cases of apprehension, the location of apprehension.

**No member of the Ashland Police Department will be subject to disciplinary action for making the decision to terminate a foot pursuit.**

G. **Report/Review of Foot Pursuits:** At the conclusion of, an Ashland Police Department Foot Pursuit Incident Form as defined by this policy will be submitted before the end of tour of duty by officers engaged in the foot pursuit. An individual memorandum will not be needed by the participating officers unless requested by the Watch Commander of Field Supervisor. The foot pursuit shall be reviewed by:

1. First line supervisor/commander. It is the responsibility of the supervisor in charge of the pursuit to review the incident for adherence to APD policy based on his/her initial investigation. The supervisor will take action to ensure that RPSCC audio and in-car video media are held as evidence regardless of the final disposition of the pursuit. Supervisors and Commanders will include a separate memorandum covering the review for adherence to this policy and recommendations for safety issues identified in the review.
2. The report will then be forwarded via chain of command to a Division Commander for review and then to the Chief of Police for final review.
3. Training officer. Review for the need for additional training and to be documented in the Early Warning System.

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BY ORDER OF

W. Todd Kelley, Chief of Police

ASHLAND POLICE DEPARTMENT

# FOOT PURSUIT INCIDENT REPORT

**2. Incident Case #:**

| | | | | | | |
|---|---|---|---|---|---|---|
| Report prepared by: | | | | I.D. #: | Participated as: | |
| Vehicle #: | Radio Identifier: | Date of Report: | Date of Pursuit: | Time Pursuit Began: | Time Pursuit Ended: | |
| Suspect Pre Pursuit Activity: | | | Lighting Condition: | | Weather Condition: | |
| Vehicle Traffic: | Was Suspect in Restraints: | Restraints In Front/Rear: | Arrest Made / Citation Issued: | If yes, Citation #: | Use of Force: | Video Used: |

**Reason For Pursuit:**

**Description of Incident (Including route of pursuit):**

**Reason Pursuit Terminated:**

Officer Signature: _____ I.D. #: _____ Date: ___/___/___



Officer's Initials: _____ Supervisor's Initials: _____

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 5

| SUBJECT: TRANSPORTATION & RESTRAINT OF PRISONERS | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 10MAR16 | |
| Revision Date: 10MAR16 | Review Date: 10MAR18 | **REVISED** |
| Accreditation Standards: KACP 1.5, 1.7, 1.7A, 1.7B, 1.7C, 1.7D, 1.7E, 1.7F, 1.7G, 1.7H, 1.7I, 1.7J, 1.7K, 21.4 | | |

**1.1 PURPOSE:** To establish guidelines for the reasonable and safe transportation and restraint of prisoners. **(KACP 21.4)**

**1.2 POLICY:** Transportation and restraint by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken to the agency's holding facility for booking, processing and short-term holding. The second concerns the movement of prisoners from the holding facility to a hospital or other medical facility; to court; to attend a funeral or visit a seriously ill relative; and for other reasons. Insert to other facility. Regardless of the reason for the transportation of prisoners, potential hazards are always present. Therefore, it is the policy of this agency to establish uniform procedures that provide adequately for the safety and security of prisoners, transporting officers/, and the public during prisoner transport.

**1.3 DEFINITIONS:**

**A. CONTRABAND** – Articles or substances prohibited from the possession of prisoners.

**B. HANDICAPPED PRISONER**-A prisoner with an anatomical, physiological, or mental impairment that hinders mobility.

**C. PRISONER** – A person who has been arrested and taken into custody.

**D. PROPER SEARCH** – The physical inspection of a prisoner's person, clothing, and effects for weapons or potentially hazardous articles to be used against law enforcement personnel. This search shall also have consideration for contraband, such as narcotics, narcotic paraphernalia and implements which may facilitate an escape from custody or confinement. A proper search shall be conducted in accordance with federal and state constitutions and statutes and be consistent with this agency's policy on searches.

**E. RESTRAINING DEVICES** – Equipment such as handcuffs, flex-cuffs, leather restraint belts, leg irons, hobble devices, and maximal restraint tools, used to restrain the movement of the prisoner. **(KACP 1.5)**

**F. SECURITY HAZARD** – Any threat to the security of the prisoner, to the facility in which he/she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the

kinds of restraining devices to be used, and other actions to be taken by agency personnel to provide proper protection for and security of the prisoner.

**G. TRANSPORTING OFFICER** – an agency employee who is responsible for transporting a prisoner from one point to another.

**H. TRANSPORTATION OPERATIONS: (KACP 1.7C)**

1. **VEHICLE INSPECTION:** At the beginning and end of each shift, all vehicles regularly used for prisoner transport, shall be inspected by the agency member assigned to that vehicle to determine that all safety devices are in working order and that the interior is free of weapons and contraband.

2. Prior to placing a prisoner in a vehicle for transport or detention, the officer shall inspect the interior for weapons and contraband. An additional inspection shall be conducted after the prisoner has been delivered to the detention facility or other destination.

**I. RESTRAINING DEVICES:**

1. Officers shall use only those restraining devices for which they have been trained. **(KACP 1.5)**

2. With few exceptions, all prisoners shall be handcuffed, double locked and checked for proper application, with their hands behind their back. **(KACP 1.5)**

3. Officers shall document, in their report that "subject was handcuffed, checked for fit and double-locked." **(KACP 1.5)**

4. Officers may use discretion in restraining persons or using other restraining devices in specific cases such as: **(KACP 1.5)**

   a. Obvious state of pregnancy;

   b. Prisoner has a physical handicap;

   c. Prisoner has injuries that could be aggravated by standard handcuffing procedures;

   d. Elderly; and Very young persons.

   e. All prisoners shall be secured with seatbelts. No prisoner shall be handcuffed to any part of the police vehicle. If officers are unable to securely fasten with a seatbelt alternate means of transportation should be utilized (example ambulance). **(KACP 1.7A)**

   f. With the approval of a supervisor, leg irons, hobbles or flex-cuffs may be applied to the ankles of a prisoner who violently resists arrest, is an escape

risk, is prone to violent behavior, or manifests mental disorders that pose a threat to the prisoner, the transporting officer, or the public. **(KACP 1.5)**

**J. TRANSPORT:**

1. Prior to transport, the transporting officer shall thoroughly search all prisoners for any weapons, tools of escape, or contraband. **(KACP 1.7B)**

2. The transporting officer shall conduct a pat-down frisk for the purpose of seizing any weapons or tools of escape. The officer shall conduct a further search incident to the arrest for the purpose of seizing weapons, contraband or evidence of the crime. **(KACP 1.7B)**

3. In the event that the transporting officer and prisoner are of the opposite sex, the transporting officer may conduct a limited pat-down frisk for the purpose of seizing any weapons, tools of escape or contraband. This search should be observed, if possible, by a witness or in front of the vehicle video camera, and the officer is advised to use the back of his/her hand or some object such as a pen. **(KACP 1.7B)**

4. When possible and practicable, an agency member of the opposite sex should be requested for these types of searches. **(KACP 1.7B)**

5. Any search shall be documented by the transporting officer.

6. Prior to transporting a prisoner, the transporting officer shall notify the dispatcher:

   a. Identity of the prisoner; **(KACP 1.7J)**

   b. Arrest location and destination; **(KACP 1.7D)**

   c. Vehicle odometer mileage; and **(KACP 1.7D)**

   d. Vehicle odometer mileage at time of arrival at the intended destination. **(KACP 1.7E)**

7. Prisoners shall be transported in the following manner: **(KACP 1.7A)**

   a. If the transport vehicle is equipped with a safety barrier, the prisoner shall be placed in the rear, right-side seat. The transporting officer(s) shall be positioned in the front seat.

   b. If the transport vehicle is equipped with a safety barrier, and two prisoners are being transported, then two officers shall make the transport where feasible. The prisoners shall be placed in the rear seat. The transporting officers shall be positioned in the front seat.

~~c.~~ Up to ~~three~~ two (2) prisoners may be transported by the officer in a vehicle equipped with a safety barrier. ~~, provided that two officers make the transport. The prisoners shall be placed in the rear seat. The transporting officers/ shall be positioned in the front seat.~~

d. A prisoner may be transported in a vehicle not equipped with a safety barrier. However, two officers must make the transport. One officer shall operate the vehicle while the second officer is seated in the rear seat, directly behind the operator of the vehicle. The prisoner shall be seated in the rear, right-side seat.

e. All prisoners being transported shall wear properly fastened seat belts.

f. Prisoners shall not be transported in a reclined position.

g. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.

h. Prisoners shall not be left unattended while being transported.

i. Unless approved by a supervisor, no stops will be made while transporting a prisoner.

j. A transporting officer shall not respond to the need for law enforcement services or back-up unless the risk to other citizens or law enforcement officers is both clear and serious and the risk to the prisoner(s) is minimal. When the need for these services is of a non-serious nature, the officer shall notify dispatch.

k. Prisoners of the opposite sex shall not be transported in the same vehicle unless extraordinary circumstances exist, and only when approved by a supervisor.

l. If a prisoner is to be transported to court or any other facility, the prisoner is believed to be a security hazard, the transporting officer(s) shall inform the receiving court and law enforcement personnel in order that they may prepare to accept custody of the prisoner.

m. The in-car video system will record the transport per G.O B-13, 1.5, A.7.

## K. SPECIAL TRANSPORT SITUATIONS (KACP 1.7F)

1. If a prisoner becomes sick or injured incidental to arrest, the transporting officer, when possible, shall summon emergency medical support to examine the prisoner prior to transport.

2. If emergency hospital treatment is necessary, the prisoner and at least one officer shall be transported by the ambulance to the hospital. The officer shall remain with the prisoner (unless prevented by emergency circumstances or

treatment needs) until the hospital personnel release the prisoner or until appropriate security can be arranged.

3. If emergency hospital treatment is not necessary, and a reasonable request is made by the prisoner to go to the hospital, the prisoner shall be transported in an agency vehicle.

4. Prisoners with physical handicaps may be transported in agency vehicles. All reasonable precautions shall be taken by the transporting officer to ensure the security and reasonable comfort of the prisoner, without compromising the safety of the transporting officer(s).

5. Appropriate measures for the security and control of prisoners in medical facilities shall be taken. Whenever an officer transports a prisoner, or is transported with a prisoner, to a medical facility, the officer shall: **(KACP 1.7I, KACP 1.7G)**

   a. Maintain a constant view of the prisoner;
   b. Ensure that proper restraints are applied to the prisoner until the medical staff needs them removed for medical treatment. Once treatment is completed, proper restraints shall be reapplied;
   c. Guard against any injury to the officer and all medical staff;
   d. If required to guard the prisoner, and when possible, rotate guarding assignments at regular intervals to avoid complacency;
   e. Ensure that the prisoner does not have contact with visitors;
   f. Notify hospital security, if available, and the law enforcement agency within the jurisdiction of the medical facility of the presence of a prisoner within the hospital;
   g. If the prisoner is admitted to the medical facility, and cannot be arraigned or issued a summons, notify the supervisor to arrange for 24 hour guard coverage;
   h. Upon the prisoner's release from the medical facility, and prior to transport, the prisoner shall be thoroughly searched; and
   i. Upon the prisoner's release from the medical facility, the transporting officer shall ensure that all medical records and instructions for future treatment are in the prisoner's possession and are provided to the detention facility.

6. Whenever a prisoner is to be transported and has been involved in the following types of incidents special safety considered shall be adhered to: **(KACP 1.7G, 1.7H)**

   a. When the prisoner:

      1) Was involved in a violent struggle during apprehension,

2) Was subjected to the use of a chemical agent, Taser, neck restraint hold, multiple body weight control, or impact strikes to the body,

3) Is highly intoxicated on either alcohol or drugs or a combination,

4) Is secured by maximal restraints, four point restraints, or a hobble tool, or

5) Evidences a difficulty in breathing**, the transporting officers shall:**

- Ensure that the prisoner remains in a seated, upright position.
- One officer shall maintain constant visual and audible observation of the prisoner.
- If there is any indication that the prisoner is in medical distress the officer(s) shall administer emergency medical attention consistent with his/her level of training and shall immediately summon emergency medical support, and
- Shall advise the detention staff accepting the prisoner of all of the above circumstances. **(KACP 1.7G)**

**L. ESCAPE (KACP1.7K)**

In the event of escape custody from a police vehicle or at another location, the officer(s) transporting will immediately notify RPSCC dispatcher of the situation. Preliminary information as to identity, direction of travel and as to the mental attitude of the person that escaped will be immediately broadcasted to all area agencies. Officer(s) will also notify a supervisor to respond to the scene and begin to investigate the circumstances of the escape and coordinate further law enforcement response.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT
# GENERAL ORDER B - 6

| SUBJECT: EMERGENCY AND PURSUIT DRIVING | | |
|---|---|---|
| Date of Issue: 17AUG10 | Effective Date: 15JUL15 | |
| Revision Date: 9FEB12 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards KACP: 21.1, 21.1I, 21.2A, 21.2B, 21.2C, 21.2D, 21.2E, 21.2F, 21.2G, 21.2H, 21.2J, 22.5 | | |

**1.1 POLICY**: It is the policy of the Ashland Police Department (APD) to protect all persons' lives to the extent possible when enforcing the law. APD's primary concern in pursuit situations is the protection of lives and safety of all citizens and officers.

Although many pursuits incur too much risk to be justified, occasionally there are circumstances when a proper law enforcement response requires a pursuit and the degree of risk becomes justified. This policy is to be used as a guide to make an intelligent and acceptable decision on whether to pursue.

Officers should be aware that the threat posed to the public by a pursuit should not exceed the threat posed by the violator, should he remain at large. The pursuing officer must use his/her best judgment in evaluating the pursuit and make a continuous appraisal of it in deciding whether to continue the pursuit. The element of personal challenge should never enter into the officer's decision. The proficient police officer is aware that the decision to abandon pursuit is, under certain circumstances, the most intelligent and professional course of action.

**1.2 DEFINITIONS**: A motor vehicle pursuit is an active attempt by a law enforcement officer operating an emergency vehicle and simultaneously using all emergency equipment to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware of that attempt and is resisting apprehension by maintaining or increasing his speed, disobeying traffic laws, ignoring the officer, or attempting to elude the officer.

For the purposes of this order, emergency operation of police vehicles shall refer to the operation of a police vehicle by an officer in response to a situation or occurrence that threatens public safety or property, and has developed suddenly and/or unexpectedly and demands immediate action and response.

**1.3 LEGAL CONSIDERATIONS**: Each member of the APD shall operate Department vehicles in total compliance with city of Ashland ordinances and Kentucky Revised Statutes (KRS).

**1.4 ROLES AND RESPONSIBILITIES**:

A. No more than two vehicles will be involved in a pursuit, the primary pursuit unit and the secondary pursuit unit.

1. **Primary pursuit unit**: When an officer determines that a vehicle is fleeing or failing to stop on the officer's command, the officer shall immediately transmit on the assigned channel the following: (KACP 21.2B)

   Example: "Bravo seventy-one to dispatch, I am in **pursuit** of a dark colored vehicle outbound on 13th Street from Ramey Street at 55 mph."

   The officer shall not use any other terminology such as "The vehicle is not stopping, he's running, he won't pull over, etc." The operative word is "**pursuit**." The word **"pursuit**" triggers a set of actions by RPSCC, other police officers, and supervisors.

   Upon initiation of a vehicle pursuit the primary pursuit unit shall immediately notify the radio dispatcher and advise him/her of the following:

a. Police unit radio identifier;

b. Location and direction of travel;

c. Description of the pursued vehicle including any registration information, number of occupants, and identity of the driver, if known;

d. The known law violation(s) or reason for the pursuit;

e. Estimated speed of vehicle being pursued;

f. Location of termination point when reached.

2. **Secondary pursuit unit**: (KACP 21.2C) When the secondary pursuit unit has established visual contact with the primary pursuit unit, the secondary pursuit unit shall immediately identify itself to RPSCC. This unit will maintain a safe distance behind the primary unit and remain close enough to render assistance if required. The secondary pursuit unit shall assume responsibility for reporting change in the pursuit such as direction, speed, and/or other relevant conditions.

   This unit may assume the duties of the primary pursuit unit upon the direction of the pursuit supervisor.

3. Selected siren tone: The primary unit shall select siren tone - wail; the secondary unit shall select siren tone - yelp or hi/lo. The use of different siren tones by the primary and secondary units will increase the public awareness that two police units are approaching.

B. Supervisory role: (KACP 21.2E) Upon being notified of a vehicle pursuit a supervisor will assume command of the pursuit and notify the radio dispatcher of this. This supervisor will:

1. Immediately decide whether to continue the pursuit based on information received from the primary pursuit unit.

2. Respond to area of pursuit and to termination point of the pursuit if an arrest is made. A supervisor will also respond to the scene of arrest in another jurisdiction if APD units have continued pursuit to that point.

3. Ensure compliance with all APD procedures.

4. Redesignate primary and secondary pursuit units if necessary.

5. Approve the use of other units to respond to the area of the pursuit if it appears that two vehicles will not be sufficient to safely effect the arrest of the suspect(s). These units will not become directly involved in the pursuit unless one is needed to replace one of the pursuit vehicles.

6. Coordinate tactics to be used during pursuit.

7. Provide approval or disapproval for pursuing officers to continue pursuit into other jurisdictions.

8. Continually evaluate circumstances of the pursuit and order termination of any pursuit that is not

   justified based on guidelines found in Section 1.5. Supervisors may also consider factors such as the pursuing officer's experience/length of service, level of driving skills and training, and emotional condition when making the decision whether to continue pursuit.

9. If the officer initiating the pursuit is a supervisor then the ranking on duty supervisor will assume command of the pursuit. If there are no other supervisors on duty then the senior on duty officer in the field operations division will assume command of the pursuit along with all pursuit related supervisory responsibilities.

10. Nothing in this order shall preclude any command officer from ending a pursuit or directing units to perform a specific course of action to end the pursuit in a timely manner, if action conforms to APD policy.

C. The dispatcher receiving a report that an officer is in **pursuit** shall immediately: (KACP 21.2D)

1. Rebroadcast information received on all frequencies simultaneously, maintain present frequency for communication with unit(s) involved in pursuit, and request that all agencies use alternate frequency to maintain communications.

2. Alert on duty watch commander and/or field operations supervisor.

3. Run a registration check on pursued vehicle if license number is known along with warrant/NCIC check on the registered owner. The dispatcher will provide this information to the pursuing officer when the opportunity to do so arises.

4. Coordinate efforts of each assisting police unit and/or agency by means of alternate frequency or telephone in an effort to terminate pursuit quickly without increasing life hazard conditions.

**1.5 REASONS FOR INITIATION OF PURSUIT**: A police officer shall only pursue a motor vehicle when:

A. The officer reasonably believes that the violator has committed a felony offense.

B. The officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officer(s).

**Commentary**: Nearly all pursuits subject the public and involved officers to some risk. Before initiating a pursuit, officers should decide whether this risk is justified (KACP 21.2A). A vehicle pursuit for a minor traffic violation subjects the public to an unnecessary risk of harm. A reckless operator or suspected DUI is a threat to public safety and may be pursued under certain circumstances. However, in some instances (heavy traffic, congested area, high speeds, poor road conditions) the pursuit itself may present a greater threat to public safety than the violator should he remain at large. Officers should be aware that the preservation of public safety always takes precedence over the apprehension of the violator. It is impossible to develop a policy which provides a course of action for every possible scenario. Therefore, officers must use their experience, judgment, common sense, and training in the application of this policy.

**1.6 REASONS FOR PROHIBITION OR TERMINATION OF PURSUIT (**KACP 21.2G**)**: A pursuit is prohibited or shall be terminated when:

A. In the pursuing officer or supervisor's opinion, a serious hazard is present to the public and/or the pursuing/responding officers due to prevailing traffic, roadway conditions, environmental conditions, or extremely high speeds.[1]

B. An officer has non-sworn passengers in the vehicle.

C. The pursuit creates a greater risk to public safety than the threat posed by the suspect(s) should he remain at large.

D. The suspect(s) can be identified and apprehension can be accomplished at a later date with a greater degree of safety to all parties than by means of the current pursuit.

E. The pursuit did not meet criteria found in section 1.5.

F. The supervisor orders the pursuit terminated.

No member of the Ashland Police Department will be subject to disciplinary action for making the decision to terminate a pursuit.

**1.7 VEHICLES AND EQUIPMENT**:

A. Only clearly marked and fully equipped patrol cars may participate in a justifiable pursuit.

**Exception**: An unmarked unit, equipped with an emergency light and siren, may engage in a pursuit for the purpose of maintaining contact with a felony suspect. This unit will immediately disengage from the pursuit upon being relieved by a marked APD unit.

B. Any officer operating an unmarked vehicle without a roof mounted emergency light system shall only participate in a supportive role.

C. Each officer should consider the condition of the vehicle being operated prior to initiating a pursuit.

D. Each officer operating a unit equipped with video recording equipment and participating in a pursuit will continuously videotape the **entire** incident, including the contact and citation/arrest of the violator(s).

**1.8 USE OF EMERGENCY WARNING DEVICES**: Each officer participating in a vehicle pursuit shall illuminate the vehicle's emergency warning lights and engage the siren continuously during the pursuit. Officers should be aware that KRS 189.940 does not relieve the driver of an emergency vehicle of the duty to drive with due regard for the safety of all persons and property upon the highway.

**1.9 TACTICS**:

A. Each support unit, other than the secondary pursuit unit, shall take up a tactical position along routes parallel to the pursuit route, if possible.

B. The discharging of firearms at or from a moving vehicle is prohibited unless there exists a direct threat to the life and/or safety of the officer or other person, and then only as a last resort.[1]

C. Officers shall not utilize techniques such as blocking, rolling or stationary roadblocks. However, in

extreme circumstances a supervisor may authorize their use, but only in a situation where deadly force is justified. (KACP 21.1l)

D. **USE OF ROADSPIKE DEVICES -** Roadspike devices are spikes placed across the roadway to be used when officers are engaged in pursuits authorized in Section 1.5. The roadspike device will be

[1]Ashland Police Department, General Order F-2, Section 1.4.

housed on the inside trunk lid of selected vehicles.

1. Training **-** Each officer on the Ashland Police Department will be trained yearly on the pursuit policy and proper deployment of the roadspike devices.(KACP 21.2J) The same training will be given in the Ashland Police Department Police Training Program to newly appointed officers. and in the Ashland Police Department Driver's Training Program. Each officer will be instructed by the lesson plan designed by the manufacturer, and instructed by a Police Training Officer or the Training Director.

2. Employment of roadspikes:

   a. The decision to deploy the roadspike device shall be made after giving consideration to the circumstances surrounding the pursuit. Guidelines are set forth in Section 1.5.

   b. If circumstances justify terminating the pursuit before roadspike devices are able to be deployed then termination takes precedence.

   c. Roadspikes may only be utilized if the pursuit supervisor grants approval and the officer deploying the spikes has been trained in their use.

   d. It is imperative that police officers are aware of the exact location of deployed roadspikes, so they can slow in time to allow the removal of the device after the suspect's vehicle crosses it.

   e. Measures should be taken to divert other traffic from the area to prevent damage to non-involved vehicles.

   f. Officers deploying roadspikes should position their police units so as not to endanger themselves or other officers responding to the placement area.

   g. Roadspike devices will not be used when the pursuit involves motorcycles, three-wheeled vehicles or all-terrain vehicles.

   h. The officer who deploys the roadspike devise should remove it immediately after the suspect vehicle crosses it. The suspect vehicle will be slowing rapidly and the pursuing officer should be prepared to take evasive action to avoid contact with the suspect's vehicle.

   i. Surrounding agencies shall also be notified in writing that the Ashland Police Department could be deploying roadspike devices if a pursuit should enter the city limits.

   j. Officers deploying the roadspike device shall use procedures approved by the manufacturer.

   k. Once a roadspike has been deployed and used, it will be taken out of service, and returned to the manufacturer for the proper replacement and repairs.

E. **Forced Stopping (**KACP 21.2F**): Intentional** contact with an offender's vehicle is a high risk maneuver and presents danger not only to the officer and offender, but to the general public as well.

Therefore, intentional contact with the offender's vehicle shall be considered by an officer only after the dangers of intentional contact are weighed carefully and concluded at the time to be less than the danger of letting the offender continue. Intentional contact may only be justified in cases in which deadly force may be used.

The pursuit supervisor must grant expressed permission before an officer may initiate intentional contact. However, it is recognized that exceptional circumstances may require a police officer to initiate intentional contact to stop an action which exposes the officer or a third person to the threat of serious physical injury or death.

Intentional contact with an offender's vehicle creates a high probability that a traffic crash beyond the initial contact will occur. Additionally, an officer must understand that intentional contact with an offender's vehicle creates a high probability that the air bags in the police vehicle will deploy. Air bag deployment will in all likelihood result in the loss of control of the police vehicle and a secondary motor vehicle crash.

One must understand how an air bag system works. Damage has nothing to do with air bag deployment. The air bag system works on change in speed. The system has a sensor that is set to detect a speed loss of 14 miles per hour in one third of a second.

The officer delivering intentional contact must consider not using the police vehicle brakes during the initial contact with the offender's vehicle. This will reduce the risk of air bag deployment. If the officer can maintain or achieve a slight increase in speed during the intentional contact, the police vehicle will basically push the offender's vehicle as opposed to having an impact followed by immediate deceleration.

If intentional contact is warranted and preapproved by the pursuit supervisor, the officer preparing to deliver intentional contact must first select an isolated area free of other vehicular and pedestrian traffic. The officer should then overlap the front fender of the police vehicle with the aft portion of a rear fender of the offender's vehicle. The officer then attempts to maintain or slightly increase speed as s/he brings the two fenders into contact which should cause the rear of the offender's vehicle to move away from the impact pressure of the police vehicle. This maneuver is most likely to succeed if the offender's vehicle is making a turn and the pressure is applied to the inside of the turn.

**Irrespective of the level of care, an officer must assume that intentional contact with an offender's vehicle will result in the offender losing control of his vehicle, and a secondary crash involving the offender's vehicle; and air bag deployment in the police vehicle with a high probability that the officer will lose control of the police vehicle and also be involved in a secondary crash.**

**2.0 TYPE OF STOP TO BE EMPLOYED**: At the conclusion of a pursuit, felony stop techniques shall be utilized to ensure officer and public safety.

**2.1 TRANSPORTATION OF PRISONERS**: If a vehicle pursuit results in arrest(s), an APD unit other than the primary or secondary pursuit unit will be responsible for the transportation and booking of the prisoner(s).

**Commentary**: Vehicle pursuits often are emotionally charged incidents for all participants. Officers must be aware of this and not allow it to affect their decision making process during the course of a pursuit and follow-on action.

**2.2 INTER/INTRA JURISDICTIONAL PURSUITS**: (KACP 21.2H)

A. Pursuits outside the City limits:

1. State line markers on the Ohio side of the 12th and 13th Street bridges shall constitute the state line and the City limits for the purpose of this order.

2. A person shall not be pursued outside the Commonwealth of Kentucky on less than a felony charge.

3. A charge of wanton endangerment arising from the pursuit shall not be cause for continuing the pursuit outside the Commonwealth of Kentucky.

4. The primary and secondary pursuit officers engaged in a justifiable pursuit that extends into another state or into other jurisdictions still within the Commonwealth of Kentucky may continue the pursuit upon receiving supervisory approval. These units shall disengage from the pursuit and assume a support role after two units from an agency within that jurisdiction become involved in the pursuit. However, these units may continue in the support role with emergency equipment activated if failing to do so would endanger the public or constitute a violation of state or local laws.

5. Officers involved in interjurisdictional pursuits will continue to follow APD procedures.

B. Pursuits into the City

1. An officer **shall not** include himself/herself in a pursuit by another agency into our jurisdiction unless the reason for the pursuit conforms to the standards of our pursuit policy. It shall be the on-duty supervisor's responsibility to determine if the pursuit is a justifiable pursuit prior to including APD officers in the pursuit. If the on-duty supervisor deems the pursuit to be unjustifiable he shall assign units to a support role only.

2. The Commonwealth of Kentucky has no statute granting fresh pursuit authority to an out of state officer; therefore, an officer pursuing into Kentucky has no more authority than a private citizen.[2]

3. A custodial arrest in Ashland as a result of a pursuit which began outside the city shall result in the arrestee being controlled by the foreign agency.

4. Nothing in these guidelines would prohibit an Ashland police command officer from evaluating the need to take the violator into custody for any act that would occur inside the city limits of Ashland.

C. Pursuit to make an arrest

1. Outside Boyd County – "A peace officer in actual pursuit may continue such pursuit across city or county lines for the purpose of making an arrest (KRS 431.045). If an arrest is made the person will be charged and delivered back to Boyd County for incarceration.

2. Outside the Commonwealth of Kentucky – "Whether an officer in hot pursuit into another state takes his police officer's authority (such as power of arrest) with him across the state line

depends on the law in the other state. Kentucky has no statute granting fresh pursuit authority to out-of-state officers; therefore, officers pursuing into Kentucky have no more authority than a private citizen.[3] As for Kentucky officers, the following states have laws that permit officers in

[2] Kentucky Criminal Law Manual
[3] Ibid,

fresh pursuit to enter and arrest on a **felony** charge: Indiana, Ohio, Tennessee, and West Virginia. A person arrested in another state shall be incarcerated in that state and not returned to Kentucky until approved by a court of competent jurisdiction.

**2.3 REPORT**:

A. It shall be the responsibility of the primary pursuing officer to prepare an Ashland Police Department Pursuit Driving Form to describe the particulars of the pursuit regardless of whether the suspect escaped or was arrested. This report shall be required of each unit that becomes the primary pursuit unit during the course of the pursuit.

B. It shall be the responsibility of the secondary pursuing officer to file an Ashland Police Department Pursuit Driving Form to fully describe his/her actions in the pursuit.

C. It shall be the responsibility of any officer to file an Ashland Police Department Pursuit Driving Form if they engaged in a pursuit coming into the city. Officers in a support role or having any engagement shall fully describe his/her actions in the pursuit.

D It shall be the responsibility of the supervisor in charge of the pursuit to prepare a memorandum describing his actions regarding the conduct of the pursuit. This memorandum will also include whether or not the pursuit conformed to APD policy based on his initial investigation.

E. The supervisor shall take action to ensure that RPSCC audio and in-car video tapes are held as evidence regardless of the final disposition of the pursuit.

F. All reports will be forwarded to the appropriate division commander.

**2.4 REVIEW**: The division commander will:

A. Review the conduct of the officer(s) participating in the pursuit.

B. Review the conduct of the supervisor in charge of the pursuit.

C. Review the findings of the supervisor's investigation into the pursuit.

D. Prepare a memorandum stating whether or not the pursuit conformed to APD policy and, if not, whether or not disciplinary action should be initiated.

E. Forward this memorandum along with all related reports to the Chief of Police for final disposition.

F. No pursuit incident report shall be entered into an officer's personnel record unless disciplinary action has been sustained against that officer regarding the conduct of the pursuit.

**2.5 TRAINING**: Each officer should be trained in the following areas:

A. Defensive driving,

B. Emergency driving,

C. Use of roadspike devices, and

D. APD pursuit policy.

## 2.6 EMERGENCY DRIVING (KACP 21.1)

**KRS 189.940** Exemptions from traffic regulations

A. The speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles.

1. When responding to emergency calls; or

2. To police vehicles when in pursuit of an actual or suspected violator of the law; or

3. To ambulances when transporting a patient to medical care facilities; and

4. The driver thereof is giving the warning required by subsection (E) (1) and (2) of this section. No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

   No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

B. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (E) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.

C. The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by subsection (E) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.

D. The driver of an emergency or public safety vehicle may stop or park his/her vehicle upon any street or highway without regard to the provisions of **KRS 189.930** AND **189.450**, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.

E. The driver of an emergency vehicle desiring the use of any option granted by subsections (A) through (C) of this section shall give warning in the following manner:

1. By illuminating the vehicle's warning lights continuously during the period of the emergency;

2. By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless

3. The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or

   exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle, he shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

F. No driver or operator or any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his/her vehicle for any purpose or under any circumstances other than those permitted by **KRS 189.910** to **189.950**.

G. KRS 189.910b to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

H. Officers shall adhere to the following guidelines in responding to routine, urgent, and emergency calls: (KACP 21.1)

1. Code-1 Respond at your convenience

2. Code-2 Immediate response required, but in full compliance with all traffic laws.

3. Code-3 Use of emergency lights and siren authorized when responding to an incident which justifies emergency operation of the police vehicle as defined in section 1.2 of this order.

**2.7 TRAFFIC STOPS** (KACP 22.5)

A. General Guidelines

1. Officers shall take into consideration the prevailing traffic, roadway, vehicle limitations, and environmental conditions when making the determination to stop a vehicle, and when selecting the location for the stop.

2. Officers shall adhere to prescribed training methods and department policy when performing traffic stops.

3. When performing a “routine” traffic stop, officers shall inform the violator of the purpose for the stop, when requesting a driver’s license or any other information.

4. Officers are encouraged to utilize the spot light and all other emergency lights when performing nighttime traffic stops.

5. Officers shall utilize emergency lights (and siren when necessary) when notifying a motorist of the intention to stop them. Officers shall keep emergency lights on during the entire course of the traffic stop.

6. Officers may utilize the vehicle’s public address system to address the occupants/driver of the stopped vehicle when the situation (i.e. felony stop) suggests that this would be the safest course of action.

7. Plainclothes officers performing traffic stops in department vehicles shall properly identify themselves as a police officer both verbally and by displaying badge/identification to the citizen. Officers in plain clothes shall bear in mind that merely stating the fact that he/she is a police officer may not establish that fact in the mind of the citizen.

B. Felony Stops/High-Risk Stops

1. High-Risk/Felony stops require the use of additional precautions and procedures that are normally unnecessary when performing an unknown-risk stop. The following categories more accurately distinguish the types of traffic stops:

a. Felony Stop – a traffic stop in which an occupant(s) of a vehicle are sought for the commission of a felony offense, or the stopped vehicle accurately matches the description of a suspect vehicle for any serious offense, and stolen vehicles.

b. High-Risk Stop – a traffic stop in which an occupant(s) of a vehicle are suspect in the commission of any offense involving violence (assault), subjects are thought to be armed, or the behavior of the driver and/or passengers prior to the stop alerts the officer to the possibility of increased danger when performing the stop.

c. Unknown Risk Stop – all other traffic stops. The level of threat and risk involved in performing an otherwise normal traffic stop may prove greater than anticipated.

2. Procedure: During Felony/High-Risk Stops the officer shall:

a. Alert the Radio Dispatcher and:

1) Request a back-up unit (arranging for back up to be present prior to initiating the stop is the best course of action when circumstances permit),

2) Advise present location and direction of travel,

3) Advise vehicle registration and description,

4) Specify the reason for stop (i.e., wanted subject, stolen, charges pending, etc.),

5) Specify weapons involved, if known,

6) Advise the number of occupants of the vehicle,

7) Advise any other pertinent information.

b. Coordinate your direction of travel with units in route to back you up as well as with the dispatcher.

c. When back-up arrives to assist on the stop, coordinate the general termination point of the stop with the assisting units. It is imperative that the stop be conducted away from large concentrations of civilians as much as possible (i.e. shopping centers). This may be accomplished in some instances by simply delaying the stop until the vehicle passes a business district or until it pulls off of a main thoroughfare. Boxing-in an unaware suspect in order to avoid a pursuit is permissible in extreme circumstances.

d. Advise the dispatcher of the location of the stop.

e. Utilize emergency lights (and siren if necessary) to notify the driver of the suspect vehicle of the intent to stop them. Utilize the P.A. system, if necessary.

f. Off-set the cruiser behind the suspect vehicle at a safe distance.

g. The officer initiating the stop should utilize the P.A. system to give direction to the driver/passengers on turning off the car, displaying hands, exiting the vehicle individually, etc.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 7

| SUBJECT: POLICY FOR THE INVESTIGATION OF THEFT BY DECEPTION (BAD CHECKS) | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a clearly defined procedure for the investigation of Theft by Deception (Bad Checks).

**1.2 DEFINITION**: KRS 514.040 states that when a person issues or passes a check or other sight order for the payment of money, knowing that it will not be honored by the drawee, he is guilty of "Theft by Deception."

**1.3 PROCEDURES**: Upon the receipt of a complaint to an on-duty member from a citizen or business who has been the victim of a theft by deception involving a check or other sight order the investigating officer shall, regardless of felony or misdemeanor, refer the victim to the County Attorney at 606.739.9600.

A. If the victim has been referred to the Ashland Police Department by the Boyd County Attorney, the officer shall follow normal investigative procedures to complete an Ashland Police Department Incident Report, interviewing the victim, witnesses and suspect, obtaining statements as appropriate, etc.

B. Follow established procedure; arrange to have completed police report forwarded to County Attorney for his review.

**1.4 RESTRICTIONS**:

A. Each officer shall allow the County Attorney to advise victims of the laws concerning bad checks and sight orders, other than those previously mentioned in this order.

B. No member shall use Department or City-owned property or facilities for the collection of bad checks and/or sight orders.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 8

| SUBJECT: IMPOUNDMENT AND INVENTORY OF MOTOR VEHICLES | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 15JUL15 | Review Date: 15JUL17 | **REVIEWED** |
| Accreditation Standards: KACP 25.4, 25.5 | | |

**1.1 PURPOSE:** To establish a standard procedure for the impoundment or movement of vehicles and provide guidelines for determining when and how a motor vehicle inventory should be conducted by members of the Ashland Police Department (APD).

**1.2 POLICY:** A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen, or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of the APD to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

**1.3 POLICE AUTHORITY TO IMPOUND VEHICLES**: A decision by the Supreme Court of Kentucky, Wagner vs. Commonwealth, 581 S.W. 2d 352, clearly defines the circumstances under which motor vehicles may be impounded and their interiors searched or inventoried. Warrantless impoundment of motor vehicles can take place ***only in*** the following situations:

A. The owner or permissive user consents to the impoundment;

B. The vehicle, if not removed, constitutes a danger to other persons or property or the public safety ***and*** the owner or permissive user cannot reasonably arrange for alternate means of removal;

C. The police have probable cause to believe ***both*** that the vehicle constitutes an instrumentality of fruit of a crime ***and*** that absent immediate impoundment the vehicle will be removed by a third party; or

D. The police have probable cause to believe ***both*** the vehicle contains evidence of a crime ***and*** that absent immediate impoundment the evidence will be lost or destroyed.

E. Impoundment of a motor vehicle as evidence or the container of evidence

1. To impound a motor vehicle as evidence or as a container of evidence requires supervisor's approval.

2. A search warrant shall be obtained as soon as possible after a vehicle is seized and before the vehicle is searched.

3. A motor vehicle impounded as evidence will be towed and stored at the Department's expense.

4. The watch commander shall specify if a vehicle seized as evidence is to be stored at the 41st Street garage or in another secure facility under the exclusive control of APD personnel.

5. When a vehicle is seized and it is subsequently determined by the responsible prosecutor that the vehicle is no longer required as evidence, the vehicle shall be photographed and returned to the owner/permissive user at the earliest possible time.

**1.4 ABANDONED VEHICLE:** It is the responsibility of every officer who observes a vehicle that

is apparently abandoned to thoroughly check the vehicle through NCIC and LINK. If the vehicle is not immediately impounded, the officer will make a note of the type of vehicle and the location of the vehicle and attempt to notify the owner to remove the vehicle. The owner has three days in which to move the vehicle. Vehicles will be marked with an orange sticker affixed to the window of the vehicle stating the violation and date the vehicle will be towed if not moved. **(KACP 25.4)**.

If the vehicle remains in the same location after three days, the next on-call tow company will be notified to remove the vehicle. The officer will complete an APD Automobile Recovery Record and place a City citation on the vehicle. **(KACP 25.5)** The time frame for removal of vehicles from other roadways is contained in KRS 189.450: shoulder of a state maintained highway – 24 hours; KRS 189.751: County road or City Street – three consecutive days; KRS 189.752 and KRS 189.753: right of way of a state highway – three days.

If a vehicle is abandoned on private property, the officer shall check the vehicle through LINK/NCIC and advise the property owner they are responsible for removal of vehicle on private property.

Federal and State highways maintained by the Commonwealth of Kentucky are:

* **U.S.23**: Greenup Avenue/Winchester Avenue

* **U.S. 60:** 13th Street, Martin Luther King, Jr., Blvd., Ben Williamson and Simeon Willis Bridges

* **KY168**: Blackburn Avenue, South Belmont, Valley View

* **KY1012:** Boy Scout Road

* **KY1134**: (Winslow Road from Roberts Drive to U.S. 60 [13th Street])

* **KY2534**: (Berry Street from U.S. 60 [13th Street] to Blazer Boulevard)

* **KY2536:** (23rd Street from U.S. 23/60 [Greenup Avenue] to railroad tracks)

* **UNC8203**: (Lansdowne Drive from U.S. 60 [13th Street] to dead end)

City Ordinance 72.007 will be enforced pursuant to KRS 189.751.

Vehicles Involved in Auto Accidents: After checking the condition of the driver's and/or passengers of involved vehicles, the officer shall determine the need for a wrecker. If the vehicle cannot be driven, the officer shall ask the owner/operator if they have a preference of a wrecker.

If the owner has a preference, the officer shall notify the dispatcher to contact that service. If the wrecker requested is unavailable, will take an inordinate amount of time to respond or the vehicle presents an immediate traffic hazard, the officer shall inform the owner/operator of this fact and a police rotation wrecker shall be notified. The officer shall inform the owner of the vehicle the destination of the vehicle and the towing service's phone number. An Automobile Recovery Record shall not be filled out in this case.

**1.5 CONTACTING OWNER OR PERMISSIVE USER PRIOR TO IMPOUNDMENT:** Reasonable effort: A member of the APD preparing to impound a motor vehicle shall make a reasonable effort to contact the owner or permissive user of a vehicle prior to having a vehicle impounded. If the owner or permissive user is contacted, the member shall determine if the owner or permissive user is willing to move the vehicle so as to avoid impoundment, or the owner or permissive user chooses a wrecker service to remove the

vehicle.

## 1.6 PROCEDURES ON VEHICLE INVENTORY

A. Search of Impounded Vehicles: Vehicles that are impounded for reasons other than abandonment or a physical arrest and are subsequently searched are subject to the following rules:

1. The court, in *Wagner*, discusses the legality of inventory searches after a lawful impoundment and holds that:

> "Mere legal custody of an automobile by law enforcement officials does not automatically create a right to rummage about its interior…Consequently, such an inventory is impermissible unless the owner or permissive user consents or substantial necessities grounded upon public safety justify the search."

2. The ***Wagner*** decision makes it clear that routine inventory searches of impounded vehicles are not allowed under Kentucky law unless the owner or permissive user consents to the inventory. However, if permission is not given, the owner or permissive user assumes the risk that the contents of the vehicle may be lost or stolen.

3. The one remaining justification for a warrantless search of an impounded vehicle is the situation where the officer reasonably believes that there is something in the vehicle that if not discovered and removed would pose a danger to the public safety.

B. Probable Cause – Search of a Vehicle: The inventory search is to be distinguished from a probable cause search as relayed in ***Estep vs. Commonwealth, 663 S.W. 2d 213; (cert. Denied,) (1984) adopted the U.S. Supreme Court holding on*** U.S. vs. Ross***.***

1. The rule being that "where there is probable cause justifying the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its compartments and contents that may conceal the objects of the search.

2. The property of a search will have to stand on its particularized facts. Keeping this in mind, an officer must begin to build and be able to document his reasons (probable cause) for a vehicle search from the moment he receives a call or has his suspicions aroused. Keep in mind that these probable cause searches, as with all lawful searches, are limited in scope by the object of the search and where it may be reasonably be found and by the nature of the probable cause.

3. In conclusion, vehicles should not be impounded without a warrant unless one of the above-mentioned situations exists. Once impounded, the vehicle should not be inventoried or searched without a warrant unless the owner or permissive user consents or unless the officer reasonably believes a search to be immediately necessary to protect the public safety or if permissible, within the criteria established by ***Estep***.

C. Vehicle Search Incident to Arrest: The following procedures are to be followed pursuant to the 2009 United States Supreme Court ruling in ***Arizona V. Gant.*** Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest subject to the following limitations:

1. The arrest must be lawful and must be a full custodial arrest.

2. The search must take place at the time of the arrest.

3. A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a police vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested.

4. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search.

5. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to.

6. The person of other occupants may not be frisked or searched simply because another person.

D. Scope of Inventory

1. The contents of all motor vehicles lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section 1.3 A of this policy.

2. An inventory should be conducted at the location the vehicle is seized or impounded unless limited by reasons of safety or practicality. An on-duty supervisor may authorize the inventory to be completed at a time and place after the vehicle is seized or impounded.

3. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may be reasonably be found, including but not limited to the passenger compartment, trunk, and glove compartment..

4. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed but locked containers shall not be forced open but shall be logged on the report as such. If a key or lock combination is available, locked containers may be opened and inventoried.

E. Property Control:

1. Other than component parts of a vehicle, each item with an estimated value of $250 or more or has an expected service life of three years or more shall be listed on an APD Property Record (APD-5). The property, unless seized as evidence or contraband, shall remain with the vehicle.

2. The original APD property record shall be submitted for supervisory review and submission to Central Records. A copy of the property record shall be given to the wrecker operator. A copy of the property record shall, if possible, be given to the owner or lawful possessor of the item(s) inventoried. If the owner or lawful possessor is not available to accept a copy of the record, a copy shall be left in a prominent location inside the inventoried motor vehicle.

3. The Ashland Fire Department will be notified for the identification and control/disposal of hazardous materials.

4. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the property officer in accordance with the procedures for control of criminal evidence.

F. Release of Impounded Vehicle: To obtain a release of an impounded vehicle, the owner or owners representative with proper notarized authorization from the owner,

shall present the title and/or registration for the vehicle, proof of insurance and valid operator's license or photo identification. If the vehicle is not insured, the vehicle may be "towed only" to its destination and the release marked accordingly. If the owner does not have a valid driver's license, the vehicle may be released to him under the condition that he provides a licensed driver to operate the vehicle.

**1.7 AUTOMOBILE IMPOUNDMENT OR MOVEMENT OF MOTOR VEHICLES: (KACP 25.5)**

A. Automobile recovery record to be used:

1. Whenever a vehicle is impounded by a member of the Police Department for traffic violation;

2. Impounding of a motor vehicle reported stolen;

3. If a vehicle is impounded as evidence (investigation); or

4. Any time a motor vehicle is impounded or moved by a member of the department in the conduct of official business.

B. Property Record (APD-5) is to be used if a vehicle is seized as evidence. The automobile recovery record shall also be completed.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 9

| SUBJECT: TERRITORIAL AUTHORITY | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 1.2 | | |

**1.1 PURPOSE**: To establish the policy of the Ashland Police Department (APD) concerning territorial authority.

**1.2 BACKGROUND**:

A. **95.019 Chief of police and police force to have common law and statutory powers of constables and sheriffs**

1. The Chief of Police and all members of the police force in cities of the first through fifth classes shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrests for offenses against the state, anywhere in the county in which the city is located, but shall not be required to police any territory outside the city limits.

2. The Chief of Police and all members of the police force in cities of the sixth class shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, only within the corporate boundaries of the city and within the boundaries of any real property owned by the city which is located outside of its corporate boundaries.

3. The Chief of Police and all members of the police force in all cities shall be entitled to the same fees, and the same remedies for collecting them, that are allowed to sheriffs and other officers for similar services, but all fees shall be paid into the city treasury.

B. **431.007 Arrest powers of peace officers assisting in another county: exception**

1. A peace officer certified pursuant to KRS 15.380 to 15.404, who is directly employed as a police officer by a Kentucky city, county, or urban-county government and whose department meets the requirements of KRS 150.440 and a sheriff, or deputy sheriff who has been certified pursuant to KRS 15.380 to 15.404, who is officially requested by a law enforcement agency in another county in Kentucky to assist in any matter within the jurisdiction of the requesting agency shall possess, while responding to and for the duration of the matter for which the request was made, the same powers of arrest in the requesting county as he possesses in the county in which he is a police officer.

2. The provisions of this section shall not:

   a. Authorize assistance in any labor dispute or strike;
   b. Authorize assistance by a constable or deputy constable;
   c. Authorize assistance by a special local peace officer; or
   d. Authorize assistance by a special deputy sheriff.

**1.3 POLICY**: Authorized Activity - No member of the Department shall police any territory outside the city limits except when expressly authorized to do so by the on-duty watch commander, his/her section/division commander, or Chief of Police on a case by case basis.

Authorized police activity outside the city limits includes, but is not limited to:

* Transportation of prisoners;
* Mutual aid to other agencies upon request;

* Traffic Pursuits (in compliance with General Order B - 6, PURSUITS - MOTOR VEHICLE);
* Criminal Investigations.

**1.4 MUTUAL AID/MEMORANDUMS OF UNDERSTANDING:** Scheduled events occur that require written correspondence for mutual aid assistance or memorandums of understanding for police service outside the city of Ashland.

Excluding emergency situations for mutual aid requests, the APD may agree to provide support to other law enforcement agencies and federal and/or state government installations (within the Commonwealth of Kentucky).

The APD does have a standing memorandum of understanding with the Federal Correctional Institution in Summitt. The APD is included into all of the plans that would maintain security on the outer perimeter of their property. Those plans are disturbances/riot, evacuation, and escapes. The APD will not be a part of the inner perimeter. (**KACP 1.2**).

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 10

| SUBJECT: SEAT BELT POLICY | | |
|---|---|---|
| Date of Issue: 09NOV84 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 21.4 | | |

**1.1 PURPOSE:** To establish a policy for the use of personal restraints by members of the Ashland Police Department (APD) while on duty and operating or riding in a motor vehicle.

**1.2 DISCUSSION:**

A. Safety Factor in Crashes: Studies prove beyond doubt that seat belts save lives and reduce injuries.

B. Stability in Driving a Vehicle: The seat belt restrains the operator so the officer has better control of the vehicle in emergency maneuvers, as well as normal driving.

C. Positive Example: The public looks to law enforcement agencies to set an example. They watch officers because they believe the officer is abreast of latest driving techniques, laws, and safety procedures.

D. Compliance With Law: KRS 189.125 requires the use of seat belts and child safety restraints.

**1.3 POLICY: (KACP 21.4)**

A. All members of the APD shall wear personal restraints while on duty when operating or riding in a motor vehicle.

1. The driver and all passengers shall use the vehicle's personal restraints, in accordance with manufacturer's specifications, and KRS 189.125 while riding in a motor vehicle.

2. The operator of a Department motor vehicle shall be responsible for passenger(s) compliance with this General Order and shall not cause a motor vehicle to be moved unless all passengers are secured by personal restraints.

B. Prisoners shall be seat belted when transported in a department vehicle. When this is not possible, alternative transportation shall be arranged (ambulance, city bus, etc.)

C. Most APD vehicles are equipped with aftermarket rear seats as well as equipment in the front seat area that does not allow for the safe transport of children under 40 inches in height. Therefore, children under 40 inches in height shall not be transported in a department vehicle unless the vehicle allows for the safe and legal installation and use of an appropriate child restraint seat.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 11

| | | |
|---|---|---|
| **SUBJECT: POLICY FOR THE ENFORCEMENT OF KENTUCKY REVISED STATUTE 189.370, PASSING STOPPED SCHOOL OR CHURCH BUS PROHIBITED** | | |
| Date of Issue: 07OCT88 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a clearly defined procedure for the enforcement of Kentucky Revised Statute 189.370.

**1.2 DISCUSSION:** Passing stopped school or church bus is prohibited. A section of law added to KRS 189.370 provides that, if any vehicle is witnessed to be in violation of bus stopping requirements and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name the vehicle is registered or leased was the operator of the vehicle at the time of the alleged violation and is subject to the penalties provided in KRS 189.990 (6).

**1.3 PROCEDURES:**

A. Upon Complaint

1. Upon the receipt of a complaint to an on-duty member from a citizen indicating that said citizen witnessed a violation of KRS 189.370, an officer shall be assigned to investigate the incident and advise the person of the procedure in securing a summons/warrant from the County Attorney, if it is the intent of that person to secure a summons/warrant. The report will contain all pertinent information needed to obtain the summons/warrant:

   a. Date, time and location of the violation.

   b. Description of the violator's vehicle, including the license number and registration information.

   c. Description of the driver, when possible.

   d. List of other witnesses to be used.

   e. Name of the driver and/or person securing the summons warrant.

   f. Investigation/interview with registered owner or who was in control of the vehicle at the time of the incident. This must be documented.

2. A copy of the police report shall be forwarded to the County Attorney's office along with a prosecution request.

B. Any Ashland police officer who witnesses a vehicle passing a loading or unloading school or church bus that is in compliance with the law will rigidly enforce the provisions of KRS 189.370 by stopping the vehicle and citing the operator into District Court.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 12

| SUBJECT: CHILD SAFETY RESTRAINTS ENFORCEMENT POLICY – KRS 189.125 | | |
|---|---|---|
| Date of Issue: 22AUG88 | Effective Date: 15JUL15 | |
| Revision Date: 13JUL15 | Review Date: 15JUL17 | **REVISED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To establish guidelines for the enforcement of Kentucky Revised Statute 189.125.

**1.2 DISCUSSION:** The purpose of KRS 189.125 is to reduce the number of children injured or killed in traffic crashes by encouraging parents and guardians to place each of their children in a child safety restraint. Compliance with the law requires a combination of education and enforcement.

**1.3 PROCEDURES:**

A. Each officer is encouraged to enforce KRS 189.125 in a non-threatening manner that is not annoying to the general population. No officer shall make an exploratory stop to determine if a child is legally restrained. Each obvious violator shall be stopped and an investigation conducted to determine if a violation exists.

B. The law requires that a child forty (40) inches or less be restrained with a child safety seat, or when transporting a child under the age of ~~seven (7)~~ eight (8) years who is between forty (40) inches and fifty-seven (5~~0~~7) inches in height, in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat. If a vehicle is stopped and the officer is trying to determine the child's height, he shall do so without removing the child from the vehicle and complete the measurement in a manner that will not frighten the child. **Under no circumstances shall the child be removed from the vehicle for measuring.**

**1.4 ELEMENTS OF THE OFFENSE:**

A. The child is forty (40) inches in height or less.

B. The child is not secured in an approved child restraint. Approved restraints will have a tag which reads, "THIS CHILD RESTRAINT SYSTEM CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS" (Federal Code 213, 1981). **SECURED** shall mean that the child is fastened securely to the restraint and that the restraint is properly secured to the vehicle.

C. The child is under the age of eight (8) years who is between forty (40) inches and fifty-seven (57) inches in height.

D. The child booster seat restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.

**1.5 OTHER INFORMATION:**

A. If an officer learns that a subject cannot afford a child restraint device, the subject should be referred to the County Health Department in the county in which he/she resides for assistance in obtaining an approved child safety restraint.

B. The child safety seat provisions of KRS 189.125 are a primary offense. Each officer may make traffic stops as a primary offense when enforcing the child safety seat provision of any child being under forty (40) inches in height or ~~seven (7)~~ eight (8) years of age who is between forty (40) and fifty-seven (57~~0~~) inches in height.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER B - 13

| SUBJECT: VEHICLE MOUNTED VIDEO CAMERA AND RECORDER | | |
|---|---|---|
| Date of Issue: 01OCT91 | Effective Date: 8SEPT15 | |
| Revision Date: 17AUG16 | Review Date:17AUG18 | **REVISED** |
| Accreditation Standards: KACP 17.13A; 17.13B; 17.13C; 17.13D | | |

**1.1 PURPOSE:** To establish a standard procedure for utilization of the vehicle-mounted video camera and recording system.

**1.2 GENERAL INFORMATION:**

A. The vehicle mounted system is designed to be installed in a patrol car to allow an officer to record audio and video of all events that occur in the field of view of the video camera.

B. The video system is activated automatically when the blue lights are turned on, the vehicle speed exceeds 80 mph, or is involved in a collision with at least 10G's of shock. The video system can also be activated manually at any time by pressing the record button on the control panel or turning on the microphone while the officer is out of the patrol vehicle.

C. Control Panels: The video systems are equipped with a control panel used for stopping/starting recordings as well as reviewing recorded videos.

**1.3 COMPONENTS:** The in car video recording system features the following major components:

A. Digital System

1. Camera - A 1/2 inch CCD

2. Internal hard-drive – Stores all digital video and audio until the information is transmitted wirelessly to the Digital Eyewitness Media Manager (DEMM) Server.

3. Wireless microphone

~~4. Monitor – 3.5" color LCD screen.~~

4. Control panel – <u>Integrated rear view mirror and monitor for camera operations.</u>

**1.4 SYSTEMS CHECK:** Officers shall begin each tour of duty by checking all components to ensure they are operating properly. A short test should consist of system activation audio test and playback to ensure the device is working properly. Officers operating the system must understand it could take 3-5 minutes for it to be ready after powering on. The G-3 Vision® system powers up when the ignition is turned on. **(KACP 17.13A)**

**NOTE**: Radar unit must be turned on before DS is turned on in order to assure the DS recognizes input from the radar unit.

**1.5 WHEN TO USE THE CAMERA/RECORDER: (KACP 17.13B)**

The camera/recorder unit's primary purpose is to provide visual and auditory documentation in the apprehension and conviction of impaired vehicle operators. However,

because of the apparent usefulness of such documentation in other traffic and criminal instances, the officer assigned the use of the camera/recording unit may make the decision of when to activate it to provide additional evidence or documentation.

A. The video system will automatically activate when the vehicle's emergency lights are turned on and include recorded video from 60 seconds prior to being activated.

1. The video system has a feature of remote activation by the officer's wireless transmitter.

2. The video system can only be turned off by the operator.

3. The operator must depress the stop button on the overhead control panel at the conclusion of the event (DUI, traffic stop, emergency run) and indicate whether or not the event contains evidence.

4. When using the video/audio recorder combination for a DUI investigation, the video/audio recorder shall be operated continuously from the time the emergency lights are activated until such time that the field sobriety test(s) have been administered and the subject is either released or placed under arrest. The field sobriety test(s) must be recorded in its entirety. (KRS 189A.100(2)(a)).

5. An officer may record other than that required by law, but not when in conflict with department policy or existing law. If an officer chooses to record, the recording shall be both audio and video except as provided for in the next paragraph. Turn the recording equipment on and **DO NOT** interrupt audio and video recording except as provided for in the next paragraph. Turning equipment on and off gives cause to question purpose for the interruption(s).

6. At no time shall the in-car recording equipment wireless microphone be used while administering a breath test on stationary breath testing equipment supplied by the Kentucky State Police Crime Laboratory. This is due to possible radio frequency (RF) interference caused by the wireless microphone which causes the breath testing equipment to stop working. Officer may reactivate the wireless microphone after breath testing is complete.

7. The rear camera feature will be used to record all prisoner transports to the Detention Center or Juvenile Justice Center. If the vehicle is not equipped with a rear camera, the front camera will be used. These videos will be stored on the DEMM server for ~~90~~ 30 days unless the officer or supervisor marks the segment to be held. The recording of the transport to jail can be stopped once the car arrives at the jail.

8. At the conclusion of the stop, the officer will be prompted to identify the stop as DUI/evidentiary or non-evidentiary.

## 1.6 WHEN TO USE THE MICROPHONE:

A. The microphone is an important part of the recording system. **The instrument shall be turned on when the camera is activated.** The microphone can activate the recording system when outside of the patrol vehicle, in the remote mode.

1. Each car has two transmitters. One will stay with the officer while the other goes into its respective charger in the roll call room. This will allow you to always have a freshly charged microphone for your car each day/night. A fully charged transmitter, according to the manufacturer, has 15 hours of actual talk time and 45 hours of standby time.

2. Upon starting your shift you must sync the transmitter to the car that you will be driving as part of inspecting your car. This is done by turning the transmitter on and placing it into the docking station of the camera system while it is powered on. The LED's will flash for a few seconds and when they are done flashing it is synced and should be removed from the dock. You should test the functionality by pressing the talk/mute button which should start recording on the camera and your display will show an "M" which represents the microphone being on.

3. Transmitters are to be carried at all times while on duty and placed either in your breast pocket or the clip carrier provided by your Watch Commander on your belt or shoulder lapel. It is important to have the front of the transmitter facing away from your body as this is where the antenna and microphone for the transmitter are located.

4. Each transmitter will have affixed a city property control number.

**1.7 VIDEO STORAGE: (KACP 17.13D)**

A. Police department vehicles with digital recordings are equipped with wireless transfer capabilities. As soon as a patrol vehicle enters the range of WIFI coverage to the DEMM, the transfer automatically begins. If the patrol unit has to leave before the process finishes, it will pause and resume when the unit returns. It should be noted that if officers need to review their video, they will need to do so before they drive to the police station because the wireless system is automated and will remove the video from the unit as soon as it is in range.

B. Videos stored on the DEMM server of non-evidentiary value are set to automatically purge themselves after ~~90~~ 30 days pursuant to Kentucky Department of Libraries & Archives (KDLA) Retention Schedule.

C. Videos stored on the DEMM server that contain evidence will be held until the subject pleads guilty or is found guilty by a judge or jury and has exhausted all appeals and we have received an order to erase the video from the district court. Once the property officer receives this information he/she will mark the video in the DEMM server to no longer be held, and the video will purge after ~~90~~ 30 days and on schedule with all other non-evidentiary videos. All DUI traffic stops must be retained on the DEMM server for a minimum of 14 months even if a decision is made not to prosecute a case, or 14 months after court disposition with no appeal per KRS 189.100 (2,f). If a collision is recorded by a camera, KDLA requires retention for 26 months if there is no appeal.

D. In the event a video recording is needed for court, the case officer will make arrangements with the property officer to make a DVD of the recorded incident. Once the DVD is given to the officer, it is to be treated as evidence and signed out using the Ashland Police Department Property Form, which will be returned to the property officer when the officer is finished, along with the DVD.

E. Command officers are to review officer's videos as needed as with any other portion of the officer's work product. This will be done by the command officer logging into the DEMM server and reviewing their officer's media using the search function built into the DEMM system.

F. Anytime an officer marks a recording to be held, an Ashland Police Department Property Form will be completed and placed in a property locker. **(KACP 17.13C)**

G. When the property officer receives the property slip, he/she will verify the segment was

transmitted to the DEMM server. The property officer will then add the case number to the comments field for file identification,

**1.8 ASSIGNMENTS TO PATROL VEHICLES:** Each patrol officer ~~and field supervisor~~ will be assigned to a vehicle with video camera and recording equipment when available.

**1.9 RELEASE OF RECORDINGS:**

Recordings shall be used for official purposes only contained in KRS.189A.100. This includes viewing in court, by prosecution or defense in preparation for trial, administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records. Public officials or employees utilizing or showing recordings other than as permitted in KRS 189.100 may be charged with Official Misconduct in the first degree. KRS 189.100 (2,g)

**1.10 OTHER:** The video equipment may be utilized from time to time for training purposes.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 14

| SUBJECT: STOP, ARREST, AND SEARCH OF PERSONS | | |
|---|---|---|
| Date of Issue: 17APRIL13 | Effective Date: 15JUL15 | |
| Revision Date: 17APRIL13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 1.4 B, 1.4E, 1.6 | | |

**1.1 PURPOSE:** The purpose of this policy is to direct the members of this agency on the lawful limits of authority with respect to contacts with persons.

**1.2 POLICY:** The policy of this department is to protect and serve the constitutional rights of all citizens when stopping, arresting or searching individuals while balancing the needs of law enforcement in solving crime for the protection of the community.

**1.3 DEFINITIONS**

A. **PROBABLE CAUSE (SEARCH):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

B. **PROBABLE CAUSE (ARREST):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

C. **REASONABLE SUSPICION (TEMPORARILY DETAIN):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

D. **REASONABLE SUSPICION (FRISK):** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

E. **FRISK (WEAPON):** A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.

F. **STRIP SEARCH:** The removal or rearrangement of clothing that results in the exposure or observation of a portion of a person's body where that person has a reasonable expectation of privacy.

G. **CONSENSUAL CONTACT:** An interaction between a member of law enforcement and the public that is voluntary in nature. The law enforcement member has shown no authority that would cause a reasonable person to believe that they had no choice but to respond or comply with the officer's efforts. Under this type

of contact an officer has no power to detain an individual who chooses not to participate in the contact.

**H. Plain View:** A circumstance when (1) the officer is lawfully positioned to see the object; (2) the object's incriminating character is immediately apparent; and (3) the officer has a lawful right of access to the object. **(KACP 1.4B)**

## 1.4 PROCEDURES

A. Consensual Contact - An officer may approach anyone and attempt a consensual contact.

1. Officers are not required to have reasonable suspicion for this type of contact.

2. Officers may not take any steps through words or conduct to stop the person's movement under this type of stop.

3. A person cannot be compelled in any way to participate in the stop.

B. Reasonable Suspicion Based Stops/Terry Stops - An officer who is aware of facts and circumstances that would lead a reasonable police officer to conclude that criminal activity is afoot, may stop a person, using reasonable force short of deadly force, and detain the person for a reasonable amount of time to investigate further.

1. Officers may detain the person for a reasonable amount of time at the location of the stop while a diligent investigation is conducted such that the officer has an opportunity to confirm or dispel their suspicion.

2. Anonymous tips that merely describe a person's location and physical/clothing description without providing a prediction of the subject's future actions that can be corroborated by the police prior to contact are insufficient to justify a stop or frisk.

3. The duration of the stop should not exceed the amount of time that it would normally take to investigate the conduct that the officer suspected at the time the stop was made.

4. Officers may not frisk every person who is stopped in accord with this policy. An officer may only frisk those individuals for whom the officer has reasonable suspicion to believe is armed with a weapon.

C. Reasonable Suspicion Based Frisk - An officer may conduct a limited frisk/pat-down of a person's outer clothing when the officer has reasonable suspicion to believe that a person who has been lawfully stopped is in possession of a weapon that poses a danger to the officer or others present.

1. Items that may support reasonable suspicion:

a. The type of crime for which the stop is based is one that would lead a reasonable officer to conclude generally involves a weapon.

b. The officer observes a bulge in the subject's clothing that has the appearance of a weapon.

c. The officer has information (anonymous tip merely providing description and location is not enough) indicating that a person is armed.

d. The officer is aware of the subject's history of carrying weapons.

e. The officer observes the subject reach as if reaching for, or reaching to hide a weapon (furtive movements).

2. The frisk is limited to a pat-down of the outer-clothing and does not include reaching into pockets etc. unless the officer feels an item during the frisk that the officer reasonably believes is a weapon.

## 1.4 ARREST (KACP 1.6)

1. An officer may arrest an individual if the officer has probable cause to believe that a crime has been committed and probable cause to believe that the person to be arrested is the person who committed that crime. Once probable cause is established an officer may take custody of the subject and involuntarily transport the subject.

   **NOTE:** If the person to be arrested is in a dwelling-refer to Ashland Police Department General Order B-16 if the person to be arrested is in a vehicle-refer to vehicle search policy.

   Under Kentucky law officers may make an arrest with or without a warrant:

   a. In obedience to a warrant; or

   b. When a felony has been committed in his or her presence: or

   c. When he or she has probable cause to believe the person to be arrested has committed a felony; or

   d. When a misdemeanor as defined by K.R.S.§ 431.060 has been committed in his or her presence; or

   e. An officer may also arrest without a warrant for the commission of offenses enumerated in K.R.S.§431.005 (1) (e); or

   f. When the officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple.

2. Under K.R.S. § 431.015 an officer may issue a citation in lieu of an arrest for enumerated offenses under this statute.

    a. The sources of probable cause include:

        1.) Officer observations through 5 senses;

        2.) Officer background and experience; and

        3.) Specialized Training.

    b. Information Received.

    c. Good Citizens.

    d. Government.

    e. Paid Informants.

    f. Anonymous.

    g. Physical Evidence:

        1.) At Scene.

        2.) On Suspect.

    h. Circumstantial Evidence:

        1.) Description of subject.

        2.) Time and Place relationship between crime scene and stop.

        3.) Suspect History.

        4.) Suspect Flight.

        5.) Type of Area i.e. high crime area.

3. Juvenile Arrest Procedures: Juveniles may be taken into custody for non-criminal offenses under the following conditions:

    a. Pursuant to an order from a court for failure to appear before the court for a previous status offense; or

    b. If there are reasonable grounds to believe that the child has been a habitual runaway from his parent or person exercising custodial control or supervision of the child.

## 1.5 SEARCH INCIDENT TO ARREST OF A PERSON

1. When an officer arrests a person on the street, the officer may conduct a thorough search of the subject's person (not strip search).

2. Cross-Gender Searches:

   a. In the event that the arresting officer and prisoner are of the opposite sex, this search should be observed, if possible, by a witness or in front of the vehicle video camera.

   b. When possible and practicable, an agency member of the opposite sex should be requested for these types of searches.

3. The purpose of this search is the following:

   a. Protecting the officer from attack;

   b. Preventing the person from escaping;

   c. Discovering or seizing the fruits of the crime for which the person has been arrested; or

   d. Discovering or seizing any instruments, articles, or things that are being used or which may have been used in the commission of the crime for which the person has been arrested.

4. This search may include the subject's pockets as well as any items they are in possession of at the time of the arrest. (For search incident to arrest in home-see home search policy-for incident to arrest search in vehicle see motor vehicle contacts policy.)

5. When the peace officer is in the process of effecting a lawful search, he may discover or seize any stolen or embezzled property, any item, substance, object, thing, or matter, the possession of which is unlawful, or any item, substance, object, thing, or matter, other than the private papers of any person, which is tangible evidence of the commission of a crime against the laws of this state.

## 1.6 PRIVILEGE FROM ARREST

1. Legislative Privilege.

   a. A member of the General Assembly, while going to, attending or returning from any session of the house to which he belongs shall not be arrested, menaced or disturbed at any place in the Commonwealth of Kentucky except on legal process for treason, felony, or breach or surety of the peace.

   b. It is declared to be the legislative intent of the General Assembly to prohibit the arrest of any member of the General Assembly at any place within the

Commonwealth while going to, attending or returning from any session of the house to which he belongs, except for treason, felony, or breach or surety of the peace.

2. National Guard/State Militia.

   a. No officer, warrant officer, or enlisted man of the Kentucky National Guard or Kentucky active militia shall be arrested, except in case of a felony, while going to, remaining at, or returning from a place where he is ordered to attend for state active duty.

## 1.7 DIPLOMATIC AND CONSULAR IMMUNITY

1. Background. Diplomatic immunity is a principle of international law by which certain foreign government officials are not subject to the jurisdiction of local courts and other authorities for both their official and, to a large extent, their official and, to a large extent, their personal activities. It should be emphasized, however, that even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming with national and local laws and regulations.

2. Categories of persons entitled to diplomatic immunity are as follows:

   a. Diplomatic Agent: Enjoys the highest degree of privileges and immunity. Diplomatic Agents may not be handcuffed (except in extraordinary circumstances), arrested or detained for any criminal offense. Generally, they are immune from any civil suits, but are not immune from receiving a citation/summons. Family members of these persons enjoy the identical privileges and immunity.

   b. Diplomatic Administrative and Technical Staff: Enjoy privileges and immunity similar to Diplomatic Agents. Diplomatic Administrative and Technical Staff may not be handcuffed, arrested or detained for any criminal offense. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for a motor vehicle violation. Family members enjoy identical privileges or immunity.

   c. Diplomatic Service Staff: They are accorded few privileges and immunities. Diplomatic Service Staff may be arrested or detained for criminal offenses. They enjoy immunity from civil suits arising in connection with the performance of their official duties. Officers may issue a citation for traffic violations. Family members enjoy no privileges or immunities.

   d. Consular Officers/Deputies: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Officers/Deputies may be arrested or detained, pursuant to an arrest warrant, for felony offenses. They may be prosecuted for misdemeanors, but may not be arrested or detained prior to trial or other disposition of

charges. Officers may issue a citation for traffic violations. Generally, family members enjoy no privileges or immunity.

e. Consular Employees: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Consular Employees may be arrested or detained for criminal offenses. Officers may issue a citation for traffic offenses. Family members enjoy no privileges or immunity.

f. Honorary Consuls: Enjoy privileges and immunity from criminal and civil matters arising from their performance of official duties. Honorary Consuls may be arrested or detained for criminal offenses. Officers may issue a citation for a traffic offense. Family members enjoy no privileges and immunity.

3. Procedure for Notification When a Foreign National is arrested.

a. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel documents the foreign national travels.

b. All foreign nationals must be told of their right to Consular notification.

c. If the foreign national's country is not on the mandatory notification list:

1.) Offer, without delay, to notify the foreign national's consular officials of the arrest/detention.

2.) If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay.

4. If the foreign national's country is on the list of mandatory notification countries:

a. Notify that country's nearest consular officials, without delay, of the arrest/detention. Tell the foreign national that you are making this notification.

b. Keep a written record of the provision of notification and actions taken.

A. Strip Search: In order to conduct a strip search of an individual two threshold Issues must be met: **(KACP 1.4E)**

1. The person must first be arrested based upon probable cause to believe that person has or is committing a crime.

2. Field: The officer must have probable cause to believe that the arrestee is concealing evidence, contraband or weapons on their person. These searches shall be conducted at the police station or jail, unless exigent circumstances exist that make the search necessary to protect the officer or others from

serious bodily harm or death. In such a case, the officer shall obtain supervisory authorization before making this search, unless no supervisor is available. In all cases the officer must seek a private area to conduct the search which is out of view of the public and other persons.

3. Booking: Strip searches during the booking process may only be conducted when officers can articulate reasonable suspicion to believe that the subject is concealing weapons or contraband.

4. Cross-gender strip searches are prohibited unless exigent circumstances exist that would justify such a search.

5. In all cases where a strip search has been conducted, the officer will document the following:

   a. The offense the suspect was arrested for.

   b. Facts and circumstances that led the officer to believe that the suspect was hiding weapons or contraband on his or her person.

   c. The manner in which the search was conducted.

   d. The persons who were present during the search.

   e. The location where the search occurred.

   f. The items that were recovered as a result of the search.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 15

| SUBJECT: DOMESTIC VIOLENCE, CHILD ABUSE, AND ADULT ABUSE | | |
|---|---|---|
| Date of Issue: 17JUL92 | Effective Date: 16NOV16 | |
| Revision Date: 16NOV16 | Review Date: 16NOV18 | **REVIEWED** |
| Accreditation Standards: KACP 30.1 | | |

**1.1 PURPOSE**: To establish guidelines, clear definitions, and direction for providing and promoting a consistent, effective response to incidents involving domestic violence and abuse. **(KACP 30.1)**

**1.2 OBJECTIVES**: To de-escalate violent or potentially violent situations, to protect and minimize hazards to each victim and responding police officer, to reduce the likelihood of repeated incidents, to enforce the law, and to apprehend and facilitate prosecution of violators when applicable.

**1.3 DISCUSSION**: Research by criminal justice agencies supports pro-arrest as an effective strategy to control domestic violence and abuse. The Ashland Police Department (APD) will assume a posture of pro-arrest in each domestic violence and abuse incident consistent with relevant sections of the Kentucky Revised Statutes (KRS).

**1.4 DEFINITIONS**: The following definitions shall apply to this general order:

A. **Adult/Spouse Abuse or Neglect** (KRS 209): the infliction of physical pain, injury or mental injury, or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult, or a situation in which an adult, living alone, is unable to provide or obtain for himself/herself the services which are necessary to maintain his/her health or welfare, or a situation in which a person inflicts physical pain or injury upon a spouse or deprives a spouse of reasonable services necessary to maintain the health and welfare of his/her spouse.

B. **Child**: any person who has not reached his/her eighteenth birthday.

C. **Child Abuse, Neglect, or Exploitation** (KRS 600): a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child: inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means; creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means; commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child; creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child; abandons or exploits such child; does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being. A parent or other person exercising custodial control or supervision of the child legitimately practicing his/her religious beliefs shall not be considered a negligent parent solely because he/she fails to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child.

D. **Course of conduct**: a pattern of conduct composed of two or more acts, evidencing a continuity of purpose. It does not include constitutionally protected activity.

E. **Domestic Violence and Abuse** (KRS 403): physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple.

F. **Exploitation** (Adult) (KRS 209): the improper use of an adult or an adult's resources by a caretaker or other person for the profit or advantage of the caretaker or other person.

G. **Family Member** (KRS 403 and KRS 431.005[2]): means a spouse, **including** a former spouse, a grandparent, parent, child, stepchild or **other persons living in the same household as the child if the child is the alleged victim.**

H. **Serious Physical Injury** (KRS 500.080): physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of function of any bodily organ.

I. **Stalking** (KRS 508): an intentional course of conduct directed at a specific person(s) which seriously alarms, annoys, intimidates or harasses; which serves no legitimate purpose; and which would cause a reasonable person to suffer substantial mental distress.

J. **Unmarried Couple** (KRS 403 and KRS 431.005[2]): each member of an unmarried couple which allegedly has a child in common, **any** children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

K. **Emergency Protective Order (EPO)** (KRS 403.740): an ex parte court order (an order issued at the request of one party without a hearing) against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger. Order is valid for up to 14 days (the date of expiration should appear on the order).

L. **Mutual Protection Order (MPO)** (KRS 403.735[2]): an order of protection against the Petitioner **and** Respondent only if each has filed a separate petition seeking protection against the other. The order must be specific so as to make clear to any peace officer which party has violated the order.

**NOTE:** Out of state mutual protection orders are enforceable only if the issuing court has made specific findings that each party, in a separate order, was entitled to an order of protection.

M. **Domestic Violence Order (DVO)** (KRS 403.750): a court order issued following a hearing against a family member or a member of an unmarried couple where the court has found violence has occurred and is likely to occur again. In Kentucky, a DVO is valid for up to three years (the date of expiration should appear on the order).

N. **Foreign Protective Order (FPO)** (KRS 403.7521[1]): any judgement, decree, or order of protection issued by a court of any state of the United States or tribal court and is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265. Foreign Protective Orders shall be enforced as written.

O. **Interpersonal Protective Order (IPO)** (KRS 456.030): an order of protection for a victim of dating violence and abuse; a victim of stalking or sexual assault, or an adult who files on behalf of a minor for relief.

P. **Victim or Complainant** means any person who has been subjected to threats of or actual domestic violence and abuse. This includes persons who, at that time, may be reluctant to see the perpetrator arrested, file charges, or see the perpetrator prosecuted.

Q. **Exigent Circumstances** means those circumstances or emergencies which authorize officers to enter a dwelling without consent or a warrant. Examples of such emergencies are:

1. Hot pursuit of a fleeing felon;
2. The imminent destruction of evidence;
3. The need to prevent a suspect's escape;
4. The risk of danger to the police or others; or
5. Reasonable belief that a person inside is in need of immediate protection or assistance.

**NOTE:** If the officer is not in hot pursuit, the officer must have probable cause that one or more of the

other four circumstances are present. In assessing the risk of danger, the officer should consider the seriousness of the crime and the likelihood that the suspect is armed. Minnesota v. Olson, 110 S.Ct. 1684 (1990)

R. **Probable Cause** to justify an arrest means facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing in the circumstances shown, that the suspect has committed, is committing, or is about to commit an offense. Probable cause means more than a simple suspicion or a hunch. The officer must have concrete facts or reliable information giving the officer a reasonable belief that the suspect probably committed the crime. Probable cause is frequently referred to in cases and statutes as "reasonable grounds".

**NOTE:** (1) The victim's statement is a factor that should be considered in determining whether probable cause exists. (2) The officer shall use the JC-3 form (Child Abuse, Adult Abuse and Domestic Abuse Standard Report) to document the evidence giving the officer probable cause to make the arrest, and/or report suspected abuse.

S. **Physical Injury** means substantial physical pain or any impairment of physical condition. KRS 500.080(13).

T. **Dependent Child** means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child. KRS 600.020(15).

U. **Person Exercising Custodial Control or Supervision** means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child. KRS 600.020(34).

V. **Self Protection** or **Protection of Another** means a person's justifiable use of physical force upon another person when the person believes such force is necessary to defend himself or a third person from the use, or imminent use, of unlawful physical force by such other person. KRS 503.050; KRS 503.070.

W. **Imminent** means impending danger, and, in the context of domestic violence and abuse as defined by KRS 403.720, belief that danger is imminent, can be inferred from a past pattern of repeated serious abuse. KRS 503.010(3).

X. **Peace Officer** for purposes of this policy means an officer certified pursuant to KRS 15.380.

Y. **Interstate Domestic Violence** means crossing a state line in order to commit domestic violence and subsequently committing the act. This crime occurs when:

1. A person who travels across a state line or enters or leaves Indian country with the intent to injure, harass, or intimidate that person's spouse or intimate partner; and,

2. Who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner. 18 .S.C sec. 2261 (a) (1). or

**Interstate Domestic Violence** means causing another to cross a state line due to domestic violence. This crime occurs when:

1. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion duress, or fraud; and,

2. In the course or as a result of that conduct, intentionally commits a crime of violence and thereby

causes bodily injury to the person's spouse or intimate partner. 18 U.S.C. sec. 2261 (a)(2).

Z. **Interstate Violation of a Protection Order** means crossing a state line in order to commit domestic violence in violation of a protection order and subsequently violating the protection order. This crime occurs when:

1. A person who travels across a state line or enters or leaves Indian country with the intent to engage in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment or bodily injury to the person or persons for whom the protection order was issued;

2. Would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; or

3. Subsequently engages in conduct which violates the protection order. 18 U.S.C. sec. 2262(a)(1). or

**Interstate Violation of a Protection Order** means causing another to cross state lines fleeing because of domestic violence committed in violation of a protection order. This crime occurs when:

1. A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian country by force, coercion, duress, or fraud; and,

2. In the course or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a state. 18 U.S.C. sec. 2262 (a)(2).

**1.5 REGIONAL PUBLIC SAFETY COMMUNICATION CENTER (RPSCC)**:

A. The dispatcher is responsible for determining the required police response. The dispatcher shall determine the following:

1. Complainant's name (if possible);

2. Is the crime (incident) in progress? If not, date and time of occurrence;

3. Is a weapon involved? What type?

4. Has anyone at the scene been injured?

5. Is an ambulance needed?

6. Name and location, (at this point, if there is evidence of injury or a weapon, or major threat of violence, dispatch a police unit and an ambulance, if needed. Keep the complainant on the phone and obtain additional information);

7. Assailant's name;

8. Assailant's whereabouts? If not known, obtain a complete description; if armed (type of weapon); direction and means of travel, and elapsed time;

9. Were alcohol or drugs involved, and

10. Is there a prior history of reports involving these persons or this location?

B. The dispatcher should listen for background noises that assist in evaluating the threat level (screams, shouts, threats, breaking glass and furniture). These sounds will alert the dispatcher to the potential

danger level and provide valuable information.

C. The dispatcher shall maintain telephone contact until the officer(s) arrives in order to monitor and provide support to the victim.

D. The dispatcher shall provide the responding officer(s) with all available information.

E. Check Interact files by name and address to determine previously reported incidents involving the parties, addresses, and possible hazards involved.

**1.6 POLICE RESPONSE**: Two (2) officers shall be dispatched on a domestic violence call if the incident is in progress, both parties are present, or when specified in General Order G - 1. In response to incidents of domestic violence, when possible, each officer(s) shall:

A. Use all appropriate means to prevent further domestic violence and abuse;

B. Remain at the scene as long as he/she reasonably suspects that without the presence of a police officer there is danger to the physical safety of individuals;

C. Conduct detailed preliminary investigations (include victim/witness interviews), collect evidence;

D. Report actual or suspected Domestic Violence/Abuse (KRS 403.785[1] KRS 209.030[2], Physical Abuse/Neglect (Adult) (KRS 209.030[2], Physical Abuse/Neglect (Child) KRS 620.030) and/or Sexual Abuse/Exploitation (Child) (KRS 620.030) on the Child Abuse, Adult Abuse, and Domestic Abuse Standard Report, (E-JC-3 ([Rev. 6/92]). The E-JC-3 shall be forwarded to the APD Support Services/Records Section. After the reporting form is completed, a photocopy of the E-JC3 shall be delivered to the detention facility and forwarded to the court for the defendant's arraignment, if an arrest has been made.

1. If child abuse, adult abuse or domestic violence/abuse involves an assault, a KYIBRS report shall be prepared in addition to the E-JC-3.

E. Conduct a thorough on scene investigation and follow-up by establishing control, assessing the situation for risks to all parties, attending to the emergency medical needs of each injured party, interviewing each party involved, effecting arrests of the alleged perpetrator if legally possible and appropriate, regardless of whether the victim wishes to press charges, informing the victim of rights, offering victim information on legal remedies and community services available for their protection, and assisting the victim in securing medical attention.

1. Upon arrival, identify yourself as a police officer: explain why you are there;

2. Request entry into the residence; once inside, establish control, separate parties, assess the need for and obtain medical assistance when needed;

3. Separately interview parties concerning the circumstances of the incident. While conducting separate interviews each officer should maintain visual contact with the other officer throughout the interview process for their safety;

4. Interviews shall be conducted out of the hearing of other parties;

5. Separate witnesses, including children, for statements;

6. If an injury is visible, the investigating officer shall take photographs of the injury; and,

7. Check LINK/NCIC for outstanding warrants, history file on protective orders, and whether there are any active EPO's, DVO's, or FPO's. *Not all valid domestic violence orders will be in the LINK*

*system.*

F. Arrest: Following initial investigation, the officer(s) shall decide on the appropriate course of action. A warrantless arrest **shall** be made in the following circumstances:

1. If a felony (physical or sexual assault, felony stalking) has been committed, or

2. If a misdemeanor has been committed in the officer's presence, or

3. If a misdemeanor has been committed, not in the officer's presence, but when the officer has probable cause to believe that the person to be arrested has intentionally or wantonly caused physical injury to a member of his/her family or a member of an unmarried couple, or

4. If the misdemeanor assault charge is a third or subsequent offense within five years, the penalty for the arresting offense can be enhanced by one degree. It is not necessary that the victim be the same person. KRS 508.032. The officer should make a reasonable effort to determine if there is a history, or

5. If there is probable cause to believe a person has violated a condition of release imposed in accordance with KRS 431.064 and verifies the violator has notice of the condition, he/she shall arrest the offender without a warrant. KRS 431.005(5).

G. Mutual Violence

1. Where the officer has probable cause to believe that two or more persons committed a misdemeanor or felony, or if two or more persons make complaints to the officer, the officer shall try to determine who the primary aggressor was and if one party acted in self-defense.

2. If the officer is able to determine who the primary aggressor is, the officer shall arrest that party.

3. Where there is probabl~~y~~e cause to believe that all parties are equally responsible, the officer should contact his immediate supervisor for assistance in a resolution.

4. Officers should not use mutual arrests as a substitute for a thorough investigation.

**NOTE**: Arresting both parties is not the preferred response.

H. Arrest for violation of a Emergency Protective Order (EPO) KRS 403.760: An officer **shall** arrest any person whom he/she has probable cause to believe has violated any clause of a **valid** Kentucky or foreign emergency protective order, provided the order has been served on the subject, or when he/she has been given notice of its existence and terms by the court, or by a peace officer, whichever is earlier. Perpetrator shall be charged with the proper violation of an EPO. This applies to the arrest for violation of EPO'S, DVO'S, IPO'S, MPO'S, and FPO'S.

1. EPO's are immediately enforceable **only** if the respondent has been served or given notice of the contents.

2. The officer should check LINK files to verify service of the EPO.

3. If service has not occurred, the officer shall immediately give the respondent notice of the contents of the EPO.

4. After notice has been given to the respondent, its terms are binding and enforceable for subsequent acts. The law enforcement officer shall then make arrangements for personal service of the EPO, if possible, and make notification to the responsible agency for LINK entry.

5. The “no-contact” condition found in protective orders shall be defined as having no contact at all including such allegedly innocent activities as sending flowers, etc.

I. Handling complaints when the perpetrator is not present when the officer arrives:

1. Each police officer should offer to contact Safe Harbor for the victim and his/her children, or suggest that the victim stay with family or friends for support.

2. If the victim does not have transportation, the field operations division supervisor may authorize transportation by police vehicle, or other means.

3. Each victim who does not wish to leave his/her home should be advised to request an EPO from the Circuit Court Clerk's office.

4. Each police officer **shall** provide the victim with victim rights information. This information is located on the E- JC-3.

J. Twenty-four (24) hour accessibility to Emergency Protective Order (EPO):

1. Pursuant to KRS 403.735 (3) the court establishes procedures to fix accessibility to EPOs:

a. The APD has been directed to assist alleged victims of domestic abuse in the completion of the EPO. This service will be for hours when the circuit clerk's office is closed.

b. The Chief Boyd District Judge has authorized each sworn member of the APD to administer the oath to the petitioner affirming the truthfulness of the content of the petition. The officer administering the oath shall affix his/her signature and title in the space provided on page 2 of the EPO.

2. After completion of the EPO, contact RPSCC and have them notify the on-call Boyd County District Judge.

3. The officer shall deliver, fax or email the petition, order and summons to the Judge for review.

4. The officer shall be responsible to contact RPSCC to have the order entered into LINK.

a. EPO's shall be enforced immediately upon issuance.

b. The officer shall make sure the conditions for which an arrest is made are prohibited in the EPO.

**NOTE**: All law enforcement officers should be aware that pursuant to the Carrying Concealed Deadly Weapon statute, ". . .when a domestic violence order or emergency protective order is issued pursuant to the provision of KRS Chapter 403 against a person holding a license issued under (the law), the holder of the permit shall surrender the license to the court or to the officer serving the order." KRS 237.110.

K. Foreign Protective Orders (FPO)

1. General

a. All out of state protective orders shall be enforced as written including provisions that grant relief not available in Kentucky.

b. All FPO's are presumed valid upon presentation to the officer. FPO's do not have to be entered into the LINK system to be valid and enforceable.

c. Some FPO's may have been filed and may be verified through LINK.

2. Arrest procedures

a. When an FPO is presented to the officer by the complainant the officer shall:

1). Determine whether the order is current.

2). Determine whether the conduct complained of is prohibited by the order.

**NOTE:** Some FPO's do not have expiration dates. Even though no expiration date is contained on the order, the officer shall accept the statement (written or oral) of the complainant that the order is current.

b. The officer shall inquire of the complainant whether the protective order has been filed with the circuit clerk's office.

If the order has been filed with the clerk's office, it can be further verified through the LINK system.

**NOTE**: Even if the order has not been filed with the court clerk and is not available on LINK, it is still a valid order of protection.

c. The officer shall assume the respondent was given notice of the domestic violence order and its contents.

d. If the officer has probable cause to believe the respondent has violated the terms of the protective order, he/she shall arrest the respondent as having violated a protective order. KRS 403.760

e. All peace officers shall make arrests for violations of FPO’s in the same manner as arrests for violations of EPO's or DVO's as if it had been entered by a Kentucky court. The charge shall be contempt of court, a violation of a protective order.

**NOTE**: This shall not preclude officers from arresting the perpetrator for other violations of the KRS. Officers are not expected to be aware of any changes of a FPO that are not clearly on the order, or, if the order is in LINK, if the changes are not indicated in LINK.

It is the obligation of the victim to notify the court of changes in the order.

L. Duty to Warn

1. Officers who are notified by mental health professionals under the provisions of KRS 202A.400 of threatened violence against an identifiable victim or victims.

2. Officers should attempt to contact the intended victim or victims of the threatened violence and afford all available legal remedies to assist them.

3. Officers should discuss alternative safety plans with the intended victim, provide transportation to a safe location if necessary, and give other indicated assistance;

4. Officers and supervisors should decide what further investigation or action (e.g., increased patrol, alert to all shift officers, etc.) is indicated;

5. Officers should fully document the report of threatened violence.

M. Domestic Violence Disqualifications for Firearms: A 1994 amendment to Section 922 of Title 18 of the United States Code prohibits any person, while under a protection order for domestic violence, from possessing a firearm. Pursuant to provisions in the Omnibus Consolidated Appropriations Act of 1997, amending the Gun Control Act of 1968, making it unlawful for a person convicted of a misdemeanor crime of domestic violence, to ship, transport, possess, or receive any firearms or ammunition. This restriction does apply to law enforcement officers.[1]

N. Handling non-criminal disputes

1. The police officer should suggest temporary separation until such time as the disputants regain their composure.

2. Both parties should be referred to agencies that offer counseling for persons experiencing this type of problem.

O. Marital Rape/Sexual Assault

1. Responding officers shall follow all procedures relating to investigation and evidence collection (including comprehensive rape examinations) where a sex offense is reported, regardless of the relationship including the marriage of the victim to the alleged perpetrator.

**NOTE: There is no exemption for marital rape. KRS 508 and KRS 510.**

P. Domestic Violence Stalking

1. Officers should complete a full report and investigation where a domestic violence victim alleges that he or she has been stalked;

2. Officers should advise stalking victims to notify this agency of subsequent incidents.

**1.7 INCIDENTS INVOLVING POLICE OFFICERS:** The following procedures shall be adhered to when responding to a domestic violence situation involving a sworn law enforcement officer in the city of Ashland, Kentucky.

A. Responsibilities of Officer(s) Responding to Incident:

1. Immediate action shall be taken to ensure the safety of the victim.

2. The responding officer shall proceed with the investigation in accordance with Kentucky Revised Statutes, court orders, APD Policy and Procedures, APD Rules and Regulations and general orders.

3. A supervisor, of higher rank than the involved officer, is to be called to the scene.

4. The responding officer will remain on the scene until relieved by the responding supervisor.

5. Reports are to be completed prior to the end of the officer's tour of duty.

B. Responsibility of the Responding Supervisor

[1]Urgent Memorandum dated 12/6/96 from U.S. Department of Justice, Executive Office for United States Attorneys, Office of Director.

1. Proceed to the scene of the incident.

2. Assess the actual and potential harm to the victim.

3. Ensure enforcement of Kentucky Revised Statutes, court orders, APD General Orders, and APD Rules and Regulations.

4. The supervisor will ensure a check of LINK database to determine if there are outstanding domestic violence orders or emergency protective orders and/or warrants in effect against the officer.

5. Before the end of the supervisor's tour of duty, the supervisor shall submit, through the department's appropriate chain of command, a report detailing his/her assessment of the incident and action taken.

C. The On-Duty Command Officer's Responsibilities

The command officer in charge of the officer/supervisor assigned the initial investigation upon being notified of a domestic violence incident involving a sworn officer, shall ensure that:

1. A supervisor has responded to the scene and commenced an investigation;

2. All provisions of Kentucky Revised Statutes, court orders, APD General Orders, and APD Rules and Regulations are fully enforced;

3. Reports and proper documentation of the facts and circumstances of the incident and the action taken are submitted through proper channels in accordance with department procedures; and

4. The field operations division commander is notified of a police officer involved as a suspect or victim in a domestic violence complaint. If a complaint of domestic violence involves a police officer from a jurisdiction other than the city of Ashland, the division commander or his/her designee shall notify the officer's commanding officer.

D. Duties of an Officer Served with a EPO/DVO:

A sworn officer who has been served with a domestic violence order, been served with an emergency protective order, been served with a restraining order, learns that he/she is a defendant named in any such order/complaint involving abuse; or is arrested for any crime involving abuse shall:

1. Immediately provide oral notification to the senior on-duty field operations division command officer and the command officer of his/her permanent assignment, naming the investigating police department (example: police officer lives in town other than the city of Ashland).

2. Within 24 hours provide written notification to the commanding officer of his/her permanent assignment of the nature of the complaint and provide a copy of the EPO, DVO, or restraining order (if applicable).

3. Upon being served with an EPO/DVO, or restraining order, the officer shall surrender his/her department issued firearm, ammunition, and oleo capsicum spray. The officer shall be encouraged to comply with the law by disposing of personally owned or possessed weapons to his/her personal attorney, the Department, or an eligible trusted friend. Failure to dispose of weapons may constitute a separate criminal violation.

4. The officer may file an affidavit that a firearm is necessary for employment and request an expedited hearing on the order to surrender weapons.

5. The officer shall be placed on administrative assignment or administrative leave with pay. Other sanctions may be placed against the officer.

6. The officer shall not be allowed to wear a uniform, operate a department vehicle, or carry or possess any firearm.

E. Command Officer Responsibility:

A command officer, upon being notified that an officer under his/her command has been served a DVO, EPO, or restraining order and/or has been involved in a domestic violence incident, shall take the following actions:

1. Ensure the safety of the victim.

2. Order that all appropriate notifications be made and required documentation be completed and review all documents and reports.

3. Determine, in accordance with departmental procedure, the employee's work status and if applicable, the appropriate disciplinary action.

F. Special Relationship/Prominent Citizen

1. A responding officer shall notify his supervisor when he responds to a domestic violence call involving a public official, or a prominent citizen.

   a. A responding officer and supervisor shall apply this policy equally to all members of the community;

   b. This applies whether the person is the victim or the perpetrator.

2. A responding officer shall notify his supervisor when he responds to a domestic violence call involving law enforcement personnel.

   a. When possible the investigation should be handled by an officer at least one rank higher than the party involved;

   b. The investigating officer shall notify the highest ranking officer on duty of the investigation.

3. When a law enforcement officer is investigating a member of another law enforcement agency that investigating officer should notify the highest ranking officer on duty of the agency with whom the officer under investigation is employed.

   a. This applies whether the person is the victim or the perpetrator.

**1.8 CONTROL OF DOMESTIC VIOLENCE AND ABUSE REPORTS**: KYIBRS reports, E-JC-3, uniform citations, and support documents will be forwarded to the watch commander for review. Time is of the essence. The E-JC-3 is directly transmitted to the Cabinet for Human Resources, Department of Community Based Services (DCBS) for review.

A. Pursuant to KRS 403.770, Support Services personnel will ensure the omission or deletion of the petitioner's address and the address of any minor children from any documents to be made available to the public.

**1.9 INVESTIGATION OF CHILD ABUSE**: **NOTE**: Officers should also refer to G. O. B-27 “Juvenile Procedures” in handling like situations.

A. Investigation of child abuse will be classified into one of the three following categories:

1. Category I: DCBS and Law Enforcement shall do joint investigations when:

a. Pursuant to KRS 431.600, suspected sexual abuse is reported.

b. Reported injury involves serious physical harm including:

1). Injuries requiring hospitalization or medical attention;

2). Physical harm which carries a substantial risk of death;

3). Physical harm which involves acute pain or prolonged suffering.

2. Category II: The DCBS or a law enforcement agency shall initiate investigations pursuant to the prescribed duties when conditions are reported involving minor injury to the child or circumstances exist which may result in additional abuse or neglect of a child.

3. Category III: DCBS shall refer to APD all non-custodial child (sexual, physical) abuse when the perpetrator is a non-relative.

B. When a joint investigation is desired, the RPSCC shall dispatch an on-duty patrol officer to respond to the scene of the reported child abuse or to meet with the case worker at a specified location. The responding officer shall initiate a preliminary investigation.

1. The DCBS shall provide the RPSCC and Pathways, Inc., with a schedule of staff responsible for responding to child abuse cases after 4:30 p.m. on weekdays, holidays, and weekends. The schedule shall include current telephone listings for all Department of Community Based Services staff subject to recall.

2. The on-duty field operations officer will be responsible for the preliminary investigation of child abuse complaints.

3. The DCBS will be responsible to determine the safety of the child, to validate the referral, and to access the treatability of the family.

4. The investigating police officer will be responsible for collection and preservation of evidence. Additionally, the investigating officer shall be responsible for submission of evidence for forensics evaluation. The police officer will co-share responsibility with the DCBS worker in securing the safety of the child.

C. Interviewing the child:

1. When joint investigations are conducted, DCBS and the patrol officer will interview the child.

2. The interview shall be held in a neutral location, not where the abuse occurred.

3. The presence of a teacher, school social worker, friend, etc., is acceptable in interviewing the child, if it is determined to be in the child's best interest.

D. Interviewing the alleged perpetrator:

1. It shall be the responsibility of the police officer to make a determination when the "Miranda Admonishment" is required. The admonishment of constitutional rights shall be consistent with

established procedures of the investigating law enforcement agency.

2. After the reading of the constitutional rights, all statements may be recorded by the investigating law enforcement agency.

E. Interviewing persons to whom the child has reported the alleged abuse: It is recognized that a child will often "tell his secret" to a special friend such as a teacher, neighbor, playmate, etc. It shall be the responsibility of the investigative team to attempt to determine the identity of all persons in whom the child has confided. The investigative team will then conduct the follow-up interviews with those determined to be appropriate.

**2.0 CHILD SEXUAL ABUSE INVESTIGATION PROTOCOL - BOYD COUNTY**:

A. As per KRS 431.600 which has been amended to mandate the joint investigation of all child sexual abuse investigations by DCBS and law enforcement agencies, the following is a protocol agreed upon by all Boyd County law enforcement agencies and DCBS.

B. Upon receipt of a valid report of a child sexual abuse by DCBS, the DCBS worker will immediately contact the appropriate law enforcement agency. (Valid report meaning that the allegations **do** meet the statutory definition of child sexual abuse, that the alleged perpetrator was in a caretaker role, and that the family resides in Boyd County.)

C. If any of the law enforcement agencies receive a valid report of child sexual abuse by a caretaker, they are to contact DCBS immediately. If it is on a weekday, from 8:00 a.m. - 4:30 p.m., they should call the office directly at 920-2032. If it is after these office hours, and on a weekday, they should contact RPSCC and ask the dispatcher to contact a DCBS worker. If it is on a weekend (from Friday 4:30 p.m. until Monday morning 8:00 a.m.), law enforcement should also contact RPSCC and ask the dispatcher to contact the worker on call (beeper).

D. Of importance to law enforcement is the issue of WHERE the alleged abuse occurred, as that particular agency is the one with jurisdiction. Therefore, DCBS will attempt to determine where the alleged abuse occurred from the reporting source. Further, at the point when DCBS does determine where the alleged abuse occurs, they will inform the appropriate agency.

E. All participating agencies will meet to discuss any problems that are occurring, and any suggestions for improving the process. DCBS will be responsible for setting up these meetings.

**2.1 TRAINING (KRS 403.785(2)**: The APD requires that all officers be trained to effectively respond to domestic violence crime. Officers are to receive Kentucky Law Enforcement Council-approved education and training programs designed to inform officers of:

A. The problems of domestic violence and abuse;

B. The manner in which to deal with domestic violence;

C. The services and facilities available to assist victims of domestic violence; and,

D. The provisions of the Domestic Violence and Abuse Act (KRS 403.715-403.785).

Additionally, throughout each officer's career, the APD shall require completion of supplemental domestic violence training, i.e., in-service and/or professional development programs.

**2.2 CIVIL LIABILITY**: In responding to a domestic violence situation, the law enforcement officers, support staff and supervisory personnel shall follow the policy and procedures set forth in this document. Personnel who fail to adhere to departmental policy increase the risk of civil liability for harm caused by their conduct or lack thereof.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 16

| SUBJECT: MOTOR VEHICLES STOPS/SEARCHES | | |
|---|---|---|
| Date of Issue: 17APRIL13 | Effective Date: 15JUL15 | |
| Revision Date: 17APRIL13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 1.4B | | |

**1.1 PURPOSE:** The purpose of this policy is to direct officers in their contacts with motor vehicles.

**1.2 POLICY:** The policy of this department is to protect and serve the constitutional rights of all citizens when conducting vehicle stops and searches while balancing the needs of law enforcement in solving crime for the protection of the community.

**1.3 DEFINITIONS:**

**A. Motor Vehicle:** Any motorized vehicle that is capable of movement to include motor homes.

**B. Probable Cause:** (search)**:** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

**C. Probable Cause:** (arrest)**:** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

**D. Reasonable Suspicion** (temporarily detain)**:** Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

**E. Reasonable Suspicion** (frisk): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

**F. Frisk** (weapon): A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.

**G. GPS (Global Positioning System)** as used on this policy such device would include any mechanism either built-into or attached to the vehicle which allows a member of this agency to obtain data relating to the vehicle's location.

**H. Plain View:** A circumstance when (1) the officer is lawfully positioned to see the object; (2) the object's incriminating character is immediately apparent; and (3) the officer has a lawful right of access to the object. **(KACP 1.4B)**

## 1.4 Procedures

**A. Vehicle Stops -** Vehicles may be lawfully stopped under the following circumstances:

1. Reasonable Suspicion Based Stop-where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved the officer may stop the vehicle to investigate further. The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.

2. Probable Cause based Stopped-Traffic Violation-where an officer has probable cause to believe that a violation of the motor vehicle code has occurred may stop the vehicle and detain the vehicle for a reasonable amount of time while the citation is completed.

3. Probable Cause Based Stop-Arrest/Search-where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation) or stop the motor vehicle to search the vehicle in the search scenario.

4. Consensual Contact-An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consent situation.

**B. Ordering Persons From a Vehicle:** An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

**C. Frisk of a Vehicle:** An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:

1. The search is limited to subject's immediate area of control which would be the passenger compartment of the vehicle.

2. The search is limited to those areas in the passenger compartment capable of holding a weapon.

**D. Search Incident to Arrest (Vehicle):** Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest subject to the following limitations:

1. The arrest must be lawful and must be a full-custodial arrest.

2. The search must take place at the time of the arrest.

3. **A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a law enforcement vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested.**

4. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only) but is a thorough search.

5. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to.

6. The person of other occupants may not be frisked or searched simply because another person in the vehicle has been arrested.

**E. Consent Search of Vehicle:** An officer may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle. Consent searches are subject to the following limitations:

1. The Consent must be voluntary.

2. Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent.

3. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area which an officer is allowed to search as well as how long the search may last.

4. Under the rules of consent there is no requirement that officers inform a person of their right to refuse the officer's request, however a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.

**F. Probable Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception)** An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:

1. In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself.

2. The vehicle is capable of movement. This does not mean that the vehicle is occupied; it simply means that the vehicle could be started and driven off with the turn of a key.

3. Officers may search the entire vehicle unless the information known to the officer indicates that the evidence or contraband is located in a specific place within the vehicle in which case the scope of an officer's search would be limited to the specified area.

4. Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment.

**G. Drug Sniffing Canine:** Where officers have a lawfully stopped vehicle, they may utilize a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within the duration from a time standpoint of the purpose that justified the stop to begin with. For example, if the vehicle was stopped for speeding, the canine would have to arrive and conduct the sniff in the time it would take to write the citation.

1. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.

2. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the officer has probable cause and may conduct a probable cause search of the vehicle.

3. Putting a canine inside a vehicle is a search for 4th Amendment purposes and must not be done unless the officer can support the search by probable cause to believe the vehicle contains contraband.

**I.** Use of GPS: Prior to installing GPS or obtaining data from a factory installed GPS system to obtain data related to a citizen's vehicle location, a search warrant shall be obtained for the installation and/or retrieval of data unless there are articulable exigent circumstances which would justify the immediate installation or retrieval of data i.e. kidnapping suspect vehicle.

**J. Inventory Searches:** An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose. The primary objective of these searches is to protect the property of persons whose vehicles are towed at the direction of law enforcement. These searches also have the objective of protecting law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement. Inventory searches are subject to the following limitations.

1. All vehicles seized or impounded at the direction of an officer of this agency, shall be inventoried in accordance with this policy.

2. Officers will note in their report any items of value that are within the vehicle.
3. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes, the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.
4. If an item of extreme value is located within the vehicle and is removable, the officer shall take the item for safekeeping and either turn the item over to the owner or, when that is not possible, take the item to the department to be held for safekeeping in accordance with the provisions of the property and evidence policy.

J. **Community Caretaking Search:** Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with department procedures relating to property and evidence.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 17

| SUBJECT: SEARCH AND SEIZURE: RESIDENCES | | |
|---|---|---|
| Date of Issue: 17APRIL13 | Effective Date: 15JUL15 | |
| Revision Date: 17APRIL13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 1.4A, 1.4B, 1.4C, 1.4D | | |

**1.1 PURPOSE:** The purpose of this policy is to direct officers and supervisors with respect to home entries.

**1.2 POLICY:** The policy of this department is to protect and serve the constitutional rights of all citizens when conducting home entries while balancing the needs of law enforcement in solving crime for the protection of the community.

**1.3 DEFINITIONS:**

A. **Probable Cause:** (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.

B. **Exigent Circumstances Entry:** Entry of a dwelling without a warrant due to some existing emergency that would not allow an officer time to get a warrant.

C. **Search Incident to Arrest:** A search of the arrestee and their immediate area of control that is allowed whenever a custodial arrest is made.

D. **Consent:** The voluntary granting of permission for an officer to enter an area that is protected by the 4th Amendment, by a person who has a reasonable appearance of authority over that area.

E. **Dynamic Entry:** The utilization of the Special Response Team when executing a high-risk warrant (that which meets high-risk matrix criteria) entering to control a barricaded subject, or similar high risk event.

F. **Plain View:** A circumstance when (1) the officer is lawfully positioned to see the object; (2) the object's incriminating character is immediately apparent; and (3) the officer has a lawful right of access to the object. **(KACP 1.4B)**

**1.4 PROCEDURE:** At the outset officers are directed that there are only three lawful methods upon which he or she may enter a person's dwelling. These methods include a warrant (arrest or search-with differing rules for each), exigent circumstances, or consent.

A. **Risk Assessment Matrix:** Unless exigent circumstances exist officers shall compile a risk assessment matrix prior to planning any entry of homes or other buildings.

B. **Knock and Announce:** Prior to considering a forced entry into a dwelling, officers must knock at the entrance and announce their identity and purpose unless one of the following circumstances exist:

1. The officer's purpose is already known to the occupant.
2. When the personal safety of the officer or others would be jeopardized by the announcement.
3. When the delay caused by the announcement may enable the suspect to escape.
4. When a prisoner has escaped and retreated to his home.
5. When the announcement may cause evidence to be destroyed.

**NOTE: If officers believe that one of the above circumstances exist prior to obtaining the warrant, they should seek judicial approval for a "no-knock" warrant by outlining the factors believed to exist in their affidavit.**

6. In determining how long an officer must wait before forcing entry following the knock and announcement, officers should consider the nature of the item sought and how long it would take to destroy the item. By way of example: The United States Supreme Court found 15-20 seconds to be a reasonable amount of time in a drug warrant case where the occupant had the ability to destroy the contraband sought in that time. No specific time limit is absolute, the officer must consider the nature of the item sought and how quickly it may be destroyed under the circumstance of the specific case.

C. **Arrest Warrant -** Felony or Misdemeanor: Officer may enter the home of the subject of an arrest warrant in cases where the officer also has reasonable suspicion to believe the subject is home.

1. Knock and Announce Rules Apply.
2. Search Incident to Arrest-3 Zones:
   a. Officers may, at the time of the arrest, search the room the subject is arrested in once a lawful arrest is made.
   b. Officers may, at the time of arrest, also look into, but not go into, areas adjoining the room of arrest, from which an attack could be launched.
   c. Officers may conduct a protective sweep, limited to those places where a person could be, in cases where the officers have reasonable suspicion to believe someone else on the premises poses a danger to the officer.
3. Officers must obtain a search warrant before entering the residence of a third party in order to search for the subject of an arrest warrant unless exigency or consent exists.

D. **Search Warrants -** Officers must have probable cause to believe that evidence of crime exists and must have probable cause to believe it will be located at the place to be searched. **(KACP 1.4A)**

1. Knock and Announce Rules Apply. All necessary and reasonable force may be used to effect an entry into any building or part thereof to execute a search warrant if, after verbal notice or a good faith attempt at verbal notice by the officer executing the warrant which states the authority and purpose the office may enter without delay:

   a. He or she is refused admittance;

   b. The person or persons on the premises refuse to acknowledge the verbal notice or the presence of persons inside the building is unknown to the officer; or

   c. The building or property is unoccupied.

Note: Where the officer has reasonable suspicion to believe that the announcement will place the officer in greater peril or lead to the immediate destruction of evidence, the officer may dispense with the knock and announce requirement.

2. The search warrant itself must particularly describe the place to be searched and must also particularly describe the items to be seized.

3. The scope of a search warrant is limited by information (i.e. information developed indicates that items are stored in a specific location). Scope may also be limited by the size of the item; (i.e. if looking for a stolen piano, one would not open a bureau drawer).

4. All searches warrants must be executed in a reasonable manner.

   a. Search warrants shall be executed within a reasonable time of issuance.

   b. If the search warrant is related to the search for alcoholic beverages held in violation of the law, the search warrant must be executed immediately.

   c. Search warrants may be executed at any reasonable time.

   d. An inventory of all items seized shall be compiled by two officers and a copy shall be left at the scene.

   e. A duplicate copy of the warrant shall be left with any person from whom items are seized or if no one is present, a copy shall be left in a conspicuous place at the residence.

5. Detention and Search of Persons on the Premises: When executing a search warrant, the officer may reasonably detain, and in some cases frisk any person in the place at the time under the following limitations (these limitations apply even in cases where the warrant calls for the “search of any person present”):

    a. Frisk-To protect him or herself from attack when the officer has reasonable suspicion, based upon specific facts, to believe that the individual present is armed and poses a threat.

    b. Search: To prevent the disposal or concealment of any item particularly described in the warrant where there is probable cause, based upon specific facts, to believe that the person to be searched is in possession of said item.

    c. Detain: Officers may detain any person who is present at the scene of a residence where officers are executing a search warrant. Where officers are executing a dangerous search warrant, all persons present may be handcuffed while officers conduct their search. If at anytime it is determined that the person restrained in handcuffs is not dangerous, the handcuffs should be removed. Officers must be able to articulate the dangerous circumstances present which justified the handcuffing.

6. **Consensual Entry-** Officers may, without reasonable suspicion or probable cause, enter a dwelling based upon the consent of a person who appears to have authority over the premises. **(KACP 1.4D)**

    a. **NOTE: These provisions apply to Knock and Talk events.**

    b. Consent must be voluntary.

    c. Consent need not be in writing but written documentation will assist officers in proving that the consent was voluntary.

    d. Officers may not enter a dwelling in a case where a co-occupant is present and objecting to the entry.

    e. The scope of a consensual entry and search rests with the consenting party who controls both how long the entry and search may last as well as what locations within the dwelling may be searched.

    f. Officers should not rely on the consent of a juvenile under the age of 15.

7. **Exigent Entry -** An officer may enter a dwelling based on emergency circumstances when any of the following circumstances exist: **(KACP 1.4C)**

    a. Hot pursuit of a fleeing felon.

    b. Imminent destruction of evidence for any jailable offense.

c. Need to prevent suspect's escape.

d. Risk of danger to police or others inside or outside the dwelling.

e. Officers may enter a dwelling without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such an injury.

f. Once exigency has ended, officers should secure the scene and obtain a search warrant.

g. The fact that an area is a crime scene does not create automatic exigency- There is not crime scene exception to the warrant requirement.

8. **Dynamic Entry:** Whenever entering a residence in a manner designed to anticipate a potential deadly force encounter, the Special Response Team should be utilized to ensure the safety of all persons involved. This determination as to whether a dynamic entry is necessary is done through the completion of a risk assessment matrix.

   a. Due to the nature of executing this high-risk entry, extreme care must be utilized in order to ensure that only the proper residence is entered. When considering the use of a dynamic entry, the following precautions must be followed:

      1.) A supervisor must be present and take responsibility for reviewing and approving the warrant as well as the affidavit prior to the execution of the warrant.

      2.) If the warrant involves narcotics, ensure that a purchase has been made or contraband observed within the 24 hour period preceding the execution of the warrant.

      3.) If utilizing an informant for a narcotics purchase, an investigator must ensure that the informant has been observed at all possible times.

      4.) The officer/deputy supervising the special team will conduct a drive-by of the location with the lead investigator using the legal description on the warrant to locate the residence to ensure that the residence to be entered is verified with the warrant. If any discrepancies exist or if the house cannot be located by the description on the warrant, the warrant shall not be served.

      5.) Prior to execution of the warrant, all available data bases will be checked (telephone, electric, real estate etc.) to ensure that the residence matches the suspect of the investigation.

6.) A written operations plan will be prepared identifying the specific mission for the team, intelligence considered, a description of the targeted subjects and location, and the specific tasks assigned to each member of the entry team.

7.) The lead investigator will accompany the special team during the execution of the warrant and direct officers/deputies to the doorway of the residence to ensure that the correct residence is entered.

8.) Upon completion of the operation, photographs of all entry-ways into the building shall be taken to document both damage and lack of damage.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B-18

| SUBJECT: RESPONSE TO MISSING PERSONS | | |
|---|---|---|
| Date of Issue: 18AUG99 | Effective Date: 15JUL15 | |
| Revision Date: 13JUNE13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 26.4, 30.5, 30.7 | | |

**1.1 PURPOSE:** The purpose of this Procedure is to establish guidelines for handling reports and investigations involving missing persons.

**1.2 POLICY:** The Ashland Police Department regards the investigation of Missing Persons as a high priority. It is the policy of this department to thoroughly investigate all reports of missing persons, regardless of whether the person is an adult or a minor. Particular care will be exercised in cases of persons who may be in danger, mentally or physically impaired, under a doctor's care, or on life-sustaining medication. Additionally, this department holds that every person reported as missing will be considered "at risk" until significant information to the contrary is confirmed. There is no waiting period for reporting a missing person, either adult or minor.

**1.3 DEFINITIONS:**

**A.** Missing Person: Any person whose disappearance was not voluntary or who is in the company of another person(s) under circumstances indicating that his/her physical safety is in danger, or

Any person not capable of taking care of themselves or communicating with other people due to age, mental disability, physical impairment or state of mind (i.e. highly emotional, thoughts of suicide, etc.).

**B.** Minor: Persons under the age of eighteen (18) years are minors for all purposes in this Commonwealth except for the purchase of alcoholic beverages and for purposes of care and treatment of children with disabilities, for which twenty-one (21) years is the age of majority, all other statutes to the contrary notwithstanding

**1.4 PROCEDURE:**

**A.** Federal Law Section 3701 (a) of the Crime Control Act of 1990 and NCIC guidelines require that a missing person report be taken for any missing person who is under 21 years of age and that the information be immediately entered into NCIC.

**B.** According to the NCIC Operations Manual a missing person record must be entered into one of the following categories:

1. Disability: A person of any age who is missing and under proven physical / mental disability or is senile, thereby subjecting him / herself or others to personal and immediate danger.

2. Endangered: A person of any age who is missing under circumstances indicating that his / her physical safety may be in danger.

3. Involuntary: A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary.

4. Juvenile: A person under the age of 18 who is missing and not declared emancipated.

5. Catastrophe Victim: A person of any age who is missing after a catastrophe.

6. Other: A person not meeting the criteria for entry in any other category who is missing and 1) for whom there is a reasonable concern for his / her safety or 2) a person who is under age 21 and declared emancipated.

**C.** Officers shall immediately take a missing person report on a person who falls in any of the previous categories regardless of how long he / she has been considered missing.

**D.** Mandatory minimum information for entry includes:

1. First and Last name.

2. Sex and race.

3. Date of Birth.

4. Height and weight.

5. Hair and Eye color.

6. Date of Last Contact.

**E.** Upon verification of a missing person, the investigating officer shall complete a Kentucky Missing Person Report.

**F.** In addition to the Kentucky Missing Persons Report, the officer should obtain any available associated documents, including, but not limited to, photographs, dental and /or medical records. If these records are not available immediately, then after (5) five days the investigation will meet the criteria of being transferred under Ashland Police Department General Order L-1. Once transferred the investigator assigned will follow procedures of NCIC to obtain the necessary data for supplemental entries.

**G.** After completing the Kentucky Missing Persons Report with as much information as possible, the officer shall have the person making the report sign the Kentucky Missing Persons Report form and enter the date and time.

**H.** Within 2 hours of verification that a minor is missing, a copy of the completed Kentucky Missing Person Report and NCIC entry form shall be provided to the Dispatch Center for entry into NCIC.

**I.** If the missing person is a minor, a thorough search of the home and surrounding areas shall be performed to include:

1. Closets.
2. Piles of clothing.
3. Under beds.
4. Crawl spaces.
5. Attics.
6. Other storage spaces.
7. Outbuildings.
8. large boxes and old refrigerators.
9. Any place where a person could crawl into or hide, and possibly be asleep or unable to get out.

**J.** All family members shall be interviewed who might provide valuable insight into the circumstances surrounding a missing person case. All known friends and associates should also be interviewed.

**K.** All reports of missing persons shall be completed prior to the end of the reporting officer's shift.

## 1.5 SUPERVISOR RESPONSIBILITIES:

**A.** The shift commander shall respond to any situations that involve a missing person with exigent circumstances. Once law enforcement command has been established the Field Operations Division Commander will also be notified.

**B.** Exigent circumstances include:

1. A missing adult with a verified mental or cognitive impairment and whose disappearance poses a credible threat to the health and safety of the person.

2. A missing minor ten years of age or younger.

3. A missing minor, regardless of age, who has special needs or may require medical attention.

4. A missing minor where there is evidence that the minor may have been abducted or may be the victim of a crime and the AMBER Alert plan needs to be implemented. Requirements for an AMBER Alert are that the minor is in danger of serious bodily harm or death**. (KACP 30.7)**

5. In the event that an Amber Alert is processed the investigating officer will obtain information needed by using the Kentucky Missing Persons Report and the Amber Plan Activation Information Sheet.

6. Any other missing person, regardless of age, that the officer has reason to believe is in distress to include, special needs limiting their ability to care for themselves, may require medical attention, or the person is considered endangered.

**C.** If any search for a missing person has lasted for more than two hours without locating the missing person, the supervisor shall notify the Dispatch Center to contact the Emergency Management Director for activation of the Boyd County Search and Rescue Plan.

**D.** If the search is for a missing minor, the Kentucky State Police shall also be notified in compliance with KRS 39F.180. This requirement should be fulfilled by directing the Communications Center to send a teletype to the local Kentucky State Police Post.

**E.** A search for a person who is known or reported to have an organic brain disorder, including but not limited to Alzheimer's disease, shall immediately be reported as a Golden Alert to the Emergency Management Director. Notification will be made by the police incident commander, division commander or Chief of Police. **(KACP 30.5)**

**F.** In the event a search for a missing person has continued past the end of the shift, it is the responsibility of the supervisor to fully brief the oncoming supervisor and forward the report in order to continue the search.

## 1.6 RESPONSIBILITIES OF THE COMMUNICATIONS CENTER:

**A.** No Dispatcher shall delay any call reporting a person lost, overdue, or missing.

**B.** The Dispatchers shall be responsible for missing person's data entry in accordance with applicable state and federal standards and NCIC guidelines. **(KACP 26.4)**

**C.** NCIC entry shall be made immediately.

**D.** Upon being directed to contact the Kentucky State Police in reference to a missing minor, a teletype should be sent to the local Kentucky State Police Post.

## 1.7 CANCELLATION OF MISSING PERSON REPORT:

**A.** If an officer locates an adult who has been reported missing or the adult has returned home, the officer shall immediately notify the Dispatch Center to cancel the report and shall provide them with the missing person's location and status.

**B.** Officers shall cancel a missing person report only after visually confirming the missing person's presence if possible.

**C.** When an officer locates a missing minor, he / she shall make contact with the parent or guardian and attempt to return the minor.

**D.** If the minor's parent or guardian cannot be contacted, refuses to take custody of the minor, or if the minor is missing from another jurisdiction, then the officer shall contact the Department of Children's and Family Services.

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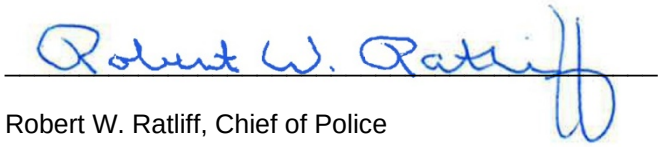
BY ORDER OF



Robert W. Ratliff, Chief of Police

## THEORIES OF SEARCH MANAGEMENT

In all publications, articles, and case histories written about searching for lost or missing persons, there are some basic management concepts that appear to remain consistent on successful searches. Early confinement of the subjects movements, coordination and rapid deployment of trained and/or skilled searchers, lost subject behavior patterns, quick development of an incident action plan, on-going interviews or investigation, and the exchange and sharing of information to all decision-makers, and sharing vital searching data with all the searchers.

Essentially, the basic principles and theories of search management are divided into organization, management, leadership, strategy, tactics, and clue awareness. These fundamentals, when used effectively and efficiently, will normally render successful searches. It is impossible to explain all the complexities of search management in this short document and SAR management courses are conducted for this purpose. However, there are several key actions and decisions that must be made by SAR management personnel. In the majority of searches, these actions have proven to be highly successful in locating the lost or missing subject.

## COMMON PROBLEMS OF LOST OR MISSING PERSON SEARCHES

1. Ambiguity of Authority
2. Lack of Leadership
3. Lack of Pre-Incident Preparation
4. Lack of SAR Plan
5. Lack of Communications
6. Inefficient Use of Resources
7. Lack of Trained Personnel
8. Lack of Appropriate Equipment
9. Lack of Coordination

## PRIMARY CONSIDERATIONS FOR ALL SAR RESPONDERS

1. YOU ARE WORKING FOR THE VICTIM(S)
2. ORGANIZE EARLY - STAY AHEAD OF THE POWER CURVE
3. THINK FUNCTIONS - NOT PEOPLE
4. THINK SAFETY - IDENTIFY ALL HAZARDS IN THE AREA
5. SUCCESS ALWAYS OCCURS IN PRIVATE, FAILURE IN PUBLIC
6. MANAGE ALL RESOURCES EFFECTIVELY AND EFFICIENTLY
7. GATHER ALL INFORMATION AVAILABLE AND KEEP RECORDS OF ALL ACTIONS TAKEN
8. MAKE ANALYSIS AND EVALUATION AN ONGOING PROCESS
9. PLAN, PREPARE, AND PERFORM
10. THE MORE SEVERE THE ENVIRONMENT AND SEARCH URGENCY THE MORE CRITICAL IT IS THAT THINGS WORK

All individuals and organizations that are responsible for or are involved in searching for lost or missing persons should function as a single, task-oriented, modular unit exercising systematic adaptability. The Incident Command System is the recognized method for the organization of responding agencies. In reality, all actions should be taken to ensure that the subject is found while still alive. Therefore, it is imperative that all searchers understand that they are "working" for the lost person. The search management process can be divided into three key areas: Pre-Incident, Incident, and Post-Incident. Each area has specific critical elements:

## I. PRE-INCIDENT:

### A. INTERAGENCY COORDINATION

- Identify All Agency Responders
- Define Lines of Authority
- Develop Comprehensive Communications
- Define Areas of Responsibilities and Tasks

### B. LOGISTICAL SUPPORT

- Identify Resources

**AMBER PLAN**
**Child Abduction Alert**
**Emergency Broadcast Plan**
**Ashland Police Department**

## PURPOSE

The Child Abduction Alert Plan is a cooperative effort between the Ashland Police Department and area radio media, to focus all available community resources for the successful recovery of an abducted child. It must be understood that this plan will be used in addition to, and not in lieu of an Amber Alert activation which shall be requested through the local post of the Kentucky State Police.

## NEED

In true child abductions, the first few hours are the most critical. Because of the close proximity of Ohio and West Virginia, an abducted child can be taken out of the state in a matter of minutes. Broadcast radio presents a timely and vast medium to alert the citizens of the entire Tri-State area and seek their help in quickly locating both the victim(s) and the perpetrator(s).

## MEDIA PROTECTION

To address the potential of false or misleading information being broadcast, the Ashland Police Department will implement a call back system that will verify the authenticity of a child abduction report.

Upon confirmation of a child abduction, the Ashland Police Department through the Regional Public Safety Communications Center (RPSCC), will contact a single designated radio station and fax all available information to them. The radio station will then phone RPSCC to confirm the child abduction and information to be disseminated. Once confirmed, the designated radio station will distribute the information to all participating radio stations who will interrupt scheduled programming to alert the listening area of the abduction and any related information that may assist in the safe and timely recovery of an abducted child. The radio stations will provide the public with a telephone number through which tips or information can be relayed to the Ashland Police Department.

The Child Abduction Alert Plan will only be implemented by the Ashland Police Department. Should a citizen call in and request a broadcast, the citizen would be referred to his/her local law enforcement agency.

## CHILD ABDUCTION CRITERIA

For the purpose of this order, an abduction is defined as follows: A child under the age of 21, or of diminished mental capacity, who has been unwillingly removed from his/her environment without permission from the child's legal guardian or designated legal representative and by such action is endangered.

## CHILD ABDUCTION ALERT PLAN

Activation of the Child Abduction Alert Plan is the responsibility of the on duty supervisor. The plan may be implemented if it has been determined that any of the following criteria have been met:

1. A confirmed abduction of a child (non-family member); or

2. There is credible information that suggests that a child was forcibly or intentionally removed or lured away from their location and is still missing; or

3. The missing child is a potential victim of foul play or sexual exploitation, or is in a dangerous environment; or

4. The missing child is believed to be with people, who are not family members, who are endangering the welfare of the minor; or

5. It is the conclusion of the on-duty supervisor that the investigation, based on the totality of the circumstances, supports the probability the child has been abducted; or

6. Sufficient time has elapsed and investigation has taken place that eliminates all other alternative explanations for the whereabouts of the missing child.

**39F.180 Reports of search and rescue missions – Immediate search for lost, missing, or overdue person permitted.**

(1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:

(a) The local emergency management director; and
(b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.

(2) (a) Any search for a missing minor, as that term is defined in KRS 2.015, shall be reported to the Kentucky State Police by the person or organization to whom the missing minor is reported.

(b) A search for a person who is known or reported to have an organic brain disorder, including but not limited to Alzheimer's disease, shall immediately be reported to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.

(c) The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.

(3) Any search and rescue mission which has lasted four (4) hours without the subject being located, shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio.

(4) The results of each lost, missing, or overdue person report or search mission required to be reported under subsections (1) to (3) of this section shall be reported to the division and the local director on forms provided by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:

(a) The search and rescue mission is discontinued; or
(b) The victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.

(5) Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling and reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.

# AMBER PLAN
# "CHILD ABDUCTION ALERT"
# Activation Information Sheet

## TYPE OF INCIDENT

Method Used | Forced/Strong Arm | Forced/Gun | Forced/Other Weapon | Lured

Incident Location

Date/Time of Incident | Time Reported

## VICTIM

Name | Sex | Age | Complexion

Height | Weight | Build | Hair Color

Hair Style | Eyes | Scars/Marks

Hat | Jacket | Pants/Dress

Shirt | Shoes | Jewelry

Accessories | Other

## SUSPECT

Name

Race | Sex | Age | Complexion

Height | Weight | Build | Hair Color

Hair Style | Eyes | Facial Hair | Glasses

Scars/Marks/Tattoos | Other

Hat | Jacket | Pants/Dress

Shirt | Shoes | Jewelry

Accessories | Other

## VEHICLE DESCRIPTION

Color | Year | Make | Model

Body Style | License | License State | No. Occupants

Special Identifying Marks

Direction of Travel

Activation Authority | Time of Activation

Dispatcher | Time of Cancellation

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 19

| SUBJECT: TRAFFIC CHECKPOINTS: REQUIREMENTS AND GUIDELINES | | |
|---|---|---|
| Date of Issue: 05JUN00 | Effective Date: 15JUL15 | |
| Revision Date: 6MAR2013 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 17.4, 24.3 | | |

**1.1 POLICY:** In accordance with the following procedure, traffic checkpoints shall be utilized to enforce the laws relating to: Operation of a motor vehicle while under the influence of intoxicants; licensing of drivers; registration of motor vehicles; and, motor vehicle equipment safety. Other violations or suspected violations of state law observed by independent findings shall also be investigated and enforced. Emergency roadblocks and roadblocks due to extenuating circumstances shall be conducted in accordance with applicable Ashland Police Department (APD) General Orders. The APD will not erect a traffic checkpoint for the sole purpose of checking for seatbelt use violations (KRS 189.126).

**1.2 TRAFFIC CHECKPOINT GUIDELINES (KACP 24.3)**

A. Assigned personnel shall conduct traffic checkpoints at the scheduled time and location unless other law enforcement activities obligate the officer(s), there are extenuating circumstances that make the detail unreasonable, or a supervisor cancels the detail. However, officers shall consider the weather condition and its adverse effects on officers and public safety when establishing a traffic checkpoint.

B. Traffic checkpoints may be conducted by one or more uniformed officer(s) and shall include a supervisor to monitor the traffic checkpoint. Officers participating in traffic checkpoints shall ensure their arrival and departure times are logged on the Miscellaneous Incident Report (M.I.R.). **(KACP 17.4)**

C. Traffic checkpoints with traffic volume too great for effective monitoring by a single officer shall be conducted by a sufficient number of officers to ensure a safe and efficient operation of the traffic checkpoint and minimal disruption to the public.

D. Traffic checkpoints shall include uniformed officers. Marked vehicles, with blue lights operating, shall be used at all scheduled traffic checkpoints.

E. All vehicles that pass the checkpoint shall be checked unless the officer is involved in investigating or enforcing an observed or suspected violation of the law or the volume of traffic creates congestion.

F. Should the officer(s) be unable to check each vehicle due to enforcement obligations or traffic congestion, all vehicles shall be passed through the checkpoint until one or more officer(s) becomes available for an orderly check of traffic. In these circumstances, a traffic stop shall not be made unless there is an observed violation of traffic or criminal law or a reasonable and articulable suspicion of some violation prior to the stop.

G. Each motorist stopped should be requested to present his/her operator's license, registration, and proof of insurance.

H. The vehicle may be inspected for obvious safety defects and registration violations. Any apparent or suspected violation of a traffic or criminal law may also be investigated and enforced.

I. If the officer detects a violation other than operating a motor vehicle under the influence of intoxicants, the motorist may be directed to a nearby location out of the flow of traffic where the appropriate enforcement action may be taken.

J. If the officer suspects the operator of a motor vehicle may be impaired or is not licensed to operate a motor vehicle, that operator should not be permitted to operate the vehicle until further investigation/determination is concluded (field sobriety tests, etc.).

K. All motorists are to be treated courteously, and are to be promptly allowed to proceed unless a violation is observed.

NOTE: If officers will be working in or near a street or highway right-of-way and you're exposed to traffic or construction equipment, you must wear a highly visible upper-body garment, traffic vest. Emergency responders and law enforcement officers must also wear high-visibility apparel after an emergency has passed while doing traffic control, cleanup, investigations, or similar tasks.

## 1.3 PLANNING AND ESTABLISHING TRAFFIC CHECKPOINT LOCATIONS

A. The Field Operations Division Commander shall establish and maintain a list of authorized checkpoints and the justification for these checkpoint locations. Locations of checkpoints shall be selected based on considerations of safety and visibility to the public. Checkpoints shall only be established on roadways with clear visibility in all directions of travel. Traffic checkpoints shall not be held at locations other than those on the list, except under extenuating circumstances.

B. The determination of where and when a traffic checkpoint will be held shall bear a reasonable and articulable relationship to a public safety or traffic violation problem that has been experienced or is anticipated in a particular location.

C. The Field Operations Division Commander or Watch Commander with pre-approval can establish the date, time, and location of checkpoints. The watch commander on duty during this time period will be responsible for scheduling adequate manpower and supervision to safely conduct the checkpoint.

D. Any checkpoint initiated by the Ashland Police Department will use the guidelines established in this policy. If an outside agency such as the Kentucky State Police and/or the Boyd County Sheriff initiate the checkpoint inside the City of Ashland, members of the Ashland Police Department can participate. The same documentation of the event will be submitted with an emphasis on which agency established the checkpoint. It will be the responsibility of the visiting agency to justify that location if needed by the courts. The Ashland Police Department will be in a support role and will keep in mind this policy along with the regulations from the initiating agency.

E. At no time will any member of the Ashland Police Department request another agency to establish a checkpoint in a location other than those established by the Field Operations Division Commander.

F. Media announcements should be made periodically to inform the public that checkpoints will be established in areas throughout the City of Ashland. The specific locations need not be announced.

NOTICE: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 20

| SUBJECT: PROHIBITION OF RACIAL PROFILING | | |
|---|---|---|
| Date of Issue: 18SEP01 | Effective Date: 13MAY16 | |
| Revision Date: 13MAY16 | Review Date: 13MAY18 | **REVIEWED** |
| Accreditation Standards: KACP 30.2 | | |

**1.1 PURPOSE**: To provide Ashland police officers with guidelines for enforcement of laws and ordinances relating to traffic enforcement, detaining individuals, conducting searches, and/or seizing property; to ensure that enforcement of these laws and ordinances is carried out in a proactive manner within the dictates of the U.S. and Kentucky constitutions and laws so that all citizens are dealt with fairly.

**1.2 DISCUSSION:** Traffic crashes are a leading cause of death, injury, and property damage to innocent persons. Citizens consistently name traffic violations as a major community policing concern. Active, visible traffic law enforcement sends a strong deterrent message that reduces the incidence of aggressive driving and road rage and keeps the streets free of crime. Wanted criminals, drug couriers, and persons who have just committed or are about to commit crimes are often apprehended as a result of being stopped for a traffic violation. Ashland police officers should be alert and observant at all times during patrols, to identify and act upon unusual occurrences and violations of the law.

A fundamental right guaranteed by both the U.S. and Kentucky Constitutions is the "equal protection" clause. The U.S. Constitution and in particular, the Bill of Rights, places an emphasis on the protection of citizens' fundamental rights. All persons are entitled to walk, drive and move about in public free from police interference so long as they obey the law. Likewise, innocent citizens are entitled to be free from crime and to move about freely without fear of those who do not obey the law.

Those who commit infractions must receive equal and fair treatment, regardless of their race, sex, sexual orientation, physical handicap, religion, or other belief system.

**1.3 DEFINITIONS**: The following definitions shall apply to this general order:

A. **Racial Profiling**: a process that motivates the initiation of a vehicle stop, detention and/or other enforcement activity based solely on an individual's actual or perceived race, ethnicity, gender or other characteristic attributed to an individual as a member of such a group, or making discretionary decisions during the course of the vehicle stop or executing law enforcement duties based on the above stated considerations. Nothing in this policy shall preclude an officer from relying on an individual's actual or perceived race, ethnicity, gender, or other characteristics as a tool in the investigation of a crime, possible crime or violation of law or statute.

B. **Search:** any physical search by an Ashland police officer based either on consent or probable cause for the purpose of determining if evidence of a violation of the law exists. Search does not mean a visual inspection or other inspection of the interior, exterior or contents of a motor vehicle permitted by law not consistent with the legal definition of a search.

**1.4 POLICY**: Vehicle stops and traffic enforcement are valuable means of accomplishing law enforcement duties. As important as those tools can be, the protection of, and the preservation of the constitution and civil rights of individuals remains the paramount concern of government and law enforcement.

To safeguard these rights, Ashland Police Department personnel shall not engage in any behavior or activities that are racial profiling. The decision of an Ashland police officer to make a traffic stop, detain an individual, conduct a search, and/or seize property, shall not be based solely on race, ethnicity, gender, or other similar or individual considerations. That decision shall be based on articulable reasonable suspicions, observed violations of the law, or probable cause. Any search or seizure, whether voluntary or involuntary, shall comply with accepted constitutional and legal provisions.

**1.5 PROCEDURE**: Initiating Enforcement, Investigations, and Citizen Contact. **(KACP 30.2)**

A. Sworn personnel are prohibited from using the race, ethnicity, gender, sexual orientation, religion, or disability of a person as the sole reason for stopping a vehicle, issuing a citation, making an arrest, conducting a field interview, or investigative detention. All investigatory detentions, traffic stops, arrests, searches and seizures shall be based upon the standard of reasonable suspicion or probable cause as required by the Fourth Amendment to the U.S. Constitution and state statutes.

B. Sworn personnel shall treat all citizens with courtesy and respect when making contact. Ashland police officers are forbidden from using language or displaying symbols and gestures that are commonly viewed as offensive to, or are indicative of bias toward any group.

C. All persons stopped by an officer shall be provided with an explanation for why they were stopped, unless disclosure of such information would undermine an investigation or jeopardize the officer's safety. Motorists are entitled to both a verbal explanation and written documentation of the stop (e.g., uniform citation, courtesy notice). Providing citizens with an explanation for why they were stopped fosters better relations with the community and reduces the perception of bias on the part of the police. Nothing in this section shall limit an officer's ability to interview witnesses or discourage routine conversations with citizens not suspected for an offense.

D. Supervisory Responsibility:

1. Supervisors shall:

   a. ensure that their personnel are familiar with this policy and support its provisions, and,

   b. observe the practices of officers to ensure profiling tactics are not utilized.

2. Supervisors are authorized to view video/audio tapes on the documented stops and searches performed by their personnel.

**1.6 TRAINING**: All sworn members of the APD shall complete the training related to racial profiling which shall be included in the Department of Criminal Justice Basic Training Academy. Such training shall comply with Federal law, state statutory provisions, applicable case law and other applicable laws, regulations, and established rules.

**1.7 DISCIPLINE**: Any officer who violates a provision of this policy may be subject to disciplinary action as deemed appropriate by the APD.

NOTICE: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 21

| SUBJECT: AUTOMATED EXTERNAL DEFIBRILLATOR | | |
|---|---|---|
| Date of Issue: 16OCT2002 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 10.5C | | |

**1.1 PURPOSE:** To establish procedures for use of the LIFEPAK 500 Automated External Defibrillator (AED).

**1.2 POLICY:** It is the policy of the Ashland Police Department to respond to all potential incidents of "sudden death" when realistic and practical to do so, and to attempt to intervene through the use of an AED, according to established guidelines and training.

**1.3 PROCEDURES: (KACP 10.5C)**

A. Training **(KACP 10.5C)**

1. Each Ashland police officer and public service officer (PSO) will attend an initial training course for certification in the use of AED equipment.

2. The training officer shall be responsible for the maintenance of cardiopulmonary resuscitation (CPR) and AED certifications for all personnel.

3. No officer/member will use AED equipment until he/she has completed the required training and is currently certified in its use.

B. Storage

1. An AED will be assigned to each beat unit while on patrol. Each AED will be installed with a tag designated for each beat car. An AED will also be assigned to the watch commander, field supervisor, and school resource officer. These AED's will be stored in patrol. These will be checked out for each shift and returned at the end of watch. Officers will note AED assignment on the daily activity report.

2. Two AEDs are assigned to the records section to be used by Adam-1 and the PSO assigned to meter enforcement. The PSO assigned to meter enforcement will check out the unit and return it daily.

3. One AED will be assigned to the Drug Abuse Resistance Education (D.A.R.E.)/crime prevention officer(s). This officer will check out and return the unit daily.

4. One AED will be stored in the city building (third floor, Finance Department). Personnel assigned to the records section will check it periodically for status.

5. A spare AED will be housed in the field operations division commander's office.

6. Any officer who deadlines a vehicle will remove the LIFEPAK 500 AED and transfer it to the next assigned vehicle. ***An AED will never be left in a unit that is not in service.***

C. Event Response: Each officer shall follow training procedures in the use of AED equipment.

1. Once the AED is put into operation, he/she will continue the operation until complete, or when EMS or a higher medical authority acknowledges responsibility for further treatment of the patient.

2. Officers may honor an original or notarized DNR (do not resuscitate order) when they are first on the scene. When EMS or other higher medical authority is on the scene, medical decisions including treatment of DNR cases should be made by EMS personnel.

D. Reporting

1. Each unit will be supplied with a blank event summary form (see attachment I).

2. An AED summary report along with any other required documentation will be completed each time an AED is attached to a patient, even if no shock is delivered. Full detail of instructions given by the AED are to be noted in the report.

E. Maintenance **(KACP 10.5C)**

1. When checking out an AED, the officer will inspect the toolbar window in the handle. The display should show a black bar on each side of the display, with "OK" between the black bars. If any other message appears, the unit is not to be checked out and another AED should be assigned. Each unit is programmed by the manufacturer to perform a daily self-check. ***Do not*** turn the instrument on/off to see if it is working. The officer shall visually inspect the AED for cracks, damaged components, etc. If damage is found, the AED is not to be put into service. Each officer who identifies a malfunctioning/damaged AED shall report that information to his/her supervisor.

2. The member using an AED is responsible for replenishing the unit with the supplemental equipment prior to returning it to service.

3. AED electrodes are a one-use only item. The member using an AED will contact the on scene EMS unit to get replacement electrodes which can then be billed to the patient by EMS.

F. Supplemental Equipment

1. A ziploc® style bag will accompany the AED. The bag will contain:

   a. rubber gloves – 1 pair;
   b. alcohol prep pads – 4;
   c. disposable razor; and,
   d. paper towel.

2. A pair of shears will be placed inside the carrying case should an article of clothing be blocking correct placement of the electrodes.

G. The Board of City Commissioners authorized an agreement between the city of Ashland and Dr. Gregory L. Spears, M.D., F.A.C.E.P. to provide necessary medical assistance and training in the implementation of the Ashland AED Program for the Ashland Police Department.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# AED EVENT SUMMARY: ASHLAND POLICE DEPARTMENT

(See reverse side for instructions on completing this summary)

Location: IC#:

Date of Event: Time Dispatched: Time Arrived:

Patient's Name: Sex: Age:

Patient's Address: City & State:

Name of the person who operated the AED:

How was the pulse checked?

Was EMS (911) called? Y N

Did the victim have a pulse? Was the patient breathing?

Time EMS was called: Responding EMS Agency: Time EMS arrived:

Status of patient at the time EMS personnel arrived: Was patient breathing? Y N

Did patient have a pulse? Y N

AED Role:

Hospital Conveyed To: Patient's Condition at Time Summary Completed:

Comments:

Officer Submitting Summary: Supervisor Approving:

# LIFEPAK®500 automated external defibrillator
# OPERATOR'S CHECKLIST

Unit Serial No.: Unit Assignment:

| Instruction | Recommended Corrective Action | Date:<br><br>Initials: |
|---|---|---|
| **1. Examine the AED case, each connector, and battery well for:** | | Insert a ⊕ in the box after completing instruction. |
| Foreign substances | Clean the device. | ☐ |
| Damage or cracks | Contact authorized service personnel. | ☐ |
| **2. Check expiration date on QUIK-COMBO electrodes.** | Replace if expired. | ☐ |
| **3. Examine the accessory cables for cracked, damaged, broken, or bent connectors.** | Replace damaged or broken parts. | ☐ |
| **4. Examine tool bar window in handle, look for:** | | |
| "OK" and black bars in display | If absent, do not put into use and report problems to supervisor. | ☐ |
| Self-test messages | If absent, contact authorized service personnel. | ☐ |
| BATTERY LOW or REPLACE BATTERY SELF-TEST xx.xx message | Replace the battery immediately. | ☐ |
| Service indicator or CALL SERVICE message | Contact authorized service personnel. | ☐ |

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 22

| SUBJECT: LOST OR STOLEN PRESCRIPTION MEDICATION REPORTS | | |
|---|---|---|
| Date of Issue: 17JAN03 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To provide a guide for investigating incidents of lost or stolen prescription medication in the absence of reasonable evidence of a theft or burglary.

**1.2 DISCUSSION**: Requests for reports to get replacement prescriptions for controlled medications are on the rise. Following procedures set forth in this General Order, officers will be able to conduct an accurate criminal investigation and report the incident within the law.

**1.3 POLICY**: It is the policy of the Ashland Police Department that, in the absence of reasonable evidence that a burglary or theft has taken place, a report of a stolen/lost prescription medication will not be accepted until certain criteria are met.

**1.4 PROCEDURE:** Barring reasonable evidence that a burglary or theft has taken place, a complaint will not be taken until the complainant obtains a letter on original stationary from his/her physician indicating:

A. the complainant is a patient currently being seen by the physician;
B. the name of the drug the complainant is being treated with; and,
C. the complainant has informed the physician that the drugs have been lost or stolen.

**NOTE**: Officers must be allowed some discretion when applying this policy. A decision to accept the report or require the complainant to provide the above information must be based on a combination of training, experience, and common sense.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER B-23

| SUBJECT: EARLY INTERVENTION PROGRAM (EIP) | | |
|---|---|---|
| Date of Issue: 14MAR03 | Effective Date: 15JUL15 | |
| Revision Date: 7FEB12 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To provide a system for the monitoring and review of the performance of employees of the Ashland Police Department (APD), and to provide a method for early intervention when this review identifies employees who exhibit an above average number of incidents of concern.

**1.2 DISCUSSION**: Early intervention can result in significant reductions in the number of incidents of concern experienced by officers or other employees identified for review. Early intervention is not intended to be used for disciplinary purposes, but rather to correct potential problem behavior before disciplinary action becomes necessary.

**1.3 DEFINITIONS**: Early Intervention System -- a time-sensitive system designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or stress related problems and to facilitate any necessary or appropriate follow-up activities. Early indicators are:

A. Disciplinary actions - Any documented disciplinary actions, including verbal and written warnings, related to violations of department or city policy, regulations, or other matters.

B. Citizen and department generated complaints - Any documented formal complaint involving the actions of a police department employee, regardless of disposition. For purposes of this policy, this category will include any lawsuit that names the employee as a defendant, when related to employment with the APD.

C. Use of force - Any incident requiring the completion of an APD Use of Force Report, as outlined in General Order F – 1.

D. Police Pursuits – Any incident requiring the completion of an APD Vehicle Pursuit Report, as outlined in General Order B-6.

E. Foot Pursuits – Any incident requiring the completion of an APD Foot Pursuit Report, as outlined in General Order B-4. (New Form to be submitted).

F. Tardiness and sick leave use – Indications are that the employee has used a number of sick leave in general; use of sick leave in conjunction with vacation days and/or days off; tardiness issues that have been identified.

G. Civil litigation – Members that are involved in litigation as a result of actions taken while being a member of the Ashland Police Department activities.

H. Preventable vehicle collisions involving police department vehicles.

I. Employee injuries – Members sustaining injuries while involved in departmental activities.

J. Performance evaluation that do not meet department expectations.

K. Excessive irritability or loss of temper.

**1.4 POLICY:** The EIP is implemented as a resource to assist supervisory personnel in evaluating and guiding employees to perform at their best. The EIP is designed to identify possible job stress and/or

performance problems and to facilitate the resolution of those problems before they become serious.

Disciplinary action is not the purpose of the EIP. Any appropriate disciplinary action should have been imposed at the time of the original incident. (However, if it is determined from the review that a performance plan is necessary, failure to meet the stated requirements of the performance plan may result in progressive discipline.)

**1.5 PROCEDURE:**

A. **Criteria of the EIP:** An evaluation can be made under any circumstances. The criteria below should be followed:

1) Any employee who is found to have three or more incidents of concern in any combination, within a twelve-month period, will be identified for review under the Early Intervention Program.
2) At any time where there appears to be a possible pattern or concern for the employee.

B. **Responsibility for identification** – Each division commander or designee will have the responsibility to monitor incidents of the type defined in section 1.3 of this order. Reports concerning employees who meet the criteria for activation of the EIP under this order will be made to the employee's division commander and forwarded to the Chief of Police.

C. **Post identification review**: Once an employee has been identified for review according to the above listed standards, some combination of command staff, as assigned by the Chief of Police, will meet to review the incidents and form an intervention plan, if necessary. This group should have available all applicable reports such as use of force reports, collision reports, citizen complaints, and memos from supervisors including records of disciplinary actions and leave records. The intervention options that should be considered during this review will include:

1. assessment that no problem behavior exists;
2. initial counseling by immediate supervisor, with follow-up monitoring;
3. place employee on special evaluation cycle (monthly, quarterly, etc.);
4. special or additional training;
5. examination by a physician or other competent professional; and,
6. other options as may be deemed appropriate on a case by case basis.

D. **Record keeping** – An EIP file containing records of employees identified under this system and the action taken will be maintained in the administration section. Files related to the EIP will not be placed in the employee's personnel file.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 24

| SUBJECT: GUIDELINES AND PROCEDURES FOR THE SEIZURE OF CLANDESTINE DRUG LABORATORIES | | |
|---|---|---|
| Date of Issue: 28MAY13 | Effective Date: 15JULY15 | |
| Revision Date: 13JULY15 | Review Date: 15JULY17 | **REVISED** |
| Accreditation Standards: KACP 21.3, 25.3 | | |

**1.1 PURPOSE**: The purpose of this policy is that the Ashland Police Department recognizes the need to establish guidelines and procedures for the seizure of clandestine drug laboratories by department personnel. The seizure of clandestine drug laboratories is to be completed using investigative techniques, on-scene security, Clandestine Laboratory Certified personnel, necessary Personal Protective Equipment, and monitoring equipment to insure maximum safety of personnel and citizens. The goal of the Ashland Police Department in establishing this general order is to ensure the safest investigation and seizure possible of clandestine drug laboratories. **(KACP 25.3)**

**1.2 DEFINITIONS**

A. **Initial Entry and Assessment** – The lawful invasion of a building or locality for the gathering of information to identify the on-site chemicals and hazards and to determine immediate safety and health risks for all personnel.

B. **Case Investigator** – A peace officer in charge of a criminal investigation.

C. **Clandestine Laboratory (Clandestine Laboratory)** – An illicit operation consisting of a sufficient combination of apparatus and chemicals that either have been or are being used in the manufacture/synthesis of a controlled substance.

D. **Cleanup** – As defined in these guidelines, the process(es) of removing materials contaminated with hazardous substances, or decontaminating their surfaces.

E. **Clandestine Laboratory Certified Officer (CLCO)** – A member of the Ashland Police Department or other agency that has been certified to work in or around a clandestine laboratory by the DEA or other recognized agency.

F. **Combustible** – A term used by the National Fire Protection Association (NFPA), Department of Transportation (DOT), and Occupational Safety and Health Administration (OSHA) to denote substances that will burn, usually with a flashpoint greater than 100 degrees F.

G. **Corrosive** – Under RCRA regulation (40 CFR 261.22), a substance is corrosive if it corrodes metal, (e.g., steel), under certain conditions, or if it exhibits strong acidic or alkaline pH that would enable it to harm human tissue or aquatic life.

H. **Decontamination** – The process of reducing the level of contamination to a safe, negligible level by washing or by chemical treatment.

I. **Disposal Contractor** – An individual or company that is appropriately qualified to dispose of hazardous wastes in approved facilities.

J. **Evidentiary Samples** – Samples of drugs and other items collected at a clandestine laboratory site to be used as evidence against the perpetrator (s). Samples are taken prior to bulk disposal of the chemicals and other materials.

K. **Explosive** – A material producing a sudden, almost instantaneous release of pressure, gas, and heat when subjected to abrupt shock, pressure or high temperature.

L. **Flammable** – Describes any solid, liquid, vapor or gas that will ignite easily and burn. Flammable liquids are defined by DOT and NFPA as those having a flashpoint of less than 100 degrees F.

M. **Flashpoint** – The lowest temperature at which a substance gives off flammable vapor to form an ignitable mixture with air near its surface or within a vessel.

N. **Incident Commander** – The on-site investigative supervisor at a clandestine laboratory drug site.

O. **Irritant** – A chemical substance which produces reversible redness, swelling, or soreness when in contact with the skin or mucous membranes.

P. **Level A Protection** – The level of protective equipment in situations where the material is considered acutely vapor toxic to the skin and hazards are unknown.

Q. **Level B Protection** – The level of protective equipment in situations where the environment is not considered acutely vapor toxic to the skin but may cause respiratory effects.

S. **Level C Protection** – The level of protective equipment required to prevent respiratory exposure but not to exclude possible skin contact.

T. **Level D Protection** – The level of protective equipment required when the atmosphere contains no known hazard, and when splashes, immersion, inhalation, or contact with hazardous levels of any chemical are precluded.

U. **Personal Protective Equipment** – Various types of clothing, (e.g., suits, gloves, hats, and boots), or apparatus, (e.g., face masks, respirators, radios, etc.), designed to prevent inhalation, skin contact or ingestion of hazardous chemicals. Various “levels” of protection have been developed to protect individuals who may be exposed to different degrees of adverse health risks.

V. **Planning** – The preliminary stage of clandestine drug laboratory seizure which includes surveillance and assessments of the possible hazards present in order to develop the safest strategy for entry of the clandestine laboratory.

W. **Precursor** – A chemical substance required for the synthesis of an illicit drug and which is ultimately incorporated into the drug structure. Some precursors are hazardous in their own right, and are regulated through federal and state substance abuse laws.

X. **Processing Phase** – That period of time when on-site collection and seizure of physical evidence is initiated by the Clandestine Laboratory Certified Officers. This phase also includes clean up of materials and chemicals for disposal.

Y. **Reactive** – Under RCRA (40 CFR 261.23), reactive substances are generally those that are normally unstable and have a tendency to react violently with water or explode during handling. Explosives, as defined under 49 CFR 173.51, 173.53, or 173.88 are also included in this definition.

Z. **Reagent** – A chemical required for the synthesis of an illicit drug substance but which is not incorporated into the final chemical product.

AA. **Residual Contamination** – Small amounts of chemical contamination that remain inside the laboratory or on the grounds surrounding the site that may pose a public health or environment risk.

BB. **Site Safety Officer** – An officer who has been trained as a Clandestine Laboratory Certified Officer. This officer has been trained in safety in the cleanup of clandestine materials and should be senior in status.

CC. **Solvent** – An organic liquid used in various chemical reactions or extraction procedures to dissolve precursors, reagents or drug substances, but is not incorporated into the final product.

DD. **Toxicity** – The quality or degree of being poisonous or harmful to plant, animal, or human life as the result of exposure (ingestion, inhalation, or skin contact) to a hazardous chemical, mixture, or illicit drug.

**1.3 PROCEDURE**: The following procedures shall apply to the seizure of clandestine drug laboratories with or without a search warrant. When the seizure is pursuant to the issuance of a search warrant or conducted without a search warrant, all rules, regulations (to include OSHA and EPA), policies, procedures currently established by this Ashland Police Department General Order, and the Kentucky Revised Statutes shall apply. Cooperation and coordination is essential to the execution of an activity with such a multitude of hazards and contamination issues. Successful clandestine drug laboratory investigations and seizures shall be accomplished through the use of known investigative techniques, intelligence evaluation, surveillance, proper selection and use of personal protective equipment, and monitoring equipment.

***Police officers in the performance of their duties encounter situations where the clandestine laboratory/materials are present. Any officer presented with this situation will immediately remove any persons out of a structure that contamination is possible. Kentucky Revised Statutes states children under 18 years of age must be removed. For safety of officers and others evacuation from the residence is a must. Officers will then contact their immediate supervisor of the situation. Contact with the necessary Division Commanders will be made. The Criminal Investigation Commander will make assignment of Clandestine Lab Certified Officers for response.***

**The Technical Services or Criminal Investigation Commander(s) will first notify the (KSP) Kentucky State Police Post #14 for clandestine laboratory seizure. KSP Post #14 will contact (DE/SI) Drug Enforcement/Special Investigations. Primary notification of KSP is required by any law enforcement agency with clandestine laboratory seizure needs.**

**The KSP De/SI command officer will make contact with the Technical Services or Criminal Investigation Commander to discuss seizure needs. The Ashland Police Department has personnel trained in clandestine laboratory seizures. Ashland Police and DE/SI command will determine the seizure process and who will respond. If Ashland Police Department certified personnel are needed, ~~The Criminal Investigation~~ Field Operations and Technical Services Commanders will make assignment of Clandestine Lab Certified Officers for response.**

**The Ashland Police Department will respond for assistance for clandestine lab seizures after the appropriate Ashland Police commander has been in contact with the Kentucky State Police DE/SI commander as described above. This will be done on a case by case basis based on information and availability of personnel.**

**There are possibilities of other police agencies entering the City limits of Ashland to conduct clandestine lab investigations/seizures. Those agencies must contact KSP DE/SI for response. The Ashland Police Department will not be solely responsible for those seizures.**

A. Pre-Seizure Information

1. Planning. During the pre-seizure planning, every effort should be made to obtain as much information as possible concerning the type of clandestine drug laboratory, chemicals that are being used, processing stage the laboratory will be in when seized, and consultation with one or more of the following members for advice and assistance:

   a. Chief Of Police,

   b. Technical Services Division Commander

   c. Criminal Investigation Section Commander,

   d. Field Operations Division Commander,

   e. KSP/ATF Hazardous Devices Officers,

f. Hazardous Materials Coordinator/Ashland Fire Dept.,

g. Shift Supervisor,

h. Special Response Team Leader,

i. KSP Forensic Laboratory Chemist,

j. Case Investigator(s), and

k. Clandestine Laboratory Certified Officers.

2. Notification and request for standby/response units from assisting agencies, including:

a. Ashland Fire Department,

b. HAZMAT Response Team(s),

c. Emergency Medical Evacuation Units,

d. Other Law Enforcement Agencies,

e. Hazardous Waste Disposal Company, and

f. Hospitals.

3. All personnel within the Ashland Police Department shall undertake a cooperative effort in successfully and safely seizing clandestine drug laboratories.

B. Field Seizure Activity. Field seizure activity and responsibility should be divided into the following phases:

1. Pre-seizure Information - Case Investigator(s).

2. Pre-entry Planning - All Participating Personnel.

3. Security - Uniform Officers.

4. Initial Entry and Assessment - Clandestine Laboratory Certified Officers, Site Safety Officer.
**NOTE:** If armed and dangerous suspects are expected to be encountered, the Special Response Team should make the initial entry to seize and remove the suspects.

5. Processing - Clandestine Laboratory Certified Officers, Case Investigator(s), Site Safety Officer.

6. Hazardous Material Cleanup - Clandestine Laboratory Certified Officers, Hazardous Material cleanup company, Hazardous Materials Coordinator, Site Safety Officer.

7. Site Documentation - Clandestine Laboratory Certified, Officers, Case Investigator(s), Site Safety Officer.

## 1.4 PERSONNEL DUTIES:

A. Incident Commander:

1. The on-site investigative supervisor at a clandestine laboratory drug site.

2. The officer-in-charge of planning, entry and security, assessment, processing, disposal and documentation and notification phases of a clandestine laboratory seizure.

3. Ensure that the proper documentation of personnel and activity is in written form for future appraisal of the operation.

B. Case Investigator(s):

1. An officer in charge of the criminal investigation.

2. The case investigator will prepare the criminal investigative reports.

3. During the pre-seizure stages of the investigation, case investigator(s) shall make every effort to compile as much intelligence information as possible. This information should include but not limited to the following:

a. Number of suspects involved in the operation.

b. Identity of the suspects, including nicknames and aliases.

c. Criminal and personal history of all known suspects.

d. Determination if the suspects are or are not armed, and if they will offer resistance.

e. Floor plans or layout of the location.

f. Determine if the possibility exists that the location is booby-trapped and, if so, how.

g. Information regarding chemicals present, chemicals ordered, type of laboratory and product being produced and the current conditions under which the laboratory manufacturing process is currently functioning.

C. Special Response Team (SRT):

1. In accordance with their duties, when there is a probability of encountering armed and dangerous suspects, the SRT should be responsible for the initial entry and extraction of occupants of a Clandestine Laboratory site.

2. When operating at a clandestine laboratory scene the certified Clandestine Laboratory Officers will secure the clandestine laboratory scene and maintain a safety zone to protect department personnel and citizens in the area.

D. Hazardous Devices Officers (KENTUCKY STATE POLICE/ATF):

1. The Hazardous Devices Officer will search for and disarm any hazardous devices or booby traps found in or around the clandestine laboratory.

2. Be trained as a Clandestine Laboratory Certified Officer.

3. Perform duties as necessary during the assessment, initial entry, processing and disposal of the hazardous material from the clandestine laboratory.

4. Act as an advisor to the Incident Commander on issues related to the safe handling and processing of the clandestine laboratory.

5. The Ashland Police Department will have to contact the Kentucky State Police or Alcohol, Tobacco, Firearms for this assistance. The Department is not equipped to handle these devices.

E. Clandestine Laboratory Certified Officer:

1. A member of the Ashland Police Department who is certified to operate in a clandestine laboratory environment by the DEA or other recognized agency.

2. Perform duties as necessary during the assessment, initial entry, processing and disposal of the hazardous material from the clandestine laboratory.

3. Act as an advisor to the Incident Commander on issues related to the safe handling and processing of the clandestine laboratory.

4. Designate a waste/evidence staging area for the hazardous materials removed from the clandestine laboratory.

F. Hazardous Material Coordinator:

1. Be trained as a Clandestine Laboratory Certified Officer.

2. When necessary coordinate the disposal of hazardous materials/waste removed from the clandestine laboratory pursuant to federal and state laws and regulations governing such matters.

3. Designate a waste/evidence staging area for the hazardous materials removed from the clandestine laboratory.

4. When necessary act as a stand-by for the support and rescue of any team member working in the clandestine laboratory.

G. Site Safety Officer:

1. Certified Clandestine Laboratory Officer, (Should be senior in certification)

2. Be in charge of all issues relating to safety at the clandestine laboratory.

3. Develop a site safety plan and brief all personnel who will be working in or around the clandestine laboratory.

4. Keep a log of all personnel working at the clandestine laboratory.

5. Ensure all personnel operating at the clandestine laboratory adhere to all safety guidelines and wear necessary personal protective equipment.

6. Coordinate for all necessary safety equipment needed at the clandestine laboratory.

7. Utilize the Hazard Assessment and Recognition Plan (Appendix A).

H. Kentucky State Police Regional Laboratory Personnel:

1. When necessary respond to the clandestine laboratory site to assess, identify and assist in the processing of the clandestine laboratory.

2. Act as an advisor to the Incident Commander on matters related to any chemicals or chemical hazards associated with the clandestine laboratory.

3. A list of laboratory personnel available to advise, assist, and respond to the clandestine laboratory scene shall be made available to all clandestine laboratory certified officers.

## 1.5 BRIEFING

A. A pre-seizure briefing session shall be conducted before any seizure of a clandestine laboratory.

B. All personnel involved in the seizure shall be informed of the intelligence reports pertinent to the location, subjects, and chemicals involved at the clandestine laboratory.

C. All personnel involved shall be informed of the necessary safety precautions, state statutes, or federal laws, rules and/or regulations involved in the seizure of clandestine laboratories. Each person shall adhere to all state statutes, federal laws, and local ordinances involving hazardous materials.

D. The following precautions should be taken by personnel working in or near a clandestine laboratory scene:

1. Synthetic clothing, other than Nomex, should not be worn under the exposure suit.

2. Contact lenses should not be worn.

3. Avoid overexertion in warm weather.

4. Never use the senses of touch or smell to determine what a substance may be.

5. Once a site has been determine to contain a clandestine laboratory, no personnel shall enter into the laboratory site except for Clandestine Laboratory Certified Officers until the site is declared safe to enter by the site safety officer.
(NOTE: The only exception is for SRT members to enter for the arrest and removal of suspects)

E. All support personnel (EMT's, ambulance personnel, fire department personnel, and disposal personnel) shall be briefed on operational safety at the clandestine laboratory site.

F. A raid briefing session for designated personnel shall be held in addition to the pre-seizure briefing.

G. Determine if any health or safety hazards exist and to what extent evacuation of the surrounding areas is required.

H. All personnel should be alert to the following potential hazards:

1. **Do not drink any water** from the clandestine laboratory site. Contamination of the water supply is possible due to chemical residue falling on water faucets, drinking glasses and other fixtures associated with the plumbing of the site.

2. Do not use any towels or other cloth objects found at the clandestine laboratory site.

3. Do not eat, drink or use the bathroom at the clandestine laboratory site.

4. Do not smoke at the clandestine laboratory site.

5. Avoid the use of flame or spark producing devices.

6. Vehicle ignition systems and radio transmissions should be avoided in close proximity of the clandestine laboratory site.

7. Turn off all cell phones in close proximity of the clandestine laboratory site.

8. Avoid turning light switches and other electrical devices on or off until such time a determination has been made that it is safe to do so.

## 1.6 INITIAL ENTRY AND ASSESSMENT

A. If armed and dangerous suspects are expected to be encountered, the Special Response Team should be used to make initial entry to effect the arrest and removal of the suspects.

B. Initial entry should be made utilizing appropriate personal protective equipment.

C. Initial entry should be made by a minimum of two Clandestine Laboratory Certified Officers, if booby traps or other hazardous devices are expected to be encountered, initial entry should be made by a minimum of two Hazardous Devices Officers from the Kentucky State Police and/or Alcohol Tobacco and Firearms. Once entry has been made by the entry team a minimum of two personnel will be on standby outside the clandestine laboratory with the same protective clothing and equipment as the entry team for possible rescue.

D. If a suspected booby trap or hazardous device is located, it should only be handled by a Hazardous Devices Officer.

E. The initial entry team shall determine if toxic or flammable gases/vapors are present, oxygen levels, and explosion potential by utilizing appropriate instrumentation.

F. The initial entry team shall ventilate the laboratory as necessary.

G. The initial entry team shall determine the quantity and type of hazardous materials located in the clandestine laboratory.

H. The initial entry team should not move anything located within the clandestine laboratory until a plan of action has been developed for processing the laboratory and all personnel have been briefed.

I. Initial entry team members should consult with any of the personnel listed in 1.3, A,1 of this document if there are any questions while developing a plan of action for processing the clandestine laboratory.

**J. In the event children are present, Ashland Police Department officers will follow the guidelines and procedures established in Attachment 6 of this order.**

## 1.7 PROCESSING

A. Processing of the clandestine laboratory shall only be conducted by clandestine laboratory certified officers.

B. Photographs and/or video should be taken of the clandestine laboratory prior to dismantling or moving anything in the laboratory. Photographs should be taken of all laboratory equipment, finished product and all hazardous/non-hazardous materials found. Only electronic battery flash is permissible. Do not use flashbulbs due to potential for fire and/or explosion.

C. All non-hazardous evidence should be collected and documented in accordance with normal procedures:

1. Consideration should be given to the examination of all items at the scene in order to possibly identify individuals who might have handled the clandestine laboratory equipment, containers, finished product, or product in liquid form.

2. Items requiring latent print examination should be removed to a well ventilated safe area.

D. Samples should be placed in suitable containers to reduce exposure to hazardous chemicals. Photographs of all samples should be taken with the original containers.

E. All sampling should be conducted under environmental conditions conducive to safety and with adequate personal protection against toxic exposure.

F. All hazardous evidence should be collected, sampled, and packaged for removal from the clandestine laboratory site for storage and/or disposal.

G. Pressurized containers containing anhydrous ammonia should be vented into open tanks of water or if no persons or homes are within the hazardous downwind area up to 100lbs of ammonia may be vented into

the open air. The Site Safety Officer will determine if the container can be vented into the open air after considering atmospheric ambiance and residential proximity.

H. Pressurized containers containing other hazardous material should be packaged without venting for later disposal.

## 1.8 PROTECTIVE CLOTHING

A. Initial entry and assessment

1. A level of personal protective equipment that will protect the officers entering into the clandestine laboratory from exposures should be worn as dictated by the possible hazards that may be encountered.

2. The level of protection maybe downgraded as the hazards are reduced.

B. Processing

1. Same as initial entry and assessment team members.

## 1.9 HAZARDOUS MATERIAL DISPOSAL (KACP 25.3)

A. All chemicals and chemical containers associated with the clandestine laboratory site, not retained as evidence, shall be packaged, transported, and disposed of by clandestine laboratory certified officers or a licensed hazardous waste contractor in accordance with all federal, state and local regulations.

B. All hazardous evidence retained by the Ashland Police Department should be packaged, transported and stored at a designated storage area for hazardous materials in the Ashland Police Department property room. When the evidence is no longer needed for court purposes, the evidence will be taken to a licensed waste disposal site or a licensed waste disposal company will be called to come to the storage site and pickup the hazardous evidence for disposal.

C. All hazardous materials and disposable equipment including clothing, respirator cartridges, and wastewater shall be removed from the site. The materials will be taken to the proper disposal building located at the Kentucky State Police Post 14, Ashland.

D. A licensed hazardous waste contractor, which is under contract with the DEA or the Commonwealth of Kentucky may be used for the removal and disposal of all hazardous material located at the clandestine laboratory site.

## 1.10 CLEANUP OF PERSONNEL AND CLOTHING

A. Contaminated clothing should be immediately removed and placed in closed containers for storage until they can be disposed of or until provisions are made for removal of the contamination.

1. If the clothing is to be laundered or otherwise cleaned, the person performing the operation should be informed of the type of contamination and its hazardous properties.

2. All contaminated throwaway suits should be disposed of in accordance with Environmental Protection Agency (E.P.A.) guidelines. Non-impervious clothing that becomes contaminated should be removed and not be worn again until the clothing has been decontaminated.

B. If the officer's body has been exposed to contamination, immediate decontamination should occur by using soap and water or other decon as necessary.

1. Facilities for quick washing of the officers shall be provided within the immediate work area.

2. Where there is a possibility that an officer's eyes may be exposed to contamination, an eyewash shall be provided within the immediate work area.

3. Skin that becomes contaminated should be immediately washed or showered, except when contaminated with those chemicals which are reactive when mixed with water.

4. Officers who handle liquid chemicals should wash their hands outside the structure with soap and water using their own supplies. Do not use soap, towels, or other detergents that have been to the contaminated environment.

5. Wash hands thoroughly before eating, smoking, or using toilet facilities.

**1.11 PRISONER HANDLING**

A. The following personal protective safety equipment should be provided to a suspect in the event the clothing is deemed to have been contaminated.

1. Paper coverall suits.

2. Paper boots.

**1.12 NOTIFICATION OF TOXIC HAZARDS**

A. A sign should be posted at the clandestine laboratory scene stating that this site may be contaminated with toxic materials. These signs are orange in color and are supplied by the Commonwealth of Kentucky. These are installed by any of the CCLO's based on their observations and training.

B. After the removal of clandestine components a TIER Assessment Report will be completed and forwarded to the Boyd County Health Department and the Kentucky Division of Waste Management, Meth Lab Cleanup. Written notification of potential contamination of property by toxic materials should be sent to the property owner. These notifications are the responsibility of the Boyd County Health Department and the Kentucky Division of Waste Management, Meth Lab Cleanup.

C. The Ashland Police Department, Kentucky State Police, or any other authorized cleanup personnel, will notify the City of Ashland Code Enforcement Office of contamination and that the property has been posted for the possible or actual contamination of toxic materials. The City of Ashland has enacted the proper ordinance to begin condemnation processes against the property owner until either cleanup processes are complete. If cleanup is not completed as stated by City of Ashland ordinances, then the appropriate action will be taken by Code Enforcement.

**1.13 MEDICAL SURVEILLANCE**

A. In accordance with OSHA recommendations for medical evaluations, the following health services shall be provided on an annual basis for each officer working in clandestine laboratories:

1. Review of patients' medical history and routine physical.

2. Chemical testing of blood and urine to establish clinical parameters that can be monitored through time for abnormal variation.

3. Determination of respiratory fitness.

**1.14 CLANDESTINE LABORATORY CLEANUP TRAILER**

A. The Ashland Police Department has been assigned by the Kentucky State Police, Drug Enforcement/Special Investigations Section (DE/SI), a pull-behind trailer that contains materials for

stabilizing and removing clandestine laboratory materials. The trailer has been positioned for storage at the Ashland Police Department for ease of access and use by clandestine certified officers of the Ashland Police Department and any Kentucky law enforcement agency. The trailer will be maintained by Clandestine Laboratory Certified Officers of the Ashland Police

Department. After use, inspections will be conducted to ensure the trailer is ready for response and the necessary equipment is accounted for.**(KACP 21.3)**

**1.15 REPORTS**

A. The Ashland Police Department will fully report clandestine incidents on proper forms.

1. The investigating officer will prepare the proper E-NIBRS, JC3, Property, citation/arrest and any non-clandestine property reports.

2. The Clandestine Laboratory Certified Officer will prepare the Hazard Assessment and Recognition Plan (HARP DEA Form 482), the TIER Assessment Form DEP1016, ElPaso Intelligence Center (EPIC Form 143), KSP Laboratory Examination Requests, Ashland Police Department Property Report and a Crime Supplement Report.

3. The TIER Assessment must be completed and faxed/emailed to the Boyd County Health Department and the Kentucky Division of Waste Management, Meth Lab Cleanup Program as soon as the cleanup is completed. This is due to requirements of timely submission established by these Kentucky Agencies.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 25

| SUBJECT: FINGERPRINTING OF CIVILIANS | | |
|---|---|---|
| Date of Issue: 15SEP03 | Effective Date: 15JUL15 | |
| Revision Date: 18FEB13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish uniform procedures for the purpose of civilian fingerprinting.

**1.2 POLICY**: It is the purpose of the Ashland Police Department (APD) to provide a wide range of police services to the community we serve. One such service, often requested, is the fingerprinting of civilians for employers in both government and civilian sectors. Fingerprint identification is utilized by employers for criminal record and background checks in filling sensitive positions.

**1.3 DEFINITIONS**:

A. **Resident of Ashland**: A person who resides or makes his/her home inside the corporate limits of the city of Ashland. Residence is defined as the place where a person has his true fixed and permanent home and principal establishment, and to which, whenever he is absent, he has the intention of returning. This residence shall determine where a person may exercise the privilege of voting and other legal rights and privileges.

B. **Government Issued Picture Identification**: A current identification card issued by a government agency which contains a current photo of the person it is issued to. It should also contain other identification statistics, e.g., height, weight, color hair, color eyes, etc.

C. **Business within the city of Ashland**: A private sector business or government agency within the city of Ashland. A private sector business located within the city has an established location and has a current city business privilege license.

D. **Non-Resident**: A person who does not meet the definition in 1.3, A.

E. **Business not located within the City of Ashland**: Any business not meeting the definition of 1.3 C, or not conforming to the requirements of a business privilege license.

**1.4 PROCEDURE**: Upon receipt of notification that person(s) are requesting fingerprinting service, an on duty member will report to the appropriate location within the police department. This notification may come from Adam-1, Regional Public Safety Communications Center (RPSCC), or the on duty watch commander.

A. Upon contact with a citizen requesting fingerprinting service, staff services personnel shall determine:

1. The identification of the person requesting the service by requesting an appropriate government issued photo identification card.

2. Determine the person's place of residence.

3. Determine the identification of the private sector business or government agency requesting the service.

4. From the above information, determine if the person requesting fingerprinting service is a resident of the city of Ashland, or if the business is located within the corporate limits of the city. If the person was directed to APD from a private sector business, a copy of the business privilege license shall be presented at time of requested service, along with an original letter from the business stating the person to be fingerprinted is, or is anticipated to be, an employee.

B. If, after determining the person requesting service is a resident of the city, or the business is located within the city and is in compliance, the member will complete the fingerprinting process. There will be no charge for these persons or businesses.

C. A limit of two cards will be completed for each person.

D. Non-residents requesting fingerprinting service, or a business not in compliance with the above will be assessed a fee of $25.00 per card.

E. Payment for service must be made prior to receiving the service. Payment will be made at the City Cashier's window. A receipt will be presented to the member providing service.

F. Fingerprinting service will only be provided each Monday thru Friday 1430-1630 hours, except legal holidays.

In special circumstances the Chief of Police or his designee may waive the above requirements.

NOTICE: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 26

| SUBJECT: TRAFFIC DIRECTION AND CONTROL | | |
|---|---|---|
| Date of Issue: 07DEC07 | Effective Date: 15JUL15 | |
| Revision Date: 07MAY13 | Review Date: 15JUL17 | **REVIEW** |
| Accreditation Standards: KACP 24.1, 24.2 | | |

**1.1 PURPOSE:** The purpose of this general order is to establish the policies and procedures of the Ashland Police Department (APD) in the traffic support function.

**1.2 POLICY:** It shall be the policy of the APD to establish and maintain procedures for performing traffic direction and control functions and to ensure the safe and efficient movement of vehicles and pedestrians. These procedures will be used at the scene of traffic collisions, temporary road blockages, and malfunctioning traffic control devices. **(KACP 24.1)**

**2.0 TRAFFIC DIRECTION AND CONTROL:**

A. Traffic Direction and Control

Officers shall utilize uniform signals and clearly defined gestures when performing a manual traffic control assignment. The officers shall use one long blast of the whistle accompanied by a hand gesture to stop traffic. Two short blasts of the whistle accompanied by a hand and arm gesture shall be used for starting traffic. Several short blasts of the whistle will be used to gain the attention of motorists and pedestrians. Manual traffic direction should not be performed by officers and civilians when use of a traffic control device will alleviate the problem. When deciding whether to use manual traffic control, consideration should be given to such variables as traffic volume and speed, number of pedestrians present, duration of congestion period, and the presence or absence of traffic control devices.

B. Traffic Control Equipment

The following equipment shall be used by personnel at all times when providing traffic direction and control:

1. Appropriate uniform hat

2. ANSI compliant traffic vest as specified in Ashland Police Department General Order G-3. <u>If officers will be working in or near a street or highway right-of-way and you're exposed to traffic or construction equipment, you must wear a highly visible upper-body garment, traffic vest. Emergency responders and law enforcement officers must also wear high-visibility apparel after an emergency has passed while doing traffic control, cleanup, investigations, or similar tasks.</u> **(KACP 24.2)**

3. Whistle/Lanyard

During periods of diminished visibility, the officer shall also use the provided <u>LED traffic wand</u> or flash light.

C. Special consideration shall be given to the adequate visibility of the officers for approaching vehicular traffic to include the use of cones and flares.

D. Temporary Traffic Control Devices

Public Works, Streets Department will be responsible for maintaining temporary traffic control devices. These devices shall include portable stop signs, no left/no right turn signs, barricades, traffic cones, and flashers. These devices shall only be utilized as temporary traffic control devices when they will not create a hazardous situation. Temporary traffic control devices shall only be used upon the approval by a watch commander/supervisor, and only in the following situations: serious vehicle collisions, special events, fire scenes, hazardous material scene, disaster areas, and malfunctioning traffic signals. Command officers will also ensure that compliance with all work zone and hazardous incidents traffic control regulations are followed. Public Works will also be responsible for removal of the temporary devices.

E. Special Events

The planning associated with traffic control for special events shall be the responsibility of the event supervisor. The supervisor shall evaluate each detail and determine a feasible approach for traffic control. The commander shall consider the impact of the following areas:

1. Ingress and egress of vehicles and pedestrians.
2. Provisions for parking and parking prohibitions.
3. Crowd control.
4. Appropriate number of personnel to include relief.
5. Alternate route for traffic, pedestrians, public transportation and emergency vehicles.
6. Available access for the news media.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 27

| SUBJECT: JUVENILE PROCEDURES | | |
|---|---|---|
| Date of Issue: 10JAN08 | Effective Date: 19MAY16 | |
| Revision Date: 19MAY16 | Review Date: 19MAR18 | **REVIEWED** |
| Accreditation Standards: KACP 18.1, 18.2, 18.3, 18.4, 18.5A, 18.5B, 18.6C, 18.7, 18.8, 18.9A, 18.9B, 18.9C, 18.9D, 18.10, 26.1 | | |

**1.1 PURPOSE:** The purpose of this policy is to establish guidelines and procedures for investigations when dealing with juveniles in criminal and non-criminal situations.

**1.2 POLICY:**

A. All members of the Ashland Police Department (APD) are responsible for the implementation of these procedures by following the legal guidelines contained in Kentucky Revised Statutes (KRS) 600-645 when dealing with juveniles. This is also referred to as the Uniform Juvenile Code.
**(KACP 18.1)**

B. Uniform citations, Kentucky Incident Based Reporting System (KYIBRS) reports, fingerprint impressions and other items obtained during the booking process shall be forwarded without delay to the Support Services Section.

**2.0 DEFINITIONS:**

A. **Juvenile:** An individual who has not reached his/her 18th birthday.

B. **Status Offense**: An action brought in the interest of a juvenile who is accused of committing acts which if committed by an adult would not be a crime.

C. **Responsible Person**: A parent, legal guardian, foster parent, or adult relative who will accept responsibility for the juvenile and ensure the juvenile will appear when served written notification by the Court Designated Worker (CDW).

D. **Court Designated Worker**: An individual delegated by the Administrative Office of the Courts for the purpose of placing juveniles in alternative placements prior to arraignments, conducting preliminary investigations, and supervising diversion agreements.

E. **Habitual Truant**: A juvenile who has been found by the court to have been reported as a truant, as defined in KRS 159.150, three or more times during a one year period.

F. **Habitual Runaway**: A juvenile who has been found by the court to have been absent from his/her place of lawful residence without the permission of his/her custodian for at least three days during a one year period.

G. **Beyond the Control of Parents**: A juvenile who has repeatedly failed to follow the reasonable directives of his/her parents, legal guardian or person exercising custodial control or supervision, other than a state agency, and whose behavior results in a danger to himself/herself or others and whose behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645.040.

H. **Custody**: Taking control of a juvenile and holding him/her for a public offense investigation, for a period not to exceed two hours.

I. **Retain**: Holding a juvenile in custody for up to 12 hours for processing purposes only. Processing includes, but is not limited to identification, interviewing, fingerprinting, photographing, record checks, evidence collection and completing necessary paperwork. A CDW must be contacted for an extension after the first two hours of that time.

J. **Detain**: To confine a juvenile in a secure detention facility or shelter in compliance with a valid court order.

**3.0 INTERVIEW AND INTERROGATION:** If an officer takes or receives a juvenile into custody, the juvenile may be retained at a police station, secure juvenile detention facility, juvenile holding facility, intermittent holding facility, youth alternative center, a non-secure facility, or, as necessary, in a hospital or clinic for the following purposes: **(KACP 18.3)**

- Identification and book in.
- Notification of the parents or person exercising custodial control or supervision of the juvenile, a relative, guardian or other responsible person.
- Photographing and fingerprinting.
- Physical examinations, including examinations for evidence, evidence collection and scientific tests.
- Record checks.
- Determining whether the juvenile is subject to trial as an adult.
- Other inquiries of a preliminary nature.

The juvenile may be retained in custody for investigative purposes for a period of time not to exceed two hours, unless a time extension is granted. Permission for a time extension may be granted by the court or CDW and the juvenile may be retained in custody for up to ten more hours. Any juvenile held in custody shall be sight and sound separated from any adult prisoners held in secure custody at the same location. Juveniles shall not be handcuffed to or otherwise securely attached to any stationary object.

Questioning of a juvenile in custody shall be conducted pursuant to KRS 610.220. Questioning may be conducted at the following locations:

- At the scene.
- While en route to the Boyd County Juvenile Detention Center.
- In a police facility.
- At the juvenile's home or the place of arrest.

Prior to any custodial interrogation, the officer shall:

- Give a brief explanation of the department and juvenile justice system procedures to the juvenile **(KACP 18.6C).**
- Obtain a valid rights waiver.
- Notify the juvenile's parent/legal guardian – Kentucky law only requires notification. Parents/legal guardians are not required to be present nor may they interfere with an interrogation. Questioning of a juvenile will cease if the juvenile invokes his/her 5th amendment, 6th amendment or requests to consult with his/her parent or guardian.

Juvenile interrogation rules shall follow the same procedure as adult interrogation rules.

If a juvenile knowingly, intelligently and voluntarily waives his/her constitutional rights to remain silent, statements made by the juvenile will be admissible in court. However, juvenile confessions may be suppressed if the juvenile's rights are not adequately protected during

interrogation (e.g., excessive number of officers present, threats, promises, hostile environment). Officers should ensure that the juvenile's rights are adequately protected and that the interrogation environment is non-coercive.

**4.0 BOOKING PROCEDURES FOR JUVENILE OFFENDERS:** KRS 610.200 Duties of Peace Officer: When an officer has taken or received a juvenile into custody on a charge, the officer shall immediately inform the juvenile of his/her constitutional rights, and the juvenile shall be afforded all the protections required there under. The officer shall notify the parent(s), and if the parent is not available, then a relative, guardian, person exercising custodial control or supervision of the juvenile, that the juvenile has been taken into custody. The person contacted shall be given an account of specific charges against the juvenile including the specific statute alleged to have been violated, and the reason for taking the juvenile into custody. **(KACP 18.6A**). Officers shall transport the juvenile without delay to the juvenile component unless emergency treatment is required. **(KACP 18.6B).**

A. Release to Parent: Officers shall first consider citing and releasing juvenile public offenders to a parent, guardian, adult relative or person exercising custodial control or supervision over the juvenile, if the offense is a misdemeanor and non-violent in nature.

1. If the juvenile is released, the officer shall inform the parent, guardian or adult accepting responsibility that the juvenile was cited and explain the specific charges against him/her. The individual assuming custody must sign the back of the first page of the uniform citation or form AOC-JV-18 "Promise to Appear in Juvenile Proceeding." The officer shall explain that by signing for the release of the juvenile, the person assumes the responsibility for bringing the juvenile before the court at a future date of which he/she will be notified by mail. ~~The officer will obtain fingerprints from the juvenile prior to being released to the parent or guardian~~. **(KACP 18.2, 18.4).**

2. If a juvenile is charged with a felony public offense and is ordered to be released to a parent/guardian, the officer shall obtain fingerprints prior to releasing the juvenile.

   If the juvenile is charged with a misdemeanor or public offense and is ordered to be released to a parent/guardian, the officer may obtain fingerprints if he/she feels they would be beneficial for the investigation.

   Fingerprints of juveniles will be sent to AFIS for processing.

B. Taking Juveniles into Custody/Juvenile Pick-Up Orders: Notify the CDW for judicial authorization for detention at the Department of Juvenile Justice (DJJ) Facility on Roberts Drive. The primary officer shall complete the Kentucky Uniform Citation ensuring that the box marked juvenile has been checked at the top of the citation. Complete the preliminary investigation including submission of completed KYIBRS reports. Juveniles will be fingerprinted by DJJ personnel.

C. Status Offenders: A status offender may be taken into custody:

- Pursuant to a court order; or
- If there is probable cause to believe the juvenile has been a habitual runaway from his/her parents or person exercising custodial control or supervision of the juvenile, the officer may take the juvenile. The charge for this status offense is 630.020(1) RUNAWAY (STATUS OFFENDERS-UNIFIED JUVENILE CODE). The UOR code is 02800.

If a juvenile has not committed a public offense or the situation does not fall into one of the

two categories listed, an officer should refer the complainant to a CDW. Officers will contact an on-call CDW. If a status offender has no medical problems, an officer must, within two hours, deliver the status offender to a CDW or release the juvenile to a parent, adult exercising custodial control or a responsible adult. Upon this release, the officer should forward the original paperwork for supervisory review. An officer may also deliver the juvenile to a CDW with a Uniform Citation and the CDW will determine the appropriate placement for the status offender. **(KACP 18.5A).**

Under no circumstances should a status offender be transported with adult offenders.

D. Protective Custody: Division officers shall investigate incidents of suspected child abuse and take appropriate action as prescribed by this order and KRS.

- KRS 620.040 (5)(c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exists reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury or is being sexually abused and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve hours of taking the child into protective custody, request the court to issue an emergency custody order. **(KACP 18.5A)**

E. Juvenile Petition: Officers may apply for a juvenile petition in lieu of taking a juvenile into custody. A juvenile petition may be obtained by submitting the KYIBRS report along with a prosecution request. This will be forwarded to the CDW for consideration. **(KACP 18.3, 18.4)**

F. Motor Vehicle Offenses/Driving Under the Influence (DUI): Juveniles who are 16 or 17 years old will be processed (cited or arrested) the same as an adult. If a juvenile is arrested for a moving violation where alcohol or drugs are not a factor, they can be immediately delivered to the Juvenile Justice facility on Roberts Drive. Juveniles arrested for DUI will be taken to the Boyd County Detention Center for breath testing when alcohol is suspected. If drugs are suspected, the arresting officer will go to the emergency department at KDMC for blood testing. Juveniles arrested for offenses involving drugs or alcohol must be seen by a physician before they can be lodged at the DJJ facility on Roberts Drive. The CDW does not require notification on traffic arrests. **(KACP 18.3)**

G. Domestic Violence: Officers shall handle juvenile perpetrators of domestic violence in the same manner as adult perpetrators. Juveniles should not be released at the scene; they shall be taken into custody under the provisions of the Juvenile Code with the exception of juveniles age ten and younger. **(KACP 18.3)**

H. Juvenile Detained by School Officials: Misdemeanor situations encountered by a school official not observed by a police officer require the school official to sign a complaint/petition. Police officers should keep in mind the requirements associated with their affecting an arrest for a misdemeanor. (It must occur in their presence or with a warrant, with such notable exceptions as shoplifting).

Due to the requirement of the CDW signing the juvenile complaint/petition, officers shall not transport a juvenile apprehended by school officials, except under emergency conditions – such as the juvenile becoming disorderly. The police officer either must observe the misdemeanor offense or the school official must obtain a petition.

**5.0 JUVENILE RECORDS**: It is the policy of the Ashland Police Department to ensure the security and confidentiality of juvenile records and case files. Juvenile evidence and records shall be used for official purposes only. **(KACP 26.1**).

The Support Services/Records supervisor shall be responsible for the collection, dissemination, and retention of juvenile records **(KACP 18.10).** The Support Services/Records section shall separate juvenile case files from adult case files. **(KACP 18.9A).** The Support Services/Records section shall also separate open juvenile cases and closed juvenile cases. These files shall be stored in a secure file cabinet in the Support Services/Records Section.

Pursuant to the Commonwealth of Kentucky Records Retention Schedule, juvenile files shall be stored until the defendant reaches the age of 18. **(KACP 18.9C).**

These procedures do not apply to cases where a juvenile is tried as an adult and child abuse cases where a juvenile is a suspect. These case files may be treated the same as adult case files and kept 80 years pursuant to the Kentucky department for Libraries and Archives (KDLA). Traffic offenses and accidents are also excluded.

Juvenile records shall not be open to public scrutiny pursuant to KRS 610.320 and KRS 610.340. Pursuant to KRS 610.340, juvenile records shall only be accessed by personnel involved in an investigation and/or on a need-to-know basis only. **(KACP 18.9D).**

Electronic records: The same policies relating to case files also apply to electronic records stored in Records Management System (RMS). Juvenile RMS entries are segregated from adult entries **(KACP 18.9A).** Juvenile electronic records shall be kept on file and accessible in RMS until the subject of the RMS entry reaches the age of 23. The RMS record of a subject shall be expunged if ordered by the courts **(KACP 18.9B).** When the subject of the record reaches the age of 18, the record shall be deleted in accordance with the Commonwealth of Kentucky Records Retention Schedule **(KACP 18.9C).**

**6.0 JUVENILE EVIDENCE**: Pursuant to KRS 610.300, physical evidence shall be obtained and utilized in the investigation of public offenses involving juveniles in the same manner as it is obtained and utilized in the investigation of public offenses involving adults. Fingerprints, photographs and other forms of juvenile identification shall be used for official purposes only. These forms of evidence shall be included in case files until utilized.

Photographs and fingerprints of juveniles taken by the Ashland Police Department shall be kept only in the division, section or unit investigative file and/or secured in the property room until utilized in an investigation, court case, etc. **(KACP 18.8).**

**7.0 SERVICES**: See attachment I which is a listing of agencies that provide youth services to the Ashland Police Department. **(KACP 18.7)**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

The following agencies provide youth services to the Ashland Police Department (**KACP 18.7**):

Cabinet for Families and Children
Division of Protection and Permanency
1539 Greenup Avenue, Suite 301
Ashland KY 41101
606.920.2032

Hope's Place
1100 Greenup Avenue
Ashland, KY 41101
606.325.4737

Court Designated Worker
Boyd County Courthouse Annex
2800 Louisa Street
Catlettsburg, KY 41129
606.739.4228

Court Appointed Special Advocate (CASA)
(Trained citizens who are appointed by a judge to represent in court the best interest of abused/neglected children.)

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 28

| SUBJECT: STANDARD PROCEDURES OF THE SAFE INFANT ACT | | |
|---|---|---|
| Date of Issue: 12MAR13 | Effective Date: 15JUL16 | |
| Revision Date: 16NOV16 | Review Date: 16NOV18 | **REVISED** |
| Accreditation Standards: KACP 30.6 | | |

**1.1 PURPOSE:** The Kentucky Safe Infants Act allows a parent, or a person acting on behalf of the parent of newborn babies (less than ~~72 hours~~ 30 days old) to anonymously leave the infant at a safe place (e.g. Emergency Medical Services (EMS) provider, staffed police station, fire station, participating place of worship, or a hospital) without fear of prosecution (KRS 405.075). The infant must not have indications of mistreatment, abuse, or neglect after birth. If the parent leaves the infant and expresses no intent to return for the infant, the parent has the right to:

A. Remain anonymous,

B. Leave at any time;

C. Not be pursued, and

D. Shall not be considered to have abandoned or endangered the infant.

**1.2 POLICY:** It shall be the policy of the Ashland Police Department that, if an infant who appears to be under ~~72 hours~~ 30 days old is delivered to a member at a safe place by a parent or a person acting on behalf of the parent, the member shall immediately arrange for the infant to be taken to the nearest hospital emergency room by EMS.

A. The member has implied consent to any and all appropriate medical treatment of the infant.

B. The member shall ask the person delivering the baby to complete a Medical Information for Newborn Infants form. This form can be located on the Cabinet for Families and Children website at http://chfs.ky.gov/dcbs/dpp/KYSafeInfants/. This form is voluntary on the part of the parent, or his/her designee, and can be completed at the time that the infant is surrendered or the form may be mailed to the address at the bottom of the form. The information on the form will not be used to identify the parent. **(KACP 30.6)**

~~C. The member shall also inform the parent that he/she may change his/her mind about giving up the baby within 30 days. If he/she does change his/her mind, the parent must contact the Cabinet for Families and Children at the phone number provided on the Medical Information for Newborn Infants form (KRS 620.350).~~

~~D~~ C. The member should not let personal feelings cloud his/her judgment toward the person leaving the infant. The member shall not detain, follow, or pursue the parent. The member shall not coerce, or otherwise force, the parent to reveal his/her identity or force the parent to keep the infant, nor shall the member coerce, or otherwise force, the parent to give medical information.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

DPP-1268
(Rev. 07/02)

**MEDICAL INFORMATION FOR NEWBORN INFANTS**

Thank you for bringing your baby to a safe place. We want to assure you that we will give your baby the best possible care. Please help you baby by completing this form. The information that you provide will help make it easier to provide medical care to your child. You may not know all of the answers – that's OK, but please give your baby as much information as you know. **This information will not be used to identify you, and we will not try to find you.**

**Providing this information is voluntary.**

What is the baby's birth date? _____ Was the baby premature? ☐ Yes ☐ No

Were there any problems with the pregnancy or delivery? ☐ Yes ☐ No If yes, what were they? _____

Were you physically abused during the pregnancy? ☐ Yes ☐ No If yes, please describe: _____

Where did you leave your child? _____ Date: _____

| MOTHER | FATHER |
|---|---|
| Does the baby's mother have any medical conditions such as: | Does the baby's father have any medical conditions such as: |
| ☐ Diabetes | ☐ Diabetes |
| ☐ Asthma | ☐ Asthma |
| ☐ Allergies | ☐ Allergies |
| ☐ Seizures | ☐ Seizures |
| ☐ Cancer | ☐ Cancer |
| ☐ Heart Disease | ☐ Heart Disease |
| ☐ High Blood Pressure | ☐ High Blood Pressure |
| ☐ Mental Illness | ☐ Mental Illness |
| ☐ Sexually Transmitted Disease | ☐ Sexually Transmitted Disease |
| ☐ Other, please describe: _____ | ☐ Other, please describe: _____ |
| Did the mother do one of the following before or during the pregnancy: | Did the father do one of the following before the pregnancy: |
| ☐ Smoke | ☐ Smoke |
| ☐ Use alcohol | ☐ Use alcohol |
| ☐ Use drugs or medication | ☐ Use drugs or medication |
| If yes, what kinds of drugs or medication: _____ | If yes, what kinds of drugs or medication: _____ |
| What is the baby's mother's: | What is the baby's father's: |
| Age ____ Race _____ Hair Color _____ | Age ____ Race _____ Hair Color _____ |
| Body build _____ | Body build _____ |

**IMPORTANT**

**If you decide that you want your baby back, call 1-800-752-6200. If you do not contact the Cabinet for Families and Children within 30 days after leaving your newborn, the Cabinet will proceed with involuntary terminations of parental rights and place your baby for adoption.**

**Please mail this form to:**

Director, Division of Protection and Permanency
Department for Community Based Services
Cabinet for Families and Children
275 East Main Street, 3C-E

Frankfort, KY 40621

**You may write a note to your baby or the people who will adopt your child on the reverse side of this form.**

# Ashland Police Department

## GENERAL ORDER B-29

| SUBJECT: VIDEO RECORDING AND PHOTOGRAPHING OF POLICE OFFICERS | | |
|---|---|---|
| Date of Issue: 28MAY13 | Effective Date: 15SEPT15 | |
| Revision Date: 26AUG15 | Review Date: 26AUG17 | **REVIEW** |
| Accreditation Standards: KACP 17.12 | | |

**1.1 PURPOSE:** Individuals have a First Amendment right to record police officers in the public discharge of their duties. The right to record is not limited to streets and sidewalks -- it includes areas where individuals have a legal right to be present, including an individual's home or business, or other private property where the person has a right to be present.

**1.2 PROCEDURE** (KACP 17.12)

A. Individuals have a First Amendment right to record Ashland police officers in the public discharge of their duties. The right to record is not limited to streets and sidewalks -- it includes areas where individuals have a legal right to be present, including an individual's home or business, or other private property where the person has a right to be present.

B. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or to display 'press credentials' in order to exercise his/her right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.

C. In situations where members of the public are photographing or recording a police action, officers must not search or seize a camera or recording device (including cell phones) without a warrant, except under very limited circumstances as described herein.

D. Officers are prohibited from threatening, intimidating or otherwise discouraging any individual from photographing or recording police activities.

E. Officers must not intentionally block or obstruct cameras or recording devices in any manner.

F. Officers are prohibited from deleting recordings or photographs, and from damaging or destroying recording devices/cameras under any circumstances.

G. A person may record/photograph public police activity unless the person engages in actions that jeopardize the safety of the officer, the suspect, or others in the vicinity, violate the law, or incite others to violate the law. Examples of such actions include but are not limited to:

1. Repeatedly instructing a witness being questioned by a police officer not to respond to the officer's questions;

2. Persistently engaging or attempting to engage an officer in conversation while the officer is in the midst of their duties;

3. Hindering a lawful arrest;

4. Inciting bystanders to hinder or obstruct an officer in the performance of their duties.

a. An individual's recording/photographing of police activity from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others does not amount to interference.

b. A person's expression of criticism of the police (or the police activity being observed) does not amount to interference.

i. The First Amendment protects a significant amount of verbal criticism and challenge directed

at police officers.

ii. Even foul expressions of disapproval towards police officers are protected under the First Amendment.

*** The U.S. Supreme Court has held that 'a properly trained officer may reasonably be expected to exercise a higher degree of restraint' than the average citizen when it comes to reacting to insults or 'fighting words.'**

*** Courts have given First Amendment protection to persons who made obscene gestures and yelled profanities at police officers, and they have prohibited the police from interfering with such speech.**

H. The warrantless seizure of material protected by the First Amendment (photos, videos, etc.) will be strictly scrutinized by a court. In ordinary circumstances, the seizure of cameras or recording devices without a warrant will not be reasonable. Cameras or recording devices will not be seized without a warrant unless:

1. Officers have probable cause to believe that critical evidence of a felony crime is contained on/in the camera or recording device; and

2. Officers first have explained the circumstances and have unsuccessfully attempted to get the consent of the person in possession of the recording device; and

3. The seizure of the camera/recording device is for no longer than reasonably necessary for the officer, acting with diligence, to obtain a warrant to seize the evidence; and

4. Supervisory approval has been granted for the seizure.

I. If a camera/recording device is seized without a warrant pursuant to Section H above, officers are prohibited from seizing or viewing the evidence contained in the device until a warrant is obtained for that seizure.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 30

| SUBJECT: INTERVIEW AND INTERROGATION ROOMS/PRISON RAPE ELIMINATION ACT (P.R.E.A.) | | |
|---|---|---|
| Date of Issue: 28MAY13 | Effective Date: 13JUL15 | |
| Revision Date: | Review Date: 13JUL17 | **REVIEW** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** The purpose of this policy is to identify the operating procedures for officers utilizing the Ashland Police Department interview rooms.

**1.2 PROCEDURES:**

The interview rooms may be utilized by any APD officer for both custodial interrogations of arrestees and non-custodial interviews with witnesses, victims, or suspects. Officers from outside agencies may also use the interview rooms as long as an Ashland Police Officer accompanies the officer. The basic responsibility for the safety and security of persons brought into the Ashland Police Department remains with the original officer unless relieved by another officer, detective or supervisor. The following procedures shall apply to all Ashland Police Officers who utilize the interview room.

A. Wearing of Firearms

1. Safety and security of law enforcement personnel and person(s) being interviewed is priority. It is understood that the doors to the interview rooms lock from the inside requiring a key to get out. Keys are located at the gun locker locations outside of each interview room. When using the rooms, personnel are to obtain the key and have it on their person at all times.

2. Any sworn officer using the interview rooms will place any firearm or any type of weapon in their possession inside of a gun locker prior to using the interview room(s). Keys are located in each locker with a key to the doors of the room.

B. Custodial Interrogations

1. Arrestees will be handcuffed prior to being brought into the Ashland Police Department. Handcuffs may be removed at the discretion of the officer having physical custody of the arrestee. If there is any doubt as to officer safety, the handcuffs will remain in place. Arrestees displaying violent tendencies will not be allowed in an Ashland Police Department interview room or any part of the facility. At no time will an arrestee be secured to any object (i.e. desk, chairs) in the interview rooms.

2. All arrestees will be thoroughly searched for weapons, contraband, and

evidence while in the garage/sally port area prior to being brought into the Ashland Police Station and placed in the interview room.

3. Each arrestee will be placed in a separate interview room apart from other arrestees.

4. The interview rooms are not prisoner holding cells. If an arrestee is left alone in an interview room, visual contact will be maintained through an open door or by utilizing the audio-visual monitoring system.

5. The arresting officer will ensure that the human needs of persons placed in the interview rooms are met (restroom access, water, food, etc.)

6. For fire safety reasons, cigarette lighters and matches will be removed from arrestees placed in an interview room. In the event of a fire in the facility, a fire extinguisher is located outside in the hallway. If an evacuation becomes necessary due to a fire alarm or actual fire, the primary officer will remove the arrestee by the quickest and safest way possible.

C. Non-Custodial Interviews

1. If, in the opinion of the officer, a frisk for weapons is necessary, he should ask the suspect or witness to consent to the frisk.

2. Witnesses should not be left alone in the interview rooms for extended periods of time. Officers should make visual contact at least once every five (5) minutes with witnesses. Visual contact with anyone left alone will be maintained through an open door or by utilizing the audio-visual monitoring system.

## 1.3 MAINTENANCE

A. The interview rooms shall be left clean. No forms or other documents shall be stored in the interview rooms.

B. Prior to and after utilizing an interview room, the officer shall visually check the room for the presence of weapons, contraband and evidence.

C. Any failure of the tape recording equipment shall be reported to the Criminal Investigations Section Lieutenant immediately.

## 1.4 PRISON RAPE ELIMINATION ACT

A. All sworn employees with detainee handling responsibility need to be aware of the "Prison Rape Elimination Act" (P.R.E.A.). The Prison Rape Elimination Act was signed into law on September 4, 2003 and it applies to all federal

confinement facilities, state prisons, local jails and police holding cells in the United States.

1. P.R.E.A. defines "prison" as any confinement facility of a federal, state, or local government, whether administered by such government or by a private organization on behalf of such government, and includes any local jail or "police lockup" and any juvenile facility used for the custody or care of juvenile inmates.

2. "Police Lockup" is further defined by PREA as a temporary holding facility of a federal, state, or local law enforcement agency to hold:

   a. Inmates pending bail or transport to jail;

   b. Inebriates until ready for release; or

   c. Juveniles pending parental custody or shelter placement.

3. P.R.E.A. has many objectives, including the establishment of a national "zero tolerance" standard and development of national standards for prevention and reduction of prison rape as well as punishment for offenders.

4. To maintain compliance with P.R.E.A., sworn personnel will:

   a. Isolate aggressive detainees and known sex offenders from other detainees;

   b. Prevent placement of handcuffed and unhand cuffed detainees in the same holding room; and

   c. Immediately report any indication of a sexual assault to a supervisor.

5. If sexual assault is suspected or confirmed, an investigation will be initiated and activities consistent with sexual assault.

   a. Appropriate chain of command notifications will be made containing documentation of the incident.

## 1.5 INJURED DETAINEES

Law enforcement members will monitor the physical condition of any detainee. Members will do the following:

A. Assess every detainee's physical condition and be alert for injuries.

B. If there is any question that the detainee is in need of medical attention, it shall

be provided.

C. Document an injury in the NIBRS Report, including:

1. Nature of the injury;

2. Medical treatment provided, including:

a. APD, Fire Department response, EMS response, etc..

b. Responding unit agency members.

c. Hospital or medical facility detainee was taken to, and

d. If detainee refused medical treatment.

## 1.6 AUDIO/VIDEO SYSTEM USE

A. Each interview room is equipped with audio/video recording capabilities. Use of the equipment is encouraged in any situation. This can be a victim, witness(es), suspect(s) or departmental matters. When used, the officer must make the statement, "you are aware that this interview/interrogation is being recorded?" Command personnel have authorization to make copies of recordings and monitor the processes while they are in progress.

B. Officers need to ensure that the person being interviewed/interrogated has their back to the wall, facing the camera (door hinge side), and the officer has their back to the door. This ensures that kinesics of the person can be monitored and recorded and that the person can be positively identified as making a statement. The officer having their back to the door allows for fast exit and prevention of anyone in custody from escaping.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER B - 31

| SUBJECT: IDENTIFICATION PROCEDURES | | |
|---|---|---|
| Date of Issue: 01SEPT15 | Effective Date: 15SEPT15 | |
| Revision Date: | Review Date: 15SEPT17 | **NEW** |
| Accreditation Standards: KACP 17.11A; 17.11B; 17.11C; 17.11D; 17.11E; 17.11F; 17.11G | | |

**1.1 PURPOSE:** The purpose of this policy is to outline the manner in which criminal suspects will be subjected to identification proceedings.

**1.2 POLICY:** The policy of this agency is to respect the rights of all persons who officers come into contact with during any law enforcement operation in which witness identification will be conducted.

**1.3 DEFINITIONS:**

**A. Show-Up/Drive-by:** The process by which a complainant or witness is driven to a suspect who has been stopped in the area of the crime for purposes of excluding or verifying the suspect as the person responsible for the crime through recognition by the complainant or the witness.

**B. Photo-Array:** The process by which a complainant or witness is shown a series of photographs which may contain a suspect in the crime for purposes of excluding or verifying the suspect as the person responsible for the crime through recognition by the complainant or the witness.

**C. Single Photo Verification:** The process by which a complainant or witness is shown a single photograph due to the fact that they have thorough familiarity with the person who is suspected in the criminal activity and law enforcement is simply verifying that the suspect identified by the law enforcement is the same subject known to the witness.

**D. Field View:** The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

**1.4 PROCEDURE:**

A. Where feasible the identification procedures will be recorded through the use of video and audio recording devices. In all identification procedures, officers should take steps to ensure that the procedure is not suggestive by the manner in which it is carried out. If there are multiple witnesses they should be separated; and all identification procedures should be done separately with each individual witness. Officers should use caution as to the manner in which suspects are presented such that a suspect may later claim that the officer influenced the witness' identification of the suspect. Each eyewitness

who views a lineup or photo spread shall sign a form containing the following information: **(KACP 17.11D)**

1. The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification;

2. The eyewitness should be told the officer who is conducting the identification process does not know the identity of the suspect; and,

3. Whether an identification is made or not, the criminal investigation will continue.

B. The Validity of identification procedures rests on the following considerations:

1. Witness' opportunity to view suspect at the time of the crime.

2. Witness' focus of attention at time of crime.

3. Accuracy of witness' description of suspect prior to identification procedure.

4. Level of certainty exhibited by the witness in making the identification. **(KACP 17.11E)**

5. The length of time that has passed between the crime and the identification.

Note - Officers should document the existence/lack of existence of these points when compiling reports on identification procedures. **(KACP 17.11G)**

**1.5 SHOW-UP/DRIVE-BY IDENTIFICATION.** Although the United States Supreme Court has not affixed a duration of time within which these procedures are to be conducted, generally this type of identification occurs within a short period of the crime and within a reasonable proximity (geographically) from the crime. **(KACP 17.11A)**

A. Officers shall complete the eye witness show-up identification form prior to the identification procedure.

B. Unless an extreme emergency exists, the complainant or witness shall be taken to the location where the suspect has been stopped. The movement of the suspect to the witness' location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without identification, movement may be determined to have been an unlawful arrest. **(KACP 17.11B)**

C. Suspects should not be brought into a crime scene as contamination may result. For the same reason, clothing articles found at the crime scene should not be placed on or in contact with a suspect. A suspect should not

be brought back to the home of a victim or witness unless that was the scene of the crime.

D. Police officers must not do or say anything that might convey to the witnesses that they have evidence of the suspect's guilt. Officers should turn down their radios so that the witness they are transporting does not pick up information about the stop of the suspect. **(KACP 17.11F)**

E. To the extent that an officer may safely do so, the officer should take steps to minimize the suggestiveness of the identification. The following should be considered:

1. Have suspect standing outside of any law enforcement vehicle rather than in the vehicle;

2. Have the suspect standing without handcuffs or with handcuffs not visible to the witness;

3. Any steps taken which give the appearance that the suspect is free to leave will undercut suggestiveness;

4. If items taken or used in the crime have been recovered, do not allow the witness to view or become aware of the recovery until after the identification proceeding is complete;

5. The witness' failure to recognize the subject stopped must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor. Additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification; and,

6. Officers shall complete the eye witness show-up identification form prior to the identification procedure.

## 1.6 PHOTO-ARRAY

A. Officers shall complete the eyewitness identification form prior to the identification procedure.
B. The array must contain six or more photographs including some persons who are similar in appearance i.e. facial hair, glasses, age etc. The array should be based on descriptions provided by any eyewitness(es).
C. All photos must include persons of the same race and sex as the suspect.

D. Photos should be presented in a way that does not suggest that the subjects in the photos are criminals i.e. mug-shot with numbers (Mug shots may be used, but portions of photo that would indicate that photo is a mug-shot should be cropped or hidden from the witness.)

E. Avoid fillers who so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the filler.

F. Change the order of photos from one witness to the next and document the location of the suspect for every viewing. Change the order of the photos and document the location of the suspect when a witness asks to see the array a second time.

G. When showing a witness an array containing a new suspect, avoid using fillers from a previous array.

H. During the process officers shall not, in any way, prompt the witness toward a particular photo.

I. Double-blind presentation. The officer who conducts the photo-array shall be someone who is not aware of which photo in the array is that of the suspect in the case. The witness should be told the officer conducting the photo-array does not know who the suspect is. The investigating officer should leave the room while the array is being shown by the independent officer administering the photo array.

J. Witness instruction. The person viewing the photo-array should be told that the perpetrator may or may not be in the photo-array and that the investigation will continue regardless of whether an identification is made or not.

K. If there are multiple witnesses, the suspect should be placed in a different position in the photo-array for each witness. Witnesses should be segregated before, during and after the procedure and instructed not to discuss the identification process with each other. **(KACP 17.11C)**

L. Photos will not be shown at the same time as in a six-pack, instead the officer shall show the photographs to a witness one at a time as if dealing a deck of cards and ask the witness whether or not he/she recognizes the person.

M. When the witness signals for the next photograph, the officer should move the first photograph so that it is out of sight and ask the witness whether he/she recognizes the next photograph.

N. The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the officer should remind the witness that he/she is required to show the rest of the photographs.

O. If the witness fails to make an identification, but asks to view the array a second time, the officer administering the identification should ask the witness if he/she was able to make an identification from the original viewing. If the witness is unable to make an identification, but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array

a second time. The order of the photographs should be shuffled before the array is shown for the second time. An array should not be shown more than twice.

P. If more than one witness is to view an array and a witness has already marked one of the photos, a separate unmarked array shall be used for each subsequent witness.

Q. If an independent officer is not available, the investigative officer shall follow the following procedures:

1. Place the suspect photo and filler photos in separate folders. Include four (4) blank folders that contain no photograph for a total of ten (10);

2. Shuffle the folders before giving them to the witness;

3. The officer administering the array should position himself or herself so that he or she cannot see inside the folders; and,

4. Allow the eyewitness to open the folders one at a time to view the single photograph.

R. At the time of the identification, the eyewitness should provide a statement in his/her own words indicating their level of confidence in the identification. **(KACP 17.11 E, 17.11G)**

S. The presentation/order of presentation must be documented. The witness who selects a photo as the suspect should sign and date the photo they have selected with a full signature and initial and date the other photos presented to them.

T. The time and date shall be recorded from the moment the witness begins to view the photographs until an identification is made. If no identification is made the beginning and end times of the entire procedure shall be documented.

U. The witness' selection of a photo that is not the suspect must be documented and included in any materials forwarded to the prosecutor who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such, it must be forwarded to the prosecutor.

V. All photographs, video and audio recordings, written warnings/instructions and statements made by witnesses, whether an identification is made or not, are evidence. As such, all materials related to the identification procedures and investigation will be properly documented and stored with appropriate chain of custody documentation in accordance with department policy and procedures related to storage of crime scene evidence. **(KACP 17.11 G)**

**1.7 SINGLE PHOTO VERIFICATION**. This process shall only be used where the witness is thoroughly familiar with the suspect and the officer/deputy is merely attempting to ensure that the witness and the officer/deputy are both referring to the same person.

**1.8 ATTORNEYS:**

A. A suspect does not have a right to counsel at a line-up, which is conducted before the suspect has reached a "critical stage" in the justice process. A critical stage is reached when the suspect is arraigned, indicted, or otherwise formally charged with a crime.

B. A suspect has the right to counsel at a line-up if the suspect has reached a critical stage in the justice process.

C. If the suspect has an attorney but has not yet reached a critical stage, officers should consider allowing the attorney's presence at the identification proceeding. The presence of an attorney undercuts later claims that the process was somehow suggestive with respect to the suspect.

D. In any case, where an attorney is present they serve only as a witness to ensure the fairness of the procedure.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

CASE #_____

**ASHLAND POLICE DEPARTMENT**

**Witness Instructions: Show-UP Identification Process**

1. You will be asked to view a single person.

2. The person that officers show you may or may not be the perpetrator of the crime.

3. It is just as important to exclude innocent persons from suspicion as it is to identify the person responsible for the crime.

4. You should not feel you have to make an identification. Take as much time as you need. If you do identify the person shown to you, I will note your exact words regarding your identification.

5. We will continue to investigate the incident irrespective of whether you make an identification.

6. If you make an identification of a suspect, indicate in your own words your level of confidence in your selection.

7. Since this is an ongoing investigation, you should not discuss this procedure or the results with anyone.

I, _____, hereby acknowledge that the above instructions have been read aloud to me and that I understand how this viewing will be administered.

_____ _____

Witness's Signature Officer's Signature / Badge #

_____

Date Time

CASE #_____

**ASHLAND POLICE DEPARTMENT**

**Witness Instructions: Photo Identification Process**

1. You will be asked to view a collection of photographs.

2. The person that officers suspect may or may not be present in the photographic array and the photos are not in any particular order.

3. The officer showing you the photographs does not know the identity of the suspected perpetrator.

4. It is just as important to exclude innocent persons from suspicion as it is to identify the person responsible for the crime.

5. You should not feel you have to make an identification. Take as much time as you need to look at each photograph. If you do identify someone, I will note your exact words regarding your identification.

6. Individuals presented in (these photographs) (the group) may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.

7. We will continue to investigate the incident irrespective of whether you make an identification.

8. After viewing all the photographs, if you can make an identification, please initial and date the photograph to indicate the person you have identified, and close the folder.

9. If you make an identification of a suspect, indicate in your own words your level of confidence in your selection.

10. Since this is an ongoing investigation, you should not discuss this photo array or the results with anyone.

I, _____, hereby acknowledge that the above instructions have been read aloud to me and that I understand how this photographic will be administered.

_____ _____

Witness's Signature Officer's Signature / Badge #

_____

Date Time

# Ashland Police Department
## GENERAL ORDER C-1

| SUBJECT: POLICE RADIO COMMUNICATIONS SYSTEM | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 | |
| Revision Date: 3NOV14 | Review Date: 3NOV16 | **REVISED** |
| Accreditation Standards KACP: KACP 17.8 | | |

**1.1 PURPOSE:** To provide members of the Ashland Police Department (APD) with an overview of the police radio system, establish a hostage alert plan, and list uniform radio signals, codes, and radio designators.

**1.2 SPECIAL CONSIDERATIONS**:

A. **Officer safety dictates that a radio transmission from a police field unit to the Regional Public Safety Communication Center (RPSCC) has priority over all other messages transmitted over the police radio system.**

B. **FEATURES:** Radio control consoles at the RPSCC have been equipped with features to aid police personnel in their daily tasks. Features such as simulcast, telephone patch, etc., are available for use.

C. **RESPONSIBILITY FOR TRAINING:** APD command officers ~~shall be~~ are responsible to instruct each member of their command in radio communications policies and procedures and how to use portable and mobile radios.

D. The term "dispatch" is to be used by field units to hail RPSCC.

E. The police radio system is for the exclusive use of police agencies as approved by the RPSCC Administrative Board.

F. General Order C - 1 serves as the Chief's authorization as required by KRS 432.570 for each sworn member of the APD to possess on their person or in a motor vehicle an FM transceiver equipped to receive and/or transmit on frequencies utilized by the APD.

G. **Plain text** will be used during normal radio communications. The Regional Public Safety Communications Center Board of Directors has agreed to use this as normal operating procedure. The Ashland Police Department, along with all member agencies has agreed to implement this form of radio communications as standard procedure. However, National Incident Management System (NIMS) requires all officers use plain text during a multi agency response to critical incidents. In the interest of officer safety the use of codes and signals are allowed under tactical or dangerous situations.

Plain text is to be professional in language. Officers will not use inappropriate descriptions. Examples of appropriate language are, “Clear or out for a meal break or clear or out for a personal break. Officers will be allowed to describe their home as Post 1 as a location in the interest of officer safety and security. Officers will not say alright or okay. Officers should use professional responses such as “I copy,” or “I am enroute” and/or affirmative. 10-4 is recognized internationally as an acknowledgement. Common sense should be the main thought in the text.

**1.3 SYSTEM DESIGN**:

A. The primary control point for the APD radio communications system is located in the RPSCC, 2041 Winchester Avenue, Ashland, Kentucky. **(KACP 17.8)**

B. Tower locations:

1. F-1 (Duplex, digital P25 ~~and analog~~) base station located on K.E.T. tower.

~~2. F-1A (Duplex) base station located at East Park currently out of service (channel 6 on portable radios).~~

2. F-2 (Duplex, digital P25 ~~analog~~) base station located on Reservoir Hill (Florida Drive).

3. F-3 (Duplex, digital P25 ~~analog~~) base station located on Bowling Drive.

4. F-4 Catlettsburg Tower (digital P25 ~~analog~~) – Radio Park Hill.

5. F-5 (Simplex) Receive only on Skyline Drive (digital P25 ~~analog~~) (Water Tower - Foothills Ct.)

6. F-7 (Simplex analog) ~~KLEEN~~ KY VMA (Kentucky VHF Mutual Aid) Statewide Interoperability Channel (Mobile and Portable-No Base Station from RPSCC, KSP Only)

C. Remote Base Stations:

1. Remote base stations with the same frequency capabilities as mobile radios are located in the following locations and will be identified as noted:

   a. Adam 1 - APD Information Center;
   b. Adam 12 – APD Field Operations Division Commander's Secretary.
   c. Adam 11 – APD Administrative Section Secretary

2. Remote base stations are for administrative or query radio traffic and normally should not be utilized for complaint assignment. Each request for police service should be routed through the RPSCC to ensure that each request for police service is recorded.

D. Channel Utilization

1. F-1-(Duplex): primary police dispatch channel.

~~2. F-1A (Duplex): assists F-1 in the South end of Boyd County~~

2. F-2-(Duplex): secondary police dispatch channel. Query and administrative channel for river corridor police units. Wide area unit to unit and tactical channel.

3. F-3-(Duplex): primary police dispatch channel for police units operating I-64 corridor and south. Query and administrative channel for I-64 corridor police units. Wide area unit to unit and tactical channel.

4. F-4- Catlettsburg Police Department primary police dispatch channel (Digital only, analog backup).

5. F-5 (Simplex): Query channel for police units. Administrative channel for police units. Narrow area unit to unit and tactical channel.

6. F-7 (Simplex): Kentucky VHF Mutual Aid (KY VMA). This channel to be utilized for police unit to unit emergency, coordination or tactical operations and for local or statewide emergencies. Kentucky State Police Posts control base station operations.

E. All issued APD mobile and portable radios are equipped with automatic number identification (ANI) in analog zones on the radios. Currently the new technology of P25 digital does not encode an ANI and is currently being researched on how to enable this function on the system. Each time a mobile or portable APD radio is keyed, a signal is transmitted to RPSCC which identifies the following: **(KACP 17.8)**

* Portable radio - officer's employee number; and

* Mobile/fixed radio – 3 digit vehicle ~~shop number~~ identifier or radio location.

1. All officers while in uniform on/off-duty will be equipped with a portable radio on their duty belt. The radio will be turned on to monitor radio traffic if needed while not in the car. The only exception will be during the course of judicial proceedings or formal interview and interrogation situations while in police headquarters.

2. All detectives while in uniform or dress clothes while on-duty will have a portable radio on their belt. The radio will be turned on to monitor radio traffic if needed while not in the car. The only exception will be during the course of judicial proceedings or formal interview and interrogation situations while in police headquarters.

3. The Ashland Police headquarters building telephone system allows for external audio to be channeled through the system for listening at all stations. Radio traffic from RPSCC will be available on the system. 24 hours daily.

**1.4 OFFICER IN DISTRESS ALERT:**

A. Purpose: The incidents of law enforcement officers in distress has increased. Prudent planning dictates that a standard officer in distress alert signal be devised for police personnel.

B. There are two methods that an APD officer may use to transmit an alert that he/she is in distress or is faced with a life hazard condition and is unable to use a radio or telephone in a normal manner:

1. **The preferred method for sounding an officer in distress alert** is through the use of the emergency radio alert tone. An officer in distress or involved in a critical incident where voice communication is not prudent should depress the emergency alert button on his/her portable radio. Activating the alert button on the officer's portable radio will transmit an alert tone to RPSCC over channel one regardless of the channel selected on the officer's radio. The officer's portable radio will automatically go into mute mode until the officer depresses the "push to talk" (PTT) button or resets the portable radio by turning the unit off and on again. **This current method is in analog mode only. The transition to complete digital networks will not allow this function to operate. Studies are underway to determine how this function can operate the same or similar for the digital network.**

2. **Both analog/digital use the word "thirteen**" prior to a radio designator is the secondary method for sounding an officer in distress alert. A police officer who is in distress or is faced with a life hazard incident and is unable to communicate in clear text should do the following. The officer should depress the PTT button, wait for the radio to key up, and use the word "thirteen" before his/her radio designator and give a location, if possible, followed by a general statement. The word "thirteen" prior to a radio designator is an alert to the RPSCC dispatchers that an officer is either in distress or is faced with a life hazard condition. After transmitting the "thirteen" alert, the officer should turn off the radio and switch to channel five. **This process can be used in analog and digital mode and requires no technology to complete.**

   Examples of "thirteen" alert:

   * 13-Bravo 71 dispatch, clear from the alarm at 16th Street and Winchester;

   * 13-Bravo 70 dispatch, I'll be in my office on paperwork.

C. **Responsibilities for response**:

When an officer distress alert is received by RPSCC, the dispatcher shall immediately transmit emergency tones over all law enforcement frequencies and then clear law enforcement channel F-1 of all other traffic. The field operations watch commander shall be notified (wait for Bravo 52 to acknowledge call up) Bravo 52, thirteen [radio identifier of on-duty officer or employee number of off-duty officer transmitting alert], 10-35 code 3. This message alerts the watch commander that a specific police officer is in distress or is facing a life hazard situation. The on-duty field operations watch commander shall manage the police response.

**1.5 UNIFORM SIGNAL AND CODE SYSTEM**:

A. Dispatchers are to advise responding units of location, complaint type, and other detailed information

to include hazards, and cross street location when dispatching calls for service. **Plain text/language will be used to communicate. (KACP 17.8)**

Officers determine the appropriate response code based on information given to include the nature of the call, the officer's knowledge of his/her beat and current road conditions, persons involved etc. Responding officers shall clearly state to the dispatcher on the radio anytime they will be using a code three response. Officers shall also state the location they will be responding from when using code three response, or when responding code two and the information is needed such as when responding from a distant location. Supervisors shall monitor radio traffic and will alter the officers intended response code by upgrading or downgrading the response when appropriate.

Guidelines for emergency operation of police vehicles and descriptions of response codes is found in APD general order B-6.

Code 3 emergency operation (lights and sirens) of a police vehicle is authorized only in response to a situation or occurrence that threatens public safety or property, and has developed suddenly and/ or unexpectedly, and demands immediate action and response. Code 3 response shall only be used when the need for urgent response outweighs the risk of the emergency response.

The code system is also used to alert officers of safety issues that should not be known to those who are listening or anyone in close proximity of the officer. (See attachment A.)

B. The signal system shall be used to classify the crime or request for service in the computer-aided dispatching system. Plain text will be used to communicate to field units the nature of a crime or type of request for service. (See attachment B.)

C. It is acceptable that some 10 codes shall be used by field units to advise status and a method for dispatchers to inquire of officer's status or to alert an officer of certain information in the interest of safety. The remaining associated plain text will be used instead of the codes. (See attachment C.)

D. Radio designators are established for ease and clarity of contact with specific field units. (See attachment D.)

*NOTICE:* This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

_____

Robert W. Ratliff, Chief of Police

## RESPONSE CODES

Code 1 At your convenience (non-emergency), proceed in normal manner

Code 2 As soon as possible (non-emergency), proceed with deliberate haste, obey traffic laws, be careful, but go directly to destination.

Code 3 Emergency Response authorized (beacons, sirens, if necessary)

Code 4 No further assistance needed, authority __.

Code 5 No other units available (for assist)

Code 6 The person or vehicle you queried is WANTED

Code 30 Health alert at (specify address/location).

Transmit Code 30 message on secure net is preferred.
Do not mention an individual's name unless it is necessary to protect an employee.
Give authority source, i.e., CAD hazard alert, paramedics, etc.

Code 50 DO NOT TRANSMIT on FM radio equipment, explosive device or bomb threat (SPECIFY restricted area)

Code 60 Possible ambush

Code 200 Possible fatality/dead person.

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority |
|---|---|---|
| **01** | **HOMICIDE** | |
| 01Z | Follow-Up Investigation | 3 |
| **02** | **RAPE** | |
| 02A | Suspect Fled | 1 |
| 02B | 1-8 hrs | 2 |
| 02C | over 8 hrs | 2 |
| 02X | In Progress | 1 |
| 02Z | Follow-Up Investigation | 3 |
| **03** | **ROBBERY** | |
| 03A | Suspect Fled | 1 |
| 03B | 1-8 hrs | 2 |
| 03C | over 8 hrs | 2 |
| 03X | In Progress | 1 |
| 03Z | Follow-Up Investigation | 3 |
| **04** | **FELONY ASSAULT** | |
| 04A | Suspect Fled | 1 |
| 04B | 1-8 hrs | 2 |
| 04C | over 8hrs | 2 |
| 04X | In Progress | 1 |
| 04Z | Follow-Up Investigation | 3 |
| **05** | **BURGLARY** | |
| 05A | Suspect Fled | 1 |
| 05B | 1-8 hrs | 2 |
| 05C | over 8 hrs | 2 |
| 05X | In Progress | 1 |
| 05Z | Follow-Up Investigation | 3 |
| **06** | **LARCENY/THEFT** | |
| 06A | Suspect Fled | 1 |
| 06B | 1-8 hrs | 2 |
| 06C | Over 8 Hours | 3 |
| 06E | Shoplifter | 2 |
| 06R | Receive Stolen Property | 2 |
| 06X | In progress | 1 |
| 06Z | Follow-Up Investigation | 3 |
| **07** | **MOTOR VEHICLE THEFT** | |
| 07A | Suspect Fled | 1 |
| 07B | 1-8 hrs | 2 |
| 07C | over 8 hrs | 2 |
| 07D | Unauthorized Use of Motor Vehicle | 2 |
| 07R | Vehicle Theft Recovery | 2 |
| 07X | In Progress | 1 |
| 07Z | Follow-Up Investigations | 3 |
| **08** | **ARSON** | |
| 08Z | Follow-Up Investigation | 3 |
| **09** | **ASSAULT** | |
| 09A | Suspect Fled | 1 |
| 09B | 1-8 hrs | 2 |
| 09C | Over 8 Hours | 3 |
| 09D | Injury | 2 |
| 09X | In Progress | 1 |
| 09Z | Follow-Up Investigation | 3 |
| **10** | **FORGERY/COUNTER-FEITING** | |
| 10A | Suspect Fled | 2 |
| 10B | 1-8 hrs | 2 |
| 10C | Over 8 Hours | 3 |
| 10X | In Progress | 1 |
| 10Z | Follow-Up Investigation | 3 |
| **11** | **FRAUD** | |
| 11A | Suspect Fled | 2 |
| 11B | 1-8 hrs | 2 |
| 11C | Over 8 Hours | 3 |
| 11X | In Progress | 3 |
| 11Z | Follow-Up Investigation | 3 |
| **12** | **EMBEZZLEMENT** | |
| 12Z | Follow-Up Investigation | 3 |
| **14** | **Criminal Mischief** | |
| 14A | Suspect Fled | 2 |
| 14B | 1-8 hrs | 2 |
| **15** | **WEAPON VIOLATION** | |
| 15A | Suspect Fled | 1 |
| 15D | Selling | 2 |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority |
|---|---|---|
| 14C | Over 8 Hours | 3 |
| 14X | In Progress | 1 |
| 14Z | Follow-Up Investigation | 3 |
| **17** | **SEX OFFENSES (OTHER THAN RAPE)** | |
| 17A | Suspect Fled | 2 |
| 17B | 1-8 hrs | 2 |
| 17C | over 8 hrs | 2 |
| 17X | In Progress | 1 |
| 17Z | Follow-Up Investigation | 3 |
| **19** | **GAMBLING** | |
| 19X | In Progress | 2 |
| 19Z | Follow-Up Investigation | 3 |
| **21** | **DRIVING UNDER THE INFLUENCE** | |
| 21A | DUI Arrest | 2 |
| 21X | In Progress | 1 |
| 21Z | Follow-Up Investigations | 3 |
| **23** | **DRUNKENNESS** | |
| 23A | Suspect Fled | 2 |
| 23X | Drunkenness-In Progress | 2 |
| 23Z | Follow-Up Investigation | 3 |
| **25** | **VAGRANCY (PERSONS OVER 18)** | |
| 25A | Vagrancy – Soliciting | 3 |
| 25B | Vagrancy – Begging | 3 |
| 25C | Vagrancy – Loitering | 3 |
| 25X | Vagrancy- In Progress | 2 |
| 25Z | Follow-Up Investigation | 3 |

| Code | Description | Priority |
|---|---|---|
| 15X | Discharging | 1 |
| 15Z | Follow-Up Investigation | 3 |
| **18** | **DRUG VIOLATIONS** | |
| 18A | In Possession | 1 |
| 18B | Selling | 2 |
| 18C | Buying | 2 |
| 18H | Manufacturing | 2 |
| 18I | Drug Investigation | 3 |
| 18X | Under Influence | 1 |
| 18Z | Follow-Up Investigation | 3 |
| **20** | **OFFENSES AGAINST FAMILY AND CHILDREN** | |
| 20A | Suspect Fled | 1 |
| 20C | Child Abuse After 24 Hours | 1 |
| 20D | Spouse Abuse | 1 |
| 20F | Family Trouble | 2 |
| 20I | Custody Dispute | 2 |
| 20J | Neglect | 2 |
| 20L | Verbal | 2 |
| 20X | In Progress | 1 |
| 20Z | Follow-Up Investigation | 3 |
| **22** | **LIQUOR LAWS** | |
| 22A | Liquor Law-Juvenile | 2 |
| 22X | Liquor Law Violation in Progress | 1 |
| 22Z | Follow-Up Investigation | 3 |
| **24** | **DISORDERLY CONDUCT** | |
| 24A | Suspect Fled | 2 |
| 24B | Fight-Weapon Involved | 1 |
| 24D | 1-8 hrs | 2 |
| 24E | Fight Over 8 Hours | 3 |
| 24G | Harassment | 2 |
| 24X | In Progress | 1 |
| 24Z | Follow-Up Investigation | 3 |
| **26** | **ALL OTHER** | |
| 26A | Animal Complaint | 2 |
| 26B | Bomb Threat-Use 60B | 2 |
| 26C | Contributing to a Juvenile | 2 |
| 26E | Explosives-In Progress | 1 |
| 26F | Flood Plain Maintenance | 3 |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority |
|---|---|---|
| 26G | Contempt of Court | 2 |
| 26H | Smoking Ordinance Violation | 3 |
| 26I | Intimidating a Witness | 2 |
| 26J | Juvenile All Other | 3 |
| 26K | Kidnapping/Abduction | 1 |
| 26L | Littering | 2 |
| 26M | Missing Juvenile | 2 |
| 26N | Nuisance | 2 |
| 260 | Non-Criminal Property damage | 2 |
| 26P | Property Dispute | 2 |
| 26Q | Missing Over 18yoa | 2 |
| 26S | Suicide – Threats/Attempt | 1 |
| 26T | Trespassing | 2 |
| 26U | Unattended Death | 2 |
| 26Y | All Other – Specify | 2 |
| 26Z | Follow-Up Investigation | 3 |
| **27** | **SUSPICION** | |
| 27A | Person | 2 |
| 27B | Vehicle | 2 |
| 27C | Noise | 2 |
| 27D | Suspicious Circumstances 1-8 Hours | 2 |
| 27E | Over 8 Hours | 3 |
| 27X | In Progress | 1 |
| 27Z | Follow-Up Investigation | 3 |
| **29** | **RUNAWAY** | |
| 29A | 1-8 Hours | 2 |
| 29B | Over 8 Hours | 2 |
| 29X | Juvenile Runaway | 1 |
| 29Z | Follow-Up Investigation | 3 |
| **30** | **ALARM** | |
| 30A | Burglary Residential | 2 |
| 30B | Burglary-Business | 2 |
| 30C | Alarm – Car | 2 |
| 30M | Medical-Use 82A | 2 |
| 30P | Panic | 2 |
| 30R | Alarm/Robbery | 1 |
| 30U | Unknown Type of alarm | 2 |
| 30Z | Follow-Up Investigation | 3 |
| **31** | **ACCIDENT WITH NO INJURY** | |
| 31A | No Injury | 2 |
| 31B | No injury-Road Clear | 2 |
| 31C | Over 8 Hours | 2 |
| 31E | Private Property | 2 |
| 31H | Hit and Run | 2 |
| 31I | Insurance Report | 3 |
| 31Z | Follow-Up Investigation | 3 |
| **32** | **ACCIDENT WITH INJURY** | |
| 32A | Accident-Injury | 1 |
| 32B | Accident-Injury-Road Clear | 1 |
| 32C | Over 8 Hours | 2 |
| 32H | Hit and Run | 1 |
| 32Z | Follow-Up Investigation | 3 |
| **33** | **TRAFFIC CONGESTION** | |
| 33A | Abandoned Vehicle | 3 |
| 33B | Construction | 2 |
| 33C | Obstruction | 2 |
| 33E | Signal Out | 2 |
| 33F | Fire | 2 |
| 33G | Special Event | 2 |
| 33H | Hazmat | 2 |
| 33Z | Follow-Up Investigation | 3 |
| **34** | **SERVICE CALLS** | |
| 34A | Assistance: Emergency | 1 |
| **36** | **PREVENTION & PUBLIC RELATIONS** | |
| 36A | Community Presentation | 3 |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority |
|---|---|---|
| 34B | Assistance: Non-Emergency | 2 |
| 34C | Check Welfare | 2 |
| 34D | Death Message | 2 |
| 34E | Disabled Motor Vehicle Road Blocked | 2 |
| 34G | Disabled Motor Vehicle Road Open | 3 |
| 34L | Keys in Vehicle | 3 |
| 34M | Attempt to Locate | 2 |
| 34O | Property Lost and Found | 2 |
| 34P | Residence Check: Open | 3 |
| 34Q | School Zone Detail | 2 |
| 34R | Sewer Damage | 3 |
| 34RC | Residence Recheck | 3 |
| 34S | Water Damage | 3 |
| 34T | Tenant Dispute | 2 |
| 34V | Vehicle Inspection | 3 |
| **38** | **TRAINING** | |
| 38B | In-Service | 3 |
| 38C | Quarterly | 3 |
| 38D | Firing Range | 3 |
| 38E | Other | 3 |
| 38G | Weekly PT | 3 |
| **40** | **MISCELLANEOUS** | |
| 40A | Administrative Time | 3 |
| 40B | Equipment Maintenance | 3 |
| 40C | Meal | 3 |
| 40D | Traffic Detail | 3 |
| 40E | Parking Violation | 2 |
| 40K | Traffic Violations | 2 |
| 40P | Pawn Shop Detail | 2 |
| 40R | Road Rage | 2 |
| 40Z | Follow-Up Investigation | 3 |
| 40T | Traffic Complaint | 2 |
| **50** | **EMERGENCY MANAGEMENT** | |
| 50A | EM – Drowning | 1 |
| 50B | EM – River/Fuel Spill | 1 |
| 50C | EM – River/Oil Spill | 1 |
| 50D | EM – River/Vessel Involved | 1 |
| 51A | EM – Flooding | 1 |
| 51B | EM – Snow Storm | 1 |
| 51C | EM – Land/Mud Slide | 1 |

| Code | Description | Priority |
|---|---|---|
| 36B | Drug Abuse Resistance Education | 3 |
| 36D | Foot Patrol | 3 |
| 36E | Neighborhood Watch Group Meeting | 3 |
| 36G | Premise Inspection | 3 |
| 36H | Homeland Security Patrol | 3 |
| 36J | School Program | 3 |
| 36K | Special Patrol | 3 |
| 36L | Surveillance | 3 |
| 36S | SRO Program | 3 |
| 36T | Security-Off Duty | 3 |
| **39** | **COURT** | |
| 39A | Administrative Hearing | 3 |
| 39B | Circuit Court | 3 |
| 39C | District Court | 3 |
| 39D | Federal Court | 3 |
| 39E | Juvenile Court | 3 |
| 39F | U.S. Attorney | 3 |
| 39G | County Attorney | 3 |
| 39H | Commonwealth Attorney | 3 |
| 39I | Grand Jury | 3 |
| **41** | **ESCORTS** | |
| 41D | Money Deposit | 2 |
| 41E | Oversize Load | 2 |
| 41H | Stand-By Assure Peace: | 2 |
| 41N | Transport Prisoner | 2 |
| **60** | **FIRE MANAGEMENT** | |
| 60A | Fire Alarm | 1 |
| 60AC | Fire Alarm | 1 |
| 60B | Fire – Bomb Threat | 1 |
| 65B | Fire – Brush Fire | 1 |
| 65E | Fire – Electrical | 1 |
| 65EL | Utility Line Transformer | 2 |
| 65F | Fire – Unknown Smoke/Area | 1 |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority |
|---|---|---|
| 51D | EM – Tornados | 1 |
| 51E | Weather/Public Assist | 2 |
| 52A | EM – Hazmat Fuel Spill | 1 |
| 52B | EM – Hazmat Chemical Spill | 1 |
| 53A | EM – Industrial Explosion | 1 |
| 53B | EM – Industrial Release | 1 |
| 53C | EM – Industrial Exposure | 1 |
| 53D | EM – Industrial Fire | 1 |
| 54A | Unknown Fallout | 1 |
| 54B | EM – Strange Odors | 1 |
| 54C | EM – Unknown Contamination | 1 |
| 54D | EM – Hazardous Dumping | 1 |
| 53E | EM- Administrative | 3 |

| | | |
|---|---|---|
| **77** | **PAPER** | |
| 77C | Subpoena | 3 |
| 77D | Summons | 3 |
| 77E | Tax Notice | 3 |
| 77H | Warrant | 3 |
| 77I | Courier Service | 3 |
| 77K | Domestic Violence Order | 2 |

| Code | Description | Priority |
|---|---|---|
| 65H | Fire – Hazmat | 1 |
| 65R | Fire – Rekindle | 1 |
| 65S | Fire – Structure | 1 |
| 65SC | Fire – Structure | 1 |
| 65T | Fire – Trash/Dump | 1 |
| 65V | Fire – Vehicle | 1 |
| 65Z | Follow-Up Investigation | 3 |
| 66A | Fire – Accident | 1 |
| 66F | Fire – Fuel Spill/Leak | 1 |
| 66J | Fire – Jaws | 1 |
| 67E | Fire Escort | 3 |
| 67H | Fire – Helicopter Landing | 3 |
| 67L | Residential Lockout | 2 |
| 67P | Public Assist | 2 |
| 67R | Fire – Rescue | 1 |
| 68I | Fire – Inspection | 3 |
| 68M | Fire – Mutual Aid | 1 |
| 68T | Training | 3 |

| | | |
|---|---|---|
| **80** | **ASSIST EMERGENCY MEDICAL SERVICE CALL** | |
| 80A | EMS – Vehicle Accident | 1 |
| 80M | Fall | 1 |
| 81A | Cardiac Arrest | 1 |
| 81C | EMS – Chest Pain | 1 |
| 81M | Heart Attack/Stroke | 1 |
| 82A | EMS – Medical Alarm | 1 |
| 82C | EMS – Choking | 1 |
| 82D | EMS – Diabetic Problem | 1 |
| 82M | O.B. | 1 |
| 83M | Unconscious Person | 1 |
| 83U | EMS – Unresponsive | 1 |
| 84L | EMS – Lifting Assistance | 1 |
| 84M | Medical Emergency | 1 |
| 84MR | EMS – Medication Reaction | 1 |
| 84O | EMS – Accidental OD/Poisoning | 1 |
| 84P | EMS – Psych Patient | 1 |
| 84S | EMS – Suicide/Attempt | 1 |
| 84T | Emergency Transfer | 1 |
| 84U | EMS – Unknown | 1 |
| 85M | Seizure | 1 |
| 86M | Nauseous/Vomiting | 2 |
| 87M | Stomach Pain | 1 |
| 88M | Shortness of Breath | 1 |
| 89M | Burn | 1 |
| 84F | EMS-Flu Symptoms | 1 |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| Code | Description | Priority | Code | Description | Priority |
|---|---|---|---|---|---|
| **99** | **OFFICER NEEDS HELP** | 1 | | | |

**10 SERIES**
**RADIO LANGUAGE/ASSOCIATED PLAIN TEXT**

| | |
|---|---|
| | Receiving Poorly |
| | Receiving Clearly |
| | Radio Trouble |
| 10-4 | Acknowledgment - clear on your message (Nationally recognized) |
| | Relay of message |
| | On-scene or Busy - stand by unless urgent |
| | Out of Service (Specify location) |
| | Clear, in service |
| | Repeat Radio Traffic |
| | Out of Service, subject to call (Specify location) |
| | Enroute To (Specify location) |
| 10-12 | Person(s) in Close Proximity |
| 10-15 | Have Prisoner |
| | Ambulance Requested (Specify location) |
| | Fire Department Requested (Specify location, type) |
| | Police Requested (Specify location) |
| | Watch Change |
| | What is your location? |
| | Personal relief or break |
| | Call Waiting - Stacked Call |
| 10-28 | Query Computer LINK/DMV on (Vehicle or Person) |
| 10-29 | Query for Stolen/Wants (Person, Vehicle or Article) |
| | Unnecessary/Unauthorized Radio Traffic |
| | Meet a person at (Specify location) |
| | Call a person at (Specify location or telephone number) |
| | Correct Time |
| | Call your residence |
| | Out for meal |
| | Coroner Requested (Specify location) |
| Tow Truck needed | |

## RADIO DESIGNATORS AND PAGER NUMBERS

| RADIO DESIGNATOR | |
|---|---|
| 10 | Chief – **(Ratliff)** |
| 11 | Technical Services Division Commander – Major **(Kelley)** |
| Adam 11 | Administration Section – Administration Assistant **(Sherman)** |
| 12 | Field Operations Division Commander – Major **(McDowell)** |
| Adam 12 | Field Operations Division – Secretary II **(Litteral)** |
| 40 | Support Services Section – Sergeant **(Conley)** |
| 41 | Support Services Section – Report Review/Court Liaison Officer **(Harrison)** |
| 42 | Support Services Section – Crime Prevention/DARE Officer **(Simpson)** |
| 43 | Support Services Section – SRO Officer **(Church)** |
| 45 | Support Services Section – Property Officer **(Jordan)** |
| 25 | Support Services Section – PSO |
| 26 | Support Services Section – PSO |
| 27 | Support Services Section – PSO **(Barber)** |
| Adam 1 | Information Center – **(Support)** |
| Alpha 51 | Field Operations Watch Commander – Lieutenant **(Hensley)** |
| Bravo 52 | Field Operations Watch Commander – Lieutenant **(Bare)** |
| Charlie 53 | Field Operations Watch Commander – Lieutenant **(Sexton)** |
| Delta 54 | Field Operations Watch Commander – Lieutenant **(Crawford)** |
| Alpha 61 | Field Operations – Sergeant **(Wessel)** |
| Bravo 62 | Field Operations – Sergeant **(Renfroe)** |
| Charlie 63 | Field Operations – Sergeant **(Dooley)** |
| Delta 64 | Field Operations – Sergeant **(Moore)** |
| 71-79 | Prefix Alpha, Bravo, Charlie, Delta to be used with identifier to identify watch teams and beats. (Ex. Alpha Seventy-one) |
| 80 | Prefix Alpha, Bravo, Charlie, Delta to be used with identifier to identify watch teams and beats. (Ex. Alpha Eighty) |
| 81-89 | Prefix SAM with identifier to identify unit. This series is used for traffic grant, bike patrol and special event activities. (Ex. Sam Eighty-one) |

***When an officer from other than the on-duty watch is working, the officer shall add his/her watch number as a third number to the beat or district number for his/her radio designator. Example: 741 indicates beat 74, watch 1.***

| | |
|---|---|
| 11 | Collision Reconstructionalist – Major **(Kelley)** |
| 1130 | Collision Reconstructionalist – Officer **(Floyd)** |
| 40 | Collision Reconstructionalist – Sergeant **(Conley)** |
| 93 | Collision Reconstructionalist – Officer **(Bohanon)** |
| 1195 | Collision Reconstructionalist – Officer **(J. Helms)** |
| 90 | Criminal Investigations Section – Lieutenant **(Wilson)** |
| 91 | Criminal Investigations Section – Officer **(Bohanon)** |
| 92 | Criminal Investigations Section – Officer |
| 93 | Criminal Investigations Section – Officer **(Clark)** |
| 94 | Criminal Investigations Section – Officer **(G. Patrick)** |
| C-1 | Chaplain Coordinator – **(Kloha)** |
| C-4 | Chaplain – **(Nolen)** |
| C-5 | Chaplain – **(Gute)** |
| C-6 | Chaplain – **(Nicholson)** |
| J-1 | Boyd County Jailer **(Joe Burchett)** |
| 901 | Boyd County Coroner **(Mark Hammond)** |

| | |
|---|---|
| 902 | Boyd County Deputy Coroner **(Dr. Ralph Beadle)** |
| 903 | Boyd County Deputy Coroner **(Chris Stewart)** |
| 904 | Boyd County Deputy Coroner |
| 905 | Boyd County Deputy Coroner **(Dr. Greg Spears)** |
| 906 | Boyd County Deputy Coroner **(Howard Rose)** |

**Regional Public Safety Communications Center (RPSCC)**

| RADIO DESIGNATOR | |
|---|---|
| 801 | Director **(Ott)** |
| 802 | Deputy Director **(Saunders)** |
| 807 | Administrative Assistant **(Fairchild)** |
| 803 | Senior Dispatcher **(Morgan)** |
| 804 | Dispatcher **(Manning)** |
| 805 | Dispatcher **(Porter)** |
| 806 | Dispatcher **(Adkins)** |
| 808 | Dispatcher **(Penick)** |
| 809 | Dispatcher **(Kitts)** |
| 810 | Senior Dispatcher **(Poynor)** |
| 811 | Senior Dispatcher **(Kearns)** |
| 812 | Dispatcher **(Endicott)** |
| 813 | Dispatcher **(Caudill)** |
| 814 | Dispatcher **(French)** |
| 800 | Mobile Command |

The following have been authorized to install police frequency 5 in their radios for use in ***Critical Management incidents within the city of Ashland:***

| | |
|---|---|
| Car 10 | Ashland Fire Chief |
| Car 11 | Ashland Assistant Fire Chief |
| 607 | Public Services Director |
| 614 | Assistant Public Services Director |
| 613 | City of Ashland Feet Manager |
| 700 | Safety/Risk Manager |
| EASI 1, MED 1/8 | Boyd Ambulance Units |

Probation and Parole units have access to law frequencies for use during emergencies only. All identifiers will begin with "Probation" followed by the badge number. The names and badge numbers of those officers working out of the Catlettsburg office follows:

| | |
|---|---|
| 831 | Biggs, Allison (Supervisor) |
| 814 | Binghan, Candy |
| 815 | Boggs, David "Trent" |
| 107 | Buskirk, James "Tuck" |
| 612 | Howard, James |
| 816 | Eldridge, Jonathan |
| 734 | Slone, Billy |
| 736 | Smith, Rod |
| 916 | Spillman, Gary |
| 896 | Wallin, Justin |
| A004 | Thompson, Susan (Administrative Supervisor) |

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER C - 2

| SUBJECT: DAILY BULLETIN (DB) | | |
|---|---|---|
| Date of Issue: 25MAR85 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVISED** |
| Accreditation Standards: KACP 5.1, 17.1 | | |

**1.1 PURPOSE:** To provide a mechanism for the timely and accurate dissemination of pertinent information to members of the Ashland Police Department and other approved police agencies. **(KACP 5.1, 17.1)**

**1.2 RESPONSIBILITY FOR PREPARATION** and **DISTRIBUTION**: The exclusive authority to distribute the daily bulletin outside the Ashland Police Department shall rest with the Technical Services Division commander. This is a confidential document intended for the exclusive use of Ashland police officers.

A. The support services/records section shall be responsible for the preparation and distribution of the daily bulletin.

B. The daily bulletin shall be prepared during the day shift of the support services/records section so information may be disseminated at roll calls.

The preparer may include any information experience indicates should be included.

C. The daily bulletin will be distributed electronically and/or by hard copy as follows:

D. A redacted/sanitized version of the electronic daily bulletin will be emailed to authorized city staff and media outlets.

| LOCATION | METHOD OF DISTRIBUTION |
|---|---|
| Field Operations Division Platoon Commander office for roll call | Electronic ~~*and* hard copy~~ |
| Chief of Police/Administration Section | Electronic |
| Field Operations Division Commander | Electronic |
| Technical Services Division Commander/CIS | Electronic |
| Support Services/Records Section file | Electronic |
| Report Review Officer | Electronic |
| DARE/School Resource Officers | Electronic |
| Property Officer | Electronic |
| ~~RPSCC~~ | ~~FAX~~ |
| City Manager (Sanitized) | Electronic |
| Media Upon Request (Sanitized) | Electronic ~~Fax~~ |

**1.3 PREPARATION OF THE DAILY BULLETIN**

A. The heading on the first page of the bulletin shall identify the Ashland Police Department on the first line and the words "DAILY BULLETIN" on the second line. The third line will list the date the bulletin was prepared. This will be on the top left corner.

B. Directly below items A and B, the following information shall appear. In capital letters, underlined, the word CONFIDENTIAL and on the next line RESTRICTED INFORMATION FOR MEMBERS OF THE ASHLAND POLICE DEPARTMENT. The next line will contain the words LEAD INFORMATION PURPOSES ONLY.

**1.4 FORMAT**

A. Crimes reported - all crimes and attempts committed in the previous 24 hours are listed here and should contain brief narrative ~~of events~~ from the KYOPS synopsis, m.o. suspects, etc.

B. Updated information - narrative can be printed here from supplement reports.

C. Wanted persons - all new warrants received by the APD should be listed here for three (3) days showing full name, address, complete description, hazards, photo if needed and available, and where warrant is being held. The APD wanted poster can be utilized if necessary. A sample is attached to this general order.

D. Cancel wanted - subject should be listed when warrant is served.

E. Arrests/Cited - list all custodial arrests made since last bulletin. Include charge, description of person arrested, IC#, location of arrest, and arresting officer. Cited persons will be listed appropriately.

F. Missing Persons – List all missing persons until returned or located.

G. Local stolen vehicles - stolen vehicles reported to the APD should be listed for thirty (30) days. Information should include location and date of theft. Vehicle data should be listed by color, year of manufacture, make, body style, license, serial number (CYMBLS) format.

H. Cancel stolen vehicles - list all vehicles recovered that have previously been listed in section D.

I. Requests for patrol - special requests for patrol ~~other than traffic requests~~ will be ~~distributed~~ approved by a ~~division commander~~ command officer. List special requests for three (3) days unless directed otherwise by a division commander or chief.

J. Subpoena list - all officers will be listed that have a subpoena on file. The list will show the officer's name, date the subpoena was received by support services/records, and the court date. The name will remain on the list until the subpoena is served on the officer.

K. Crime alerts - this will include latest information received on current crimes from other jurisdictions.

L. Crime trends - this section can be utilized by the department's analysis officer or the officer(s) preparing the bulletin who see a pattern of events that should be passed on to other officers. Placement of crime maps, other data can be attached here also.

M. Administrative notes - this section can be used to pass on administrative notes such as notification of flu shots and distribution of W-2 forms. Administrative notes must be approved by a command officer prior to being placed on bulletin unless the topic originated

from the City of Ashland Human Resource Department, Finance Department or City Manager's Office.

N. Personal employee notes - this section is to be used to report information about current or retired members or their families. Use this space to report births, retirements, deaths, etc. This space is to share information. Personal employee notes must be approved by a command officer prior to being placed on bulletin.

O. Attachments - all items attached to the bulletin should be listed here. Officer safety issues, Officer Down Memorial information, and any information relevant to the duties of the Police Department. Residential checks printout will be ~~attached only to the platoon commander's copy~~ sent with the daily bulletin. Any attachment other than a legitimate law enforcement related topic or a topic originating from official City of Ashland correspondence as outlined in section 1.4 L of this order must be approved by a command officer prior to being distributed with bulletin.

P. Bulletin prepared by - the name of the person preparing the bulletin is listed here.

Q. Distribution list - index where all copies are distributed.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# W A N T E D

## ASHLAND, KENTUCKY, POLICE DEPARTMENT

*(Affix photograph here)*

Name:_____ Alias(es):_____

Sex: _____ DOB: _____ SSN: _____ Race: _____

Height: _____Weight: _____ Build: _____ Hair: _____ Eyes: _____

Scars/marks/tattoos: _____

Occupation(s): _____

Remarks: _____

_____

Offense: _____ Location/Date of Warrant: _____

**Ashland Police Department**
**P. O. Box 1864**
**Ashland, Kentucky 41105-1864**
**Phone (606) 327-2020**
**Fax (606) 324-5500**

_____
Supervisor - Approved

Entered: LINK ( ) NCIC ( )

C-3 was deleted/vacated for future use. The department does not process emergency calls for service. GO A-3, 1.6, A,  states how to transfer emergency calls for service.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER C - 4

| SUBJECT: COMPUTER NETWORK ACCESS AND USAGE | | |
|---|---|---|
| Date of Issue: 24OCT96 | Effective Date: 01NOV15 | |
| Revision Date: 15OCT15 | Review Date: 15OCT17 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To establish a uniform procedure for access and usage of computer systems of the Ashland Police Department (APD), including, but not limited to, issued notebook computers, software and related peripherals. Mobile data terminals are covered under separate order (C-5).

**1.2 DISCUSSION:** The policy presented here applies to all computer systems of the APD, regardless of their operating system or manufacturer.

**1.3 DEFINITIONS:**

**ACCOUNT-** a unique user name and password identifying a specific user and giving that user specific access privileges.

**APD SYSTEM** - all city of Ashland owned computers and peripheral devices, and all software operated on a machine owned by the city of Ashland.

**USER** - any person utilizing resources on APD facilities.

**1.4 SOURCES:** The following institutions' computer usage policies were consulted in the preparation of this document: Cornell University; Caltech; Hoover High School, San Diego, CA; Louisiana State University; Marshall University; Purdue University; University of California at Berkley; University of Hawaii; and the University of Toledo**.**

**2.0 ADVISORY:** The APD makes available to its staff computing facilities consisting of hardware, software, and documentation. The use and operation of these facilities is subject to the following advisory.

Every effort is made by the APD Support Services/Records Section supervisor or his designee to prevent loss of data in the event of hardware or software failure or through human error. Because there are cases outside the control of the Support Services/Records Section supervisor or his designee, the Support Services/Records Section supervisor or his designee cannot be held liable for any loss of data arising directly or indirectly from the failure of hardware or software, or from human error.

**3.0 AUTHORIZED USE:** Only properly authorized persons may access APD facilities; proper authorization is provided to APD members in the form of an account issued in the name of the authorized person.

A. With the exception of access to data made available via information, distribution, and retrieval methods such as the World Wide Web, a user may not permit any other person, including other authorized users, to access APD facilities through his or her account. Should a user elect to allow access via the World Wide Web or

similar methods, all such access is subject to 4.0(A) below.

B. No software of an obscene, vulgar or pornographic nature will be allowed without the expressed permission of the officer's immediate supervisor. This authorization shall be for criminal investigative purposes only. (ICAC investigations).

C. Officers may install department issued or approved peripheral devices that are externally attached to serial, parallel, universal serial bus *USB, PCMCIA, keyboard or mouse port. Under no circumstances will any device be permitted which is user installed or attached to the internal portion of the computer.

D. No officer shall perform or have performed any maintenance or repair without the expressed authorization of the Support Services/Records Section supervisor or his/her designee.

**4.0 USER RIGHTS AND RESPONSIBILITIES:** A user of the APD computer network has the following rights and responsibilities.

A. Each user is responsible for all activity initiated in or on APD facilities by his/her account.

B. Each user is responsible for selecting a secure password for his/her account and for keeping that password secure. Passwords should not be written down, stored on line, or given to others.

C. Each user is responsible for immediately reporting any system security violation, or suspected system security violation to his/her supervisor who shall immediately notify the Support Services/Records Section supervisor or his designee.

D. Most APD facilities are made available on an unmonitored basis. It is the responsibility of each user to act in such a manner as to not cause damage to the physical equipment. Accidental damage, or damage caused by other parties, shall be reported to the Support Services/Records Section supervisor or his designee immediately so corrective action can be taken.

E. Above all, users of the APD facilities are responsible at all times for using them in a manner that is ethical, legal, and not to the detriment of others.

**5.0 SUPPORT SERVICES/RECORDS SECTION RIGHTS AND RESPONSIBILITIES:** The Support Services/Records Section supervisor or his designee generally may do whatever is necessary to maintain effective operation of the APD facilities, including notebook computers.

A. In the normal course of examining and repairing system problems, and when investigating instances of improper use of APD facilities, the Support Services/Records Section supervisor or his designee may need to examine users' files, electronic mail, and printer listings.

B. Investigations that discover improper use may cause the Support Services/Records Section supervisor or his designee to initiate disciplinary actions as prescribed in applicable APD Rules & Regulations or General Orders.

C. In order to protect against hardware and software failures, backups of data stored on the APD system are made on a regular basis. The Support Services/Records Section supervisor or his designee has the right to examine the contents of these backups to gather sufficient information to diagnose and correct problems with system software, or to investigate instances of improper use of APD facilities.

D. The Support Services/Records Section supervisor or his designee has the right to monitor all aspects of the APD system, to determine if a user is acting in violation of the policies set forth in this document. There are different processes on how to monitor the APD system. If a user is suspected of violation of policies then a plan of action will be submitted through the chain of command to the Chief of Police on recommendations. This process will determine if any changes, additions, deletions or processes for investigative monitoring is to be conducted. The Chief of Police or his designee will make that determination prior to any action.

E. The Support Services/Records Section supervisor or his designee may alter the priority or terminate the execution of any process consuming excessive system resources or degrading system response, with or without prior notification.

F. The Support Services/Records Section supervisor or his designee shall remove disk files not related to APD missions or which are consuming large amounts of disk space, with or without prior notification.

G. The Support Services/Records Section supervisor or his designee may terminate login sessions that have been idle (unused) for long periods of time, in order to free resources. The definition of a "long period" of time may vary depending on resource availability.

H. The Support Services/Records Section supervisor or his designee has the responsibility to provide advance notice of planned system shutdowns for maintenance, upgrades, or changes so users may plan around periods of system unavailability. In the event of an emergency, the Support Services/Records Section supervisor or his designee may shut down the system with little or no advance notification. Every effort will be made to give users a chance to save their work before the system is taken out of service.

I. The Support Services/Records Section supervisor and the Chief of Police will be the only authorized persons to possess the system administrator password. The vendor that provides the technical support to the Department network will provide them with a change in password every 6 months.

**6.0 PROPER USE:** The APD facilities are provided for use by members to support the missions of the APD. All members using APD facilities are responsible for using these facilities in an effective, ethical, and lawful manner.

ALL APD COMPUTERS, WHETHER INSTALLED ON THE BUILDING NETWORK, STAND ALONE COMPUTERS OR LAPTOP COMPUTERS ARE NOT PRIVATE. THE FOLLOWING WARNING WILL BE INSTALLED ON ALL LOGON SCREENS:

"**THIS COMPUTER IS THE PROPERTY OF THE ASHLAND POLICE DEPARTMENT. USERS AGREE TO CONFORM TO THE POLICIES REGARDING COMPUTER USAGE CONTAINED IN DEPARTMENT GENERAL ORDERS. THERE IS NO EXPECTATION OF PRIVACY AND THE DEPARTMENT HAS THE RIGHT TO INSPECT THEIR COMPUTERS AT ANYTIME."**

A. Many resources, such as disk space, CPU cycles, printer queues, batch queues, login sessions, and software licenses, are shared by all users. No user may monopolize these resources.

   1. Users should consume as little disk space as practical, making use of available means to compress files and archive unused files off-line. Officers using a shared computer will not save any files onto the hard drive. Files should be saved on issued thumb drive or other media.

   2. Users should not load the system in such a way that others cannot perform useful work. Only a single instance of large, resource intensive programs should be executed at one time.

   3. Long printer jobs should not be printed during periods of peak printer demand.

B. APD facilities may ***not*** be used for any activity commercial in nature, i.e. paid for by non-APD funds. Commercial activities include, but are not limited to, consulting and typing services. Developing software for sale or use at a facility other than APD is prohibited, unless prior written approval is received from the Chief of Police.

   The use of electronic mail, network news, or other means of electronic information dissemination provided by APD systems for the advertisement of businesses owned or operated by users, their families, or their friends is prohibited. This includes the advertisement of home distribution businesses such as Avon and Amway, "make money at home" schemes, and "get rich quick" schemes.

C. The Support Services/Records Section supervisor or his designee recognizes the value of research on computer security and the investigation of self-replicating code. However, the use and development of this type of software, if not properly supervised, can inadvertently affect the operation and integrity of APD systems.

   1. Users may not intentionally develop or use programs which harass other users of the system.

   2. Users may not intentionally develop or use programs which attempt to bypass system security mechanisms, steal passwords or data, or "crack" passwords.

   3. Users shall not intentionally develop or use programs that, by design, attempt to

consume all of an available system resource (memory, swap space, disk space, network bandwidth, etc.).

4. Users shall not intentionally develop or use programs designed to replicate themselves or attach themselves to another program, commonly called "worms" or "viruses".

5. Users shall not intentionally develop or use programs designed to evade software licensing or copying restrictions.

6. Users who believe they have a legitimate reason to use or develop programs in the above categories must give prior notice to the Support Services/Records Section supervisor or his designee and receive approval. Special arrangements may be made to provide an adequate environment for conducting the research without risking damage to or impairment of other systems.

D. Files maintained for the specific use of individual divisions, sections, or users are to be considered private property, whether or not they are accessible by other users.

1. Just as an unlocked door or window does not implicitly grant permission for strangers to enter your house, the ability to read another user’s files does not implicitly grant permission to read those files.

2. Under no circumstances may a user alter a file that does not belong to him or her without prior permission of the file's user. The ability to alter another user's files does not implicitly grant permission to alter those files.

3. System level files may be used and viewed for departmental purposes if their access permissions so allow.

E. The creation or distribution of "chain letters" via electronic mail, network news postings, or other electronic means is prohibited by this policy. Chain letters that involve the exchange of money or other property are prohibited not only by this policy, but also by laws of the United States. Chain letters received via electronic mail or other means should be reported to your immediate supervisor, who will in turn notify Support Services/Records.

F. Harassing or defamatory material may not be sent via electronic mail or posted to electronic bulletin boards or news groups. Harassing or defamatory material may not be disseminated from APD systems via the World Wide Web, anonymous file transfer protocol, or other information distribution and retrieval methods.

G. APD facilities and network connections may not be used to make unauthorized connections to, break into, or adversely affecting the performance of other systems on the network, whether or not these systems are APD owned. The ability to connect to other systems via the network does not imply the right to make use of or even connect to these systems unless properly authorized by the owners of those systems.

H. Other organizations operating computing and network facilities accessible via the APD may have their own policies governing the use of those resources. When accessing remote resources from APD facilities, users are responsible for obeying the policies set forth in this document and the policies of the other organizations.

I. Users shall not violate any software license agreement or copyright, including copying or redistributing copyrighted computer software, data, or reports without proper recorded authorization.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

_____

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER C - 5

| SUBJECT: MOBILE DATA TERMINALS (MDT) | | |
|---|---|---|
| Date of Issue: 13JAN06 | Effective Date: 01NOV15 | |
| Revision Date: 15OCT15 | Review Date: 15OCT17 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: The purpose of this policy is to establish guidelines for the management and proper use of the Department's Mobile Data Terminal (MDT) System as a means of communication, dispatching, and reporting.

**1.2 POLICY**: The availability and use of mobile data terminals provides many opportunities for enhancement of productivity and effectiveness. This technology also provides the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the Department, its members, and the public if not managed properly. Therefore, it is the policy of the Department that all personnel abide by the guidelines set forth herein as well as in the policy of LINK/NCIC when using MDT's and the information services that accompany them.

**1.3 DEFINITIONS**:

A. **MOBILE DATA TERMINAL** – Computers provided for use in Department vehicles, which are capable of transmitting and receiving electronic messages and data inquiries.

B. ~~**SYSTEM ADMINISTRATOR**~~ **TERMINAL AGENCY COORDINATOR (TAC)** – The person designated by the Chief of Police who will have the responsibility for managing the mobile data terminal system. Ensures that all requirements associated with the LINK terminal are followed. Ensures that all proper paperwork is completed and filed in accordance with auditing requirements. Manages training and recertification on the CJIS Launch Pad.

**1.4 AUTHORITY AND RESPONSIBILITY**

A. The ~~Field Operations Division~~ Technical Services Division Commander ~~shall~~ will serve as the Terminal Agency Coordinator (TAC). ~~or the MDT system and shall~~ The TAC will be responsible for functions including, but not limited to:

1. Maintenance and repair of computers and hardware within the MDT system.
2. Software installation and upgrades as required.
3. Installation of virus protection software and ensure that the software is updated accordingly.
4. Liaison with the Kentucky State Police, Regional Public Safety Communications Center (RPSCC), LINK, and NCIC related to access of criminal justice information. Access includes requesting of username and passwords, modem identification records and any additional MDT infrastructure needs.

B. System Technician(s) will be responsible for functions including, but not limited to:

1. Serve as those authorized to install, repair and maintain the equipment.
2. Software installation and upgrades as required.
3. Installation of virus protection software and ensure that the software is updated accordingly.

## 1.5 TRAINING

A. Before using mobile data terminals, personnel must successfully complete LINK/NCIC Criminal Justice Information Services Training.
   1. Each user's certification must be active and up to date. If certification lapses, the inquiry privileges will be de-activated by the system administrator and will only be re-activated once proper re-certification is obtained.

   2. Records of all LINK/NCIC certifications shall be maintained in the administrative section.

~~**1.6 COMPUTER FACILITY SECURITY** – The dispatch center with LINK/NCIC terminals is located in the RPSCC. The facility is a one-story brick building with entrance doors secured by push button combination locks and/or a remote locking system monitored by video. Access codes are known only to the dispatchers and RPSCC personnel.~~

## 1.6 SYSTEM SECURITY

A. Installation and maintenance of virus software is the responsibility of the system ~~administrator~~ technician as indicated in Section 1.4, Authority and Responsibility.

B. No digital media will be inserted into the MDT other than the thumb drive issued by the police department. The issued thumb drive will only be used in APD computers.

C. Criminal Justice information which can be accessed through the MDT System is not public information and shall be accessed for official law enforcement purposes only.

D. Information displayed on the MDT screen is confidential in nature and officers should take appropriate measures to ensure the information is not readily in view of the public.

E. To avoid breeches of security, members shall log off the MDT System at the completion of their tour of duty.

F. Officer's assigned vehicles with MDT's shall be responsible for ensuring that unauthorized use of the unit does not occur (i.e., locking their computer and vehicle when unattended).

G. Officers who temporarily leave any accessible MDT component unattended are required to lock their computer from unauthorized use or viewing.

H. Officers shall promptly notify, through channels, their division commander whenever the MDT is damaged, stolen, lost, or whenever it is believed unauthorized access has occurred.

I. In the event a MDT is malfunctioning, a MDT repair form will be ~~filled out~~ completed by the officer ~~using the MDT which will be~~ and forwarded to the officer's supervisor. ~~before sending to the Support Services Section.~~ The supervisor will scan/email the MDT repair form to the TAC and system technician.

J. Only software/hardware approved/purchased by the department will be allowed on any MDT.

## 1.7 USERNAMES AND PASSWORDS

A. Each officer is responsible for setting and maintaining his/her own passwords. The system administrator will issue a username and password to each officer. Upon initially logging onto the MDT, the officer shall change the default password to a secure one ~~of his/her own choosing~~ that meets system criteria.

~~1. Password assignment and security:~~

- ~~Each user shall have a unique password that is valid on any MDT.~~
- ~~Passwords shall be a minimum of eight characters in length.~~
- ~~Passwords shall **not** be a recognizable word found in the dictionary and should use mixed alpha and numeric characters, i.e. **t8dk72v9, r32w00r***, etc.~~
- ~~In accordance with LINK/NCIC standards, users will need to change his/her password every (60) sixty days.~~

1. No user shall share a user ID or password to gain access to the Mobile Data network.

2. Passwords and user ID shall not be the same.

## ~~1.8 NETWORK ADMINISTRATION~~

~~A. The following personnel are responsible for various aspects of the mobile data system:~~

~~**Chief of Police or his designee** – Responsible for establishing and enforcing policies and procedures for all Ashland Police Department personnel.~~

~~**Terminal Agency Coordinator (TAC)** Matt Saunders, (RPSCC) ensures that all requirements associated with the LINK terminal are followed. Ensures that all proper paperwork is completed and filed in accordance with auditing requirements.~~

~~**Mobile Coordinator, Lieutenant Mike Crawford** – Responsible for all aspects of the MDT program which include but are not limited to: the ordering of MDT's and peripherals, coordinate the setup and installation of equipment, acquisition of and maintenance of software packages, security rules, training, assistance with use of software, and overall program coordination. The mobile coordinator will work with the KSP mobile data manager to set up new accounts and deal with all issues related to the use of the shared mobile message switch and the IPMobileNet wireless system. Also responsible for ensuring that the user accounts for separated officers are closed as soon as the officer leaves.~~

## 1.8 DEPARTMENT PROPERTY

A. MDTs are property of the Department and intended for use in conducting official business.

B. Department members do not maintain any right to privacy on MDTs.

C. The Department reserves the right to access any information contained on MDTs or in the history files of previously transmitted or received messages or data requests.

## 1.9 GUIDELINES FOR USE OF THE MDT

A. Upon completion of roll call, officers must immediately log on the MDT using a specific password.

B. Before the end of shift, the officer must log off the MDT.

1. Before logging off, officers must clear any incident by giving a disposition.

2. Officers will not log off the MDT any sooner than 20 minutes before the end of the shift.

3. After logging off, officers shall turn the MDT off.

**2.0 ~~DISPATCHING~~ CALLS FOR SERVICE**: All calls for service will be dispatched via police radio as well as being entered into the MDT system. If a radio transmission would jeopardize the safety of officers or the caller, dispatch will send the message via MDT only and the officer/s shall acknowledge receiving the call via radio. The following guidelines apply to the dispatching of calls:

A. Emergency calls or in progress calls shall be dispatched via MDT and by voice over the radio. Officers will immediately acknowledge the call by radio.

B. Officers will immediately acknowledge a non-emergency MDT dispatched call with the police radio when it is received.

C. Officers will respond immediately to the dispatched call unless otherwise directed by a command officer or redirected by a dispatcher.

D. Officers will clear their call using their police radio.

**~~2.1 TRAFFIC STOPS~~**

~~A. Traffic stops can either be initiated by voice radio or by use of the MDT, with the voice radio being the preferred method, based on the situation and the officer's discretion.~~

~~B. If initiated by MDT, the officer will contact the dispatcher by voice radio to confirm that the dispatcher has received the MDT transmission. If so, no further voice communications will be necessary.~~

~~C. Clearing from the traffic stop can be done either by voice radio or MDT at the officer's discretion. However, if cleared by MDT, the officer shall notify dispatch of the clearing.~~

**2.1 ~~CLEARING~~ CALLS FOR SERVICE, TRAFFIC STOPS AND OTHER ACTIVITY:** When an officer calls out or is ready to return to service from a call, traffic stop or any other activity that resulted in the initiation of an activity screen in CAD, the officer will clear in the traditional manner via police radio F-1 by providing the dispatcher the clearing code to be entered.

**2.2 LINK/NCIC/WANTED PERSON CHECKS**: The MDT will be used for registration/license and wanted person checks when available, unless the officer is out of the patrol vehicle, or the use of the MDT cannot be done safely.

A. Officers ~~will~~ shall not release information from MDT inquiries to the public. LINK/NCIC information is not subject to disclosure to the general public. Any open records requests shall be referred to the Support Services Section commander.

B. Any wanted person or stolen vehicle information received via MDT must be confirmed through dispatch.

~~**2.3 CAR TO CAR AND OTHER USES**~~

~~A. Car-to-car communication between officers via the MDT is permitted for work-related issues only.~~
~~B. If time and circumstances permit, and the MDT can be used safely, self initiated activities, follow up, and meal breaks will be communicated via the MDT.~~

**2.3 COMMUNICATION VIA MDT**: All communications via the MDT between dispatch and other units will be for official police business only. MDT communications may be monitored and are subject to public record disclosure. All messages are recorded and will be retained per the city of Ashland Record Retention Schedule.

A. All communications via the MDT will be professional and conducted in a businesslike manner.

B. The transmission of any sexist, racist, vulgar, derogatory, discriminatory, degrading, suggestive, or other inappropriate message is specifically prohibited.

**2.4 SAFE VEHICLE OPERATION**: When operating a vehicle, the safe operation of the vehicle is an officer's primary responsibility. Use of the MDT is always of secondary importance, and the officer should consider the need to safely stop the vehicle before using the MDT if the use is going to divert the officer's attention from the safe operation of the vehicle.

**2.5 MODIFICATIONS TO EQUIPMENT**: No officer, unless specifically authorized by the Chief of Police or his designee, will make any modification to the MDT, or the MDT software, except for user defined options such as screen intensity.

~~**3.1 OFFICER SAFETY**: No portion of this policy is intended to prohibit or limit the officer from making safety conscious decisions. If there is a compromise of safety in a particular situation related to the use of the MDT, the officer is expected to use voice communications by radio.~~

**2.6 SUPERVISOR RESPONSIBILITY**: Supervisors shall review the use of MDT's to ensure conformance to department standards including productive use.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

_____

Robert W. Ratliff, Chief of Police

# Mobile Data Terminal Repair Form

Date: _____

Unit #: _____

Describe the problem: _____

_____

_____

What were you doing when the problem occurred? _____

_____

_____

_____

Did you receive an Error Message? Yes ☐ No ☐

What did the error message state? _____

_____

_____

Officer Reporting the Problem: _____

Supervisor: _____

# Ashland Police Department
## GENERAL ORDER C - 6

| SUBJECT: SOCIAL NETWORKING/INTERNET POSTINGS | | |
|---|---|---|
| Date of Issue: 10DEC10 | Effective Date: 15SEPT15 | |
| Revision Date: 28AUG15 | Review Date: 28AUG17 | **REVIEW** |
| Accreditation Standards: KACP 20.5A; KACP 20.5B; KACP 20.5C; | | |

**1.1 PURPOSE**: The intent of this policy is to ensure ethical, effective, and lawful police applications. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media; rather social media in general, as advances in technology will occur and new tools will emerge.

**1.2 POLICY**: The department endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, recruitment, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel. **(**KACP 20.5)

**1.3 DEFINITIONS:**

A. For the purposes of this policy, the following definitions apply:

**Blog**: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web Log".

**Page**: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.

**Post**: Content an individual shares on a social media site or the act of publishing content on a site.

**Profile**; Information that a user provides about himself or herself on a 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, MySpace), microblogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

**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 thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

**Web 2.0**: The second generation of the World Wide Web focused on sharable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

**Wiki**: Web pages that can be edited collaboratively**.**

**1.4 PROFESSIONAL USE:**

A. With the exception of covert sites established for investigative purposes, all department social media sites or pages shall be approved by the Chief of Police or his designee. (KACP 20.5A)

Department personnel authorized in Ashland Police Department General Order D-1 (Media Releases) representing the department via social media outlets will:

1. Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum. (KACP 20.5C)

2. Identify themselves as a member of the department.

3. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission of the Chief of Police or his designee. (KACP 20.5B)

**1.5 POTENTIAL USES:**

A. Social media is a valuable investigative tool when seeking evidence or information about:

1. Missing persons;

2. Wanted persons;

3. Crimes perpetrated onlne; and

4. Photos or videos of a crime posted by a participant or observer.

B. Social media can be used for community outreach and engagement by:

1. Providing crime prevention tips;

2. Offering online reporting opportunities;

3 Sharing crime maps and data; and

4. Soliciting tips about unsolved crimes.

C. Social media can be used to make time-sensitive notifications related to:

1. Road closures,

2. Special events,

3. Weather emergencies, and

4. Missing or endangered persons.

D. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

~~E. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.~~

F. Searches should be conducted by a non-decision maker.

G. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

H. Search methods shall not involve techniques that are a violation of existing law.

I. Vetting techniques shall be applied uniformly to all candidates.

J. Every effort must be made to validate Internet-based information considered during the hiring process.

**1.5 PERSONAL USE:**

A. Department personnel shall abide by the following when using social media:

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

2. As public employees, department personnel are cautioned that speech on- or off-duty, made pursuant to their official duties -- that is, that owes its existence to the employee's professional duties and responsibilities -- is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Chief of Police, or designee. **(Ashland Police Department Rules and Regulations Article III, Administrative Rules, Section 3.3, 3.4, 3.5)**

4. Department personnel will not use their personal social media while on duty. The use is not pertinent to their duties and is a concern for officer safety.

5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

   a. Speech containing obscene or 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.

   b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination.

7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization from the Chief of Police.

8. Department personnel should be aware that they may be subject to civil litigation for:

   a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

   b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

   c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

   d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER D – 1

| SUBJECT: POLICE – MEDIA RELATIONS | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15SEPT15 | |
| Revision Date: 28AUG15 | Review Date: 28AUG17 | **REVIEW** |
| Accreditation Standards: KACP 20.1, 20.2 A,B,C,D, 20.3 A,B, 20.4 | | |

**1.1 PURPOSE**: To establish a uniform standard for police - media relations.

**1.2 INTENT**:

A. Public Interest - It is necessary to recognize that police matters generally are a matter of public interest and concern. The intent of this order is to permit the free flow of information to all news media while protecting both the defense and the prosecution's case from possible prejudicial publicity. The problem in criminal cases is seeking a balance between:

1. First Amendment right to free speech, a free press, and the importance of the public's right to know what their police and courts are doing; and

2. The Sixth Amendment right to a free trial, free of public pressure, or a jury biased by news heard or read that a subject is guilty.

B. Co-operation - It is important that, when it is known, the news media have access to information about the occurrence of crime, who, what, when, where, why, and how. However, police need the cooperation of news media to avoid prejudicial pretrial publicity just as the news media needs police cooperation to accurately and fairly report the occurrence of crime. This order is devised to minimize prejudicial pretrial publicity. Members of the Ashland Police Department (APD) are directed to cooperate fully with the news media consistent with this order.

C. Trust - Both the news media and the law enforcement community serve the public interest and it is incumbent upon personnel in both areas to develop a mutual trust and understanding to serve this common purpose.

D. The Ashland Police Department does not have a specific person assigned as a Public Information Officer. The duties of dissemination are described in Section 1.3 A, B, C. **(KACP 20.1)**

**1.3 DIRECT RELEASE OF INFORMATION TO NEWS MEDIA**:

A. In all criminal or non-criminal incidents, active or inactive, a division commander who has direct responsibility for the management of a case or incident, is authorized to give facts concerning news worthy activity other than that contained in the news release form. With the authority of a division commander the information contained in a press release can be released on video or audio tape to a news person. **(KACP 20.2 A, KACP 20.4)**

B. The Ashland Police Department releases information in various forms. The information released is for immediate information for the public or if there is not a command officer available to release information. **(KACP 20.1 D)**

1. News Release Form.

2. Prepared Memorandum (Chief of Police/Division Commander Only).

3. Ashland Police Department Website.

4. Social Media – Facebook, Twitter (Official Ashland Police Department Accounts).

5. Ashland Police Department App (Applications) on smartphones.

6. Nixle – Official email/text notification service for emergency alerts, warnings or at the discretion of the Chief of Police, division commander or command officer. Ashland Police and the Regional Public Safety Communications Center have specific accounts.

Photographs and video footage can be used in all forms of press releases. The use must be relevant, professional and appropriate for the release.

All news releases will be under the direct supervision of a command officer in which case the release shall be reviewed and approved prior to publication.

At the scene of an incident, the Chief of Police, Division Commander or designated command officer may release information to the media about the incident. **(KACP 20.2 A)**

C. Administrative matters, the release of information to news media, shall be the sole responsibility of the Chief of Police or his designee, consistent with City policy and the Kentucky Revised Statutes. **(KACP 20.1)**

D. Each member of the APD must exercise care, common sense, and discretion to avoid rendering statements or information which, if later quoted, may create a misunderstanding or compromise the effectiveness of the police service. It is important that information that is confirmed and not sensitive to the public or the investigation is only released to the media. **(KACP 20.4)**

E. It is understood that statements made by members of the APD to news media representatives may be disseminated to the public by the media.

F. No preferential treatment will be accorded any representative of the news media. This statement will not be construed to require notifying all news media prior to the release of information.

## 1.4 NEWS RELEASE GUIDELINES IN CRIMINAL CASES

A. Information Made Available - The following information **SHOULD** be made available to the news media in criminal matters that are active and inactive: **(KACP 20.2 B, C, 20.4)**

1. The name of an adult arrested, age, sex, and residence.

   ***If juvenile, only age, sex, and city.**

2. The legal title of the charge, complaint, or indictment.

3. The name of the investigating officer and/or arresting officer(s).

4. The circumstances immediately surrounding the arrest, including the time and place arrested.

5. The name of any victim, address, age, and sex, and if pertinent, crime, the type of property taken and a conservative estimate of its value. **Do not release the name, address, and present location of any victim of sex offenses**.
6. The type of force used against the victim and general extent of injuries to either victim or assailant.

B. Information Not Available - The following information **SHOULD NOT** be released to the news media in criminal matters:

1. Opinions related to the character, reputation, credibility, or anticipated testimony of an accused person or a perspective witness.

2. Admissions, confessions, or the contents of a statement or alibi attributable to an accused person.

3. The performance or the results of any tests, or the refusal of the accused to take a test, or participate in a line-up.

4. The possibility of a plea of guilty to the offense charged or to a lesser offense or other possible disposition.

5. Opinions concerning evidence or any argument in the case or whether it is anticipated that the evidence or argument would be used at trial.

6. Names and addresses of witnesses.

7. Name and addresses of any subject sought for a crime, but not yet formally charged, unless help is wanted from the news media in an effort to locate the subject and prior approval for such release has been granted by the prosecutor's office holding the primary responsibility of the matter at hand.

8. The contents of any suicide note.

**1.5 PHOTOGRAPHING AND RELEASING PHOTOGRAPHS OF PRISONERS**

A. Members of the APD will not prevent the photographing of defendants when they are in a place open to the general public unless so directed by court order. They will neither encourage nor discourage pictures or televising, but must not pose the accused.

B. Departmental or other government provided photographs of a suspect may be released provided the photograph does not jeopardize an investigation and a valid law enforcement function is served. It is proper to disclose this type of information to enlist public assistance in apprehending fugitives from justice. Such releases must have the prior approval of prosecuting attorney and the division commander having primary responsibility for the management of the case.

C. Photographs taken of a suspect during the booking process (commonly called "mug shots") that are to be used for identification purposes may be inspected and duplicated by members of the print and electronic news media. If the requested “mug shot” is not in the possession of the APD, the news media should be referred to the appropriate agency such as the Boyd County jail.

**1.6 RELEASING NAMES OF PERSONS KILLED OR INJURED**

A. Members of the APD shall first notify the next of kin and obtain identification of a deceased person or a seriously injured victim of a criminal act or an accident prior to releasing the name and address to the news media. If the next of kin is unknown or has not been located in forty-eight (48) hours, this information may be released as authorized by the division commander having primary responsibility for the investigation.

**1.7 PERMITTING NEWS PERSONNEL TO ENTER AREA OF A SERIOUS INCIDENT OR CRIME SCENE (KACP 20.3 A, B)**

A. In the event of a major crime, incident or disaster, the division commander responsible for management of the incident can designate a person to serve as a liaison to the media . During these events, police lines are established for crowd control and to conserve evidence. Dependent upon the tactical situation and the likelihood of jeopardizing operations related to an investigation and collecting evidence, members of the news media should be allowed to enter these areas when possessing current news media credentials. Any member of the news media allowed inside a police line shall be

escorted by a member of the police department and not left unattended.

B. While news media representatives may be permitted in the area of a crime scene or a serious incident, they do not have the authority to be within a crime scene or area that has been secured to conserve evidence, or at any location where their presence jeopardizes department operations.

C. After a crime scene has been processed, only the owner, legal occupant or their agents, may grant permission to news persons to enter privately owned structures or the surrounding premises to gather news.

D. Duly authorized representatives of news media **MAY BE** granted authorization to enter any area restricted to the general public after producing valid press credentials. This authorization must be granted by a division commander or his designee having direct responsibility for the incident at hand. The decision to assume the risk of possible danger remains with the individual news person involved and is not the responsibility of department members to provide for the safety of those representatives of any news media who voluntarily choose to subject themselves to danger.

E. Whenever possible during a major crime, incident, or disaster, a secure area should be established for the news media personnel to receive and disseminate news information.

**1.8 NEWS MEDIA NOT EXEMPT FROM THE LAW**

A. A news media personnel's responsibility is to gather information and photographs of any news worthy event. Occasionally, the opportunity to carry out these assignments is short lived. Therefore, members of the APD must not necessarily obstruct news representatives carrying out their assignments. News representatives are not exempt from any laws enforced by the APD.

**1.9 REGIONAL PUBLIC SAFETY COMMUNICATION CENTER (RPSCC) DISPATCHERS - RELEASE OF INFORMATION**

RPSCC dispatchers are authorized to release to bona fide members of the press known facts as follows:

A. A particular incident was reported,

B. Officers have been dispatched and are investigating,

C. Location of incident, and

D. A press release should be forthcoming following the investigation.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER D-2

| | | |
|---|---|---|
| **SUBJECT: NATIONAL CRIME INFORMATION CENTER (NCIC) LAW INFORMATION NETWORK OF KENTUCKY (LINK) ENTRIES OR INQUIRIES, MANAGEMENT OF THE ASHLAND POLICE DEPARTMENT'S (APD) TERMINAL** | | |
| Date of Issue: 24MAY93 | Effective Date: 01NOV15 | |
| Revision Date: 15OCT15 | Review Date: 15OCT17 | **REVISED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a uniform system for the operation of the NCIC/LINK inquiry only terminal located in the Support Services Section of the Ashland Police Department (APD).

**1.2 POLICY**: Dissemination of LINK/NCIC data shall be in accordance with the LINK Operations Manual on file in the Support Services Section of the APD. Each member of the APD shall recognize that information obtained through the NCIC/LINK systems is lead information only and validation of information is required prior to making an arrest.

No member shall divulge information derived from the NCIC/LINK systems unless the release of information is authorized by statute, city of Ashland ordinance, Police Department Rules and Regulations including General Orders, supervisor of the Support Services Section, a division commander, or chief of police.

After review of the information by the requesting member, the information supplied on the inquiry should be destroyed. Criminal history information is for the benefit of members of the APD only, and not to be given to anyone outside the Department.

**1.3 NCIC/LINK TERMINAL OPERATOR REQUIREMENTS**: It shall be the responsibility of the Support Services Section supervisor to arrange for employees assigned to the Support Services Section to receive training and to be certified within six months of their date of employment. Each employee certified to operate the NCIC/LINK terminal shall be re-certified as required by Kentucky Revised Statute or Kentucky Administration Regulation.

A. The NCIC/LINK terminal located at Ashland Police headquarters shall be operated only by personnel authorized by the Support Services Section supervisor.

B. User passwords will be changed pursuant to automated system reminders.

**1.4 VALIDATION**: The Support Services Section supervisor shall be responsible for:

A. Maintenance and repair of the NCIC/LINK terminal;

B. Compliance with all NCIC/LINK security requirements;

C. Causing each record entered into the NCIC/LINK system to be validated consistent with NCIC/LINK policy manuals;

D. Inspecting investigative reports during the validation audit and run queries to other files such as Automated Vehicle Identification System (AVIS)/Driver Licensing Information Center (DLIC)/Criminal History Record Information (CHRI) to determine if additional information is available;

E. Contacting the proper authorities or department in regard to validation of each record; and,

F. Documenting the name of the officer and listing the date and time each validation is completed.

**1.5 COMPUTERIZED CRIMINAL HISTORY (CCH) INQUIRIES**:

Agencies which access the CCH files are governed by the following Criminal History Policy requirements:

A. The computer terminal shall be located in such a manner to prevent unauthorized persons from being able to read the data being received on the terminal.

B. Access to the terminal area shall be restricted to a minimum number of authorized personnel and other persons necessary to maintain the equipment. Unauthorized personnel will be monitored by Services Section personnel at all times.

C. All inquiries to the Criminal History Files will be automatically logged by the computer at the Kentucky State Police computer room.

D. All hard copies of inquiry and response messages should be destroyed immediately upon the use of the data for which the original inquiry was made.

**NOTE**: The Kentucky State Police guidelines state criminal history printouts should be considered valid only at the time they are run. A printout could change from day to day. When a criminal history inquiry is made, the hard copy containing the criminal history information should be destroyed after the information has been utilized for the purpose for which it was run.

Often, LINK or FBI authorities do audits and contact the police officer personally to determine what became of the printout of the criminal history record. It is best to record the information you need and leave the original with the Support Services Section supervisor or the individual who ran the inquiry. If you take the printout, you are responsible for seeing that it is destroyed.

E. Responses to CCH inquiries shall not be transmitted by radio except when it is determined there is an immediate need for this information to further an investigation, or there is a situation affecting the safety of another officer or the general public.

F. The Criminal History information may be used only by authorized governmental agencies and subunits thereof involved in the administration of criminal justice.

There are two general purposes for which Criminal History Record information may be used:

1. Criminal Justice - used when the Criminal History inquiry is for official duties in connection with the administration of criminal justice.

   The administration of criminal justice means performance of any of the following activities:

   a. Detection
   b. Apprehension
   c. Detention
   d. Pretrial release
   e. Post trial release
   f. Prosecution
   g. Adjudication
   h. Correctional supervision
   i. Rehabilitation of accused persons
   j. Rehabilitation of criminal offenders
   k. Criminal identification of activities
   l. Collection of criminal history record information
   m. Storage of criminal history record information
   n. Dissemination of criminal history record information

2. Criminal Justice Employment - used when the criminal history inquiry is for the purpose of running background investigation of a prospective employee of a criminal justice agency.

3. An officer is permitted to make a LINK/NCIC check on an individual for officer safety reasons prior to transporting the person to the shelter.

4. An example of an unauthorized use of the system is running criminal history requests for other agencies within the city government on liquor license applications and employment backgrounds for non criminal justice departments.

5. All officers requesting a CCH inquiry shall provide the Support Services Section personnel or

dispatcher with information to complete the following:

a. The attention (ATN/) field in the criminal history record information inquiries must contain the full name of the person requesting the information. Full name is defined as the first and last name at a minimum.

b. With the exception of criminal justice employment purposes or the ride-along program, the reason (RSN/) field in criminal history record information inquiries must include a case number.

G. Extreme caution shall be exercised to ensure the inquiry response is returned to the proper authority.

H. User agency must adhere to the LINK Computerized Criminal History Provisions and Guidelines contained in the LINK Operations Manual.

**1.6 DATA ENTRY**:

A. The investigating officer submitting data for entry into the NCIC/LINK systems shall have the exclusive responsibility to obtain, verify, and submit all required information to the Regional Public Safety Communications Center (RPSCC) prior to submission of a request for entry of data.

B. Each entry into the NCIC/LINK systems shall be reported by the investigating officer on the appropriate report form. NCIC/LINK control numbers shall be included by the investigating officer in the police report.

C. No entry into NCIC/LINK shall include any AIDS/HIV Positive information on any individual.

**1.7 DATA REMOVAL**:

A. The investigating officer shall be responsible to notify RPSCC whenever data is to be removed from the NCIC/LINK systems. The investigating officer shall report the removal of data from the NCIC/LINK systems on the appropriate police department report form.

B. In addition to the normal validation process outlined above, personnel assigned to Support Services Section shall review each report submitted to determine if data should be removed from the NCIC/LINK systems. If it is determined that removal is required, action shall be taken without delay to cause data removal, cancellation, etc.

C. The Support Services Section supervisor shall assign an officer to validate NCIC/LINK files which have been previously entered by APD personnel when a validation request has been received from the Kentucky State Police Records Section.

**1.8 TERMINAL AGENCY CONTACT PERSON (TAC)**: The Technical Services Division Commander will be the Terminal Agency Contact. The Commander will designate an officer assigned to the Support Services Section to be the assistant TAC officer. LINK assigns areas of responsibility to any person who assumes the position of the TAC. These areas of responsibility mandate that the TAC officer:

A. Will be the primary coordinator between the agency and the Control Terminal Agency (RPSCC).

B. Will be the coordinator between the agency and the Satellite (Non-Terminal) Agencies. (Non-Terminal Agencies are those that do not have an actual terminal but may be assigned to an active LINK Terminal at the designation of the Kentucky State Police. Currently the Ashland Police Department does not have such designation.)

C. Will ensure all records entered from the terminal into LINK are accurate and kept up-to-date.

D. Will keep all terminal operators informed and up-to-date on all policies, procedures, and capabilities of the LINK Network.

E. Will keep Satellite Agencies informed of any and all policy, procedures, and capabilities of the LINK network.

F. Will ensure all hit confirmations are made within ten (10) minutes by the terminal agency or the satellite agency holding the record.

G. Will ensure the monthly validation for the terminal agency is completed and the certification letter returned to the control terminal agency by the due date.

H. Will ensure only satellite agencies having a signed criminal history exchange user agreement on file with the terminal agency receive criminal history data.

I. Will assure a signed exchange/user agreement is on file for each of the satellite agencies.

J. Should attend annual statewide LINK user meetings.

K. Will be certified as a LINK terminal operator. LINK authorizes the TAC to be a certified mobile data terminal operator who is authorized to run limited LINK/NCIC Transactions.

L. Will ensure system maintenance operations are performed as prescribed by the state control terminal agency.

M. Will ensure second party checks are properly performed by terminal operators.

N. Will be authorized to schedule users of the system for recertification for LINK/NCIC Full Access Training and Mobile Data Terminal User recertification.

**1.9 VIOLATION OF THIS POLICY**: The NCIC Policy Board determined in January 1994 that each criminal justice agency authorized to receive NCIC information must have appropriate written standards for discipline of NCIC policy violators. The APD adheres to a policy of progressive discipline which may include counseling, verbal admonishment, written admonishment, temporary suspension, or termination.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER D - 3

| SUBJECT: DEATH NOTIFICATION | | |
|---|---|---|
| Date of Issue: 30DEC96 | Effective Date: 01NOV15 | |
| Revision Date: 15OCT15 | Review Date: 15OCT17 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** It is the purpose of this policy to provide each Ashland police officer with guidelines for notifying next of kin of the death of a family member.

**1.2 POLICY:** Notification of next of kin of the death of a family member is a difficult task. There is a natural hesitancy to deal with this subject, and the risk exists that, without guidance, inappropriate methods, comments or remarks may unnecessarily intensify the mental distress of survivors. Therefore, the Ashland Police Department (APD) requires that each officer become familiar with concepts and procedures set forth in this policy so as to provide surviving family members with sufficient information and support in a manner consistent with professionally accepted crisis intervention techniques.

**1.3 DEFINITIONS:** Next of Kin: For purposes of this policy, the closest relative of the deceased - spouse, parents, brothers or sisters, and children.

**1.4 PROCEDURES:**

A. Information Gathering and Preparation:

1. Each death notification that is the responsibility of the APD shall be delivered in person unless the urgency of circumstances demands notification by telephone.

2. Each officer shall be prepared to and shall be provided adequate discretion to spend the necessary time with survivors to provide assistance.

3. Prior to contacting next of kin, the notifying officer shall attempt to gather and become familiar with details concerning the deceased, to include full name, age, race and home address, as well as details of the death, location of the body/personal effects and other pertinent information.

4. Officer shall identify the next of kin of the deceased for purposes of notification. Particular effort should be made to locate the closest relative starting with a spouse and followed by parents, brothers or sisters, then children.

   a. Only where substantial delays would be required to make contact with next of kin should other relatives be contacted.

   b. The officer should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.

5. When another agency must be contacted to notify the next of kin, the officers should:

   a. request that the notification be made in person, and

   b. request immediate verification when notification has been accomplished.

6. Wherever possible, the officer should gather available information concerning the survivors that may aid in the notification. This includes but is not limited to whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor, and clergyman.

7. Officers should, wherever reasonably possible, avoid using the name of the deceased over the radio prior to notification of immediate surviving relatives.

8. Officers may request the assistance of the on-duty call chaplain, or the chaplain coordinator, to make each death notification.

9. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.

B. Making Notification

1. Upon arrival at the residence or place of business, officers shall:

   a. check the accuracy of the location;

   b. request to speak to the immediate survivor;

   c. identify themselves by name, rank and department;

   d. verify the relationship of the survivor to the deceased; and

   e. ask permission to enter the residence or (in the case of a business or other location) move to a place of privacy.

2. Every reasonable effort shall be made to make the death notification in the privacy of the survivor's home or in another location away from public scrutiny.

3. Prior to making notification, officers should, where possible, bring members of the family together who may be in the house or otherwise on hand.

4. Officers should address the survivor(s) in a straight-forward manner and use easy to understand language to briefly explain the circumstances of the incident and the fact that the individual is dead.

   a. Officers should not use euphemisms such as "passed on" or "no longer with us" in order to avoid using the term "dead" as these may create confusion or false hope.

   b. Officers should avoid graphic aspects of the incident and the use of police jargon.

   c. Officers should refer to the deceased using his/her first name or terms reflecting the deceased's relationship to the survivor (i.e. son, daughter, etc).

5. Officers should be prepared for unexpected responses from survivors to include hysteria and possible verbal or physical attack.

6. Officers should provide survivors with sufficient time to regain composure before proceeding. Avoid attempts to provide comfort by using trite phrases (e.g. "I know how you feel," "I know how hard this is for you.").

C. Providing Assistance and Referral

1. Officers shall not leave until reasonably assured that the survivor has adequate personal control and/or family or close friend(s) readily available for support. In gauging the need for assistance, officers shall also consider:

   a. the emotional reaction and physical condition of the survivor;

   b. the availability of other adults in the home;

   c. responsibility for infants or small children;

d. home environment (e.g. evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter etc.); and

e. availability of a support system (e.g. including friends, family, close neighbors, access to clergy, means of transportation, etc.)

2. Officers should provide any additional information on the incident requested by survivors. While graphic details may not be necessary, officers should provide information if asked specifically about the cause of death, condition of the body, or other details.

3. Officers should remain alert to the possible need for medical assistance. When officers are aware of serious medical conditions in advance of notification, they should place a Boyd County Emergency Medical Services unit on alert.

4. Officers should be aware of confusion on the part of survivors; speak slowly and deliberately, and write down any pertinent information that the survivor may need. This includes such matters as:

   a. disposition of the body;

   b. location of personal effects;

   c. identification requirements/procedures; and

   d. notifying officers' names, agency and telephone numbers.

5. Officers should assess the physical and emotional well-being of the survivor before departing. Officers should be reasonably assured that survivors can take care of themselves and those for whom they are responsible. In addition to concerns noted in item C-1 above, officers should be able to answer "yes" to the following types of questions:

   a. Is the survivor thinking clearly? That is, does the individual

      1.) seem to be aware of your presence?

      2.) have some grasp of place and time?

      3.) demonstrate a progressive ability to express himself/herself? and/or

      4.) begin to demonstrate some grasp of the reality of the death?

   b. Does the survivor have reasonable control over his/her emotions or does the individual display shock (no apparent emotion), furious hostility or the desire to commit suicide?

   c. Can the survivor cope physically? For example, has the survivor fainted, displayed debilitating weakness or emotional collapse, and does the survivor have an adequate support system?

6. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's family, friends, co-workers, neighbors, family clergy, crisis counselors or other community social service agency.

7. Notifying officers should conduct a follow-up within 24 hours with any survivor when there is concern for the survivor's well-being.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER E - 1

| SUBJECT: CAPITAL ASSET CONTROL AND INVENTORY PROCEDURE | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 1MAR16 | |
| Revision Date: 15FEB16 | Review Date:15FEB18 | **REVIEWED** |
| Accreditation Standards: KACP 8.7 | | |

**1.1 PURPOSE**: To establish control and inventory procedures for all capital assets issued to or under the control of the Ashland Police Department.

**1.2 CAPITAL ASSET**: Any item with a current actual value of at least $250, and having an expected service life of more than one (1) full year after the date of the inventory.

**1.3 POLICY (KACP 8.7)**

A. Each item that meets the above definition for a capital asset shall be recorded at the time it is received or comes under the control of the Ashland Police Department. A capital asset item shall not be placed in service until the item is recorded as set forth in this order. This shall be the responsibility of the division ~~or section~~ commander assuming control of the capital asset.

1. Recording of capital asset shall be completed by the designated employee of the affected section.

2. Recording of a capital asset requires affixing a City of Ashland Property Control Tag, completion of a capital asset record, and inclusion in Department property records.

B. The property officer shall maintain inventory control over each capital asset.

**1.4 TRANSFER OF CAPITAL ASSET**

A. A capital asset item shall not be transferred from one organizational component to another without prior approval of the Chief of Police. Request to transfer a capital asset item shall require a memorandum, through channels, to the Administration Section. The memorandum shall identify item to be transferred and an explanation for the need to transfer.

B. A division or section commander shall immediately notify the section designee of each capital asset item transferred.

C. The section designee shall verify receipt of the capital asset item by the gaining division; and

1. Complete a capital asset record;

2. Record all required information.

3. Forward the completed form to Support Services Section.

**1.5 INVENTORY OF CAPITAL ASSET**

A. The property officer shall conduct an annual inventory of capital assets issued to or under the control of the Police Department. Additionally, special inventories shall be conducted as directed by a division commander or officer of higher rank.

B. The Support Services Section shall produce annually or as directed by a division commander or officer of higher rank an inventory list for each organizational component. The inventory list shall set forth capital assets assigned to or under their control. The inventory list shall be distributed to organizational components for additions, deletions, or corrections.

C. Each component shall, within ten (10) working days, complete the annual or special inventory and return the corrected list to the section designee.

D. Changes to the inventory list shall be made as follows:

1. Add to the list any capital asset item not listed;

2. Note on the list as "missing" or "transferred" any capital asset item not assigned to or under the control of the organizational component; and

3. Correct the list to reflect changes in room number, inventory control number, description, condition or usage of each capital asset item(s).

E. The section designee shall review and compare each inventory list received from commanders to determine the correct location, condition and status of each capital asset item assigned to or under their control. The property officer shall complete and code a new capital asset record for each item that has been changed in location, condition, or status. Within ten (10) working days after receipt of the updated inventory list, the section designee shall complete/update capital asset records and forward to the Support Services Section.

F. The Support Services Section shall produce updated inventory lists and forward them to division or section commanders.

**1.6 TRANSFER OF EQUIPMENT**

A. An inventory of capital assets shall be conducted whenever a change of command occurs. The Support Services Section shall produce and forward to the new commander a list of capital assets charged to his command.

B. Within ten (10) working days after receiving the inventory list, the new commander shall complete an inventory in the same manner as set forth in section 1.4 of this order.

C. The property officer and Support Services Section shall follow the procedures as set forth in section 1.4 of this order.

**1.7 LOSS OF PROPERTY**

A. Shall be reported through channels without delay to the City Manager.

B. Division or section commander shall conduct an investigation to determine cause of loss.

C. Division or section commander will report the findings of the investigation to the Chief of Police.

Publication notice - General Orders E - 1 and E - 2 are in part extracted from General Order E - 1, initially issued on 15NOV83.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER E - 2

| SUBJECT: PROPERTY RECOVERED, SEIZED, FOUND OR RECEIVED | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15FEB16 | |
| Revision Date: 15FEB16 | Review Date: 15FEB18 | **REVISED** |
| Accreditation Standards: KACP 27.1, 27.2, 27.3, 27.4, 27.5 | | |

**1.1 PURPOSE**: To establish a uniform procedure for the storing of and accounting for all property recovered, seized, found or otherwise coming into the possession of a member of the Ashland Police Department, to ensure proper chain of custody and to ensure that evidence is available to be admitted at trial. **(KACP 27.2)** (Prisoner personal property not held as evidence is covered under General Order B - 2)

**1.2 PACKAGING AND CHAIN OF EVIDENCE (KACP 27.1)**

A. All property in which chain of evidence must be established shall be secured as soon as received, recovered, seized or found and in no event later than the end of the member's tour of duty on the day on which the property was received, recovered, seized or found.

Room 130 – Evidence Processing – All processing of evidence should take place in this room unless taking place in the field, sally port, or designated computer crimes areas. Within this secured room are the department's evidence lockers in which all evidence should be placed. If an item should not fit, please refer to 1.4. No food, drink or fingerprinting processes are permitted in this room.

Sally port - Processing items for latent prints is to be conducted in the sally port area.

**All countertops in the processing locations described above are to be wiped down prior and after use with a towelette provided in those areas.**

B. The property officer is the custodian of evidence and property for the department. The officer submitting property or evidence is responsible for proper documentation, inventory, packaging, and sealing of property and evidence. The property officer will not break the submitting officer's seal unless this is necessary for testing, weighing, or other purposes. **(KACP 27.5)**

1. Property and evidence shall be packaged and submitted according to the procedures outlined in attachment A entitled "Property and Evidence Packaging Procedures." The property officer shall be responsible to ensure that an adequate stock of packaging and sealing materials is available for proper packaging and sealing of evidence and property. The property officer shall conduct inventory and replenishment of these supplies at least weekly. **(KACP 27.5)**

2. The property officer shall notify the supervisor of the support services section who will notify the appropriate division commander when property is improperly submitted or when a discrepancy exists between the inventory of items listed on the property report and the items actually submitted to the property system. This notification shall include the officer's name, the date the property was submitted, case number, and type of deficiency concerning the property submission.

3. When the property officer finds a property or evidence submission to be unacceptable and the deficiency cannot be readily corrected by the property officer, the submitting officer shall be required to meet with the property officer during the property officer's normal working hours to correct the deficiency.

C. If the Department property officer is not available by the end of the member's tour of duty, the above requirement may be met by placing the property in an evidence locker(s) provided for that purpose.

D. After evidence is placed in the evidence locker, the officer shall secure the locker by closing the door. The Property Officer and his deputy are the only persons to have access to lockers with evidence in them.

E. A mail slot in locker #9 is available for submission of small items. The property report shall be attached to the properly packaged items placed in the locker. The locker should not be used for items such as liquids, breakable items or heavy items. The Property Officer and his deputy are the only persons to have access to lockers with evidence in them.

F. Under specific conditions, evidence may be submitted directly to the Kentucky State Police Crime Laboratory. The specific conditions are as follows:

1. An agent of the Crime Laboratory is available when evidence is seized;

2. The agent is willing and authorized to receive evidence for examination; and

3. An APD supervisor has pre-approved the transfer of evidence from the officer to the agent of the Crime Laboratory.

If each of the aforementioned specific conditions is met, the officer may arrange for the transfer of evidence directly to the agent of the Crime Laboratory. The officer shall prepare a property record and a request for examination form (KSP 26) with the exception of Biological Specimen Kits (DUI Kits). The property report shall be placed with the evidence at the time of it being placed in the evidence locker. The original will then be forwarded to Support Services to be added to the original case file. The property officer will retain a copy of the original which will be held on file.

G. All cash, drugs, firearms, or expensive jewelry shall be stored in a safe under the highest level of security available after being received by the property officer. **(KACP 27.4)**

H. **Handling of Hazardous and/or Bio-Hazardous Material as Evidence**: Special care shall be taken by each officer in the processing of this type of evidence. Hazardous and bio-hazardous labels are available for officers to use on the packing of such evidence.

1. The Fire Department assumes command/authority in all hazardous material incidents. OSHA and EPA regulations must be followed for the protection of emergency personnel and citizens. Documentation of the incident is of great importance even if evidence can not be held. The holding of hazardous material is the Police Department's responsibility, but the Fire Department can advise police on the handling and storing of such evidence. A hazardous material sample should be stored in a glass container, using the smallest amount possible.

2. Bio-hazardous evidence must be plainly marked for the protection of officers in the field, the property officer, and lab personnel. The officer taking the bio-hazardous evidence shall be responsible for the proper labeling and packaging of the evidence. Special bio-hazardous containers shall be available for officers in the field to use.

3. The property officer shall store any hazardous material or biohazard material separate from other property and will ensure that contact with other property or cross-contamination does not occur.

4. All KSP Sexual Assault Evidence Collection Kits shall be processed and packaged for delivery to the Kentucky State Police Laboratory for examination, regardless if a suspect is known or unknown. A KSP-26 shall be completed and submitted with the kit for examination. Disposal of evidence that may be subject to DNA testing will be handled in accordance to KRS 524.140.

**1.3 PROPERTY OTHER THAN EVIDENCE**

A. All property which is small enough to lock away in an evidence locker in the absence of the property officer shall be treated in the aforementioned manner.

B Abandoned shopping carts not held as evidence and recovered pursuant to City Ordinance No. 64, 1988, shall be transported by the Department of Public Services to the storage lot to the rear of the 21st Street City Garage. This lot shall be designated as a part of the Police Department Property Room for City Ordinance Number 64, 1988, only.

C. Non-Evidence Cash Held by the APD:

1. Non-evidence cash with a known owner shall be submitted to the property officer and held in the APD property safe for 72 hours. During this period the cash may be returned by the property officer to the owner after obtaining required identification following the procedure as set forth in Section D.4 of this order. After 72 hours non-evidence cash with a known owner shall be turned over to the city of Ashland cashier.

2. Non-evidence cash with **no** known owner will be submitted to the property officer. If the cash is presented to the property officer during normal City Hall business hours, the cash shall be turned over to the city of Ashland cashier. When cash is held at a time other than normal City Hall business hours, the cash shall be held in the APD property safe. The property officer shall turn the cash over to the cashier on the next normal City Hall business day.

3. Whenever the city of Ashland cashier receives cash from the APD, the cashier will provide a receipt for the cash and sign the APD property record form.

4. **Return of cash**: When the owner contacts the property officer to claim cash held by the city of Ashland cashier, the owner will provide his/her current motor vehicle operator's license, a government issued identification (ID) card which displays a legible photograph of the owner, or two forms of ID bearing the owner's name, social security number, and date of birth. After the property officer has obtained a valid ID, complies with section 1.6 of this order, and is satisfied that the person making claim for the cash is the owner, the property officer shall escort the owner to the city of Ashland cashier to complete a request for a check. A check will be issued by the city of Ashland to the owner for the amount of cash held.

5. Drug Take Back program: The Ashland Police Department participates in the Drug Take Back program administered through the Drug Enforcement Administration. This program aims to provide a safe, convenient, and responsible means of disposing of prescription drugs, while also educating the general public about the potential for abuse of medications. The following items are excluded from the program: sharps or needles (capped or uncapped), liquids and ointments. Ashland Police officers are authorized to collect expired, unused or spoiled controlled substances from citizens any time during the year. Officers should seal these items in an evidence bag to prevent contamination in the property system. The officer shall place a “Drug Take Back” label on the bag and secure it in a property locker or deliver it directly to the property officer. The Property Officer will place these items in a designated Drug Take Back collection box for periodic disposal with the DEA. Organized events may be staffed by APD officers for these items to be dropped off at designated collection sights for proper disposal versus disposal in landfills and public sewage systems. A property report is not required for collection of items with this program.

**1.4 PROPERTY OFFICER CALL OUT**

A. The on-duty watch commander shall be responsible for determining if the service of a property officer is required. If it is determined a property officer is required the watch commander may authorize call out.

B. The property officer may be called out to secure property if:

1. The evidence or property requires refrigeration, i.e., blood samples, (except those taken on DUI cases), stomach contents, perishable food items, etc. DUI blood samples do not require refrigeration and can be placed in a property locker;

2. A chain of evidence is required and the property will not fit into an evidence locker;

3. The watch commander determines it is in the best interest of the Department or property owner that the item(s) be secured. This would include large sums of cash, drugs or expensive jewelry that should be stored in a safe under high security.

## 1.5 REPORTING PROCEDURE

A. All property received, recovered, seized or found by a member of the Department must be properly described on the property report supplied by the Department according to procedures dictated by department policy. The officer should describe the nature of the charge in the narrative portion of the report (example: burglary, DUI, Misdemeanor Assault ext.)

B. A member who receives, recovers, seizes, or finds property shall report the details of the incident on an approved report form before the end of the tour of duty during which the incident occurred.

C. The property officer will maintain records containing open/active evidence, closed/inactive dispositions and will also maintain the Evidence Manager computer program for review and audits for the property system. **(KACP 27.3)**

## 1.6 RELEASE OF PROPERTY

A. The release of property requires that the police officer responsible for submitting the property to the property control system to file a supplement report authorizing the release of property. The officer shall specify for each item if the property is to be returned to the owner/lawful possessor or destroyed. In the absence of the responsible police officer, a supervisor may file the required supplement report or assign another officer to file the report. If release is pursuant to a court order, a copy of the order shall be attached to the supplement report.

B. It is the responsibility of each case officer and case manager (supervisor) to manage and monitor all cases in which property or evidence is submitted into the property system. Dispositions shall be checked periodically and unneeded property shall be released by the case officer in a timely fashion. There are a number of resources available to each case officer and case manager to facilitate this process including CourtNet and the departmental evidence manager programs. Additionally, officers shall maintain communication with the appropriate prosecutor’s office and court clerk so that unneeded property can be disposed of in a timely manner.

C. The property officer shall require a current operator's license, photo identification (ID) card, or two forms of ID bearing that person's name, social security number, and date of birth. After obtaining adequate ID, the property officer may release the property. **Property shall not be released unless the property officer is satisfied the individual making a claim for the property is the owner or lawful possessor.**

D. The ID accepted by the property officer shall be photocopied and attached to a supplement report filed by the property officer. The supplement shall include who authorized the release of the property, the time and date the property was released, and who accepted custody of the property.

E. Property that can be legally returned shall be returned to the owner or lawful possessor. Prior to returning any firearm the owner shall be checked for felony convictions, domestic violence orders, and any other prohibition that would prevent the owner from legally possessing the firearm. Firearms shall not be released to persons legally prohibited from possession. The property officer is responsible to contact the owner or lawful possessor and make arrangements for the owner or lawful

possessor to come to APD and provide his/her pictured or other acceptable forms of ID to claim property. If verbal contact cannot be made, the property officer will make a reasonable effort to inform (K.R.S. 67.594) him/her to pick up his/her property within 90 days or the items will be disposed of pursuant to Kentucky Revised Statutes and city of Ashland ordinance.

**FINAL NOTICE** - If the owner does not claim the property within that 90-day time period, a second letter will be sent to the owner telling him/her to pick up the property within 30 days or the property will be disposed of according to law.

## 1.7 DISPOSAL AT PUBLIC SALE

Property of value that cannot be returned to the owner or lawful possessor may be disposed of at public auction as authorized by Kentucky Revised Statute, city of Ashland ordinance, and as approved by the Ashland Board of City Commissioners.

## 1.8 CONVERSION OF PROPERTY FOR PUBLIC USE

Property of value that cannot be returned to the owner or lawful possessor may be used by the city of Ashland as authorized by Kentucky Revised Statue, city of Ashland ordinance, and as approved by the Ashland Board of City Commissioners.

## 1.9 DESTRUCTION OF PROPERTY

A. The destruction of property requires the police officer responsible for submitting the property to the property control system to file a supplement report authorizing the destruction of property. In the absence of the responsible police officer, a supervisor may file the required supplement report or assign another officer to file the report. If destruction is pursuant to a court order, a copy of the order shall be attached to the supplement report.

B. Any property that is to be destroyed per court order shall be destroyed according to the specifications set forth in the court order and/or provisions of the Kentucky Revised Statues and city of Ashland ordinances.

C. The property officer or his deputy, will destroy or properly dispose of property at the request of the case officer, by order of the court or the prosecuting attorney; all drug evidence/controlled substances will be destroyed by the property officer or his deputy and with the witness of a supervisor other than the Support Services Supervisor.

D. The property officer shall file a supplement report for property to be destroyed. The supplement report shall list the name of the police officer who authorized property to be destroyed, specify how property was destroyed and list all witnesses to the destruction. This supplement report shall be submitted to support services prior to the conclusion of the property officer's tour of duty on which the destruction of property occurred.

E. Controlled substances, biohazard material, and perishable items which present no hazard if burned, shall be released to and destroyed by a commercial firm that specializes in the removal of this type of material. Alcoholic beverages shall be destroyed per Section 1.9 G of this order.

F. Unless otherwise stated in a court order, all firearms which are not returned to their owners and are not retained by APD for official use shall be forfeited to the Kentucky State Police in Frankfort, Kentucky, per Kentucky Revised Statute 16.220, 95.435, and 500.090. After the weapon is transported and foreitured, a copy of KSP form 031 shall be attached to the APD property report.

G. All other property of the appropriate size shall be destroyed by placing it in a city of Ashland garbage packer truck. The property officer shall witness the destruction of property into the garbage packer

truck. Property which cannot be destroyed in this manner shall be destroyed at Mansbach Metal by metal shredder as witnessed by the property officer.

**2.0 PROPERTY DISPOSITION DOCUMENTATION**:

A. All property removed from the APD property system shall be identified by the property officer, or a person designated by the Chief of Police, on the original property record as to what actions were taken to return, sell, convert, or destroy property.

B. The property officer or a person designated by the Chief of Police shall file a supplement report listing action(s) taken to return, sell, convert, or destroy property, and the supplement report shall be filed on the day the property is returned, sold, converted, or destroyed.

**2.1 INSPECTIONS AND AUDITS (KACP 27.3)**

A. The supervisor of the support services section shall conduct monthly audits of the property system. This audit shall include a random check of at least three exhibits, one of each containing firearms, controlled substances and cash. The support services supervisor will keep a file of these audits.

B. An audit of selected samples in the property system shall be conducted whenever transfers or assignment changes take place involving any employee having access to the property system.

C. A random surprise audit of the property system shall be conducted at anytime when ordered by the commander of the technical services division or the chief of police.

D. The property officer shall maintain a sign-in sheet in the property room. Any person entering the property room for any purpose shall at all times be escorted by the property officer or deputy property officer. Any person entering the property room with the exception of the property officer or deputy property officer shall sign in. This log shall reflect the name of the visitor, the date and time in and out, and the purpose of the visit.

E. The property room will house an OSHA approved ladder for inspections and accessing property items above eye level. **(KACP 27.2)**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

# PROPERTY & EVIDENCE PACKAGING PROCEDURES

**(Attachment "A" to General Order E-2)**

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## SECTION A.
## PACKAGING OF CONTROLLED SUBSTANCES:

1. Place the package containing the controlled substance into an appropriate sized clear evidence bag. (One exhibit per bag)

2. Seal the opening of the evidence bag with RED evidence tape by folding tape over opening. Initial tape with black ink or marker.

3. Place all packages in an appropriate sized envelope and write the Case # on the envelope. SEAL ENVELOPE W/ RED EVIDENCE TAPE AND INITIAL ENVELOPE.

4. Completely fill out Property Record and a Lab Request Form. Property submissions must be reviewed and signed by Supervisor.

5. Place all items relative to case into property locker consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION B
## PACKAGING OF CONTROLLED SUBSTANCES AND PARAPHERNALIA:

1. Separate controlled substances from paraphernalia.

2. Place each item in a clear evidence bag. (One exhibit per bag)

3. Seal the opening of each evidence bag with RED evidence tape by folding tape over opening. Initial tape with black ink or marker.

4. Place all packages in an appropriate sized envelope and write the Case # on the envelope. SEAL ENVELOPE W/ RED EVIDENCE TAPE AND INITIAL ENVELOPE.

5. Completely fill out Property Record and a Lab Request Form. Property submissions must be reviewed and signed by Supervisor.

6. Place all items relative to case into property locker consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION C
## PACKAGING OF CONTROLLED SUBSTANCE REQUIRING FINGERPRINTING:

1. **Gloves should be worn**. Place the container that originally contained controlled substance into a clear evidence bag, seal with RED evidence tape, and write Case #, item # (to coincide with item # on property record), and initials on tape.

2. Place the controlled substance into a clear evidence bag, seal with RED evidence tape, and write Case #, item #, and initials on tape.
   Place all packages in an appropriate sized envelope and write the Case # on the envelope. SEAL ENVELOPE W/ RED EVIDENCE TAPE AND INITIAL ENVELOPE.

3. Completely fill out Property Record, an AFIS Request Form, and a Lab Request for controlled substance. Property submissions must be reviewed and signed by Supervisor.

4. Place all items relative to case into property locker consistent with general order E-2. Property record, lab request and AFIS request should be attached to the property when submitted in this manner.

## SECTION D
## PACKAGING OF SYRINGES, RAZOR BLADES, AND SMALL GLASS PIPES:

1. Place the syringe, razor blade, or pipe into a plastic syringe tube.

2. Seal tube with RED evidence tape.

3. Write the Case #, item # (coincides with item number on Property Record) and initials on label included with the syringe tube.

4. Place all packages in an appropriate sized envelope and write the Case # on the envelope. SEAL ENVELOPE W/ RED EVIDENCE TAPE AND INITIAL ENVELOPE.

5. Completely fill out Property Record and a Lab Request Form. Property submissions must be reviewed and signed by Supervisor.

6. Place all items relative to case into property locker consistent with general order E-2. Property record and lab request should be attached to the property when submitted in this manner.

## SECTION E
## PACKAGING OF CURRENCY / COINS:

1. **ALL MONEY**, including counterfeit, foreign, and coinage, shall be packaged in clear evidence bags.

2. Each denomination **SHALL** be counted and packaged **SEPARATELY** in clear plastic bag. This **SHALL** be witnessed by second officer (**preferably Supervisor)** and verified with signature and badge # on each bag. Write Case #, item # (to coincide with item # on property record), amount, and initials of **BOTH OFFICERS** on evidence bag.

3. Place all denominations in an envelope and seal envelope with red evidence tape. Both officers initial tape. Write Case # on envelope.

4. Complete Property Record. List total amount of currency as well as a breakdown of quantity of each denomination. Property submissions must be reviewed and signed by Supervisor.

5. Place all items relative to case into property locker consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION F
## PACKAGING OF FIREARMS AND AMMUNITION IN BOXES:

LIST ALL FIREARMS WITH SERIAL / MODEL #. ALL FIREARMS SHALL BE ENTERED / CHECKED THROUGH LINK/NCIC, AND ATF REQUEST FORM COMPLETED BY CASE OFFICER.

1. REMOVE ALL ammunition, magazines, clips or other loading devices. **LOADED FIREARMS SHALL NOT BE SUBMITTED TO PROPERTY**. Do not remove ammo from the loading device (clip, magazine, etc.) if the ammo is to be examined for prints.

2. Secure the firearm in a safe, OPEN condition (auto - slide open, revolver – cylinder open, long gun – action open) with a plastic or metal wire-tie.

3. Handguns - Place the firearm, ammo, magazines, clips or other loading devices into an appropriate gun box and secured to the bottom of the box with provided wire ties which are located in the evidence processing room. Write the Case #, item # (coincides with item number on Property Record) and initials on the Evidence envelope or box.

4. Long guns – Long guns recovered as evidence and will not be processed by a laboratory for forensic value shall be secured with the action open with the appropriate wire ties and placed into an evidence locker (No rifle box required). The property officer will package for storage.

   **NOTE: If laboratory or forensic evaluations are required, submit the KSP 26 in addition to the property record. Package the weapon in the appropriate rifle box.**

5. Place all items relative to case into property locker consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION G
## PACKAGING OF KNIVES AND OTHER LARGE SHARP OBJECTS:

1. Place item into a KNIFE BOX.

2. Seal box with **PACKING** tape.

3. If item will not fit into knife box, cut an appropriate piece of cardboard / envelope and fold it over the entire sharp portion of the item.

4. Secure the cardboard with packing tape.

5. Write Case #, item #, and initial on outside of box or on cardboard.

6. Place all items relative to case into property locker consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION H
## PACKAGING OF LARGE GENERAL ITEMS

1. Large items that do not require special packaging (for printing, biological evidence, or safety reasons) may be submitted by attaching a COPY of completed PROPERTY RECORD to the item with tape, or a plastic or wire-tie.

2. Submit the evidence consistent with instructions in general order E-2.

## SECTION I
## PACKAGING OF BIOLOGICAL ITEMS:

1. Bio-hazardous items shall be placed into a **RED BIO-HAZARD bag, sealed and initialed with RED Evidence tape.**
2. Complete a Property Record and Lab Request.

3. Place a **COPY** of Property Record on the bag and the original in property.

4. Submit the property consistent with instructions in general order E-2. Utilize Bio Hazard magnet when appropriate.

## SECTION J
## PACKAGING OF SMALL MISCELLANAEOUS ITEMS:

1. Small items that do not require special packaging (for printing, biological testing, or safety reasons) shall be placed into separate plastic evidence bags, with item # on bag to coincide with # on property record, then placed in the appropriate sized **ENVELOPE, brown paper bag, or plastic evidence bag**.

2. Seal the Envelope or bag with **RED evidence tape and initial same**.

3. Place all items relative to case into property locker ~~or red mailbox~~ consistent with general order E-2. Property record should be attached to the property when submitted in this manner.

## SECTION K
## PACKAGING OF AUDIO AND VIDEOTAPES, CD'S ETC.

1. Video / Audio / Micro Cassettes / CD'S / Photo Disc's / 35mm film shall be submitted by writing the Case #, and Item # on the item, then place item in appropriate sized manila

envelope (4x6, 6x9,etc.) and place it in property locker 9 along with a completed Property Record attached by paper clip or other means. CD's, DVD's or other discs should be placed into protective sleeve or other container.

2. If copies are to be placed into case file, case officer should make these before submission into property locker when possible.

## SECTION L
## STORAGE OF VEHICLES

1. Vehicles held as evidence shall be placed in APD Impound lot located @ 41st St. garage. During normal business hours contact the Property Officer directly or via RPSCC or support services section. After normal office hours and on weekends call-out of Property Officer is required.

2. Complete a Property Record noting the Make, Model, Serial #, Tag # w/ state, along with a Vehicle Tow in Card. Place a copy of Property Record on inside dash of vehicle.

3. During normal office hours Property Record may be turned in to the Property Officer on duty or to the support services section desk officer.

4. After hours place Original Property Record into property locker 9.

5. Tow in Card is turned in to support services by following normal procedures.

## SECTION M
## BICYCLES

1. Bicycles may be submitted by attaching a copy of Property Record to the bike with tape, or a plastic or wire-tie.

2. Bicycles are to be stored in the sally port.

3. **Place bike w/completed COPY of property record in the sally port.**

4. Place original property record in property locker 9.

## SECTION N
## GSR (GUN SHOT RESIDUE)

1. GSR kits in a white 6X9 envelope marked GSR-0KY in the reorder number section should no longer be used and discarded, they are now replaced with a white box marked GSR-SEM/KY(Q).

2. Only shooting suspects are to be tested.

3. Collection of GSR evidence should be completed as soon as possible, on scene prior to handcuffing or placing the subject in the back of a police car. GSR collection that occurs after four hours of the incident will not be tested. Special attention should be taken not to allow a subject to put their hands in their pockets, wash hands or wipe down hands prior to testing.

4. Upon opening the kit, ONLY USE THE PROVIDED GLOVES IN THE KIT, do not use any other gloves until you have completed testing of the subject. Read the enclosed instruction sheet and prior to re-sealing the kit be sure and complete the Gunshot Residue Analysis Information Form.

5. Use the provided collection vial marked RIGHT HAND and LEFT HAND to test the corresponding hand of the subject. The back of the subjects thumb, and fingers and the webbing in between should be tested by pressing the collection surface of the vial onto these areas in an overlapping pattern. The same should be done for the entire palm side as well. Cap the lid for the first vial before opening the second vial.

6. It is preferred that if clothing is going to be tested, the clothing be collected and placed in a paper bag prior to placing the subject in the back of a police vehicle, only the outer garments are needed. Special attention should be taken if the clothing is wet or soiled by blood. It will need to be dried prior to sealing.

7. The interior of a vehicle may be tested with the provided vials, simply mark through left and right hand on the information form and write in where the corresponding vial was used to collect evidence in the vehicle.

8. Once the kit has been completed, re-pack the kit with the vials and the completed Gunshot Residue Analysis Information Form and seal it with the provided Police Evidence Seal. The kit along with a KSP-26 and an APD 5 should be completed and the evidence should be submitted in accordance with General Order E-2.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER E - 3

| SUBJECT: ASSET FORFEITURE | | |
|---|---|---|
| Date of Issue: 11FEB08 | Effective Date: 1MAR16 | |
| Revision Date: 15FEB16 | Review Date: 15FEB18 | **REVIEWED** |
| Accreditation Standards: KACP 30.3 | | |

**1.1 POLICY:** The Kentucky Controlled Substance Act, KRS 218A.410, authorizes law enforcement agencies to seize and forfeit any property or contraband article which has been used, is being used, or was intended to be used in violation of any provision in the Act. It is the policy of the law enforcement agencies in this state to utilize the forfeiture provisions to the fullest extent possible in order to impact upon crime, yet protect innocent owners, while providing law enforcement agencies with the maximum amount of economic benefit for the continued enforcement of the Kentucky Controlled Substances Act.

**1.2 PURPOSE:** The purpose of this policy is to standardize the procedures used in seizing, maintaining, and forfeiting assets pursuant to the provisions of law, and to ensure that seized property is seized and maintained in an efficient and lawful manner. The provisions contained in this policy are intended to serve as guidelines regarding the seizure and forfeiture of property. Substantial compliance will further the goal of uniform practice throughout the State. **(KACP 30.3)**

**1.3 PROCEDURES**:

A. Seizure of Vessels, Vehicles, Aircraft, Currency, or Other Personal Property or Contraband Articles

1. The seizing agency may seize property for forfeiture under the Act without process if it determines that:

   a) The seizure is incident to an arrest or a search under a search warrant; or,
   b) The property subject to seizure has been the subject of a prior final order of forfeiture; or,
   c) The agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or,
   d) The agency has probable cause to believe the property is subject to forfeiture pursuant to KRS 218A.410.

2. Probable cause seizures taking place at the time of violations may be made without prior judicial approval.

3. Property not seized at the time of violations presently located on private premises should be seized pursuant to a court order authorizing entry onto the private premises, unless otherwise authorized by law.

4. As soon as practicable following seizure, the agency shall make a diligent effort to determine ownership of the seized property, including the identification of the registered owner(s), title holder(s), and bona fide lien holder(s), if any.

5. The seizing agency shall give notice of the seizure to the owner(s) and/or bona fide lien holder(s), if any, once identified, within twenty-one (21) days after the identification is made. Such notice may be made by certified mail, return receipt requested.

6. Following an agency's determination not to proceed with a forfeiture based upon innocent owner considerations, the agency shall release the seized property to the lawful owner or his legally authorized designee.

7. As soon as practicable after the seizure, the seizing officer shall complete an offense and seizure report, particularly describing the circumstances attendant to the seizure and forward same to the Commonwealth Attorney who will be handling the forfeiture action. Attached to this order is a form for this purpose.

B. Seized Vessels, Vehicle & Aircraft Storage Maintenance

1. At the time of seizure, the agency should have vehicles transported or towed to a secure storage facility or other appropriate storage location as may be authorized by the agency.

2. A complete inventory of the seized property and all containers, open or closed, found therein shall be completed at the time of the seizure. As soon as practicable after seizure, a seizing agency shall make a good faith attempt to release to the lawful owner all personal property (e., clothing) seized with items impounded and not being retained as evidence or for forfeiture. If the owner is unknown, has been arrested, or is otherwise unavailable to take possession of the property, the property shall be placed in property to be released to the owner at a later date.

3. ***Any personal property seized as evidence shall be packaged and stored separately and handled in accordance with established procedures for the processing of evidence.***

4. Reasonable attempts shall be made to maintain the property in time-of-seizure-conditions. Although all rights, interest in and title to seized assets vest immediately in the seizing agency upon seizure, seized items shall not be used for any purpose until the rights, interest in and title to the seized property are perfected by final order of forfeiture. This section does not prohibit use or operation necessary for reasonable maintenance of seized property.

5. If special maintenance is required to maintain seized property in time-of-seizure-condition as may be necessary with motor vehicles, the seizing agency shall ensure that such maintenance is provided within a reasonable time after seizure, with such care continuing through the pendency of the forfeiture action.

6. The department property officer shall make periodic inspections of all property which has been seized subject to forfeiture to ensure continued the time of seizure conditions of the property is being maintained. Such inspections shall be documented appropriately.

C. Seizure and Forfeiture of Real Property

1. The agency may seize real property only with process:

   a) Real property subject to forfeiture may be seized pursuant to final judgment and order of forfeiture by the court with jurisdiction over the forfeiture action; or,

   b) Real property may be seized prior to final judgment by the agency if it obtains a seizure order from the court following a hearing. Seizure prior to the judgment is only permissible on a showing by the Commonwealth that seizure is necessary to preserve the property pending final judgment.

2. Real property which is seized prior to final judgment must be maintained at time-of-seizure condition.

3. Agencies with probable cause to believe that real property is subject to forfeiture will as soon as practicable consult with the appropriate Commonwealth Attorney to perfect the lien created in KRS chapter 218. A lien is preferred over pre-judgment seizure of real property.

D. Release of Seized Property

   1. If at the conclusion of the judicial process the claimant prevails, the seized property shall be released to the lawful owner according to the instructions of the court.

   2. In all other instances, if a seized vessel or vehicle is to be released to the lawful owner, the seizing agency may assess against the owner the actual cost of towing, storage, and maintenance of the seized property. Absent settlement, administrative costs which do not reflect actual expenses shall not be assessed.

3. Property which has been seized as having evidentiary value shall be treated accordingly, and shall NOT be released pursuant to this policy.

**1.4 RETENTION FOR OFFICIAL USE, SALE, AND DISTRIBUTION**:

A. Retention of Vehicles

1. Any vehicle seized and subsequently forfeited to a law enforcement agency may be retained by that agency for official use.

2. Any vehicle retained may be sold by the agency. Funds from such sale shall not be considered as funds to be distributed.

3. Proceeds from sale of retained vehicles must be spent on a specific law enforcement purpose. “Specific law enforcement purpose” means any agency activity which materially facilitates enforcement of the law of the Commonwealth of Kentucky.

4. The recipient agency must pay any bona fide perfected security interest on any forfeited vehicle retained for official use.

B. Sale of Forfeited Property

1. All sales of property forfeited pursuant to the controlled Substance Act must be advertised, public sales.

2. The Commonwealth may transfer any forfeited real property sold by deed of general warranty.

3. All bona fide, perfected security interests on forfeited property must be paid from proceeds of sale of such property.

4. Controlled substances which have been forfeited but which have a lawful purpose may be sold to proper buyer as determined by the regulations of the Cabinet for Human Resources.

C. Distribution of Sale Proceeds

1. Following deduction of any direct expenses related to the sale of forfeited assets, the agency retains eighty-five percent of the sale of assets itemized in any final order of forfeiture. Fifteen percent of the sale of assets is paid to the office of the Commonwealth Attorney or County Attorney which handled the forfeiture action.

2. All proceeds from sales of forfeited property must be expended for specific law enforcement purposes.

3. When money or property is seized in a joint operation involving more than one law enforcement agency, the apportionment of funds shall be made among the agencies in such a manner as to reflect the degree of participation of each agency in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based. The trial court shall determine the proper division and include the determination in the final order of forfeiture.

**1.5. REPORTING REQUIREMENTS**

A. Seizure Reports

1. Any agency which seizes property subject to forfeiture without court order shall immediately prepare a report completely describing and inventorying the property so seized. The original of the report shall be included in the criminal case file. Duplicates of the report shall be forwarded to the appropriate prosecutorial office.

2. Any agency which wishes to obtain a court order to seize property shall submit a "Request for Forfeiture" form to the appropriate prosecutorial office. Property seized pursuant to such order should be reported in the same manner as property seized without order. A copy of the court order shall be attached to the seizure report.

3. Any agency which wishes to place a lien against forfeiture real property shall submit a "Request for Forfeiture Lien" to the appropriate Commonwealth Attorney. A copy of the forfeiture lien notice shall be maintained in the criminal case file.

4. A copy of all final orders of forfeiture shall be forwarded to the Kentucky Justice Cabinet by the appropriate Commonwealth's Attorney.

5. Agencies shall notify the Kentucky Justice Cabinet of each forfeited vehicle retained for official use or sold for the benefit of the agency.

B. Annual Reporting Requirements

1. KRS 218A.440 requires that each agency seizing money or property shall at the close of each fiscal year file a statement with the Auditor of Public Accounts and the Secretary of the Justice and Public Safety Cabinet containing a detailed listing of all money and property seized in that fiscal year and the disposition thereof.

2. The Ashland Police Department (APD) shall transmit such reports by August 30 of each year to the Office of Drug Control Policy, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, KY 40601-2108. Phone: 502.564.8289; Fax: 502.564.6104. Forms and electronic reporting options are available on their website at www.odcp.ky.gov.

3. The APD participates in an equitable sharing agreement for forfeitures and seizures that are processed through a federal law enforcement agency. Submission of a Federal Annual Certification Report is required after the end of the agency fiscal year.

4. The APD shall transmit the Federal Annual Certification Report and attachment by August 30 of each year. Copies of this report must be sent to three different offices as listed:

   a) Asset Forfeiture and Money Laundering Section
      U.S. Department of Justice
      10th and Constitution Avenue
      Bond Building 10th Floor
      Washington, D.C. 20530
      Fax: 202.616.1344

   b) Executive Office for Asset Forfeiture
      U.S. Department of the Treasury
      740 15th Street
      Suite 700
      Washington, D.C. 20220
      Fax: 202.622.9610

   c) Office of the U.S. Attorney for the Eastern District of Kentucky
      110 West Vine Street
      Suite 400
      Lexington, KY 40507-1671
      Fax: 859.233.2666

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

## Request for Forfeiture

To be submitted to prosecutor

Date of Request: _____ Case No.: _____

Property: ☐ Money ☐ Vehicle ☐ Weapon ☐ Jewelry ☐ Real Property

Description of Property: _____

Name and Address of Person in Possession:

_____

Owner's Name and Address (if different from above):

_____

Lienholder's Name and Address (if any):

_____

Charge(s) Made or Pending: _____

Additional Information (not on offense report but relevant to probable cause for forfeiture):

_____

Case Officer(s): _____

Estimated Costs: Value of Property _____
Lien Amount: _____
Cost of Litigation: _____
Net Profit: _____

Recommendation:

☐ Initiate Forfeiture Proceedings
☐ Return Property to Owner ☐ Settlement

Comments: _____

Date: _____

Final Disposition:

☐ Forfeiture Proceedings Initiated
☐ Property Released to Owner
☐ Settlement with Owner
☐ Property Awarded to Law Enforcement Trust Fund

Comments: _____

_____
Commonwealth Attorney

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER E – 4

| SUBJECT: SEXUAL ASSAULT EVIDENCE KITS (SAEK) | | |
|---|---|---|
| Date of Issue: 16NOV16 | Effective Date: 16NOV16 | |
| Revision Date: | Review Date: 16NOV18 | **NEW** |
| Accreditation Standards: | | |

**1.1** **POLICY:** This department recognizes the seriousness of sexual assault and the impact it has on victims and members of the community. In sexual assault investigations, evidence and information about the crime is gathered primarily from three sources: the victim; the suspect; and the crime scene. This department is committed to utilizing all investigative techniques at its disposal and working with other agencies in an effort to identify suspects. It is the policy of this department, that when notification is received from a collecting facility, generally a hospital, clinic or medical provider, that a Sexual Assault Evidence Kit (SAEK) has been completed and is ready for transfer, this department, shall within five (5) days of notification respond to the facility and take custody of the SAEK.

**1.2** **PURPOSE:** When law enforcement investigates a case of sexual violence, deoxyribonucleic acid (DNA) evidence can make or break the outcome. DNA evidence has become a routine part of investigation and prosecuting all types of crimes including sexual assault.

DNA evidence from a crime like sexual assault can be collected from the crime scene, but it can also be collected from a victim's body, clothes, and other personal belongings. SAEK contain biological evidence collected from a victim following the report of a sexual assault. If submitted for lab testing, the kits could yield DNA evidence that, when entered into a database of DNA profiles, could generate a hit that helps connect suspects to current or past crimes.

Entering DNA evidence from SAEK increases the likelihood of prosecution. The importance of DNA evidence in sexual assault cases cannot be overstated. Not only does DNA evidence carry weight in court, but it may prevent future sexual assaults from occurring. Even if the perpetrator is not prosecuted, their DNA may be added to the national database, making it easier to connect the perpetrator to a future crime or a past crime.

Once DNA is collected, there is a protocol for how the evidence is handled and used in an investigation. The evidence will be provided to law enforcement who will send it to the crime lab. The lab will analyze the material and develop DNA profiles that are unique to a specific person. The lab works with law enforcement officials to compare these profiles to the DNA of potential suspects. If the perpetrator is unknown, they may compare the DNA profile against a large database run by the FBI called CODIS, the Combined DNA Index System. This way, they can identify suspects that the victim doesn't know or isn't familiar with.

The SAEK - a container that includes a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during the exam. The contents of the kit may include:

A. Bags and paper sheets for evidence collection.
B. Comb.
C. Documentation forms.
D. Envelopes.
E. Instructions.
F. Materials for blood samples.
G. Swabs.

**1.3** **PROCEDURES**:

A. When this department receives notification that a sexual assault examination has been conducted by a collecting facility/medical provider performed under KRS 216B.400 and a SAEK has been completed and is ready for pick up, a member of this department shall within five (5) days of notification respond to the facility and take custody of it. The Chief of the Department shall designate

the officer or bureau responsible for the collection of these kits.

B. The property officer shall ensure that all evidence retrieved from a collecting facility be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by this department.

C. This Department shall handle the SAEK in compliance with best practices associated with crime scene evidence collection:

1. In cases where no criminal report has yet been generated the receiving officer will generate a department case number.

2. The receiving officer will prepare an evidence form and maintain a proper chain of custody by documenting the date, time and name of the person who turned over the SAEK to him.

3. On arrival at the department the receiving officer shall ensure the evidence (SAEK) is turned into the property and evidence officer or placed in a department authorized temporary storage facility, both of which are designed to preserve the evidentiary value of the SAEK, generally a refrigerated area, while it awaits transfer to the Department of Kentucky State Police forensic laboratory.

D. The decision to report the crime rests completely with the victim. It may take some time for the victim to decide what to do. Having a sexual assault forensic exam ensures that the forensic evidence will be safely preserved while the victim decides how to proceed. It is not required the victim file a criminal complaint. This department shall collect the evidence (SAEK) and comply with stated procedures of this policy.

E. In cases where a victim receives treatment at a collecting facility in this jurisdiction but it is determined the sexual assault occurred outside the jurisdiction of this department, officers shall:

1. Respond to the collecting facility to receive the evidence. That evidence will be collected and maintained in accordance with this department's property and evidence storage policy, as stated earlier in this policy.

2. This department will transmit the evidence to a department with jurisdiction of the sexual assault within ten (10) days of its receipt by this department.

F. Suspect Standard:

1. During the course of investigation by police officers/detectives, a suspect sample (DNA), may be obtained by this department.

2. When this department possesses a suspect standard it shall be transmitted to the Department of Kentucky State Police forensic laboratory with the SAEK received from a collecting facility.

G. Victim Notification

1. This department will work collaboratively with the Department of Kentucky State Police forensic laboratory and the prosecutorial authority regarding victim notification on the progress of testing, whether the testing resulted in a match to other DNA samples, and if evidence will be destroyed.

a. The lead investigator assigned to a sexual assault investigation is not required to immediately disclose to the victim the identity of any person to whom the evidence matched. This department may delay notice until a suspect is apprehended or the Commonwealth's attorney consents to the notification.

## 1.4 PROPERTY AND EVIDENCE FUNCTION:

A. It shall be the responsibility of the property officer to ensure the SAEK received from a collection facility is maintained in such a manner as to preserve the integrity of the evidence. The property

officer shall forward all SAEK to the Department of Kentucky State Police forensic laboratory in accordance with this policy.

B. All KSP Sexual Assault Evidence Collection Kits shall be processed and packaged for delivery to the Kentucky State Police Laboratory for examination, regardless if a suspect is known or unknown, within thirty (30) days of receipt. A KSP-26 shall be completed and submitted with the kit for examination, and if No Suspect Standard is available, it should be noted on the KSP-26. In a case where a sexual assault kit has been entered into evidence, it shall be the case officer's responsibility to ensure destruction of evidence in accordance with KRS 524.140.

C. Auditing
It is the policy of this department that during department auditing procedures of the property and evidence room the auditor shall examine all SAEK held by this department to ensure compliance with this policy and Kentucky State law. Any discrepancies or violations of this policy shall immediately be reported to the Chief of Police in writing.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER F - 1

| SUBJECT: RESPONSE TO RESISTANCE | | |
|---|---|---|
| Date of Issue: 11OCT91 | Effective Date: 8Sept15 | |
| Revision Date: 25AUG15 | Review Date: 25AUG17 | **REVISED** |
| Accreditation Standards: KACP 1.3, 1.3A, 1.3B, 1.3C, 1.3D, 1.8, 1.11, 1.11A, 1.11B, 1.11C, 1.12 | | |

**1.1 PURPOSE:** To establish a guideline for each member of the Ashland Police Department (APD) in the response to resistance. The response is the use of force: physical force; deadly physical force; and use of force to prevent escape from arresting officer. This guideline is to fix responsibility for the investigation of each incident involving the response to resistance. **(KACP 1.3)**

**1.2 POLICY:** The rule of minimal force shall prevail. An officer shall exert only such force as is reasonable to effect a lawful arrest and to maintain effective custody of the party or parties arrested.[1] **(KACP 1.3A)**

**1.3 TRAINING:** APD officers shall receive training on use of force and use of deadly force at least annually. Training shall include defensive tactics, use of O.C. spray, use of specialty munitions, firearms decision making and use of the police baton.

**1.4 DEFINITIONS:**

**A. Deadly Force:** The Federal Courts have defined deadly force as any force which creates a substantial likelihood of death or serious bodily harm. The Kentucky Legislature has further defined deadly force in K.R.S. 503.010: "Deadly physical force" means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.

**B. Non-Deadly Force:** All uses of force other than those that create a substantial likelihood of serious bodily harm or death.

**C. Imminent:** Impending or about to occur.

**D. Objectively Reasonable:** The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using the force is presented.

**E. Reasonable Belief:** Reasonable belief means that the person concerned, acting as a reasonable person, believes that the prescribed facts exist.

**F. Serious Physical Injury:** "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

**G. Conducted Electrical Weapon**: Conducted Electrical Weapon (CEW), TASER,™ that disrupt the central nervous system of the body.

**H. Active resistance:** a subject actively resists when they take affirmative action to defeat an officer's ability to take them into custody.

**I. Physical force:** Use of any part of an officer's body, such as joint manipulation, leverage, pain compliance, take-down maneuvers or neck restraint holds.

**J. Chemical agents:** Use of any chemical agent to overcome subject resistance.

**K. Impact tools/strikes:** Use of any tools, object or body part to strike a subject.

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1 Ashland Police Department Rules and Regulations, Article XII, section 12.3 Reporting Use of Force.

**L. Electronic tools:** Use of any electronic equipment on a subject being controlled.

**M. Injury or complained of injury:** Any time the subject being controlled is injured or complains of injury.

**N. Pointing of Firearms:** Any time an officer points a firearm at an individual, notwithstanding the fact that deadly force is not ultimately deployed. This does not include drawing a firearm and maintaining at the low-ready position.

**O. Firearms discharges:** Any discharge of a firearm other than at the range or during qualification whether unintentional, for animal dispatch, or whether a subject is hit or not will be reported in a separate manner consistent with these policies.

**1.5 USE OF FORCE** – Kentucky Revised Statute (KRS) 503.090

A. Use of Force to Arrest – KRS 503.090(1) authorizes each officer of the APD to use physical force when, acting under official authority, is making or is assisting in making an arrest, and he/she:

1. Believes that such force is necessary to make the arrest;

2. Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and,

3. Believes the arrest to be lawful.

B. Deadly Physical Force – KRS 503.090 (2), the use of deadly physical force in making an arrest is justifiable only when the three requirements above are all met and: **(KACP 1.3B)**

1. The person making the arrest is a peace officer;

2. The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and

3. The person making the arrest believes the person to be arrested is likely to endanger human life unless apprehended without delay. **NOTE**: KRS 503.090 (2) does not restrict an officer's right to use deadly physical force in self-defense when trying to make an arrest; self-defense is a separate matter (see KRS 503.050 and 503.060). But to justifiably use deadly physical force just to get a person arrested, one must be a peace officer. Plus, the arrest must be for a serious, violent felony (a homicide, a violent assault or sex offense, an armed robbery, etc.). In addition, the officer must believe that the person is very dangerous, that the person is likely to endanger human life if he/she does not get him in custody immediately (for example: person has a knife, says he will kill next person he runs into).

C. Use of Force to Prevent Escape from Arresting Officer – KRS 503.090 (3) provides for the use of physical force, including deadly physical force, when a person is preventing the escape of an arrested person, and when the force could justifiably have been used to make the arrest under which the person is in custody. Thus, the physical force a person can use to prevent the escape of an arrested person is not the physical force authorized by KRS 503.090 (1) to be used in arresting the person.

Thus a person could not use deadly physical force to prevent the escape of an arrested person unless (1) the person using the force is a peace officer, (2) the arrest was for a serious, violent felony, and (3) the person using the force believes the person under arrest is likely to endanger human life.[2]

D. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in immediate danger of serious physical injury. **(KACP 1.3B)**

E. The use of deadly force against a fleeing felon is authorized only when the officer believes the person

[2] Kentucky Revised Statutes 503.090.

to be arrested is likely to endanger human life unless apprehended without delay. **(KACP 1.3C)**

F. The use of warning shots is prohibited. **(KACP 1.3D)**

**1.6 RESISTANCE CONTROL CONTINUUM:** The force continuum has been included in this policy only as a general guideline for comparing accepted forms of control or force against various types of resistance that may be encountered.

A. The resistance control continuum used by the APD is based upon the resistance control continuum designed by Pressure Point Control Techniques Management Systems, and is currently being used by law enforcement agencies throughout the United States.

B. One or all techniques may be used depending upon the level of resistance. However, it is not necessary to follow the order of the continuum when circumstances dictate that the officer escalate to a higher level of control. When circumstances dictate, an officer shall de-escalate to a lower level when resistance decreases or ends.

C. Other variables which affect the resistance control continuum may include, but are not limited to, the size and gender of the officer and subject, the totality of the circumstances such as the danger or imminent threat to the officer or others, and the officer's reaction time or ability to respond.

D. Special circumstances may exist which affect the officer's options as to how he responds. These may include: the suspect's close proximity to a firearm, special knowledge of the circumstances or suspect, injury to or exhaustion of the officer, ground conditions, disability, and imminent danger.

E. Strikes with an impact weapon to the vital areas, which include head, neck, spine, groin, kidney region, and coccyx, could result in serious physical injury or death, and should only be used as a response to aggravated aggression.

**1.7 OLEORESIN CAPSICUM (O.C. SPRAY) (KACP 1.8)**

A. Officers are permitted to carry and use only departmentally issued O.C. spray. The use of O.C. spray shall be consistent with departmental training. O.C. spray may be utilized under the following circumstances:

1. When necessary to defend himself/herself or others;

2. To effect an arrest;

3. To prevent the commission of a public offense;

4. When lower levels of force are deemed ineffective;

When circumstances permit, notice of arrest and verbal warning should be issued to the offender prior to the application of O.C. spray. Warning and application are to be consistent with training received in the certification process and only as necessary to complete a lawful objective.

B. Members should use care to avoid exposing bystanders or other officers to the spray and should not use the spray when it is likely to come into contact with young children or the elderly. Abuse or deliberate misuse of O.C. spray shall be cause for disciplinary action.

C. Uniformed police officers and public service officers shall carry departmentally issued O.C. spray. Police officers on other than patrol assignments shall carry or have the departmentally issued O.C. spray reasonably available (in their car or assigned work area). Off duty officers are authorized to possess departmentally issued O.C. spray when consistent with applicable laws, policy and training.

~~**1.8**~~ D. Post Application of O.C. Spray (KACP 1.8)

1. Observe arrestee. After spraying and handcuffing, arrestee(s) shall be monitored for negative medical reactions. It is particularly important to monitor their breathing. If at any time after

application of O.C. spray the subject(s) exhibits any unusual reaction to the spray or requests medical attention, a medical transport unit shall be called to that location. ***Note: In the event it becomes necessary that an individual be transported to a medical facility, the medical personnel shall be advised that the individual being transported to them is a source of O.C. spray contamination***.

2. Minimize pain. After arrestee(s) has been restrained by the use of O.C. spray, and is no longer combative, member(s) shall take appropriate action to minimize the physical and emotional effects of the spray.

E. Decontamination

1. On site. Using a spray bottle containing tap water, members shall mist water on to the facial area and blot with wet paper towels. During transport of restrained prisoner(s), windows should be lowered for maximum ventilation. Members should be alert to the dangers of positional asphyxia while the prisoner is in their custody.

2. Booking process. Continue application of water and towels, as outlined above, and continue to monitor the individual for adverse reaction to the spray.

F. Any use of O.C. spray by members of this Department shall be documented on a Response to Resistance Report Form, and submitted through channels to the office of the Chief of Police.

## 1.8 CONDUCTED ELECTRICAL WEAPONS (CEW) (KACP 1.8)

Officers are permitted to carry and use only CEWs that have been issued by the department. The use of CEWs ~~shall be consistent with departmental training and is authorized when the officer reasonably believes that the circumstances meet the degree of force necessary to overcome actual, or anticipated, resistance by the suspect~~ is contained in General Order F-4.

~~CEWs shall be worn on the weak-side, cross-draw position.~~

~~**NO MORE THAN ONE OFFICER SHALL DEPLOY A CONDUCTED ELECTRICAL WEAPON AGAINST A SINGLE INDIVIDUAL AT THE SAME TIME.**~~

~~A. The use of CEWs is authorized for, but not limited to, the following situations:~~

~~1. Persons refusing to obey an officer's commands through active resistance.~~

~~2. Actively aggressive persons who are combative and present a physical danger to himself/herself, the officer or any other person.~~

~~3. Prisoners who attempt to escape or seriously injure themselves.~~

~~4. Fleeing subjects under certain circumstances. A subject fleeing cannot be the sole justification for use of a CEW. Flight in order to avoid arrest or detention, in circumstances where officers would pursue on foot and physically effect the arrest or detention. Officers should consider the severity of the offense, the subject's threat level to others and the risk of serious injury to the subject before deciding to use a CEW on a fleeing subject (Graham vs Conner). When a subject is fleeing, the officer shall make known his/her intent to arrest and the offenses charged before deploying a CEW, unless the officer reasonably believes that:~~

~~a. Giving notice would endanger the life of the officer, or,~~

~~b. Giving notice would endanger the life of other innocent persons, or,~~

~~c. The reason for the arrest is obvious.~~

~~B. The CEW shall not be used:~~

~~1. On obviously pregnant women, elderly persons, young children and visibly frail persons, unless an exigent circumstance exists.~~

~~2. When the officer knows the subject has come in contact with flammable liquids or is in a flammable atmosphere.~~

~~3. When the subject is in an elevated position, where a fall is likely to cause serious injury or death, unless the subject poses a threat of serious physical injury to the officer or others.~~

~~4. When a subject is in a location where he/she could drown.~~

~~5. When a subject is operating an automobile, truck, motorcycle, all-terrain vehicle (ATV), bicycle, scooter, any other moving vehicle and/or hazardous machinery.~~

~~6. When a prisoner is handcuffed, unless the prisoner is involved in a physical assault against the officer or others. In these situations, the CEW may only be activated by using a drive-stun. Any such drive-stun application shall be limited to the least number of times and for the shortest duration reasonable to stop the active aggression and to secure the prisoner.~~

## ~~1.10 POST APPLICATION CONDUCTED ELECTRICAL WEAPON (CEW) (KACP 1.8)~~

~~A. Observe arrestee. After deployment and handcuffing, arrestee(s) shall be monitored for negative medical reactions. It is particularly important to monitor their breathing and level of consciousness.~~

~~B. Deployed probes that have been removed from a suspect should be treated as a bio-hazard. Officers will take precautions by donning the appropriate personal protective apparel such as disposable rubber gloves.~~

~~C. Where EMS is available, their services may be utilized for the removal of darts that have penetrated the skin as long as such removal can be accomplished without causing further injury or pain to the subject.~~

~~D. All persons who have been the subject of a Conducted Electrical Weapon deployment shall be monitored for a period of time with a focus on symptoms of physical distress. Any person who appears to be having any form of physical distress following the deployment of a CEW, shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of difficulty may occur a period of time after the police control event.~~

~~E. Mandatory Medical Clearance at Hospital:~~

~~1. Persons struck in a sensitive area-eyes, head, genitals, female breasts.~~

~~2. Where the probes have penetrated the skin and Officers/EMS cannot safely remove darts in accord with this policy.~~

~~3. Persons who do not appear to have fully recovered after a short period of time or when officers observe unusual physical distress should immediately call for medical assistance and should not wait a recovery period.~~

~~4. Persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who are small in stature, persons who officers become aware have a pre-existing medical condition that increases danger and the elderly.~~

~~5. Subject who requests medical assistance.~~

## 1.9 SPECIALTY IMPACT MUNITIONS (KACP 1.8)

A. Shall be used in accordance with training provided by a certified less lethal instructor and General Order F-2, 2.1. Specialty Impact Munitions shall only be used by officers trained in their use.

B. Members deploying the bean bag round should exercise the same care and concern for public safety when deploying less lethal options as they would when utilizing deadly force. Knowledge of what is beyond intended target and proper back stop should be considered in deployment of the munition. Deployment shall be consistent with training provided by a certified less lethal instructor. (See General Order F-2, 2.1.)

C. Bean bag rounds may be used in situations that require a less lethal option to prevent injury or death to a subject or other persons in cases such as threatened suicide, standoff situations, etc.

D. Post Bean Bag Deployment (KACP 1.8)

1. It is the policy of the APD that all individuals whom the bean bag round has been deployed on **shall** be taken to the hospital for care and evaluation. Care and treatment shall be given to the individual as soon as it is safely possible by EMS personnel and transported to the hospital for definitive care. A release is required from the hospital prior to transport to detention.

2. Any use of the bean bag round by members of this Department shall be documented on a Response to Resistance Report Form, and submitted through channels to the Chief of Police. **(KACP 1.11C)**

## 2.0 IMPACT WEAPONS (BATON AND COLLAPSIBLE BATON) (KACP 1.8)

A. Impact weapons are authorized as a means of:

1. Physical restraint or control.

2. Defense of any person.

B. Because of the potential for death or serious physical injury, officers shall avoid intentional strikes to the head, neck, throat, or clavicle with an impact weapon, unless deadly force is justified.

B. Uniformed police officers on patrol duty shall carry or have readily available an approved or issued baton. Officers on other than patrol assignments shall carry or have a baton reasonably available (vehicle or work area). Off duty officers are authorized to possess issued or approved batons when consistent with applicable laws, policy and training.

## 2.1 EDGED WEAPONS AND IMPLEMENTS (KACP 1.8)

A. Knives are allowed for the use of general work and for rescue activities. While not a primary weapon, under extraordinary circumstances, officer may use a knife to defend their life or the lives of others. General use for knives:

1. Shall be carried as unobtrusively as possible.

2. Shall not be exhibited or handled in a careless manner.

3. Shall use reasonable care to prevent injury & damage to property.

4. Shall not be used for any other purpose (ie: hammer, screwdriver) other than the purpose of cutting.

B. Implements or devices not normally intended to be weapons could be used to defend an officer's life or the lives of others.

C. Defensive uses - The knife is primarily a cutting tool to assist in daily duties and is not intended by this agency to be a primary weapon of defense. Extraordinary circumstances may dictate that the knife be used as an "immediate measure of defense of life."

D. **Immediate measure of defense of life**: Taking that action using any implement to defend the officer's life or the life of another, with implements or devices not normally intended to be weapons. Officers are cautioned that while any use of deadly force is a grave undertaking by police, the use of a knife or implements against another human being will be viewed as an extraordinary defensive measure, and should be reserved for those situations justifying this type of action.

## 2.2 USE OF FORCE ON ANIMALS

A. Officers may use deadly force to destroy a non-domesticated injured animal or any suspected rabid animal. Deadly force may be used against any animal that is attacking or threatening to attack an officer, another person, or a domestic animal.

B. When possible, force should be used progressively by officers to protect themselves, another person, or a domestic animal from an attacking animal. Alternatives to deadly force may include striking instruments, Oleoresin Capsicum, Conducted Electrical Weapons, physical barriers, or catch poles. Non-deadly force strategies should be developed to establish control over domesticated animals when planning operations.

C. In any situation where an officer is otherwise justified in using deadly force against an animal, the officer shall not use deadly force recklessly or in any place or under any circumstances where injury or death to any person is likely. Officers who discharge a firearm toward an animal shall immediately inform their supervisor of the incident.

D. In any situation where there is an injured domestic or non-domestic animal and destruction is necessary, the officer shall advise the supervisor of his intentions. The officer shall then clear the area of spectators and use the utmost caution to destroy the animal. Procedures stated in Ashland Police Department General Order F-2, Section 1.5 B will be followed.

## 2.3 REPORTING THE USE OF DEADLY FORCE AGAINST ANIMALS

A. The use of deadly force against a non-domesticated animal (e.g., attacking, suspected rabid, or injured) or an injured domesticated animal shall be documented on a Firearms Discharge Report Form.

B. The use of deadly force against any domesticated animal that results in death or shall be investigated by a first line supervisor/watch commander. A copy of the administrative investigation shall be forwarded to the appropriate Division Commander.

| ***RESISTANCE CONTROL CONTINUUM*** | |
|---|---|
| ***LEVELS OF RESISTANCE***<br>*Suspect's Action* | ***LEVELS OF CONTROL***<br>*Officer's Response* |
| Psychological Intimidation<br>Non-Verbal clues which indicate a subject's attitude, appearance, physical readiness | Officer Presence<br>Verbal Direction |
| Verbal Resistance<br>Verbal responses indicating unwillingness attitude | Officer Presence<br>Verbal Direction - telling the suspect what you want him/her to do |
| Passive Physical Resistance<br>Physical actions that do not prevent officer's attempt to control, ,dead weight, active passiveness | Officer Presence<br>Verbal Direction<br>Soft Empty Hand Control such as wrist locks, pressure point control, O.C. spray pain compliance (CEW Drive Stun without cartridge) |
| Active Physical Resistance<br>Physical actions that prevent officer's control without attempting to harm the officer. Pulling away/pushing, physical engagement to resist arrest. | Officer Presence<br>Verbal Direction<br>Soft Empty Hand Control<br>*Hard Empty Hand Control such as O.C. spray, Conducted Electrical Weapons (TASER®), strikes with hands, feet, knee, elbow *(in response to defensive resistance, this level of control should only be used after lesser force has proved ineffective in controlling the suspect and applied only to non-vital areas) |
| Aggressive Physical Resistance<br>Physical assault on the officer | Officer Presence<br>Verbal Direction<br>Soft Empty Hand Control<br>*Soft Intermediate Weapons<br>*(Soft shall include radial arm locks, arm bars.)<br>Hard Empty Hand Control<br>*Hard Intermediate Weapons<br>*(Hard shall include use of O.C. spray, Conducted Electrical Weapons (TASER®), bean bag rounds, strikes with an impact weapon to the non-vital areas.) |
| Aggravated Active Aggression<br>Deadly force encounters | Any of the above<br>Lethal Force (includes firearms, strikes to the head and other vital areas with impact weapons.) |

**2.4 REPORTING RESPONSE TO RESISTANCE**:

A. The response to resistance by an Ashland police officer shall be reported in writing in detail, in memorandum format, to the officer's supervisor when physical force other than a control hold is used to affect an arrest. This is to include the use of deadly physical force. **(KACP 1.11B, 1.11C)**

B. The Response to Resistance Report shall be filed before the conclusion of the officer's tour of duty during which the force was used. The report shall contain the name, age, and address (if known) of the individual against which force was directed, the name and assignment of the officer(s) delivering the force, why it was used, the bodily injury incurred, the name of medical personnel treating the injured person(s) and other pertinent information.[3]

C. Each officer present but not using force shall report his/her observations via memorandum to the watch commander.

D. The following measures of force are excluded as Response to Resistance for reporting purposes:

1. Presence of a police officer at the scene.

2. Display or presence of a K-9 at the scene.

3. Display or presence of chemical or electronic less than lethal devices at the scene.

4. Officer verbal commands.

5. Routine or voluntary handcuffing of prisoners for transport.

6. Routine or voluntary handcuffing of subjects during field questioning or investigations.

7. Display or presentation of an officer's weapon.

**2.5 RESPONSE TO RESISTANCE REPORT REVIEW**:

A. The officer(s) and his/her immediate supervisor shall complete the Response to Resistance Report (APD 94-002) and investigative report prior to ending the tour of duty in which the force was used. The reports will be forwarded to the appropriate division commander.

B. The officer(s)' immediate supervisor shall investigate each use of force incident. The investigation shall involve reviewing all evidence including audio and video recordings The supervisor shall prepare a comprehensive written report about the response to resistance incident which shall contain his/her findings and recommendations. The supervisor's completed report shall be submitted to his/her division commander within 72 hours of the use of force incident.

C. Each Response to Resistance Report Form and supervisor report shall be forwarded to the office of the Chief of Police.

**2.6 INVESTIGATION OF RESPONSE TO RESISTANCE, LETHAL OR NON-LETHAL, THAT RESULTS IN DEATH OR SERIOUS PHYSICAL INJURY**

A. The APD will investigate each incident in which an officer discharges a firearm, or uses lethal or non-lethal force that results in death or physical injury, on or off duty, except the following:

1. Any incident that by certain circumstances dictates that an agency other than the Ashland Police Department conduct the investigation.

~~1~~2. Discharge to kill a dangerous animal or to kill an animal so badly injured that it should be destroyed to prevent further suffering. These incidents need to be reported on an Ashland Police Department Firearms Discharge Report. **(KACP 1.11A)**

[3] Ashland Police Department Rules and Regulations Article XII, section 12.3 – Reporting Use of Force.

~~2~~3. Discharge on the departmental range and all other forms of ***approved*** target practice; sporting events, to include hunting and organized shooting matches; and the valid testing of firearms.

B. Except as specified in General Order F-2, 1.4 A, 2 and 3 or 1.5, each incident where an Ashland police officer discharges a firearm, or an officer using lethal force injures or kills a person, shall require two investigations: criminal and administrative. The criminal investigation shall take precedence. Responsibility for management of the investigations shall be as follows:

1. Upon completion of the criminal investigation, the administrative investigation shall be managed by the commander of the division to which the involved officer is assigned;

2. The criminal investigation shall be managed by the commander of a division to which the involved officer is not assigned; or,

3. The responsibility to manage the administrative or criminal investigation may be designated by the Chief of Police to an officer with the rank of police lieutenant or higher.

4. Nothing in this section precludes that the Chief of Police may determine the need to request an outside law enforcement agency to conduct the criminal investigation.

C. Notifications: An Ashland police officer, on-duty or off-duty, involved in the discharge of a firearm or use of lethal force shall immediately notify the dispatcher. The dispatcher, without delay, will notify:

1. An on-duty patrol division supervisor or the ranking officer on duty at the time of the incident;

2. The Chief of Police, the Field Operations Division Commander and the Technical Services Division Commander; and,

3. The supervisor of the Criminal Investigations Section.

## 2.7 INVESTIGATIVE RESPONSIBILITIES

A. The investigations will be initiated immediately and completed as soon as practical.

B. Responsibilities of each officer involved in the discharge of a firearm:

1. Each officer who is involved or a witness to the discharge of a firearm shall remain at the scene until relieved by his immediate on-duty supervisor or officer of higher rank;

2. Each officer involved will protect for examination any discharged firearm;

3. Except as specified in General Order F-2, 1.4 A, 2 and 3 or 1.5, each incident where an Ashland police officer discharges a firearm, or an officer using lethal force injures or kills a person, each officer involved shall prepare on a departmentally approved form a detailed report of the incident. Refer to General Order F-1, 2.1 and 2.2. The report will be submitted as soon as possible after the incident, but in each case prior to the end of the tour of duty on which the incident occurred. The report will be completed in the following sequence and contain the following information:

a. Name and identification number of each officer who discharged a firearm or who witnessed the incident;

b. Date and time of the incident;

c. Location of occurrence;

d. Type, caliber and serial number of firearm(s) discharged;

e. Number of shots fired and direction shots were fired;

f. Description of object fired at (if person, name, race, sex, D.O.B., etc., if known; if animal, a brief description);

g. If the person or animal fired at was moving, standing, or barricaded, and the direction of travel, if applicable;

h. If the officer was in a vehicle, standing, running, barricaded, etc.;

i. Results of the shot(s) fired (extent of wounds, other objects struck, etc.);

j. Names of supervisor, commander and investigator responding to the scene; and,

k. Other pertinent information concerning the incident written in a narrative form, to include the reasons for use of a firearm.

C. The first supervisor arriving at the scene will be responsible for the following duties:

1. Command and control of the scene and evidence;

2. Close off the area and remove unauthorized or unneeded person, including police officers;

3. Secure the firearm(s) which was used and make it available for examination; and issue a replacement firearm as soon as practicable;

4. Determine when the officer(s) involved is no longer needed at the scene and give the officer(s) specific instructions as to whom, where, and when to report.

## 2.8 POST SHOOTING BY OFFICERS IN THE PERFORMANCE OF POLICE DUTY

A. Investigations of a homicide, serious physical injury, injury or actual shooting at a person by an Ashland police officer shall be conducted as outlined above.

B. The involved officer(s) shall be relieved of duty without loss of pay or benefits, pending the findings of the investigations. **(KACP 1.12)**

1. The officer shall be reasonably available for interviews regarding the incident, and shall be subject to recall to duty within a reasonable time.

2. The officer shall not discuss or otherwise reveal any information relevant to the incident with or to anyone except department personnel involved in the investigations of the incident, the city of Ashland corporation counsel, the Commonwealth's Attorney, or other person designated by the involved officer's division commander. This does not prevent the officer from discussing the matter with his/her attorney, physician, or member of the clergy.

C. Each officer involved in a duty related homicide, serious physical injury, injury or actual shooting at a person shall participate in psychological counseling with a person licensed to provide such service. Cost of counseling will be borne by the city of Ashland.

D. Implication of Policy: Policy outlined hereinbefore is not intended to imply or indicate that an officer acted improperly.

E. Disposition by Commonwealth's Attorney/Grand Jury: When the decision is made by the Commonwealth's Attorney and/or a grand jury relative to the homicide, the Chief of Police will:

1. Return the officer to unrestricted duty if the Commonwealth's Attorney determines the shooting incident to be justifiable or a grand jury returns a "no bill" except in those situations where pending administrative charges require the officer to be under suspension; or

2. Suspend the officer without pay, if the Commonwealth's Attorney files criminal charges or a grand jury returns a "true bill."

**2.9 EXCESSIVE USE OF FORCE**

A. In the event an officer observes another officer using excessive force, the officer observing such actions shall:
   1. Advise the officer using excessive force to discontinue his actions;
   2. Separate combatants and effect control and/or custody of any arrested individual, as appropriate;
   3. Summon medical assistance and administer first aid to injured, as appropriate;
   4. Immediately request a supervisor and or appropriate division or section commander be dispatched to the scene; and,
   5. Secure and protect the scene until relieved by higher authority.

B. Supervisor's responsibilities:
   1. In the event an officer reports to a supervisor that another officer has used excessive force, the supervisor shall conduct a use of force review as outlined in General Order F – 1, 2.4 and 2.5.
      a. Advise all officers involved or present to provide a written statement that describes the event before ending the tour of duty; and,
      b. Copy and submit all original use of force reports to the division commander completed about the event prior to the end of tour of duty. The division or section commander shall immediately notify the Chief of Police.
   2. All supervisors shall be familiar with and abide by KRS chapters 15.520 and 95.450 regarding officer's rights.
   3. If an officer is under arrest or likely to be arrested or a suspect in any criminal investigation, he/she shall be afforded the same constitutional due process rights that are due any civilian and shall be notified of those rights in accordance with law.
   4. **No use of force incident report or supervisory report related to the use of force shall be entered into an officer's personnel record unless disciplinary action has been sustained against that officer regarding use of force.**

**2.10 BASIS OF POLICY:** The policy contained herein is based on legitimate public concern, Kentucky Revised Statutes, and the citizens of Ashland, Kentucky.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER F - 2

| SUBJECT: FIREARMS AND MUNITIONS POLICY | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 | |
| Revision Date: 8AUG16 | Review Date: 8AUG18 | **REVISED** |
| Accreditation Standards KACP: 1.3A, 1.3C, 1.8 1.9, 1.10 | | |

**1.1 PURPOSE:** To provide a single source for each member of the Ashland Police Department (APD) as to the authorization to carry, discharge, store, and maintain departmentally issued firearms, chemical munitions, specialty impact munitions and ordnance.

**1.2 DEFINITIONS**:

A. Back up weapon: A side arm likely to be carried by officers of this department while in on-duty status in addition to, but not in lieu of, an on-duty weapon, will be of the same nomenclature and caliber as weapons listed in General Order F-2, 1.2 E.

B. Chemical Munitions: Chemical armament and ammunition acting, operated, or produced by chemicals. For purposes of this General Order, shall include tear gas.

C. Firearm: Any weapon which will expel a projectile by the action of an explosive.

Specialty Impact Munitions: A less lethal alternative round also known as bean bag rounds, consisting of a flexible projectile composed of a lead shot filled bag, intended to cause incapacitation with a lower risk of death or serious physical injury.

**NOTE: All Specialty Impact Munitions have the potential for causing serious injury or death.**

D. OLEORESIN CAPSICUM (O.C. Spray): Oleoresin – a mixture of essential oil and resin found in nature. Capsicum – any solanaceous plant of the genus capsicum occurring in many pepper varieties of the garden, that has pungent seeds ranging from mild to hot, enclosed in a potted or bell shaped pericap. O.C.'s active ingredient is Capsaicin, a derivative of cayenne pepper which is a natural product listed in numerous food stuffs. O.C. is an organically based, less than lethal weapon, designed to incapacitate, with no lasting after effects.[1]

E. On-duty weapon: A side arm or pistol, that is carried by an on duty officer as his primary defensive firearm. Each APD officer will be issued the Glock .40 S+W caliber, model 22, or 27 depending upon assignment. The Chief of Police upon recommendation from the range master can approve the Glock 23, .40 caliber for officers needing accommodations. Only the department issued pistol is to be carried on duty as the primary sidearm. Only department issued ammunition shall be carried. Privately owned firearms are not authorized for use by on duty APD officers with the exception of a back up weapon conforming to the standards found in section 1.2 A of this order. **(KACP 1.9)**

Off-duty weapon: ~~Off duty weapons will be restricted to the departmentally issued weapon. Authorization must be obtained from the Police Chief for any deviation of the above. Officers will submit the Request for Off-Duty Handgun Authorization Form to the Range Master via chain of command to request to carry any off-duty weapon other than those listed in General Order F-2, Section 1.2E. Upon receiving the request, the Range Master will inspect the weapon and document the nomenclature. The Range Master will then determine if the weapon should be considered. If the Range Master determines the weapon is recommended then arrangements will be made at the next available qualification range for the requesting officer to qualify with the weapon.~~ Ammunition will not be provided for any off-duty weapons. ~~not listed in General Order F-2, Section 1.2 E. The Ranger Master must then provide a recommendation for consideration by the Chief of Police.~~ Off-duty

1 *Mace Security International (MSI) Basic OC Oleoresin Capsicum Certification Training Course*.

weapons are to be carried in a secure, concealed manner. The course of fire used for qualification will be the requirements in KRS 237.140(4)(a). Officers will be permitted to purchase an off-duty weapon using their clothing allowance. This purchase must be pre-authorized by a division commander; only 1 weapon may be purchased each fiscal year. The only weapon authorized for purchase with clothing allowance funds is a Glock model 27, 42, or 43; personnel can only use clothing funds one time for each model.

F. ~~Authorizations for off-duty weapon(s) expire on June 30 yearly. Officers will need to submit a request for authorization yearly. Any officer no longer carrying the off-duty weapon will notify the Department immediately.~~ **(KACP 1.9)**

G. Ordnance: Military munitions and supplies including weapons, ammunition, tactical vehicles and the necessary maintenance tools and equipment.

H. Proficiency: State of being proficient; skill and knowledge required.

~~I. Officers will be allowed to purchase the departmentally recommended off-duty weapon, (Glock, Model 27 .40 or the Model 42 .380 caliber handgun), and be reimbursed with their uniform allowance. No other off-duty weapon can be purchased using those funds.~~

## 1.3 FIREARMS AUTHORIZATION:

**A.** Each officer, unless otherwise authorized by the officer's division commander, is to be armed with a department issued on duty weapon at all times while on duty as defined in this order. The officer shall have demonstrated proficiency in the use of the weapon including, but not limited to, firing range qualifications, knowledge of the nomenclature, safety, care and cleaning, and a consistent ability to achieve a passing score prior to any use or possession of the weapon. **(KACP 1.10)**

1. Each officer must qualify with his issued or approved on-duty or off duty firearm per established departmental policy. Officers are to demonstrate proficiency consistent with departmental training standards prior to any use or possession of a firearm, and such proficiency is to be demonstrated at least annually as a condition of continued use and possession of such firearm. **(KACP 1.10)**

2. Any weapon carried on or off duty shall be subject to inspection by a range officer. A firearms inspection/authorization form will be completed by the inspecting range officer, and approved by the Chief of Police or his designee. This inspection includes testing and recording the trigger pull of the weapon. The range officer will also test trigger pull weight on officers' weapons who attend monthly range training. A firearms inspection along with an inspection/authorization form will be completed at the beginning of each calendar year on any weapon carried on or off duty by an officer. A range officer may disapprove any weapon that is found to be unsafe or inappropriate. The use and possession of departmentally issued firearms and ammunition, both on and off duty, are limited to those authorized by written department policy. **(KACP 1.9)**

3. Ammunition will be issued for all departmentally owned firearms. Ammunition is to be issued by a range officer. Department issued ammunition is to be used for Department approved activities. Each officer is responsible for the accountability of all ammunition issued to him/her. Issued ammunition will be exchanged annually. Exchanged ammunition will be held by the range staff and used for range training. Ammunition reported as defective shall be immediately recalled and replaced by a range officer. Departmentally issued ammunition will be selected by the Ashland Police Department Range Master. The final selection will be recommended to the Chief of Police who will have the final authorization.

4. The carrying of a firearm while off duty is encouraged, but is at the discretion of the officer. An officer will not be subjected to disciplinary action if an occasion should arise in which he could have taken action but did not do so because he was unarmed.

5. Sworn personnel, during off duty hours, will ensure that firearms in their custody are adequately secured in a manner that could be reasonably expected to preclude an unauthorized discharge

of the firearm, either accidental or otherwise, by a family member or any other person that is not authorized to handle the firearm.

a. Officers may consider the following measures in an effort to secure firearms in the home:

1). Placing the firearm in a secured vault, safe, or other such chamber;

2). Locking the firearm in a drawer or cabinet; or

3). Securing the firearm with the Department issued PRO-LOK or the locking cable which is issued with the pistol.

b. With the exception of the PRO-LOK or locking cable, all other security measures employed by an officer will be at the officer's personal expense.

6. When an officer anticipates that (s)he will consume alcoholic beverages in an off-duty situation, (s)he is not to carry his firearm. If the need arises for police service by an off-duty officer who is visiting an establishment which serves liquor, the officer will call the dispatcher and request that an on-duty officer respond.

7. Each officer engaged in authorized off-duty employment which requires the performance of police related services is to be armed with a departmentally issued on duty firearm.

8. Firearms carried while in civilian clothing while on duty or off duty, will be concealed from public view unless an off-duty officer is engaged in activities where it would be permissible for a citizen to carry an exposed firearm, such as hunting, target practice, or competition.

9. Departmentally issued weapons, are not be modified in any way. The use of add-on lighting or sighting accessories is prohibited. Laser devices and flashlights which attach to the pistol will not be used with department issued pistols and are not authorized for on duty, off duty, or backup weapon use.

10. An officer will never brandish a firearm, nor remove a firearm from its holster other than in the performance of duty.

11. Each off-duty officer, while operating a departmental vehicle, will be armed with an approved on duty weapon.

12. Each officer will provide maximum security for all firearms in his/her custody.

13. An officer shall not point a firearm directly at any person unless the officer believes that circumstances exist which could justify the use of deadly physical force. Deadly force is defined by Kentucky Revised Statutes, Chapter 503.

14. An officer shall not place his finger inside the trigger guard of a weapon until the weapon is pointed at a specific target and he intends to fire.

15. Each officer, when on duty, will carry two magazines fully loaded with issued ammunition. Officers on uniformed patrol duty are to wear this additional ammunition on their person, and officers in other assignments will have the additional ammunition on their person or reasonably available (vehicle or work area).

## 1.4 DISCHARGE OF FIREARMS

A. A police officer may discharge a firearm for any of the following reasons: **(KACP 1.3A)**

1. To stop a criminal action, in defense of self or another person as authorized under General Order F-1 (Use of Force).

2. To kill a dangerous animal or to kill an animal so badly injured that it should be destroyed to

prevent further suffering.

3. On a departmental range and other forms of approved target practice, sporting events to include hunting and organized shooting matches, and the valid testing of firearms.

B. Each officer is ***PROHIBITED*** from discharging firearms in the following instances:

1. To effect an arrest of a person except as necessary to stop a criminal action as authorized under General Order F-1 (Use of Force):

2. When it appears likely that an innocent person will be hit;

3. At a person known to the officer to be a juvenile unless the action of the juvenile represents a direct threat to the life of the officer or other innocent person, and only then as a last resort;

4. At or from a moving automobile unless there exists a direct threat to the life and/or safety of the officer or other person, and then only as a last resort;

5. At a crowd;

6. Warning shot; or **(KACP 1.3D)**

7. At a person holding another person hostage when discharging a firearm would likely endanger the hostage or a person other than the hostage taker, unless the use of deadly force is pre-authorized by a patrol division supervisor or officer of higher rank.

C. The following guidelines are provided to aid all officers who are required to discharge a firearm.

1. The discharge of a firearm is an irreversible action and if possible, an officer should, prior to firing, evaluate the following:

   a. Other methods of effecting the arrest and/or apprehension;

   b. Age of the suspect(s) and the offenses(s);

   c. Direction the firearm is to be discharged;

   d. Is the fleeing suspect in plain view? Extreme caution must be used at night as darkness may obscure the officer's vision; and

   e. The danger of firing a firearm while running or jumping due to the possibility that other persons may be struck by the projective(s).

2. An officer should resolve any doubt as to the use of firearms prior to shooting.

3. Every possible consideration should be taken prior to the use of a firearm, and if an officer believes that under existing conditions he should not use a firearm to apprehend a felon, he will not be criticized or disciplined for this decision and his decision to employ other reasonable means to affect an arrest.

**1.5 DISCHARGE OF A FIREARM TO DESTROY AN ANIMAL**:

A. An animal will be destroyed only after reasonable attempts to notify an agency capable of disposing of the animal (city of Ashland animal control officer, Humane Society, local veterinarians, etc.) have been made and the agency would not respond or has not responded after a reasonable length of time, or in the event that contact is made with another agency (Ashland animal control officer, Humane Society, local veterinarians, etc.) and upon their recommendation steps may be taken to dispose of the animal by means of discharging a firearm. In the event that an animal is so severely injured and suffering or immediate action is called for an APD supervisor may order an animal

destroyed.

B. Each officer should adhere to the following steps:

1. Decrease the possibility of ricochet by placing the animal on an earthen or grassy area as opposed to hard surface, i.e., concrete, blacktop;

2. Shoot from close range;

3. Shoot toward the ground so that if the projectile exits the animal it will go into the earth;

4. Shoot the animal in the brain so as to minimize suffering. ***EXCEPTION***: If the possibility of rabies exists or if the animal has bitten someone the animal cannot be shot in the brain. In these cases, the animal should be shot in the chest cavity directly behind either front leg; and,

5. After destroying an animal arrange for the appropriate agency to remove the animal's carcass. ***EXCEPTION***: If the possibility of rabies exists or if the animal has bitten someone, the animal's body will be turned over to the Ashland/Boyd County Health Department.

6. An Ashland Police Department Firearms Discharge Form will be completed.

1.6. **SHOTGUNS AND RIFLES**

A. The use of shoulder weapons will be consistent with the policies and procedures as hereinbefore outlined. Only department owned shotguns and rifles are authorized for on duty use by APD officers. Officers are to use sound judgment consistent with training in deciding when to deploy shotguns and rifles. Shotguns and rifles will be handled as inconspicuously as possible under the circumstances at hand. Officers are accountable for decisions made to deploy shotguns and rifles. Situations calling for the deployment of shotguns and rifles include but are not limited to:

1. Potential for mass violence (i.e. active shooter)

2. Perimeter containment of barricaded subject

B. Maintenance

1. The cleaning and maintenance of department owned shoulder weapons will be the responsibility of a member assigned by the Department Range Master.

2. A member to whom a shoulder weapon is assigned will make the weapon available for cleaning and maintenance as required by this general order.

3. The cleaning of shoulder weapons will be the responsibility of the armorer. The armorer will be notified if a weapon is discharged, the location of the weapon and if it is available for maintenance or is to be held as evidence. ***A weapon to be held as evidence shall not be cleaned***. A weapon not held as evidence is to be inspected, cleaned, reloaded and returned to service by the armorer.

4. Shoulder weapon cleaning and maintenance is to be performed at least annually by the armorer. In the event the armorer is not available, another member may be assigned to complete these tasks. Shoulder weapons ~~will~~ are to be inspected for functionality at least quarterly.

5. ***Should a shoulder weapon become wet or in contact with a foreign substance, it shall be immediately dried and re-lubricated. The armorer is to be notified so he may inspect and clean the weapon***.

6. Individual officers who are assigned special purpose weapons are responsible for the cleaning and maintenance of those weapons.

C. Storage

1. A shotgun and patrol rifle (.223) are assigned to each department vehicles. and are to remain with that vehicle. The serial number of each firearm will be documented and recorded in the *Asset Manager* computer program. Department members are to inspect at the beginning of each watch and document on the Daily Activity Report that the assigned firearm is in the vehicle. The shotgun shall be secured in the mount provided, with the hammer down, the chamber empty, and the safety "on". The magazine shall be loaded to capacity with "00" buckshot. A single strip of paper tape containing the date and last name of the member who cleaned, inspected and loaded the weapon is to be secured to the pump mechanism. Each .223 caliber patrol rifle assigned to a vehicle shall be secured in the mount provided with the bolt closed on an empty chamber, the safety "On" and a loaded magazine inserted in the magazine well.

2. If an officer breaks the tape seal on a shotgun, he/she are responsible for reloading and resealing the weapon prior to going off duty. Prior to reloading and resealing, the officer using the weapon is to obtain permission to do so from his/her supervisor. The supervisor will determine if the shotgun is to be held for investigative reasons prior to the shotgun being cleaned.

3. Shotguns and rifles not assigned to vehicles will be cleaned and maintained in the same manner as those assigned to vehicles. The member assigned to cleaning and maintenance is responsible for this action. These shoulder weapons are to be stored at police headquarters and made available for use by members of the Department for bona fide law enforcement needs.

4. Cleaning, maintenance, and inspection of all vehicle assigned firearms will be completed by the department armorer on the same schedule as department shotguns. The Department's Range Master will oversee this procedure.

5. The member assigned to clean and maintain department weapons will keep a record of maintenance of shoulder weapons and file a report with the Chief of Police through channels.

6. All weapons assigned to the special response team will be stored in a manner approved by the S.R.T. commander and maintained by the armorer following the same schedule as outlined above.

7. A shotgun stored at police headquarters fifteen (15) days or less (vehicle maintenance, out of town, awaiting repairs, etc.) will be stored in the same manner as when stored in a vehicle, in the firearms storage cabinet in the Field Operations work area. If a shotgun/rifle will be out of service for more than fifteen (15) days, the armorer will be notified and be responsible to remove ammunition from the weapon, and tag the weapon in a manner so that is apparent the weapon is empty. The action will be left in an open position with the safety on. Firearms meeting this criteria are to be moved to the department armory for storage.

8. Rifles stored at police headquarters will be maintained in an unloaded condition.

9. When any member of the department becomes aware that a shoulder weapon is damaged, broken or has malfunctioned, an on-duty supervisor will be immediately notified. The supervisor will notify the armorer as to the condition of the weapon. The weapon will be marked in a conspicuous manner so that it is apparent that the weapon is out of service.

10. No Ashland police officer will leave unattended any department vehicle that will be taken to any outside vendor for repairs or left for cleaning at a City of Ashland approved car wash without first removing the assigned firearms. The shotgun, patrol rifle and any other assigned department firearm are to be removed and placed into the firearms storage cabinet in the Field Operations work area for less than 15 days. Weapons removed for periods longer than 15 days will be stored in the armory as prescribed by this general order.

11. When any police insignia marked vehicle (excluding Field Operations command vehicles) is taken to the 41st Street Fleet Center, any outside vendor for repairs, cleaning at a City of Ashland approved car wash or overnight travel out of town, the shotgun, patrol rifle and any other assigned department firearms(s) are to be removed and placed into the firearms storage

cabinet in the Field Operations work area for periods less than 15 days. Weapons removed for periods longer than 15 days will be stored in the armory as prescribed by this general order.

12. Field Operations command vehicles and unmarked department vehicles will be equipped with a secure firearms vault either in the trunk or cargo area of the vehicle. Officers assigned to these vehicles will remove assigned firearms from the vehicle when it is unattended at any outside vendor for repairs or cleaning at a City of Ashland approved car wash. The shotgun, patrol rifle and any other department assigned firearm (s) will be removed and placed into the firearms storage cabinet in the Field Operation work area for periods less than 15 days. Weapons removed for periods longer than 15 days will be stored in the armory as prescribed by this general order. When these vehicles are being serviced for routine maintenance at the 41st St. fleet center, the firearms do not require removal.

13. All members of the command staff are to make random inspections to ensure procedures of firearms storage are adhered to.

14. **FAILURE BY ANY DEPARTMENT MEMBER TO FOLLOW PROPER STORAGE PROCEDURES IN SECTION 1.6 (C) OF THIS ORDER WILL BE SUBJECT TO DISCIPLINARY ACTION.**

15. **MEMBERS ARE TO CONSIDER ANY WEAPON AS LOADED WHETHER STORED IN A VEHICLE OR AT POLICE HEADQUARTERS**.

## 1.7 OLEORESIN CAPSICUM (O.C. SPRAY) (KACP 1.8)

A. O.C. Spray is provided to members of the APD to be used for personal defense and to reduce the opportunity for injury in arrest situations. It is the policy of the APD that a member is justified in the use of O.C. spray to effect an arrest whenever there is cause to believe that an individual is going to physically resist. O.C. spray should be used to reduce the desire and ability of the individual to resist arrest, thereby reducing the risk of physical injury to the officer(s) or the arrestee.

B. Each member issued O.C. spray will receive appropriate training by a certified instructor prior to carry or use on or off duty.

C. Members shall be issued an O.C. canister which is to be carried consistent with general order F-1, 1.6C. The canister is to be registered with the Department and will not be issued until an appropriate voucher has been signed and submitted to the Department. Only O.C. canisters issued by the Department are approved for use/carry. O.C. spray canisters are replaced per manufacturer recommendation to ensure reliability.

D. As with any other issued equipment, it is the responsibility of the individual member to keep the canister safe and within his control while on or off duty.

## 1.8 CHEMICAL MUNITIONS (KACP 1.8)

A. Use of

1. Chemical munitions should not be used unless under the direction of the on-duty watch commander or officer of higher rank.

2. Chemical munitions are to be used as a last resort to avoid the use of deadly physical force to accomplish removal of a person(s) from a building or gain tactical control.

3. Each command officer is to have sufficient knowledge in the types of chemical munition and have facts made available to him so he may make a decision as to the practicality of using tear gas in each individual situation.

4. A request will be made for the Fire Department to have a unit standing by in the immediate area where chemical munitions are to be used.

5. The command officer authorizing the use of chemical munitions will complete a report of the use in writing through channels to the Chief of Police. This report will contain details of the incident and the results of the use of chemical munitions.

B. Maintenance and Storage

1. Chemical munitions including O. C. spray will be be rotated and replaced according to manufacturer's guidelines. Rotated munitions may be used for training purposes if consistent with manufacturer's guidelines or may be disposed of.

2. Chemical munitions are to be be stored at a location approved for such storage.

**1.9 SPECIALTY IMPACT MUNITIONS (SIM) (KACP 1.8)**

A. Bean bag rounds are available to members of the APD as a less lethal alternative to deadly force, to be used for personal and public defense and to reduce the opportunity for injury in arrest situations. It is the policy of the APD that a member is justified in the use of less lethal munitions to effect the arrest of an individual in critical situations where there is a probability of significant resistance from the individual. Bean bag rounds should be used to reduce the desire and ability of the individual to resist arrest, thereby reducing the risk of physical injury to the officers and the arrestee.

B. The APD has elected to use high energy specialty impact munitions in the form of shotgun fired bean bag rounds manufactured by Combined Tactical Systems known as the 12 gauge Super Sock round. Each member shall be fully trained by a certified less lethal instructor prior to use of bean bag rounds.

C. The shotgun used for deploying bean bag rounds shall be dedicated for that purpose only and shall be easily identifiable as such with a brightly colored stock and forearm. The dedicated shotguns will be carried in the patrol supervisor vehicles and will be stored in unloaded condition.

D. Two officers need to be present when loading the designated bean bag shotgun to ensure that only bean bag rounds are loaded into the shotgun. Both officers will inspect the shotgun prior to loading to ensure that no rounds are present and both officers will inspect the bean bag rounds prior to loading into the bean bag shotgun.

E. Deployment of bean bag rounds:

1. When circumstances permit, notice of arrest and verbal warning should be issued to the offender prior to the deployment of the bean bag round. Warning and deployment are to be consistent with training and only as necessary to complete a lawful objective.

2. An officer preparing to deploy a bean bag round shall always be accompanied and backed up by an additional officer who is armed with a conventional firearm in the event that deadly force should become necessary.

3. In a bean bag deployment situation, there will be a designated shooter and a designated verbal contact person. The verbal contact person is responsible for all verbal communication with the subject.

4. Upon intention to deploy the bean bag round, all officers on the scene will be notified that bean bag use is imminent by use of the audible signal "bean bag". This signal will make officers aware that the bean bag is about to be deployed, and will avoid officers from mistaking the firing of the bean bag for an actual gunshot.

5. Following the deployment of a bean bag round on a subject, the subject is to be taken to the hospital for evaluation and treatment.

**2.0 ORDNANCE**

A. No member is to use in performance of his duties any type of armament or munitions other than that addressed in previous sections of this General Order, unless expressed approval is granted by the on-duty watch commander or officer of higher rank.

B. Storage and Disposal

1. The APD does not have a proper storage area for other than approved police ordnance, therefore, every effort shall be made, if other than approved police ordnance is discovered or found, to use only qualified ordnance and explosives and hazardous materials personnel in the securing, storage and disposal of such ordnance.

2. Qualified explosives and hazardous materials personnel shall be called to the scene of such discovery and shall assume responsibility for the securing, storage and disposal of such materials.

3. The APD supervisor in charge of the incident will take all reasonable steps necessary to prevent injury to persons or property. This may include, but is not limited to notification of:

   a. Emergency Management personnel:

   b. Fire Department;

   c. Notification and request for expert assistance of any governmental agency, including other police departments, United States military personnel, Federal Bureau of Investigation (FBI), Bureau of Alcohol, Tobacco, and Firearms, etc.

4. Until the arrival of properly trained personnel, the member discovering ordnance will use reasonable means to ensure the safety of persons and property.

   a. He is to immediately notify his supervisor;

   b. The supervisor will notify necessary resources as listed above, and notify the division commander of any actual or suspected explosives incident.

C. APD personnel reports incidents involving actual or attempted explosive or incendiary devices, recoveries of devices and explosives, and when a hoax device is discovered, to the FBI and/or ATF as appropriate.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER F - 3

| SUBJECT: WEAPONS QUALIFICATION REQUIREMENTS | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 15NOV83 | |
| Revision Date: 8AUG16 | Review Date: 8AUG18 | **REVISED** |
| Accreditation Standards: KACP 1.3 E | | |

**1.1 PURPOSE:** To establish a minimum weapons qualification requirement for each sworn member of the Ashland Police Department (APD).

**1.2 MINIMUM WEAPONS QUALIFICATION REQUIREMENT**:

A. The purpose of establishing a minimum weapons qualification requirement is:

1. To provide each sworn member of the Department an opportunity to practice, improve skills, and demonstrate proficiency and safety with all types of firearms used by members of the APD while on or off duty;

2. To foster a positive mental attitude about firearms;

3. To increase the level of knowledge relevant to the use of deadly force involving firearms; and,

4. To improve the skill of each member of the Department in the safe handling of firearms.

B. Standards: as far as possible, the minimum qualification requirements of the APD shall meet or exceed the standards established by the Kentucky Department of Criminal Justice Training for successful completion of the police basic training program.

C. Range instructor: The range instructor and assistant(s) shall be designated by the Chief of Police and will be certified as a police firearms instructor by the Department of Criminal Justice Training, Glock Armorer/Transistion Training, National Rifle Association, any law enforcement agency having the credential to instruct in firearms use.

D. Each officer shall shoot the course(s) of fire designated by the assigned range instructor. The course(s) may include handgun, shotgun, or other weapons.

E. The assigned range instructor shall determine if an officer passed a course of fire or if improvement is needed. Each officer shall inspect and sign the score report in the presence of an assigned range instructor prior to leaving the range.

F. Each officer prior to using a Bureau of Prisons range shall sign the Bureau of Prisons' Waiver of Liability/Assumption of Risk Form (Attachment I) prior to completing the course of fire. This form shall be completed and signed by the Chief of Police or his designee, the training coordinator, and the officer (prior to firing the prescribed course).

**1.3 RANGE INSTRUCTORS**

A. The range instructor shall be the final authority while on the firing range, and when conducting a firearms related duty, i.e., ammunition exchange, weapons inspection, etc. It shall be the range instructor's responsibility to maintain firearms records, to ensure safety, training, and qualification of each member of the APD. The range instructor's suggestions and orders shall be followed as promptly as possible while on the range. The range instructor shall be responsible for reporting to the Chief of Police any conflicts, violations of rules and regulations as they pertain to range activities, or violation of accepted safety policies. This report shall be prepared and submitted through channels prior to the assigned range instructor's completion of tour of duty on which the incident occurred.

B. A firearms training session will be open one (1) day per calendar month, with the exception of months July and December, for a period of eight hours. A firearms training session_schedule will be posted by December 15 of each year for the following training year that begins January 1. The training schedule will list the date of each monthly range training session. The training schedule may be changed as required. The firearms training session can also include simulator training using equipment owned by the Department, Kentucky League of Cities or other provided services. The training will also include response to resistance training.

C. Range instructor(s) shall be relieved of regular duties and assigned to the firing range as required.

D. Range instructors shall concentrate their efforts on identifying and assisting those individuals experiencing difficulty in maintaining weapons proficiency. The primary goals of the range instructor(s) are to train police officers when and how to use a firearm and assist each member in successful completion of the range training programs.

E. **Firearms Safety Rules: The following instructions shall be complied with at all times.**

1. Never handle, point, or look over the sights of any firearm handed to you without first opening the firearm to be sure it is not loaded. In doing so, check the gun twice: the first time to see if it is unloaded, the second time to see if you were right the first time. If anyone is near, let that person see:

   a. that the gun is unloaded;

   b. that the action is open, if the weapon is in your hand;

   c. that the action is open, if the weapon is lying on a table; or

   d. that the weapon is secured in the holster.

2. Never load a firearm on the range unless you are properly using the provided clearing barrel, or you are at the firing point, facing the target, and have received the proper command.

3. Never load a firearm at the beginning of the firing session without first checking the muzzle/barrel for an obstruction.

4. Never dry fire or snap a weapon while waiting behind the firing line or on the firing line or unless you are properly using the provided clearing barrel, or unless authorized by a range instructor.

5. Never turn around on the firing line without securing your weapon.

6. Never give or take a firearm from anyone on the range without permission from a range instructor. Firearms shall not be given to or accepted by another person unless it is in a condition that allows for a visual and physical inspection to ensure that it is unloaded. Firearms shall always be pointed in a safe direction.

7. Never put your finger inside the trigger guard of a weapon until the weapon is pointed at a specific target and you intend to fire. Your finger shall rest on the flat portion of the slide or frame never on the trigger housing or trigger.

8. Never talk while on the firing line except to the instructor.

9. Never leave your position, move forward, or retrieve magazines, or other equipment on the ground until given the proper command.

10. Always position yourself on the firing line by aligning yourself evenly with the other shooters.

11. Never fire obsolete cartridges. In case of defective cartridges the report will not be normal. At such time the gun should be unloaded and the muzzle checked for obstruction. In case of misfire, the weapon should be left pointing in a safe direction for at least 60 seconds to allow for delayed fire. The range instructor shall be notified immediately.

12. Never draw a weapon from a holster, nor return a weapon to the holster, with your finger inside the trigger guard. Never place your finger inside the trigger guard unless you intend to fire.

13. Never fire a gun in training without using proper hearing and eye protection.

14. When loading a firearm, point the weapon in a safe direction and away from anyone in the area. When unloading a semi-automatic weapon, remove it from the holster. Keep the weapon pointed in a safe direction and remove the source of ammunition. Draw the bolt or slide to the rear, locking it in the open position. Allow the chambered round to eject freely. Never trap or catch the ejected round. While the slide or bolt is locked open make sure the weapon is clear by doing a visual and physical inspection. When unloading a revolver, remove it from the holster. Keep the weapon pointed in a safe direction and remove the source of ammunition. Open the cylinder and remove the cartridges. Do not catch or trap live or spent cartridges in your hand. Make sure the weapon is clear by doing a visual and physical inspection.

15. The safe condition of the shotgun on the range is with the weapon empty, the action open, and the safety on. The safe condition of the patrol rifle on the range is with the magazine out, bolt locked back, and safety on.

16. When carried on the range, the muzzle of the shotgun should be vertical above the head of the tallest person in the group, or as directed by the range instructor. The shotgun, when carried, shall be supported and held with both hands. Exception: A low carry position, with the barrel pointed toward the ground, unloaded, the action is open, and the safety is engaged. Patrol rifles should be carried in the same manner as the shotgun or slung over shoulder.

17. Absolutely no alcoholic beverages will be allowed on the firing range, nor will any person be allowed on the firing range who has consumed alcohol and the use is apparent. Clarification: A person with the odor of an alcoholic beverage on his/her breath shall not be allowed on the range used by the APD.

18. No person will be allowed on the range that is under the influence of medication or drugs that may impair the senses in any way.

19. When on the firing line, only the commands of the range instructors shall be followed. Exception: In the interest of safety, any person can call a cease fire due to an unsafe condition of which the range instructor may not be aware.

20. It is left to the discretion of the range instructor(s) whether to allow guests, relatives, or other persons who are not APD members on the firing range. The range instructor(s) shall be notified in advance so that they may find a safe place for guests to observe and alert them concerning rules and regulations while on the range. **The range instructor(s) shall be notified prior to non-members arriving in the firing/preparation area. No person under age 16 will be permitted in the firing/preparation area.**

21. All persons while in the firing/preparation area shall wear proper hearing and eye protection at all times when weapons are being discharged, or at the direction of a range instructor.

22. **Effective March 1, 1999, each officer hired after October 1995 shall don a ballistic vest upon arrival at the firing range parking area. The vest shall be worn at all times while on the range. Each officer hired before October 1995 is encouraged to wear his/her vest while at the firing range.**

23. Upon completion of the course of fire, each officer shall pick up all brass and shells they fired. These and any other trash shall be placed in a proper container. Each officer shall clean his/her weapon(s)

prior to leaving the range. (See Section 1.6.)

24. When participating in firing range activities, weapons shall be loaded and unloaded in a place designated by the range instructor.

F. During each range training event, a safety officer will be designated. The safety officer will be the final say on events while range activities are being conducted. This includes all aspects of the event. This is during preparations, during and after the course of fire. The safety officer will wear in addition to the range apparel, a safety vest that is provided. Other topics such as injuries, safety practices and range rules as specified by this order will be covered. The course of fire during the event will also be covered during this briefing.

G. At any time an instructor or participant goes down range, all shooters will acknowledge to each other of this situation. All persons will shout “officer down range.”

H. At anytime any instructor or participant needs the training to stop, state “TIME OUT.”

I. Range personnel shall at the conclusion of each range training session complete the Ashland Police Department Range Report. The report will detail all information as to the range conditions, course of fire title and results of those attending training. It will be the responsibility of the range personnel to cover safety rules prior to each time a firing line convenes. The report will then be transmitted to all command staff via email.

## 1.4 TRAINING AND PERFORMANCE EVALUATION

A. Who shall fire:

1. All sworn members of the APD shall attend and pass the course of fire during at least one monthly firearms training session between January 1 and June 30. All members shall also attend a 4 hour training date during the period of January 1 and June 30. The 4 hour training will consist of various topics that could include firearms, officer survival, response to resistance, or topics identified by the Chief of Police or his designee(s). Members may attend any of or all monthly firearms training sessions but must attend and complete at least one training session.

2. All sworn members of the APD shall attend and pass the course of fire during at least one monthly firearms training session between July 1 and December 31. All members shall also attend a 4 hour firearms training date during the period of July 1 and December 31. The 4 hour training will consist of various topics that could include firearms, officer survival, response to resistance, or topics identified by the Chief of Police or his designee(s). Members may attend any of or all monthly firearms training sessions but must attend and complete at least one training session.

3. All sworn members of the APD shall participate in a minimum of one night-time firearms training session annually.

4. All sworn members of the APD shall receive training at least once annually on use of force, use of deadly force, and APD firearms policy and regulations. All members shall be administered a written test on these topics at the conclusion of this block of instruction. Only a 100% correct score on this test shall be acceptable. Any officer failing to achieve a 100% score on written test shall receive additional training and be re-tested. Any officer failing to meet this standard shall have their authority to carry a firearm suspended until the standard is met. All newly hired officers shall receive this training and written test prior to becoming authorized to carry a firearm. Documentation of this training and records of the written test shall be kept in a file along with all firearms training and qualification records. (KACP 1.3 E)

B. The above listed qualification requirements shall apply to the officer’s on-duty weapon, shotgun, patrol rifle or other weapons which are issued or authorized for use by a member of the Department or any handgun which the officer carries off duty or as a backup weapon.

C. Supervisors are authorized to adjust the schedule of any officer who does not have the opportunity to meet the qualification requirements of this order during on-duty hours. If such scheduling is not possible or

practical, up to two hours overtime for the purpose of attending firearms training may be authorized by the officer's division, watch, or section commander.

D. Handgun/shotgun/patrol rifle: The firearms training programs presented by the APD shall as far as possible meet or exceed the range training programs utilized by the Kentucky Justice Cabinet, Department of Criminal Justice Training. Each sworn member of the APD shall fire a passing score and demonstrate proficiency during the scheduled firearms training sessions under the supervision of an assigned APD range instructor with the firearms carried by a member while on or off duty.

E. Other weapons: Each sworn member of the APD who is assigned a Department issued/approved weapon, other than a handgun or shotgun, shall before becoming authorized to carry the weapon pass an approved course of training. This firearms training shall be approved by and under the supervision of an assigned APD range instructor, the Department of Criminal Justice Training, or another agency recognized by the APD as qualified to provide such training. The weapon qualified with shall be one issued or authorized by the Department.

F. The Ashland Police Department will offer at each range appearance the qualification course required by KRS 15.383. Each Ashland Police Officer will be required to qualify on the specified course(s) as required by law at least once per year. This will be documented on the required yearly form for the Kentucky Law Enforcement Council.

## 1.5 DISCIPLINARY ACTION

A. Failure to pass: Should a member fail to achieve a passing score during a firearms training session with a duty weapon, a range instructor will assist the officer in correcting the deficiency. To demonstrate that the deficiency has been corrected, the officer will be required to fire two consecutive passing qualification scores to meet the qualification requirements for that firearms training session. If, after receiving additional training, an officer is unable to fire two consecutive passing scores, the officer's division commander shall be notified prior to his/her return to duty. The range instructor(s) will advise the division commander of the deficiency at which time the division commander will make a determination as to the officer's ability to return to duty.

B. Additional training time: Additional training for individuals failing to achieve a passing score shall be for a period of time of not less than four hours, nor more than eight hours on duty time with a Department firearms instructor. Attainment of two consecutive passing scores at the conclusion of this training will satisfy the officer's immediate deficiency. The officer's division commander shall be notified and advised whether the officer has/has not met the requirement. In addition to individual training described in this section, the range officer may recommend that an officer needing improvement with firearms skills attend additional monthly firearms training sessions. The officer's division commander will arrange for the officer to attend the additional training after consultation with the range officer.

C. Disciplinary action: If after receiving additional training a sworn member fails to pass and demonstrate proficiency as noted above, the range instructor must attempt to determine the cause of the officer's inability to qualify. A medical examination or other type of evaluation of the officer may be necessary to determine contributing factors. If the problem is determined to be temporary in nature, a period of sick leave may be appropriate to allow for recovery. A period of temporary limited duty status may also be considered at the discretion of the Chief of Police. If it is determined that the officer's inability to qualify is not related to a medical or other temporary condition, a written report will be forwaded by the range instructor through channels to the Chief of Police. The report will contain pertinent facts concerning the officer's deficiency as well as information about the officer's past firearms qualification record. The range instructor will also provide information about the apparent specific problems the officer is experiencing as well as a prognostic assessment of the problem, addressing the extent of the problem and whether the weakness could be corrected through remedial training. The Chief of Police may choose to allow additional remedial training or to initiate disciplinary action depending on the circumstances.
A member who has failed to qualify after receiving remedial training shall not carry a firearm or exercise police authority until the requirements of this section are met.

D. Failure to meet the qualification requirements as set forth in this order shall result in progressive disciplinary action unless the officer is excluded by the Chief of Police from the training requirements.

## 1.6 WEAPONS CLEANING

A. Weapons cleaning equipment will be available at each APD firearms training session. It is the intent of the APD to assist each officer in maintaining his/her weapons and related equipment in excellent operating condition. It is recognized that regular weapons cleaning and maintenance enhances functional reliability.

B. On-duty officers: Upon completion of the course(s) of fire, each officer shall perform field cleaning/lubrication procedures on the weapon fired.

1. Field cleaning: a cleaning which is brief yet sufficient to enhance reliability. Cleaning should include a light lubrication of the weapon and should be conducted as per directions provided by the specific weapon's manufacturer.

2. The range instructor is to ensure that each officer completes this task and returns to service as soon as possible.

C. Off-duty officers: Each off-duty officer will clean his/her weapon(s) at the conclusion of firearms training.

1. It shall be each officer's responsibility to clean and lubricate his/her weapon and related equipment prior to reporting for duty.

2. It shall be each division/watch/section commander's responsibility to ensure that each officer under his/her command reports for duty with a clean, safe weapon.

3. It shall be each division/watch/section commander's responsibility to implement documented unannounced monthly safety inspections of weapons and ammunition of officers under their command to ensure compliance with General Order F – 2.

4. Any officer who has had his/her schedule adjusted to allow him/her to attend firearms training, or any officer who is being paid overtime to attend the training, shall be considered on-duty for all purposes including the weapons cleaning requirement.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER F - 4

| SUBJECT: CONDUCTED ELECTRICAL WEAPON (CEW) | | |
|---|---|---|
| Date of Issue: 08SEPT14 | Effective Date: 08SEPT15 | |
| Revision 8AUG16 | Review Date: 8AUG18 | **REVISED** |
| Accreditation Standards: KACP 1.8 | | |

**1.1 PURPOSE:** The purpose of this Standard Operating Procedure is to establish guidelines governing the use of the TASER conducted electronic weapon (CEW), its limitations, and to clearly outline prohibited activities. **(KACP 1.8)**

**1.2 POLICY:** It is the policy of the Ashland Police Department to use only that level of force that reasonably appears necessary to control or otherwise subdue violent or potentially violent individuals who offer a resistance. TASER conducted electronic weapons (CEWs) may be used by authorized and trained personnel in accordance with this policy directive and additional guidelines established herein. In all instances, the use of physical force shall be immediately terminated upon the cessation of resistance.

**1.3 TRAINING:**

All police officers shall be trained in the use of the CEW prior to approval of carrying. Training consists of the following:

A. CEW INSTRUCTORS

1. Officers selected to become CEW instructors will attend and successfully complete the necessary certified training course offered by TASER. The CEW instructors will obtain a certification of 2 years. Initial training will consist of the 4 hour online course and the instructor led 16 hour course.

B. NEW CEW End Users

1. Complete the minimum 6 hour course of instruction under the guidance of a currently certified TASER instructor. Coursework must include the current TASER User Lesson Plan, including discussion items in the instructor notes, all drills, and functional demonstrations.

2. Receive and review the current TASER Law Enforcement Product Warnings.

3. Receive, review, sign and return the current Release form.

4. Pass written examinations. End user must pass written examinations with a score of 80% or greater.

5. Pass Functional Test. End user must pass all functional tests listed on the TASER End User Certification Form.

6. Deploy 2 TASER cartridges (at least 1 simulation cartridge for scenario training recommended). The student must deploy 2 cartridges to both familiarize the student with the functions of the CEW, as well as, the test aptitude. A minimum of 2 cartridges must be deployed for TASER Certified End User Certification. The student must be able to hit the target from various distances under stress. Students who do not hit the target should be run through aiming drills, and directed to deploy again. End users should not be qualified until they have passed both firing tests.

7. Complete the 2 hour training for the Ashland Police Department Response to Resistance and Conducted Electrical Weapon General Orders.

8. Certification for users are 1 year.

9. Recertification yearly requires the following:

   a. Review the current Annual End User Update PowerPoint Presentation and any Training Bulletins.

   b. Receive and review the current Taser Law Enforcement Product Warnings.

   c. Receive, review, sign and return the current Release form.

   d. Pass Functional Test.

   e. Deploy 2 Taser cartridges to both re-familiarize the student with the functions of the CEW, as well as, to test aptitude.

## 1.4 DEFINITIONS:

A. **TASER:** "TASER" is the manufacturer name for a specific conducted electronic weapon designed to disrupt a subject's central nervous system by deploying battery-powered electrical energy sufficient to cause uncontrolled muscle contractions and override voluntary motor responses;

1. By means of fired projectile darts designed to produce and emit an electrical charge while connected to the controller by wires or;

2. By direct contact of built-in electrical probes of the handheld controller. (Drive-Stun)

**NOTE: The TASER is the Department authorized and issued conducted electronic weapon. Personally owned TASERs or similar devices are not authorized for use on-duty.**

B. **Deployment:** The activation of a TASER resulting in the arching of the unit, a contact maneuver on a subject or animal, and/or the discharge of a cartridge whether or not the probes strike their intended target. The mere display of a TASER is not a deployment.

C. **"Tased":** The accepted term indicating that a person or animal has received an electrical charge administered from a TASER.

D. **Cycle:** The 5 second duration of the TASER issuing an electrical charge when the trigger mechanism is depressed and released.

E. **AFIDs:** Confetti-like pieces of paper that are expelled from the cartridge when fired. Each anti-felon identification (AFID) tag contains an alphanumeric identifier unique to the cartridge being used.

## 1.5 STORAGE AND ASSIGNMENT OF CONDUCTED ELECTRICAL WEAPON

A. Any CEW not assigned will be stored by the Property Officer.

B. A CEW and cartridges will be issued to an officer once a recommendation is given to a Division Commander by a certified TASER instructor. The Property Officer will document serial numbers to CEWs and cartridges as to who they are assigned.

C. Once a cartridge has been used and placed into evidence, the Property Officer will issue a replacement. Watch Commanders have been issued spare cartridges for use after regular business hours. They will document the serial number of cartridges they replace and forward the information to the Property Officer. The Property Officer will document the replacement being issued and also give a disposition on the used cartridge.

## 1.6 WEAPON REDINESS

A. The device will be carried in an approved holster on the weak side of the body opposite the service firearm (cross-draw).

B. The device shall be carried fully armed with the safety switch in the "off" position in preparation for immediate use when justified.

C. Officers authorized to use the device shall be issued a spare cartridge as a backup in case of cartridge failure, the need for redeployment, or in case the first cartridge's leads break during engagement. The spare cartridge shall be stored in an approved cartridge holder in a manner consistent with training, and the cartridges replaced consistent with the manufacturer expiration requirements. The cartridge holder will be worn on the duty belt or other belt while on duty.

D. Each officer is responsible for the condition of their CEW, CEW holster, and spare cartridge holder and will thoroughly inspect the device prior to beginning each shift or during Roll Call. The inspection process should include:

1. Check the CEW for any obvious signs of damage or defect. Officers will check the light, laser sight, frame, trigger housing, and safety switch for functionality.

2. Uniformed officers will conduct a functions (spark) test at the beginning of every shift or prior to the start of off-duty employment.

3. Non-uniformed officers, or officers assigned to specialized units, will conduct a functions (spark) test at a minimum once a week, or prior to any assignment.

4. When conducting a CEW function test, officers will:

   a. Point the CEW in a safe direction,

   b. Ensure all hands and fingers are clear of the cartridge doors prior to removing the cartridge from the frame of the CEW,

   c. Place the safety switch in the up (ARMED) position,

   d. Depress the trigger,

   e. While holding the CEW at arm's length, look and listen to inspect the arc, and

   f. Return the safety switch to the down (safe) position.

5. Examine all CEW probe cartridges for damaged or loose doors prior to re-attaching the cartridge.

6. If at any time the CEW is not operating as intended by the manufacturer, or is otherwise determined to be unfit for duty, the officer/supervisor will remove the CEW from service. The appropriate personnel will then issue the officer a new CEW if one is available, and have the defective CEW repaired and/or returned to the manufacturer.

   a. During formal uniform inspections, commanding officers shall inspect their officers' CEW for damage and low batteries.

E. Uniformed officers shall wear the CEW, a departmentally-approved impact weapon (expandable ASP baton) and OC spray as intermediate weapons. However, if an officer is physically unable to fit all the equipment on the duty belt, he/she shall carry the CEW and a departmentally-approved impact weapon. If not carried, the chemical agent must be readily available in the officer's vehicle. Approval from the Chief of Police must be given before any officer can remove the OC spray from the belt. The recommendation must be made to the Chief of Police by a division commander and reasons stating the inability to wear the OC Spray.

F. On-duty detectives or any officer while in the Utility Uniform shall have, on their person, a departmentally approved firearm, additional ammunition magazine and handcuffs. While in the field, detectives will have immediate access ~~as~~ to intermediate weapon(s); an impact weapon, OC spray and a CEW. The Criminal Investigation Commander can approve a nylon style duty belt to be worn with this uniform if requested while in the field.

G. Off-duty officers working secondary employment in any departmental uniform are required to carry a CEW, impact weapon, and chemical agent as required in Ashland Police Department General Orders.

Having these alternatives available to all duty personnel will increase an officer's options regarding the level of force when confronted with the necessity to gain control of a suspect.

**1.7 USE OF CEWs (KACP 1.8)**

A. Officers are permitted to carry and use only CEWs that have been issued by the department. The use of CEWs shall be consistent with departmental training and is authorized when the officer reasonably believes that the circumstances meet the degree of force necessary to overcome actual, or anticipated, resistance by the suspect.

B. More than one CEW shall generally not be used against any one person during a use of force encounter. Some activations, however, are not successful because of poor probe spread, low muscle mass contact, missed probes, etc. In these situations, another officer may activate his/her CEW. If such activation occurs, the second officer shall shout the word "taser" and shall deploy the CEW. The first deploying officer shall discontinue use of his/her CEW and shall aid in securing the person or shall consider another reasonable force alternative.

C. The potential exists for CEWs to cause physical injury when striking the eyes, neck, head, breasts, and/or groin areas. Officers shall not intentionally target those areas of the body. Additionally, officers shall not intentionally target the chest area of the body. When deploying a CEW against a person who is facing the officer, the officer shall target the area below the sternum.

D. Officers should warn the suspect of his/her intentions to use the CEW, when tactically feasible. Before activating the weapon, the officer should announce his/her intentions to others present by shouting the word "taser".

E. When activating the CEW on an individual, the officers shall activate the device the least number of times and for no longer than what is reasonable, to accomplish the legitimate operational objective. Following any standard CEW cycle, the arresting officer(s) shall focus on the window of opportunity when the subject may be disabled by the CEW to physically restrain and secure the subject in order to minimize the number of standard CEW cycles.

F. When using the CEW, officers shall continually assess each standard CEW cycle, whether probes were discharged or the person was drive-stunned, to determine whether further applications are warranted or a different tactic should be used.

G. Standard CEW cycles may not be effective for varying reasons (e.g. poor probe spread, low muscle mass contact, missed probes, etc.). If the CEW is not effective, other reasonable options should be used. Considering this, if a probe deployment occurs, and no window of opportunity presents itself because the subject is not reasonably incapacitated enough to allow physical restraint following three (3) standard CEW cycles through the wires of the attached cartridge or by stapling, the officer shall attempt another reasonable force option(s) to apprehend the subject. This option(s) may include, but is not limited to, drive-stunning, stapling or firing probes from another CEW cartridge. If probes are deployed from a second cartridge, no more than three (3) standard CEW cycles shall be activated while this cartridge is attached, unless exigent circumstances are present. Exigent circumstances may include:

1. A situation where, although the CEW has been effective, the officer is alone and unable to control the suspect's active physical resistance following the standard CEW cycles. In such a situation, the officer shall notify the dispatcher that they are in need of assistance and the officer shall

activate the device the least number of times necessary, and for no longer than what is reasonable;

2. Until the active physical resistance ceases; or,

3. The subject is physically restrained.

Nothing in this policy prevents an officer from drive-stunning a person or using another reasonable force option, at any time following, or prior to, a probe activation. Standard CEW cycles given by drive-stun need not be considered when counting the three (3) standard CEW cycles discussed above; however, any drive-stun activation shall not exceed the standard CEW cycle of five (5) seconds. Drive-stuns shall be used the least number of times and for no longer than what is reasonably necessary.

H. The use of CEWs is authorized for, but not limited to, the following situations:

1. Persons refusing to obey an officer's commands through active resistance.

2. Actively aggressive persons who are combative and present a physical danger to himself/herself, the officer or any other person.

3. Prisoners who attempt to escape or seriously injure themselves.

4. Fleeing subjects under certain circumstances. A subject fleeing cannot be the sole justification for use of a CEW. Officers should consider the severity of the offense, the subject's threat level to others and the risk of serious injury to the subject before deciding to use a CEW on a fleeing subject (Graham vs. Conner).

5. Self-destructive behavior.

I. The CEW shall not be used:

1. On obviously pregnant women, elderly persons, young children and visibly frail persons, unless an exigent circumstance exists.

2. When the officer knows the subject has come in contact with flammable liquids or is in a flammable atmosphere.

3. When the subject is in an elevated position, where a fall is likely to cause serious injury or death, unless the subject poses a threat of serious physical injury to the officer or others.

4. When a subject is in a location where he/she could drown.

5. When a subject is operating an automobile, truck, motorcycle, all-terrain vehicle (ATV), bicycle, scooter, any other moving vehicle and/or hazardous machinery.

6. When a prisoner is handcuffed, unless the prisoner is involved in a physical assault against the officer or others. In these situations, the CEW may only be activated by using a drive-stun. Any such drive-stun application shall be limited to the least number of times and for the shortest duration reasonable to stop the active physical resistance and to secure the prisoner.

## 1.8 POST-USE OBSERVATION OF CEW (KACP 1.8)

A. Officers shall ensure that the subject's injuries are treated in a manner consistent with the CEW manufacturer's recommendations and departmental training, as soon as practical. EMS may be contacted to respond to incidents involving the application of the CEW. Officers have received training on how to correctly remove probes without the need of medical supervision. Officers will follow the Ashland Police Department General Order F-1, Section 1.10 as to any immediate needs for medical attention after the CEW has been applied.

Officers shall contact EMS, without delay, to request advanced life support (ALS) assistance in the

situations where the subject displays any of the following unusual reactions:

1. Subject complains of chest pains.

2. Through observation or complaint, subject experiences shortness of breath.

3. Subject is, or was, unconscious as a result of the use of the CEW.

4. Subject is manifestly under the influence of drugs.

5. Subject displays a continued state of agitation after the application of the CEW.

6. Subject falls while being “tased” and is injured as a result of the fall, unless the injury is a minor scrape or cut.

7. Subject displays symptoms of excited delirium, such as:

**PHYSICAL INDICATORS**

a. Profuse sweating.

b. Hyperthermia or high body temperature.

c. Skin discoloration.

d. Foaming at the mouth.

e. Drooling.

f. Dilated pupils.

g. Uncontrollable shaking.

h. Respiratory distress (indications of breathing difficulties before, during or after being restrained. Says “I can’t breathe”).

i. Evidence of self-inflicted injuries.

**BEHAVIORAL INDICATORS**

a. Intense paranoia.

b. Demonstrates extreme agitation or excitement.

c. Violent or bizarre behavior.

d. Running wildly (e.g. into traffic).

e. Pressured, loud, incoherent speech (irrational speech).

f. Psychotic in appearance.

g. Rapid changes in emotions (e.g. cry, laugh).

h. Disoriented about time, place or his/her identity (confusion).

i. Superhuman strength.

j. Muscle rigidity (may not be resisting).

k. Hallucinating.

l. Delusional screaming for no apparent reason.

m. Aggression toward inanimate objects, such as glass.

n. Naked or partially disrobed.

o. Resists violently during capture, control and restraint.

p. Diminished sense of pain (e.g. OC or baton strikes are ineffective).

q. Lack of focus; easily distracted (unable to follow simple directions or orders).

r. Gravitation toward “shiny” objects.

s. Delusions of grandeur (e.g. “I’m God”).

t. Frightened/panicky.

B. Officers shall obtain the Med Unit number and the names of the EMS personnel treating the subject and ensure that this information is recorded on the Response to Resistance Form.

C. If the arrested person displays such reactions listed above, but refuses treatment from EMS, officers shall immediately transport him/her to be examined by emergency room personnel.

D. All persons who have been subjected to CEW activation shall be monitored regularly while in police custody even if they receive medical care.

E. In cases where the CEW probes are deployed, officers shall only remove the probes in a manner consistent with their training. In situations where the probes are in the head, neck, breasts, groin or other sensitive areas, medical personnel shall perform the removal.

F. After removing the probes from a subject, the officers shall collect the probes by putting them in a proper container for bloodborne materials and submit to the Property Room for evidence storage. Caution is required for handling cartridges that have been discharged. Officers will take every precaution to keep the probes and wiring intact with the cartridge. Officers will be trained on how to preserve these cartridges.

G. After an officer uses his/her CEW, his/her commanding officer, as a normal procedure in a use of force investigation involving CEWs, shall download the data and video footage from the CEW onto a division/section/unit computer using approved Taser software. The downloaded information shall be printed and attached to the Response to Resistance Investigation. The reason for each application shall be documented in the required investigation.

H. If an officer is suspected of misusing his/her CEW, his/her commanding officer(s) may retrieve the weapon from the officer and download the data onto the property room computer using the Taser supplied software. The downloaded information shall be stored as a departmental record and as evidence.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 1

| SUBJECT: PATROL DEPLOYMENT PLAN | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 | |
| Revision Date: 07MAY13 | Review Date: 07MAY15 | **REVISED** |
| Accreditation Standards: KACP 17.10 | | |

**1.1 PURPOSE**: The quality of police service is directly related to the allocation and deployment of personnel. The patrol force represents the most important element in police service and unless patrol personnel are distributed in a manner which permits them to devote substantial time and effort to sustained crime prevention tasks, there is little reason to expect any success in the reduction of criminal activity.

**1.2 DEFINITIONS**: The following definitions shall apply to this General Order:

**A**. **Sector** - a subdivision of a zone used as a basis, through analysis of reported incidents, for the distribution of manpower.

**B.** **Zone** - a geographical area consisting of one or more sectors, and when combined with two or more zones, forms a beat.

**C.** **Beat** - a geographical area assigned to one or more officers to patrol, and when two or more zones are combined, forms a district.

**D.** **District** - a geographical area consisting of two or more beats and assigned to one or more officers to patrol.

**1.3** The Ashland Police Department ~~has agreed to implement~~ Field Operations Division provides law enforcement emergency responses 24 hours a day, 7 days a week, 365 days a year to the City of Ashland. The Division operates on a 12-hour shift schedule on a trial basis. Officers will work 0700 – 1900 or 0600 – 1800 as Watch 1, and 1900 – 0700 or 1800 – 0600 as Watch 2. **(KACP 17.10)**

**1.4 DEPLOYMENT**

A. Minimum Beat Plan: ~~Shall~~ Will be a five (5) beat plan except as otherwise directed by the Field Operations division commander or chief of police.

B. Preparation of Schedules and Personnel Line-Up: Watch commanders shall prepare work schedules so that the maximum number of patrol officers is present during the busiest days and watches. The duty watch commander shall provide a complete personnel line-up to the Regional Public Safety Communication Center (RPSCC) and Support Services Information Center prior to the start of each patrol watch.

C. Selection of Deployment Plan: The watch commander shall select the deployment plan. The watch commander shall notify the RPSCC of the deployment plan selected for use. See Attachment I.

D. Criteria for Assignment: Patrol officers shall be assigned by their watch commander to a beat or district utilizing the officers' experience level, knowledge and demonstrated skills as the basis for assignment. Watch commanders will use community oriented policing strategies in beat assignments. It is preferred that assignments will be long in duration. Work loads, scheduling and situations could change the assignments.

E. Unit Response Priority: Unless otherwise directed by an on-duty field operations division supervisor, the beat plans shown on Attachment I shall prevail in responding to police services in the city of Ashland.

F. Adherence to a plan for assignment of calls will reduce response time to high-priority calls for police services. Dispatchers and field operations division supervisors must stay in constant communication to ensure that police officers are deployed consistent with the immediate needs of the community.

**1.5 FOOT PATROL**

A. Foot patrol is effective when performing inspection, crime prevention, public relations and personal contact duties, and shall be the responsibility of each patrol officer.

B. Foot patrol shall average fifteen (15) minutes of each pro-active patrol hour, unless otherwise directed by an on-duty patrol supervisor.

**1.6 SELECTIVE TRAFFIC ENFORCEMENT UNIT(S):** May be assigned by an on-duty supervisor to patrol selective traffic enforcement (STEP) sites or other specific locations.

A. Duties

1. Shall concentrate on areas with high traffic crash rates with emphasis on moving hazardous violations.

2. May be assigned to respond to calls for police service.

3. Shall take appropriate police action(s) of on-view incidents or violation(s).

Unit(s) assigned to work selective traffic enforcement shall use Unit S80 through Unit S89 as radio designators. The radio designator shall be assigned by a field operations division supervisor at the start of each watch.

B. STEP sites

Site #1 - 13th Street from southern limits to intersection of Blackburn Avenue,

Site #2 - Blackburn Avenue and KY-168 from western limits to eastern limits,

Site #3 - 13th Street from northern terminus to intersection of Blackburn Avenue,

Site #4 - 12th Street from northern City limits to intersection of 13th Street,

Site #5 - Greenup Avenue,

Site #6 - Winchester Avenue,

Site #7 - Carter Avenue,

Site #8 - Central Avenue,

Site #9 - Lexington Avenue,

Site #10 - Blackburn Avenue from Route 168 to intersection of Winchester Avenue,

Site #11 - 29th Street from its northern terminus to Boy Scout Road,

Site #12 - Belmont from Geiger crossing to Blackburn Avenue, or

Site #13 - Boy Scout Road from 13th Street to Terrace Boulevard.

**1.7 MUTUAL AID**

A. Due to heavy service demands or a need for specialized service, assistance by other police agencies may be required. Police mutual aid may not be requested if needed resources are reasonably available within the Department.

1. Personnel
2. Equipment
3. Specialized skills

B. The use of police mutual aid by the Ashland Police Department shall be consistent with the ordinances of the city of Ashland and Kentucky Revised Statutes.

C. A request for police mutual aid shall not be initiated without the expressed approval of an on-duty field operations division supervisor, a division commander, or chief of police.

**1.8 DIFFERENTIAL POLICE RESPONSE** (See Attachment B, General Order C-1)

A. Differential police response is a system of prioritizing departmental responsibilities to ensure that priority is placed on criminal and life hazard incidents prior to responding to request for services with a lower priority. As an example, an armed robbery in-progress shall receive police attention ahead of a non-injury traffic crash.

B. Computer Aided Dispatch (CAD) enables the department to establish a priority schedule ranging from a low priority of three (3) to a high priority of one (1). In general, in-progress crimes against persons and life hazard situations have been assigned priority one (1). Most in-progress crimes against property have been assigned priority two (2). Other services provided have been placed in priority three (3).

C. The radio signal system utilized by the Ashland Police Department has been sub-divided, specific criteria established and a priority assigned. As an example, robbery in-progress is assigned priority 1 while a report of a robbery intentionally delayed by the victim for more than twenty-four (24) hours is assigned a priority 2.

D. Back-up Required: Certain calls for services by their very nature require the presence of more than one police officer. This is necessary for officer safety and to have adequate personnel available to handle the workload associated with certain incidents.

**1.9 DIFFERENTIAL RESPONSE CODES**

A. Code: Number which corresponds to radio signal and establishes the call classification.

B. Description: Abbreviated call classification.

C. **Priority: Law Enforcement**

1 = **ASSIGN A POLICE UNIT**. Assign primary unit (PUnit) or next available unit. This call shall not be stacked unless pre-approved by an on-duty patrol supervisor.
2 = Assign to the PUnit, first or second back-up unit (BUnit) only. Dispatcher must immediately notify patrol supervisor if call is stacked.

3 = Assign to or hold for PUnit only. Dispatcher may stack call without notifying patrol supervisor.

**DISPATCHER RESPONSIBILITY TO MANAGE STACKED CALLS**: If the dispatcher is aware that a call will have to be stacked, the dispatcher shall notify the reporting person at the time the call for service is received. If, after a call for service is received, the workload dictates that a call be stacked, the dispatcher shall make a reasonable effort to re-contact and notify the reporting person that the call is being stacked.

**A priority 1 call shall only be stacked when pre-approved by an on-duty patrol supervisor.** A police officer must be assigned to respond without delay and the call may only be stacked if pre-approved by an on-duty field operations division supervisor. A priority 2 call may be stacked by the dispatcher. The dispatcher must immediately notify the field operations supervisor of the stacked call. A dispatcher may stack a priority 3 call and the field operations supervisor need not be notified.

Field operations supervisors are expected to keep themselves apprised of stacked calls at the beginning of and throughout their shifts by periodically checking the C.A.D screen on the computer and/or M.D.T.

D. X = In Progress

## 1.10 CLASSIFICATION AND ASSIGNMENT OF PRIORITY TO EACH CALL FOR POLICE SERVICE

Classifying and setting priorities on request for police services is not an exact science. General Order C–1, attachment B, lists many of the activities and recommended priority codes to which Ashland police officers must respond. Two points: it is impossible to list every activity to which a police officer must respond; and, variables which are impossible to anticipate may dictate the assignment of a higher or lower priority. A dispatcher, or any other individual intaking a request for police service is expected to use sound professional judgment in classifying a call for police service and, if appropriate, assign a different priority from the computer recommended priority based on information known to the individual intaking the call.

The goal of a deferential police response system is to ensure that each request for police service is assigned to a police officer on a priority basis. A life hazard condition will take priority over a non-life hazard condition. The key is correct classification and priority assignment for each call for service. **Dispatchers are granted and are expected to exercise sound discretion in achieving this goal.**

A. **RPSCC** - shall be responsible for the initial classification, prioritization, and assignment of each call for police service. A dispatcher intaking a request for police service shall inquire of the reporting person to obtain sufficient information to establish a classification and response priority. Many calls for police service are dynamic. What may begin as a priority 2 call may require an upgrade to a priority 1 based on new information made available to the dispatcher. **A dispatcher has full authority to initially or on follow-up reclassify or re-prioritize a call based on known information.**

B. **Information Center or other call entry point** - an individual intaking a call for service shall be

responsible to classify and prioritize the request for police service as set forth above and transmit the request via Computer Aided Dispatch System and/or telephone to the RPSCC for the initiation of a police response.

C. **Assignment of call for police service** - RPSCC shall initiate a police response to each request for police service. Dispatchers shall assign a higher priority call for service first, consistent with Section 1.11 of this order. **If all Ashland Police Department units are busy, and a priority 1 call is received, a dispatcher shall assign a police officer from a lesser priority call or activity to the higher priority call.**

## 1.11 BEAT DISCIPLINE

A primary purpose of a patrol personnel deployment plan is to ensure the availability of police officers to respond to and handle requests for police services. A police officer assigned to a specific geographical area is responsible for the provision of police services, both reactive and proactive, within the assigned area. The Ashland Police Department deployment strategy requires that an officer remains within the assigned patrol area unless prior approval is granted, the officer is directed to leave the patrol area for a specific purpose, or as required by operational necessity.

## 1.12 RESPONSE DISCIPLINE

Field Operations Division officers not directed to respond to the scene of an incident shall remain within their assigned patrol area. This practice will reduce the number of officers committed to a particular incident and more importantly, this practice will ensure the availability of officers to respond to subsequent requests for services.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 01 | **HOMICIDE** | | |
| 01A | Suspect Fled* | 1 | A |
| 01B | Body Discovered* | 1 | A |
| 01X | In Progress* | 1 | A |
| *01Z | Follow-Up Investigation | 2 | A |
| 02 | **RAPE** | | |
| 02A | Suspect Fled* | 1 | A |
| 02B | Victim at Hospital | 1 | A |
| 02C | Over 24 Hours | 2 | A |
| 02X | In Progress* | 1 | A |
| *02Z | Follow-Up Investigation | 2 | A |
| 03 | **ROBBERY** | | |
| 03A | Suspect Fled* | 1 | A |
| 03B | Victim at Hospital | 1 | A |
| 03C | Over 24 Hours` | 2 | A |
| 03X | In Progress* | 1 | A |
| *03Z | Follow-Up Investigation | 2 | A |
| 04 | **AGGRAVATED ASSAULT** | | |
| 04A | Suspect Fled* | 1 | A |
| 04B | Victim at Hospital | 1 | A |
| 04C | 24 Hours | 2 | A |
| 04X | In Progress* | 1 | A |
| *04Z | Follow-Up Investigation | 2 | A |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 05 | **BURGLARY** | | |
| 05A | Suspect Fled* | 1 | A |
| 05B | 1 - 24 Hours | 2 | A |
| 05C | Over 24 Hours | 2 | A |
| 05I | Insurance Report | 3 | A |
| 05X | In Progress* | 1 | A |
| *05Z | Follow-Up Investigation | 2 | A |
| 06 | **LARCENY/THEFT** | | |
| 06A | Suspect Fled* | 1 | A |
| 06B | 1 - 24 Hours | 2 | A |
| 06C | Over 24 Hours | 2 | A |
| 06D | Shoplifter Causing Trouble* | 1 | A |
| 06E | Shoplifter: In Custody | 2 | A |
| 06G | Shoplifter: No Custody | 2 | A |
| 06H | Drive Off | 2 | A |
| 06I | Insurance Report | 3 | A |
| 06X | In Progress* | 1 | A |
| *06Z | Follow-Up Investigation | 2 | A |
| 07 | **MOTOR VEHICLE THEFT** | | |
| 07A | Suspect Fled* | 1 | A |
| 07B | Vehicle Taken | 1 | A |
| 07C | Over 24 Hours | 2 | A |
| 07I | Insurance Report | 3 | A |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 07X | In Progress* | 1 | A |
| *07Z | Follow-Up Investigation | 2 | A |
| 08 | **ARSON** | | |
| 08A | Suspect Fled* | 1 | A |
| 08B | Preliminary Investigation | 1 | A |
| 08C | Over 24 Hours | 2 | A |
| 08I | Insurance Report | 3 | A |
| 08X | In Progress* | 1 | A |
| *08Z | Follow-Up Investigation | 2 | A |
| 09 | **ASSAULT** | | |
| 09A | Suspect Fled* | 1 | A |
| 09B | Victim at Hospital | 1 | A |
| 09C | Over 24 Hours | 2 | A |
| 09D | 1 - 24 Hours | 2 | A |
| 09X | In Progress* | 1 | A |
| *09Z | Follow-Up Investigation | 2 | A |
| 10 | **FORGERY/ COUNTERFEITING** | | |
| 10A | Suspect Fled* | 1 | A |
| 10B | 1 - 24 Hours | 2 | A |
| 10C | Over 24 Hours | 2 | A |
| 10I | Insurance Report | 3 | A |
| 10X | In Progress | 1 | A |
| *10Z | Follow-Up Investigation | 2 | A |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 11 | **FRAUD** | | |
| 11A | Suspect Fled | 1 | A |
| 11B | 1 - 24 Hours | 2 | A |
| 11C | Over 24 Hours | 2 | A |
| 11I | Insurance Report | 3 | A |
| 11X | In Progress | 3 | A |
| *11Z | Follow-Up Investigation | 2 | A |
| 12 | **EMBEZZLEMENT** | | |
| 12A | Suspect Fled | 1 | A |
| 12B | 1 - 24 Hours | 2 | A |
| 12C | Over 24 Hours | 2 | A |
| 12I | Insurance Report | 3 | A |
| 12X | In Progress* | 1 | A |
| *12Z | Follow-Up Investigation | 2 | A |
| 13 | **STOLEN PROPERTY** | | |
| 13A | Suspect Fled* | 1 | A |
| 13B | 1 - 24 Hours | 2 | A |
| 13C | Over 24 Hours | 2 | A |
| 13X | In Progress* | 1 | A |
| *13Z | Follow-Up Investigation | 2 | A |
| 14 | **VANDALISM** | | |
| 14A | Suspect Fled | 1 | A |
| 14B | 1 - 24 Hours | 2 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 14C | Over 24 Hours | 2 | A |
| 14I | Insurance Report | 3 | A |
| 14X | In Progress | 1 | A |
| *14Z | Follow-Up Investigation | 2 | A |
| 15 | **WEAPON VIOLATION** | | |
| 15A | Suspect Fled* | 1 | A |
| 15B | 1 - 24 Hours | 2 | A |
| 15C | Over 24 Hours | 2 | A |
| 15D | Person with Weapon* | 1 | A |
| 15G | Selling to Minor | 2 | A |
| 15H | Manufacturing or Selling | 2 | A |
| 15X | In Progress* | 1 | A |
| *15Z | Follow-Up Investigation | 2 | A |
| 16 | **PROSTITUTION & VICE** | | |
| 16A | Suspect Fled | 2 | A |
| 16B | 1 - 24 Hours | 2 | A |
| 16C | Over 24 Hours | 2 | A |
| 16G | Juvenile Involved | 1 | A |
| 16X | In Progress | 2 | A |
| *16Z | Follow-Up Investigation | 2 | A |
| 17 | **SEX OFFENSES (Other than Rape)** | | |
| 17A | Suspect Fled* | 1 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 17B | 1 - 24 Hours | 1 | A |
| 17C | Over 24 Hours | 2 | A |
| 17D | Juvenile Victim | 1 | A |
| 17X | In Progress* | 1 | A |
| *17Z | Follow-Up Investigation | 2 | A |
| 18 | **DRUG VIOLATIONS** | | |
| 18A | Suspect Fled* | 1 | A |
| 18B | 1 - 24 Hours | 2 | A |
| 18C | Over 24 Hours | 2 | A |
| 18G | Near a School | 1 | A |
| 18H | Selling to a Juvenile | 1 | A |
| 18J | Manufacturing Drugs* | 1 | A |
| 18X | In Progress* | 1 | A |
| *18Z | Follow-Up Investigation | 2 | A |
| 19 | GAMBLING | | |
| 19A | Suspect Fled | 2 | A |
| 19B | 1 - 24 Hours | 2 | A |
| 19C | Over 24 Hours | 2 | A |
| 19X | In Progress* | 1 | A |
| *19Z | Follow-Up Investigation | 2 | A |
| 20 | **OFFENSES AGAINST FAMILY AND CHILDREN** | | |
| 20A | Child Abuse* | 1 | A |
| 20B | Child Abuse Suspect Fled* | 1 | A |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 20C | Child Abuse After 24 Hours | 1 | A |
| 20D | Spouse Abuse* | 1 | A |
| 20E | Spouse Abuse Suspect Fled | 1 | A |
| 20G | Spouse Abuse After 24 Hours | 2 | A |
| 20H | Desertion | 2 | A |
| 20I | Custody Dispute | 1 | A |
| 20J | Neglect | 1 | A |
| 20K | Neglect After 24 Hours | 2 | A |
| 20L | Family Trouble | 2 | A |
| 20X | In Progress* | 1 | A |
| *20Z | Follow-Up Investigation | 2 | A |
| 21 | **DRIVING UNDER THE INFLUENCE** | | |
| 21A | DUI Arrest | 1 | A |
| 21B | DUI After 20 minutes | 2 | A |
| 21C | DUI After 1 Hour | 2 | A |
| 21X | In Progress | 1 | A |
| *21Z | Follow-Up Investigation | 2 | A |
| 22 | **LIQUOR LAWS** | | |
| 22A | Furnishing to a Juvenile | 1 | A |
| 22B | 1 - 24 Hours | 2 | A |
| 22C | Over 24 Hours | 2 | A |
| 22D | Bootlegging* | 1 | A |

## DIFFERENTIAL RESPONSE CLASSIFICATIONS

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 22X | Liquor Law Violation in Progress* | 1 | A |
| *22Z | Follow-Up Investigation | 2 | A |
| 23 | **DRUNKENNESS** | | |
| 23A | Suspect Fled | 2 | A |
| 23B | 1 - 24 Hours | 2 | A |
| 23C | Over 24 Hours | 3 | A |
| 23X | Drunkenness* | 2 | A |
| *23Z | Follow-Up Investigation | 2 | A |
| 224 | **DISORDERLY CONDUCT** | | |
| 24A | Suspect Fled* | 1 | A |
| 24B | 1 - 24 Hours | 2 | A |
| 24C | Over 24 Hours | 3 | A |
| 24D | Fight With a Weapon* | 1 | A |
| 24E | Fight with no Weapon* | 1 | A |
| 24G | Harassment | 2 | A |
| 24X | In Progress* | 1 | A |
| *24Z | Follow-Up Investigation | 2 | A |
| 25 | **VAGRANCY** (Persons over 18) | | |
| *25A | Suspect Fled | 2 | A |
| *25B | 1 - 24 Hours | 2 | A |
| *25C | Over 24 Hours | 3 | A |
| *25D | Begging | 2 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| *25E | Loitering | 2 | A |
| *25X | In progress | 2 | A |
| *25Z | Follow-Up Investigation | 2 | A |
| 26 | **ALL OTHER** | | |
| 26A | Abortion* | 1 | A |
| *26B | Animal Disturbance | 2 | A |
| 26C | Blackmail | 2 | A |
| 26D | Bomb Threat | 1 | A |
| 26E | Bribery | 2 | A |
| 26G | Contempt of Court | 2 | A |
| 26H | Contributing to a Juvenile | 1 | A |
| 26I | Explosives in Possession* | 1 | A |
| 26J | Explosives in Use* | 1 | A |
| 26K | Extortion* | 1 | A |
| 26L | Kidnapping* | 1 | A |
| 26N | Littering | 2 | A |
| 26O | Missing Juvenile | 1 | A |
| 26P | Missing Over 18 Suspect | 1 | A |
| 26Q | Missing Over 18 Voluntary | 2 | A |
| 26T | Pornographic | 2 | A |
| 26U | Possession of Burglary Tools | 1 | A |
| 26W | Public Nuisance | 2 | A |
| 26Y | Riot* | 1 | A |
| *26Z | Follow-Up Investigation | 2 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 26ZA | Unattended Death* | 1 | A |
| 26ZB | Suicide* | 1 | A |
| 26ZC | Attempted Suicide* | 1 | A |
| 26ZD | Trespassing | 1 | A |
| 26ZE | Unauthorized Use Motor Vehicle | 1 | A |
| *26ZF | Property Dispute | 2 | A |
| 26ZG | Cruelty to Animals | 2 | A |
| *26ZP | Property Damage (non-criminal) | 2 | A |
| 27 | **SUSPICION** | | |
| *27A | Person | 2 | A |
| *27B | Vehicle | 2 | A |
| *27C | Noise | 2 | A |
| *27D | 1 - 24 Hours | 2 | A |
| *27E | Over 24 Hours | 2 | A |
| *27X | In Progress | 1 | A |
| *27Z | Follow-Up Investigation | 2 | A |
| 28 | **CURFEW/ LOITERING** | | |
| *28A | Suspect Fled | 1 | A |
| *28B | 1 - 24 Hours | 2 | A |
| *28C | Over 24 Hours | 2 | A |
| *28X | In Progress | 1 | A |
| *28Z | Follow-Up Investigation | 2 | A |
| 29 | **RUNAWAY** | | |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 29A | Over 24 Hours | 2 | A |
| 29B | Over 72 Hours | 2 | A |
| 29X | Juvenile Runaway | 1 | A |
| *29Z | Follow-Up Investigation | 2 | A |
| 30 | **ALARM** | | |
| *30A | Burglary* | 1 | A |
| *30B | Robbery* | 1 | A |
| *30F | Structure Fire | 1 | A |
| *30M | Medical | 1 | A |
| *30U | Unknown Type of alarm* | 1 | A |
| *30Z | Follow-Up Investigation | 2 | A |
| 31 | **ACCIDENT WITH NO INJURY** | | |
| 31A | Road Block | 1 | A |
| 31B | Road clear | 2 | A |
| 31C | 1 - 24 Hours | 2 | A |
| 31D | Over 24 Hours | 2 | A |
| 31E | Private property | 2 | A |
| 31H | Hit & Run | 1 | A |
| 31I | Insurance Report | 3 | A |
| *31Z | Follow-up Investigation | 2 | A |
| 32 | **ACCIDENT WITH INJURY** | | |
| 32A | On Road | 1 | A |
| 32B | Off road | 1 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 32C | 1 - 24 Hours | 2 | A |
| 32D | Over 24 Hours | 2 | A |
| 32H | Hit & Run | 1 | A |
| 32I | Insurance Report | 3 | A |
| *32Z | Follow-Up Investigation | 2 | A |
| 33 | **TRAFFIC CONGESTION** | | |
| *33A | Abandoned Vehicle on Roadway | 2 | A |
| *33B | Construction | 2 | A |
| *33C | Obstruction | 1 | A |
| *33D | Sign Down | 1 | A |
| *33E | Signal Out | 1 | A |
| *33G | Special Event | 2 | A |
| *33H | Weather | 2 | A |
| *33Z | Follow-Up Investigation | 2 | A |
| 34 | **SERVICE CALLS** | | |
| *34A | Assistance: Emergency | 1 | A |
| *34B | Assistance: Non-Emergency | 2 | A |
| *34C | Check Welfare | 1 | A |
| *34D | Death Message | 2 | A |
| *34E | Disabled Motor Vehicle Road Blocked | 1 | A |
| *34G | Disabled Motor Vehicle Road Open | 2 | A |
| *34H | Emergency | 1 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| | Message | | |
| *34J | Keys: Child Locked in Car[1] | | |
| *34K | Keys :engine Running[2] | 2 | A |
| *34L | Keys[3] | 3 | A |
| *34M | Attempt to Locate | 2 | A |
| 34O | Lost & Found Property | 2 | A |
| 34P | Residence Check: Open | 2 | A |
| *34P1 | Residence Check: Closed[4] | 3 | A |
| *34Q | School Zone Detail | 2 | A |
| *34R | Sewer Damage | 2 | A |
| *34S | Water Damage | 2 | A |
| *34T | Tenant Dispute | 2 | A |
| *34V | Vehicle Inspection | 3 | A |
| 35 | **FIRE** | | |
| *35A | Fire: Uncontrolled | 1 | A |
| *35E | Structure | 1 | A |
| *35N | Traffic Control | 1 | A |

[1]Effective 01/01/92, 34J, 34K, and 34L not to be used to classify a request for police service to be assigned to APD. If APD service is requested due to keys locked in car with extenuating circumstances, e.g., child locked in car, engine running, etc., classify as a 34A or 34B.

[2]Ibid.

[3]Ibid.

[4]For Records Management Use Only.

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| *35V | Vehicle | 1 | A |
| 36 | **PREVENTION & PUBLIC RELATIONS** | | |
| *36A | Community Presentation | 3 | A |
| *36B | Drug Abuse Resistance education | 3 | A |
| *36D | Foot Patrol | 3 | A |
| *36E | Neighborhood Watch Group Meeting | 3 | A |
| *36G | Premise Inspection | 3 | A |
| *36J | School Program | 3 | A |
| *36K | Special Patrol | 3 | A |
| *36L | Surveillance | 3 | A |
| *36S | School Resource Program | 3 | A |
| *36T | Special Duty Employment | 3 | A |
| 37 | **HAZARDOUS MATERIALS** | | |
| *37B | Secure Area | 1 | A |
| *37C | Evacuation | 1 | A |
| *37D | Traffic | 1 | A |
| 38 | **TRAINING** | | |
| *38A | Pre-Service | 3 | A |
| *38B | In-Service | 3 | A |
| *38C | Quarterly | 3 | A |
| *38D | Firing Range | 3 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| *38E | Not KLEC | 3 | A |
| *38G | Weekly PT | 3 | A |
| 39 | **COURT** | | |
| *39A | Administrative Hearing | 3 | A |
| *39B | Circuit Court | 3 | A |
| *39C | District Court | 3 | A |
| *39D | Federal Court | 3 | A |
| *39E | Juvenile Court | 3 | A |
| *39F | U.S. Attorney | 3 | A |
| *39G | County Attorney | 3 | A |
| *39H | Commonwealth Attorney | 3 | A |
| *39I | Grand Jury | 3 | A |
| *40 | **MISCELLANEOUS** | | |
| *40A | Administrative Time | 3 | A |
| *40B | Equipment Maintenance | 3 | A |
| *40C | Meal | 3 | A |
| *40D | Personal Break | 3 | A |
| *40E | Parking violation | 2 | A |
| *40H | Roll Call | 3 | A |
| *40I | Supervision: Field | 3 | A |
| *40J | Supervision: Office | 3 | A |
| *40K | Traffic Violation | 2 | A |
| *40Z | Follow-Up Investigation | 2 | A |

**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| 41 | **ESCORTS** | | |
| *41A | Executive Protection | 2 | A |
| *41B | Medical Treatment | 2 | A |
| *41C | Military Convoy | 2 | A |
| *41D | Money Deposit | 2 | A |
| *41E | Oversize Load | 2 | A |
| *41G | Stand-By Assure Peace: Hazard* | 2 | A |
| *41H | Stand-By Assure Peace: No-Hazard | 2 | A |
| *41N | Transport Prisoner | 3 | A |
| *41Z | Follow-Up Investigation | 2 | A |
| 77 | **PAPER** | | |
| *77A | Agenda Books | 3 | A |
| *77B | Call Letter | 3 | A |
| *77C | Subpoena | 3 | A |
| *77D | Summons | 3 | A |
| *77E | Tax Notice | 3 | A |
| *77G | Warrant: Hazard* | 3 | A |
| *77H | Warrant: No-Hazard | 3 | A |
| *77I | Courier Service | 3 | A |
| *77J | Deliver Mail | 3 | A |
| *77K | EPO Service | 3 | A |
| 80 | **ASSIST EMERGENCY MEDICAL SERVICE CALL** | | |

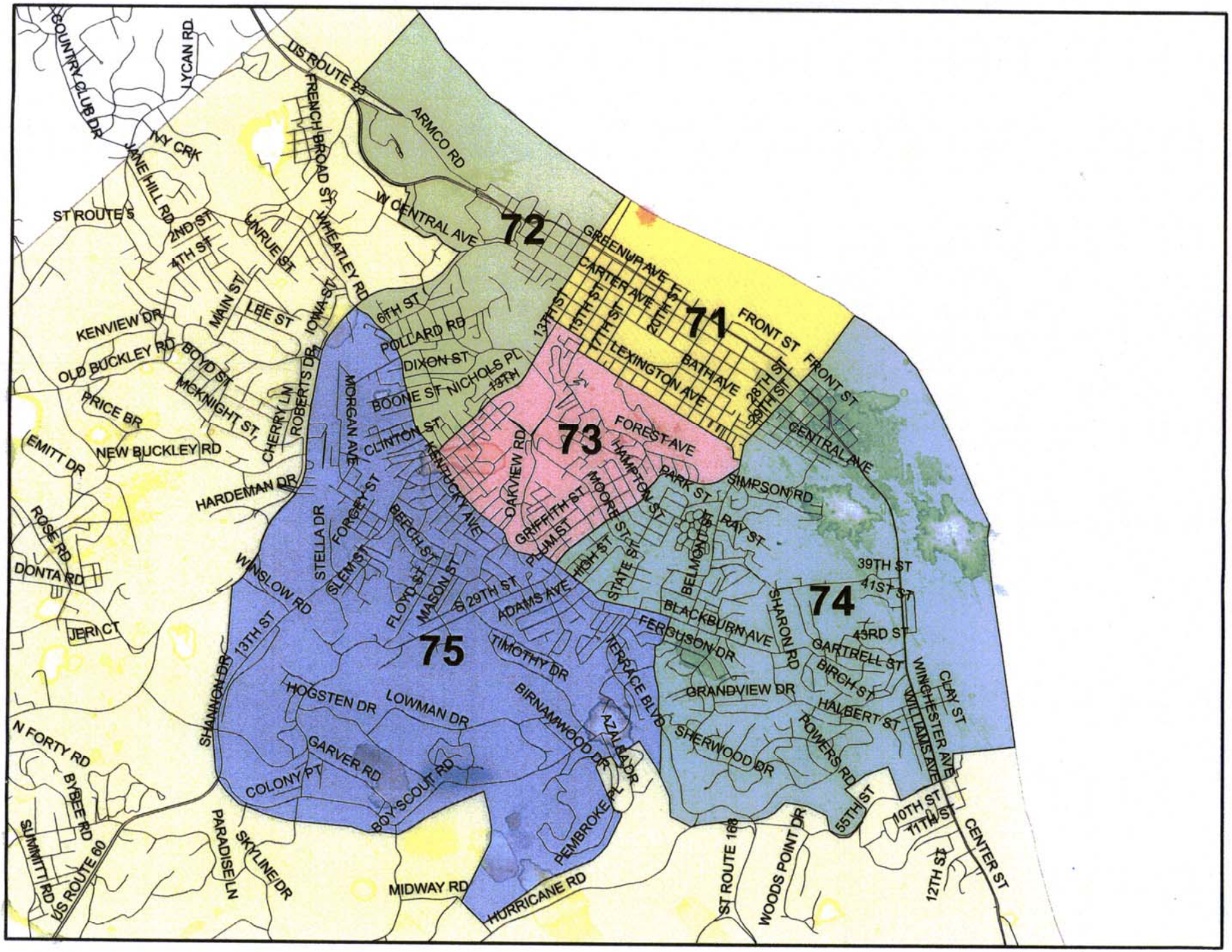
**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| *80M | Fall | 1 | A |
| *81A | Cardiac Arrest | 1 | A |
| *81M | Heart Attack/Stroke | 1 | A |
| *82M | O.B. | 1 | A |
| *83M | Unconscious Person | 1 | A |
| *84M | Medical Emergency | 1 | A |
| *84T | Emergency Transfer | 1 | A |
| *85M | Seizure | 1 | A |
| *86M | Nauseous/Vomiting | 2 | A |

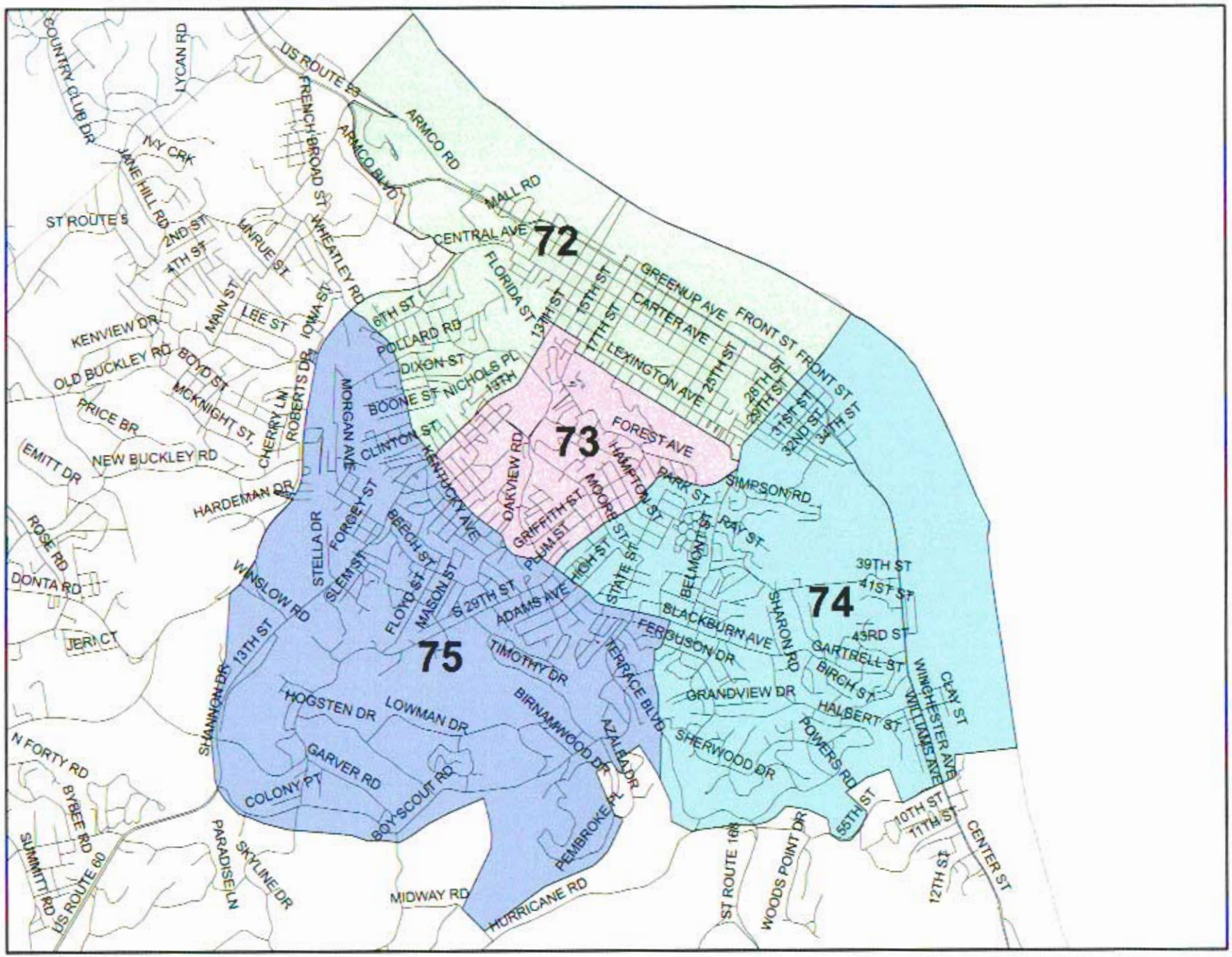
**DIFFERENTIAL RESPONSE CLASSIFICATIONS**

| CODE | DESCRIPTION | PRIORITY | PLAN TYPE |
|---|---|---|---|
| *87M | Abdomen Pain | 1 | A |
| *88M | Shortness of Breath | 1 | A |
| *89M | Burn | 1 | A |
| *99 | **OFFICER NEEDS HELP*** | 1 | A |

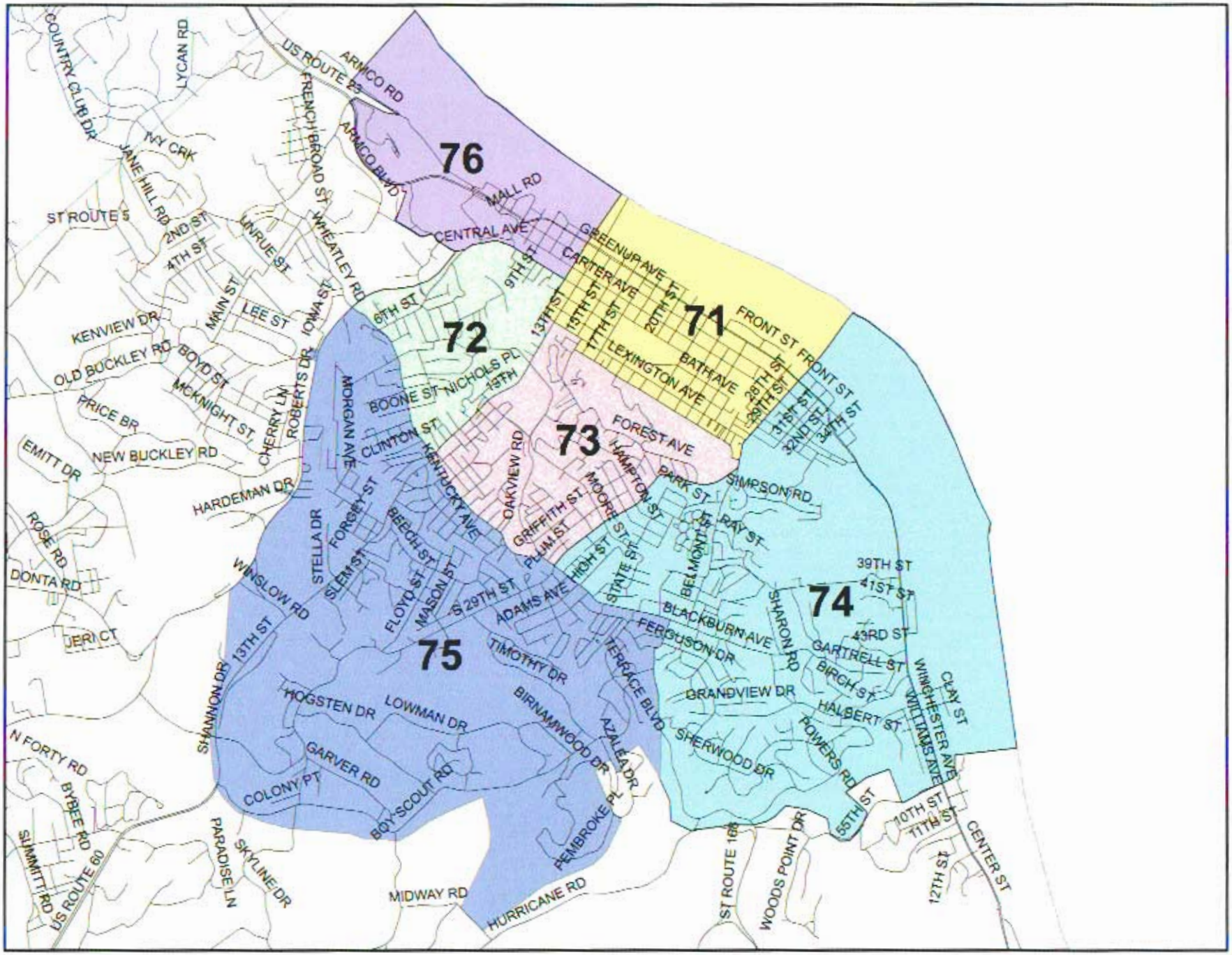
# ASHLAND POLICE DEPT 5 BEAT MAP



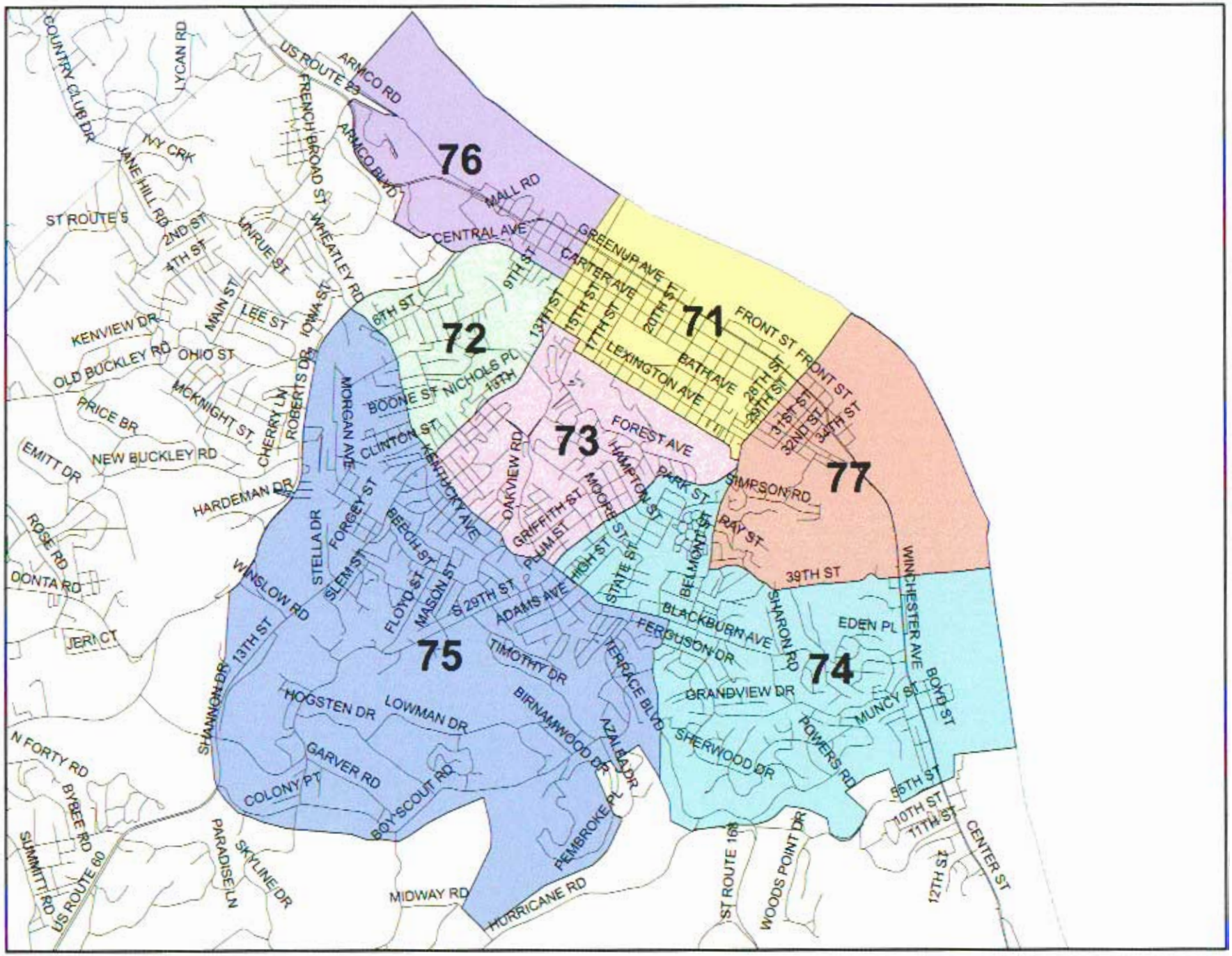
# ASHLAND POLICE DEPT 4 BEAT MAP



# ASHLAND POLICE DEPT 6 BEAT MAP



# ASHLAND POLICE DEPT 7 BEAT MAP



# Ashland Police Department

## GENERAL ORDER G-2

| SUBJECT: ALLEGATIONS AGAINST PERSONNEL OR PROCEDURES | |
|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 |
| Revision Date: 07MAY13 | Review Date: 07MAY15 |
| Accreditation Standards KACP: 12.1,12.2, 12.2A, 12.2.B,12.3,12.4, 12.6A, 12.6B, 12.6C, 12.6D, 12.6E, 12.6F, 12.6G, 12.6I, 12.6J, 12.6K | |

**1.1 PURPOSE**: To ensure that all department employees follow applicable regulations and standards of professionalism by establishing responsibility and uniformity in the handling of investigations into complaints made against departmental procedures or personnel.

A.. Policy

1. All members of the police department are responsible for discipline. Programs impacting discipline within the police department are: **(KACP 12.3)**

   a. Selection: The department goes to a great deal of effort and expense to select the best possible candidates to be hired. Candidates with the required attributes such as honesty, integrity, maturity, and intelligence are expected to have the ability to conform to our regulations and policies as well as the ability to maintain the high disciplinary standards required of our employees. See APD Rules and Regulations Section 15.1.

   b. Recognition: Positive performance by members of the department should be recognized verbally or in writing by command officers, as well as with departmental commendations and awards.

   c. Supervision: Supervisors are responsible for the detection and investigation of violations of policies, regulations and procedures. In addition, supervisors at all levels are responsible for the administration of discipline, both positive and negative.

   d. Accountability: All members of the department are accountable as required by the maintenance of discipline. Supervisors are accountable for their own actions and for providing proper discipline concerning subordinates. Subordinate officers are accountable for their own actions, and are required to report misconduct or violations of policy.

   Since these elements are interdependent, the Department of Police code of conduct is characterized by a systems approach wherein the positive, as well as, the punitive aspects of discipline are addressed.

   The following components of the Disciplinary System identify the methods to be applied: **(KACP 12.2)**

   * Recognition: As described above in Section 1.1 A. 1. b.

   * Counseling: Counseling may be employed by itself or in conjunction with one or more of the other components of the disciplinary system as appropriate. Counseling is appropriate in cases when there is a reason to believe that it will have a positive effect on the officer's work performance. All counseling conducted as a function of discipline is to be properly documented and forwarded through channels to the chief's office, and a copy will be placed in the officer's file. See APD Rules and Regulations Section 7. 3. **(KACP 12.2A)**

   * Training: Training conducted by supervisors, coaching, remedial and refresher courses should

be used as appropriate to improve employee performance when there is reason to believe that this will be successful.

* Punitive Action: Punitive disciplinary action such as verbal or written warnings, suspension from duty without pay, disciplinary transfer, demotion, or termination from employment may result from violations of law, policies, procedures or regulations. See APD Rules and Regulations Section 15.7. As a general rule, progressive discipline is to be used for repeated similar violations. See APD Rules and Regulations Section 15.6. However, the rule of progressive discipline does not preclude the department from issuing severe penalty for serious violations of policy or regulations even though the employee in question has not had prior violations of policy or regulations. **(KACP 12.2B)**

B. Authority

1. The procedures established herein are derived from authority provided by KRS Ch 95.450, KRS 15.520, and APD Rules and Regulations. Each member is to receive a copy of this order which includes copies of the above mentioned laws. Each member of the department can access a complete copy of the departmental Rules and Regulations on the Ashland Department Computer System. **(KACP 12.1, 12.2 12.6F)**

## 1.2 INTERNAL AFFAIRS PROCEDURES

A. Overview of Responsibilities: As described in this order, the Office of the Chief of Police is the centralized authority for maintaining control over all internal affairs activities. Responsibilities include: **(KACP 12.4)**

1. Maintaining staff control over all internal investigations;

2. Maintaining a central file of all complaints against service/personnel;

3. Maintaining a control log for all complaints against service/personnel;

4. Notifying by letter the citizen making a complaint that the complaint is being investigated.

5. Notifying the Corporation Counsel of the city of Ashland of matters which may result in civil action against the Department/City.

B. Receipt of Citizen Complaints (**KACP 12.6A, 12.6B)**

1. Sworn complaints will be accepted from any person who claims to have been aggrieved by a member of the department and wishes to file a formal complaint. Sworn complaints will not be accepted from any party who was not present when the event in question occurred, with the exception of a situation where the aggrieved person is a non-emancipated juvenile, in which case the affidavit should be co-signed by a parent or legal guardian and the aggrieved juvenile. In the interest of transparency, non-sworn public reports and inquiries will be accepted in any form and from any source; by telephone, mail, in person or e-mail. Anonymous or non-sworn reports, inquiries or allegations of misconduct or criminal conduct may be investigated without an affidavit, but action will only be taken if a violation of policy or law can be independently substantiated. In this case the investigating command officer will become the complainant of record. Complaints and statements may be electronically recorded by audio and/or video as authorized by the Chief of Police.

2. If a citizen with a complaint, report, or inquiry approaches a member other than a command officer, the member shall refer the complainant to the immediate supervisor of the employee that the

complaint regards, whenever practical. When the member's immediate supervisor is not available, or when the complainant does not desire to wait to speak to the member's supervisor, the complainant should be referred to an on duty supervisor. The command officer receiving the initial complaint is to fully inform the citizen of the complaint process and determine if the citizen wishes to:

a. Have the member's supervisor attempt to resolve the concern with no affidavit; or

b. Provide a sworn statement in affidavit form. (Example form attached to this order) **(KACP 12.6C)**

3. Command officers are encouraged to resolve minor concerns that do not involve violations of policy or law if the concern can be resolved to the satisfaction of all parties. However, the command officer must advise the citizen that no disciplinary action will result if the inquiry is resolved in this fashion unless a policy violation or criminal act is discovered which can be independently substantiated. If the citizen wishes to file a formal complaint, the command officer shall advise the citizen to submit a sworn affidavit in accordance with KRS 15.520.

4. Members are to be notified of formal complaints filed against them as soon as practical unless this notification would hinder the investigation. After a member is advised of a complaint or investigation initiated against him/her, he/she shall not knowingly have contact with the complainant or witnesses from outside the department, except in exigent circumstances within the scope of his/her duties or until the case is disposed. If contact is made with the complainant, the member shall immediately notify his/her commanding officer or the on duty watch commander.**(KACP12.6F)**

5. Malicious, frivolous and deliberately false accusations are to be investigated to protect the integrity of the department and its employees. The extent of the investigations of this nature may be limited to substantiating the falsity of the allegations, or may result in criminal charges or civil liability for the person who provides false information.

C. Responsibility of the Office of The Chief of Police: **(KACP 12.6D)**

1. The Office of the Chief of Police has the responsibility for review, assignment, and staff control over internal investigations:

a. The Chief of Police is to review each sworn complaint received by the Department. A control number shall be assigned to each complaint.

b. The Chief of Police has the decision or responsibility for performing the investigation as follows:

* The primary investigatory responsibility for non-criminal administrative matters ~~shall~~ rests with accused officer's division commander; and,

* The investigation may be assigned to another division or section by the Chief of Police.

c. The Chief of Police may decide to assign the investigation to another division or section at his discretion. Examples of situations that may require this are: **(KACP 12.6E)**

* When the allegation may involve criminal activity, the criminal investigation shall take precedence over the administrative investigation.

* When the matter is such that security is desirable until the investigation is completed.

* When the investigation is so complex that it would be impractical for the accused officer's commander to undertake the task.

* When several officers of various commands are involved.

d. When the complaint is assigned for investigation, either to be conducted by the accused officer's commander or by another section or division, the matter is to be held in the pending file. An entry will be made on the report indicating the suspense date for the investigation. All investigations are to be completed as soon as practical and within 60 working days, which excludes weekends and observed holidays, from the date assigned unless extensions are requested by the assigned investigator or commander and granted by the Chief of Police**.(KACP 12.6E)**

## 1.3 ADMINISTRATIVE FUNCTIONS (KACP 12.4 12.6K)

A. Master control file: The Office of The Chief of Police is responsible for maintaining a control file of all service/personnel complaints.

B. Case File: The original case file is to be maintained in the office of the Chief of Police and ~~shall~~ contain the following:

* Complainant's address and telephone number;

* Description of nature of complaint;

* Date and time occurred, date and time reported, date and time received by the office of the Chief of Police;

* The finding shall be entered when the investigation has been completed. Citizen complaints shall be filed in a master file in numerical sequence using the assigned case number. The citizen complaint file shall contain a copy of the original report submitted to the office of the Chief of Police and every subsequent document relating to the case.

* The citizen complaint file shall be maintained in a locked file. **Under no circumstances will any information or reference to a citizen complaint be placed in a member's personnel file unless the complaint is sustained and action is initiated against the concerned member(s**). A review of this file will be done for annual reports, analysis and early warning issues at the end of the calendar year. (KACP 12.6J)

C. Receipt of Complaint: Each citizen making a sworn complaint shall be notified by letter acknowledging receipt of the complaint. This will include an approximate time of completion. In cases where completion of investigation is delayed, an additional letter will be sent to the complainant with the assurance that the investigation is continuing. These letters shall be over the Chief's signature and copies will be maintained in the Office of The Chief of Police's citizen complaint file and attached to the original complaint**.(KACP 12.6G)**

D. Notification to City Attorney and City Manager: A letter shall be forwarded to the office of the corporation attorney, over the signature of the Chief, informing the attorney of any serious complaint or complaint which may result in legal action against a member, Department, or City. The letter shall set forth the date, the nature of the complaint, and the names of police personnel against whom the complaint was made. A copy of this letter shall be forwarded to the City Manager.

E. Disposition: **(KACP 12.6I)**

1. There are five possible findings that are recommended to the Chief of Police at the conclusion of the investigation:

a. Sustained – There was sufficient information to prove the allegation.

b. Not Sustained – There was not sufficient information to either prove or disapprove the allegation.

c. Exonerated – The incident occurred but was lawful or proper.

d. Unfounded – The allegation is baseless or false.

e. Withdrawn – The investigation was closed by direction of the Chief of Police or the complainant withdraws the complaint.

The Chief of Police has the sole responsibility for determining what discipline, if any, will be imposed. When the investigation is completed and the Chief has reached a decision, the complainant will be mailed a letter which will state the finding of the investigation by the Chief of Police.**(KACP12.6H)**

2. If the complaint is against departmental procedures or policy, the citizen shall be informed by letter of the Department's position on issues of policy or procedures. If the citizen's complaint against department policy or procedure has merit, the citizen is to be so informed and action will be taken to remedy the defective policy or procedure.

3. Documentation of action(s) issued to any employee are to be reported through channels to the Office of Chief of Police **(KACP12.3).** The City of Ashland DOCUMENTATION OF EMPLOYEE ACTION FORM is to be used to document the final action(s). The form is to document the following:

a. All disciplinary actions,

b. Supervisory actions to improve or change performance standards.

**1.4 LEGAL CONSIDERATIONS**:

A. An employee may be required to submit to a medical or laboratory examination; undergo a polygraph examination; participate in a line-up; or be photographed, at the departments expense and arranged by the department, when such test or participation is necessary in an internal investigation which is specifically, directly and narrowly related to the officer's performance of official duties or fitness for duty. Any information from any of the above examinations will not be used in a criminal prosecution of the officer. Failure or refusal to obey an order to submit to any of the above examinations will constitute insubordination.

B. Financial disclosure statements will only be required when it is related to an official internal investigation and then only when it specifically, directly, and narrowly relates to the official acts of the employee in the performance of the employee's duties.

C. The General Assembly of the Commonwealth of Kentucky enacted an act relating to procedures for hearing complaints against police officers. This legislation, known as KRS 15.520 or the police officer's bill of rights is attached and made part of this order. All APD members are bound by this legislation and shall comply with all requirements therein listed. **(KACP 12.2)**

**D.** Specific guidelines have been established by the enactment of this legislation for the handling of citizens' complaints. Every officer of the Ashland Police Department is responsible to be familiar with the provisions of this legislation. See Article XV, Ashland Police Department Rules and Regulations**.**

E. In the course of the day to day operations of the department, command officers, out of necessity, must verify certain information regarding the actions and performance of subordinate officers. Nothing

contained within this order should be construed to impede or prohibit this discharge of supervisory responsibility. The performance of the department, its divisions and sections, as well as individual officers is subject to review and inspection at any time. This review or inspection may take the form of an internal inquiry. An internal inquiry, review or inspection does not require the existence of a complaint. Internal inquiries are not necessarily allegations of misconduct; they may well be a simple investigative reaction to information. Officers are cautioned that to refuse to respond to these inquiries by citing the protections of K.R.S 15.520 (Police Officer's Bill of Rights) may place them in jeopardy of administrative action.

**1.5 ATTACHMENTS:**

The following documents are attached and made part of this order.

1. KRS 15.520 and 95.450
2. Affidavit of Complaint Against a Police Department Employee
3. Form: 48 Hour Notice/48 Hour Notice Waiver
4. Form: Statement Admonishment
5. City of Ashland Documentation of Employee Action Form

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# COMPLAINTS AGAINST POLICE OFFICERS

15.520 Complaints against police officers; manner of investigation and hearing

(1) In order to establish a minimum system of professional conduct of the police officers of local units of government of this Commonwealth, the following standards of conduct are stated as the intention of the General Assembly to deal fairly and set administrative due process rights for police officers of the local unit of government and at the same time providing a means for redress by the citizens of the Commonwealth for wrongs allegedly done to them by police officers covered by this section:

(a) Any complaint taken from any individual alleging misconduct on the part of any police officer, as defined herein, shall be taken as follows:

1. If the complaint alleges criminal activity on behalf of a police officer, the allegations may be investigated without a signed, sworn complaint of the individual;

2. If the complaint alleges abuse of official authority or a violation of rules and regulations of the department, an affidavit, signed and sworn to by the complainant, shall be obtained;

3. If a complaint is required to be obtained and the individual, upon request, refuses to make allegations under oath in the form of an affidavit, signed and sworn to, the department may investigate the allegations, but shall bring charges against the police officer only if the department can independently substantiate the allegations absent the sworn statement of the complainant;

4. Nothing in this section shall preclude a department from investigating and charging an officer both criminally and administratively.

(b) No threats, promises, or coercions shall be used at any time against any police officer while he or she is a suspect in a criminal or departmental matter. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during the period shall not be deemed coercion. Prior to or within twenty-four (24) hours after suspending the officer pending investigation or disposition of a complaint, the officer shall be advised in writing of the reasons for the suspension;

(c) No police officer shall be subjected to interrogation in a departmental matter involving alleged misconduct on his or her part, until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer, in writing. The interrogation shall be conducted while the officer is on duty. The police officer may be required to submit a written report of the alleged incident if the request is made by the department no later than the end of the subject officer's next tour of duty after the tour of duty during which the department initially was made aware of the charges;

(d) If a police officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, he shall be afforded the same constitutional due process rights that are accorded to any civilian, including but not limited to, the right to remain silent and the right to counsel, and shall be notified of those rights before any questioning commences. Nothing in this section shall prevent the suspension with or without pay or reassignment of the police officer pending disposition of the charges;

(e) Any charge involving violation of any local unit of government rule or regulation shall be made in writing with sufficient specificity so as to fully inform the police officer of the nature and circumstances of the alleged violation in order that he may be able to properly defend himself. The charge shall be served on the police officer in writing;

(f) When a police officer has been charged with a violation of departmental rules or regulations, no public statements shall be made concerning the alleged violation by any person or persons of the local unit of government or the police officer so charged, until final disposition of the charges;

(g) No police officer as a condition of continued employment by the local unit of government shall be compelled to speak or testify or be questioned by any person or body of a nongovernmental nature; and

(h) When a hearing is to be conducted by any appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes, the following administrative due process rights shall be recognized and these shall be the minimum rights afforded any police officer charged:

1. The accused police officer shall have been given at least seventy-two (72) hours notice of any hearing;

2. Copies of any sworn statements or affidavits to be considered by the hearing authority and any exculpatory statements or affidavits shall be furnished to the police officer no less than seventy-two (72) hours prior to the time of any hearing;

3. If any hearing is based upon a complaint of an individual, the individual shall be notified to appear at the time and place of the hearing by certified mail, return receipt requested;

4. If the return receipt has been returned unsigned, or the individual does not appear, except where due to circumstances beyond his control he cannot appear, at the time and place of the hearing, any charge made by that individual shall not be considered by the hearing authority and shall be dismissed with prejudice;

5. The accused police officer shall have the right and opportunity to obtain and have counsel present, and to be represented by the counsel;

6. The appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes shall subpoena and require the attendance of witnesses and the production by them of books, papers, records, and other documentary evidence at the request of the accused police officer or the charging party. If any person fails or refuses to appear under the subpoena, or to testify, or to attend, or produce the books, papers, records, or other documentary evidence lawfully required, the appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes may report to the Circuit Court or any judge thereof the failure or refusal, and apply for a rule. The Circuit Court or any judge thereof, may on the application compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court;

7. The accused police officer shall be allowed to have presented, witnesses and any documentary evidence the police officer wishes to provide to the hearing authority, and may cross-examine all witnesses called by the charging party;

8. Any police officer suspended with or without pay who is not given a hearing as provided by this section within sixty (60) days of any charge being filed, the charge then shall be dismissed with prejudice and not be considered by any hearing authority and the officer shall be reinstated with full back pay and benefits; and

9. The failure to provide any of the rights or to follow the provisions of this section may be raised by the officer with the hearing authority. The hearing authority shall not exclude proffered evidence based on failure to follow the requirements of this section but shall consider whether, because of

the failure, the proffered evidence lacks weight or credibility and whether the officer has been materially prejudiced.

(2) Any police officer who shall be found guilty by any hearing authority of any charge, may bring an action in the Circuit Court in the county in which the local unit of government may be located to contest the action of that hearing authority, and the action shall be tried as an original action by the court.

(3) The judgment of the Circuit Court shall be subject to appeal to the Court of Appeals. The procedure as to appeal to the Court of Appeals shall be the same as in any civil action. As the provisions of this section relate to a minimum system of professional conduct, nothing herein shall be construed as limiting or in any way affecting any rights previously afforded to police officers of the Commonwealth by statute, ordinance, or working agreement.

(4) The provisions of this section shall apply only to police officers of local units of government who receive funds pursuant to KRS 15.410 through 15.992.

HISTORY: 1994 c 383, э 1, eff. 7-15-94
1990 c 127, э 1, eff. 7-13-90; 1986 c 313, э 1; 1980 c 333, э 1

95.450 Discipline of members.

(1) Except as provided in subsection (5) of this section no member of the police or fire department in cities of the second and third classes or urban-county government shall be reprimanded, dismissed, suspended or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination or violation of law or of the rules adopted by the legislative body, and only after charges are preferred and a hearing conducted as provided in this section.

(2) Any person may prefer charges against a member of the police or fire department by filing them with the clerk of the legislative body who shall immediately communicate the same to the legislative body. The mayor shall, whenever probable cause appears, prefer charges against any member whom he believes guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made. The person preferring the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may thereupon be dismissed.

(3) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. Within three (3) days after the charges have been filed with the legislative body, that body shall proceed to hear the charges. At least two (2) days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place and hour at which the hearing of the charges will begin. The person accused may, in writing, waive the service of charges and demand trial within three (3) days after the charges are filed with the clerk.

(4) The legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.

(5) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be

placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused.

(6) The legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal from the service.

Effective: January 2, 1978 History: Amended 1976 (1st Exra. Sess.) Ky. Acts ch. 14, sec. 115, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 165, sec. 1. -- Amended 1974 Ky. Acts ch. 248, sec. 7. -- Amended 1956 Ky. Acts ch. 246, sec. 14, effective May 18, 1956. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3138-1, 3138-4, 3235dd-35, 3351a-2.

**Ashland Police Department**
**Affidavit of Complaint Against a Police Department Employee**

**Internal Affairs Case #** _____
**Citizens Complaint #**_____
**Date complaint received:** _____

**Complainant:**

| | | |
|---|---|---|
| _____ | _____ | _____ |
| Full Name | Home address | Home telephone |
| _____ | _____ | _____ |
| Place of Employment | Work telephone | Cell-phone |

**If the complainant is based upon an arrest, the person(s) arrested:**

| | | |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| **Names(s)** | **Home Addresses** | **Arrest Dates** |

**Employees(s) who are accused or complained upon:**

| **Full Name** | **I.D. Number** | **Assignment** |
|---|---|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

**Nature of complaint or allegation:**
**(May be completed on separate typed page if space does not allow sufficient room)**

**I swear or affirm that the information given in this affidavit is correct, accurate, and honest to the best of my knowledge. I understand that if I give false information, or mislead or withhold information as part of this investigation, I will be in violation of Kentucky criminal law, and that I may be charged with the crime of perjury or false swearing or may result in civil liability.**

**Signed:**_____ **Witnessed:**_____

**Date:**_____

**Subscribed and sworn to, and acknowledged before me by**
**:**_____

**To be his or her true act and deed, this**_____**day of** _____**, 20**_____**.**

**My commission expires:**_____ _____
**Notary Public**

# Ashland Police Department

## 48 HOUR NOTICE

Citizen Complaint Number:_____

Internal Affairs Number:_____

To:

From:

Date:

**RE: 48 HOUR NOTICE OF INTERROGATION**

In accordance with the Commonwealth of Kentucky Police Officer Bill of Right's (KRS 15.520), you are hereby given your 48-hour notice prior to interrogation concerning alleged misconduct on your part regarding the above mentioned complaint.
Pursuant to the provisions of General Order G-2, and Ashland Police Department Rules and Regulations Section XV, a review has begun. If you require further information regarding this matter, please contact your watch or section commander.

Served by:_____

Date:_____Time:_____Location Served:_____

Employee's Signature:_____

## 48 HOUR NOTICE WAIVER

I have been advised of KRS 15.520 regarding a 48 hour notice prior to an administrative interview. I understand my rights not to be subject to an interview for 48 hours, however, I willingly waive this 48 hour notice and I agree to provide a statement concerning the above administrative investigation at this time.

Employee Signature:_____

Sworn to and subscribed before me by_____, on

This_____ day of _____,_____.

_____ _____

Notary Public, State of Kentucky My Commission Expires

**Ashland Police Department**

# STATEMENT ADMONISHMENT

Citizen Complaint Number:_____

Internal Affairs Number:_____

_____, as an employee of the city of Ashland Police Department, you are required to give a statement to investigators/command officers. The results of your statement or any information derived from your statement may not be used in a criminal proceeding against you, and therefore a privilege against self-incrimination is not applicable in this statement. If you refuse to answer all questions posed to you, or you provide false or misleading information, administrative charges will be placed against you which could result in disciplinary measures up to and including your termination from employment.

Do you understand these requirements? YES NO

**Your interview will be a sworn statement; PLEASE RAISE YOUR RIGHT HAND**

Do you, _____, solemnly swear or affirm to tell the truth, the whole truth, and nothing but the truth?

**I understand the oath that I have taken.**

Employee's Signature:_____

Witness Signature:_____

Sworn to and subscribed before me by_____, on

This_____ day of _____,_____.

_____ _____

Notary Public, State of Kentucky My Commission Expires

**DOCUMENTATION OF EMPLOYEE ACTION**

Employee Name_____ Div./Dept._____

Type of Documentation (Please Check):

(1) Action above and beyond job requirements _____
(2) Disciplinary action _____

Date and Time of Activity: Date: _____ Time:_____ AM/PM

Specific Location of Activity: _____
_____

Statement of Activity: _____
_____
_____

Specific Corrective Actions (For Disciplinary Action): _____
_____
_____

Follow-Up Date, Time and Location (For Disciplinary Action): _____
_____
_____

_____ _____
Signature of Supervisor Date

Employee's Response: I agree with the above statement: Yes/No

If no, please indicate reason for disagreement: _____
_____
_____

_____ _____
Signature of Employee Date

Statement of Department Director: _____
_____
_____

_____ _____
Signature of Department Director Date

Date: _____ Type of Activity: _____
Date: _____ Type of Activity: _____
Date: _____ Type of Activity: _____

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 3

| **SUBJECT: UNIFORM AND EQUIPMENT POLICY** | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 | |
| Revision Date: 01JAN15 | Review Date: 01JAN17 | **REVISED** |
| Accreditation Standards: KACP 7.2D, 10.5(A); 10.5(B) | | |

**1.1 PURPOSE:** To establish regulations governing articles of uniform and equipment to be worn by members of the Ashland Police Department (APD). All articles of uniform and related equipment worn by members shall conform to the following regulations, subject to any future amendments and such exceptions as set forth herein.

**1.2 WEARING OF THE UNIFORM**:

A. Uniform As Symbol: The uniform of the APD is symbolic of the dignity and power of the city of Ashland and the Commonwealth of Kentucky, and has been adopted as a means by which the members of the Department are recognized by the general public. When the uniform is worn, care shall be taken that it fits properly, is neat, and properly pressed, clean or polished. Leather gear shall be kept with a polished appearance, and not scuffed or worn.

B. Improper, Unfit or Incorrect Uniform: Any member reporting for duty in an improper, unfit or incorrect uniform may be temporarily sent home to correct it by his commanding officer.

C. Seasonal Change: The winter uniform, which is a long sleeve shirt and tie or mock turtleneck and related equipment shall be worn from November 1 through March 31. The summer uniform, which is a short sleeve shirt with the collar open and no tie, and related equipment shall be worn from April 1 through October 31.

D. Unauthorized Uniform

1. At no time will any civilian, or civilian employee, (uniformed or non-uniformed), wear any rank insignia, shoulder patch, badge, hat, hat crest, tie clip or any other piece of uniform that would indicate or would lead one to believe that the employee is a police officer or would tend to bring disrespect to the APD uniform. No sworn officer will wear any uniform item or equipment of an officer holding a higher rank that would indicate he/she holds that rank or that would bring disrespect to that rank.

2. Officers, and uniformed civilian employees, shall not wear any part of the uniform when off duty unless performing an authorized activity or function and shall not wear any part of the uniform when wearing civilian clothing unless authorized.

**1.3 CIVILIAN CLOTHING:**

A. Duty Hours: Sworn members who are permitted to wear civilian clothing during their hours of duty shall wear apparel of a conservative nature and shall appear clean, neat and well-groomed. Division Commanders may prescribe and authorize the wearing of any type clothing when the nature of police duties requires it for a given situation.

B. Court

1. A male officer appearing in any legal proceeding such as court, grand jury, etc., shall either appear in full uniform or appropriate conservative business attire. Such attire shall consist of a suit or sport coat, slacks/dress trousers, dress shirt, and tie.

2. A female officer appearing in any legal proceeding as outlined above shall either appear in full uniform or appropriate conservative business attire. Such attire shall consist of an appropriately styled dress, or a suit with either slacks or skirt, and an appropriate blouse.

C. Training: All sworn members attending Department of Criminal Justice Training (DOCJT) training, or any other departmentally sponsored classroom training, shall wear appropriate attire which conforms to

DOCJT specifications. Such attire shall consist of slacks/dress trousers and shirt or polo type shirt or utility uniform as prescribed. Shorts and t-shirts are not authorized.

**Exception**: Certain types of training situations are exempt from the above requirements, i.e., range training, special response team (SRT), etc.

D. Temporary Limited Duty: Officers assigned to temporary limited duty shall wear appropriate conservative business attire. Officers shall not wear any portion of police uniforms.

**1.4 UNIFORMS AND EQUIPMENT**: Policy

A. Members who wear the uniform of the APD shall wear it according to the regulations set forth and shall see that it is properly maintained. Command officers may order subordinates to immediately replace extremely worn or soiled uniforms and equipment.

B. Members of the Department shall not wear any articles of equipment not covered in this General Order, nor deviate from it, without the written consent of the chief of police, who shall place a copy of such request and authorization in the member's personnel file for future reference.

C. Commanding officers may prescribe the wearing of any type of clothing or equipment when the nature of police duties require it for a temporary period and it is necessary for the performance of duty.

D. All uniforms and equipment issued by the Police Department shall remain the property of the city of Ashland and will be returned to the department, via the property officer, upon termination of employment. ~~Duty weapon will be presented to the retiring officer as per FOP collective bargaining agreement~~.

**1.5 OFFICIAL UNIFORM AND EQUIPMENT**:

A. Definition

1. **Command Officer** is defined as any member holding the rank of sergeant, lieutenant, major, or chief of police.

2. **Police Officer** is defined as a sworn, uniformed member who performs law enforcement tasks as assigned to a watch team or section.

3. **Public Service Officer (PSO)** is defined as a sworn citation officer, uniformed members, who are assigned various tasks including records, parking enforcement duties, or as assigned.

B. Regulation Uniform: The following equipment and uniform regulations apply to members of the Police Department and shall also be applicable to outside employment when the uniform is worn. (The regulations pertaining to weapons and related equipment do not apply to public service officers.)

1. **CLASS A DRESS UNIFORM**: May only be worn for dress occasions. Dress uniform may be worn to funeral proceedings, departmental or officially sponsored award ceremonies, speaking engagements and for other activities at the direction of the chief of police or his designee. The chief may direct all members to wear the class A uniform with white shirt and tie, with or without the dress coat <u>at</u> his discretion.

The dress uniform badge shall be worn on the left breast, centered over the pocket of the dress coat. The name bar and “serving since” pin will be worn on the right breast pocket, centered with the top even with the lower top stitching of the pocket.

Collar brass shall be worn on the shirt, rank as appropriate. Collar brass to be positioned as described in Section 2 of this order. The chief of police, majors, lieutenants, and sergeants may wear rank insignia on the epaulets of the dress coat in addition to shirt collar brass.

The side arm carried while in the class A dress uniform shall be concealed in a secure holster. O.C. spray, handcuffs, and radio equipment is not encouraged in this uniform, but shall be at the discretion of the member. There shall be no obvious bulges or protrusions showing caused by the carrying of

equipment. Carrying of Glock 27 is authorized when wearing dress uniform.

**Hat**: Five star type, Midlon frame, regular visor, navy blue for sworn personnel, French blue for public service officer, gold "P" buttons, and gold metal expansion strap for command officers, silver for police officers and PSOs. Midway 5 star brand or equivalent. The chief of police and division commanders (majors) shall have gold braid on the bill of the hat.

Regulation: The hat shall be set evenly on the head with the back part of the visor set on forehead, two finger widths above the eyebrows. The hat badge shall be firmly attached and uniformly set in the hole or grommet designed for that purpose. The wearing of the uniform hat shall be optional except when an officer is on dismounted patrol or working a fixed post such as point traffic control, temporary traffic control at a crash scene, parade detail, funeral detail, honor guard, etc., or at the direction of a division, watch, or section commander. No hair shall be worn protruding below the front visor of the uniform hat. The hat cover shall only be worn in inclement weather.

**Dress Coat:** Navy blue in color, 100% dacron serge, fully lined, four gold “P” button front (for command officers; silver for police officers) two pleated breast pockets with flap, and two lower dummy flaps, ½” gold braid around bottom of sleeves. Chief – 5 braid, major – 4 braid, lieutenant – 2 braid, sergeant – 1 braid. Fechheimer style 38800 or equivalent.

Regulation: The dress coat, when worn, shall be buttoned. Nameplate, badge and rank insignia shall be worn. Other insignia may be worn consistent with the “Pins/Other insignia” section of this order.

**Shirt:** Visa Finish, 100% dacron polyester, white in color, long sleeves, with zipper in front, shoulder straps, military sewn-in creases. Clifton style 339, Flying cross long sleeve command shirt,or equivalent.

Regulation: Shirt shall be kept clean, well pressed, and in good repair. All buttons shall be buttoned and shall be made of a plastic or like material. Hidden fasteners are acceptable, but buttons on pockets, sleeves, and front must be present. A tie shall be worn with this shirt. May be worn with or without the dress coat at the direction of the chief of police.

**Trousers:** 100% dacron polyester, gabardine, visa finish, ¼” top pockets, belt loops to fit 1 3/4: wide belt, navy blue in color. Fechheimer brand, style 3900 or 38200 or equivalent.

Regulation: Rear pocket shall be buttoned at all times. Trousers will have a neat fitting appearance, the bottom of the trousers shall touch the top of the uniform shoes without an excessive break in the center crease. They shall be neatly pressed with a center crease and shall not be wrinkled, worn, or soiled.

**Socks:** Black or navy blue in color, ankle length or longer.
Regulation: To be worn at all times when in uniform. Length will be long enough so officer’s bare leg does not show when sitting down.

**Tie:** 100% polyester, dress type, clip on or Velcro with buttonhole, black in color, Samuel Broome style 900, BOBH or equivalent.

Regulation: Shall be worn at all times as part of the class A dress uniform. The tie shall not be slipped down nor shall snap on ties be removed from the collar at any time. The tie shall be worn on the outside of the shirt and not tucked in.

**Tie Tack:** ~~City of Ashland pin in the shape form of the state of Kentucky cloth patch. White background with gold outline with “Proud Past/Bright Future” in blue and green, Ashland in black letters.~~ Round 7/8 inch medallion with City of Ashland Police Patch Replica.

Regulation: Shall be worn with the uniform tie, positioned to the center of the tie, even with the middle of the shirt pocket.

**Shoes:** Smooth, plain, black leather, low quarter or high cut style with plain toe. Shall be shined to a high gloss. Clarino type shoes are acceptable.

**Shoulder Patches:** Cloth, four inches in diameter, gold lettering on black background, containing the words “City of Ashland Police” in a circular pattern and the City logo and legend “Where Coal Meets Iron” shall be sewn on the dress coat and dress shirt one inch down from the shoulder seam, centered to the sleeve.

**Nameplate:** The metal nameplate will be plain, silver for police officers and PSOs, gold for command officers, with black lettering. The nameplate shall be 2 ½” by ½” with “serving since” pin attached and shall be inscribed with the officer’s first initial and last name. The all-in-one metal name plate and “serving since” is also authorized.

Regulation: The nameplate with “serving since” shall be worn on the class A dress jacket. Nameplate shall be centered on the right pocket flap with top of the plate even with the top of the pocket seam and centered over the button. The purpose of the nameplate is to identify the officer. This regulation prohibits the use of any name or nickname other than the officer’s true name being on the nameplate. The nameplate will have the first initial or the officer’s first name, followed by a period, a space, then the officer’s last name. Ex: J. Smith. Special consideration will be made if there are members of the department with the same initial and name last name.

**Badge – shirt (metal):** Only the badge prescribed by the chief of police and issued by the Department. Two-tone finish, hard enamel, block lettering, safety catch, full color, “Commonwealth of Kentucky” state seal, Blackinton style B 957 or equivalent. PSO badge may be solid finish at the direction of a division commander.

Regulation: Shall be worn over the left breast pocket, on the dress blouse in a place provided by the manufacturer.

**Badge – coat (metal):** Only the badge prescribed by the chief of police and issued by the Department. Two-tone finish, hard enamel, block lettering, safety catch, full color, “Commonwealth of Kentucky” state seal, Blackinton style B 296 or equivalent. In the absence of the coat badge, the shirt badge is authorized to be worn on the coat.

Regulation: Shall be worn over the left breast pocket, on the dress coat in a place provided by the manufacturer.

**Badge – hat:** Only the badge prescribed by the chief of police and issued by the Department. Two-tone finish, hard enamel, block lettering, safety catch, full color, “Commonwealth of Kentucky” state seal, Blackinton style B629 or equivalent. PSO badge may be solid finish at the direction of the division commander.

Regulation: The hat badge shall be worn in the hole provided in the front of the hat.

2. **CLASS B DRESS UNIFORM**: Shall be worn at the direction of a division/section/team commander, or officer of higher rank. The class B uniform is outlined below:

**Hat**: Five star type, Midlon frame, regular visor, navy blue for sworn personnel, French blue for PSOs. Mesh hat may be worn with the summer uniform. The chief of police and division commanders shall have gold braid on the hat bill.

Regulation: The hat shall be set evenly on the head with the back part of the visor set on forehead two finger widths above the eyebrows. The hat badge shall be firmly attached and uniformly set in the hole or grommet designed for that purpose. The wearing of the uniform hat shall be optional except when an officer is on dismounted patrol or working a fixed post such as point traffic control, temporary traffic control at a crash scene, parade detail, honor guard, etc. No hair shall be worn protruding below front visor of the uniform hat. Midway, five star brand or equivalent.

**Hat cover**: Clear plastic or color to match raincoat when it is worn. Blauer style 101 or equivalent.

Regulation: Shall be worn only during inclement weather and must be worn with the raincoat.

**Cap Strap:** Metal, expansion, silver for police officers and PSOs, gold for command officers. May be braid type for chief of police and division commanders. Shall be installed on the hat in holes or grommets provided with “P” buttons of matching color and shall become a part of the complete hat.

**Shirt (winter)**: Visa finish, 100% dacron polyester, white for Chief, Major, or Lieutenant rank, navy blue color for Sergeants and Officers, light blue for PSOs, with zipper in front, shoulder straps, military sewn-in creases. Sergeants shall affix sergeant stripes on both sleeves of the shirt. Shall be placed with the top peak of the sergeant stripe ½ inch below the top of the department patch. Flying Cross polyester command shirt, or equivalent.

**Shirt (summer)**: Visa finish, 100% dacron polyester, white for Chief, Major, or Lieutenant rank, navy blue color for Sergeants and Officers, light blue for PSOs, with zipper in front, shoulder straps, military sewn-in creases. Sergeants shall affix sergeant stripes on both sleeves of the shirt. Shall be placed with the top peak of the sergeant stripe ½ inch below the top of the department patch. Flying Cross polyester command shirt, or equivalent.

Regulation: Shirt shall be kept clean, well pressed, and in good repair. All buttons shall be buttoned and shall be made of a plastic or like material. Hidden fasteners are acceptable, but buttons on pockets, sleeves, and front much be present. A tie or mock neck under shirt must be worn with Class B winter (long sleeve) shirt. A white t-shirt shall be worn with the summer (short sleeve) shirt.

**T-shirt** - High neck, crew, white. V-neck is not allowed with summer shirts. Wearing of the t-shirt is required when the SESU has been authorized.

Regulation: Will always be worn under the summer uniform shirt and exposed in the neck area when wearing that shirt. White T-shirt must remain white, not discolored, tattered or dirty.

**Mock shirt:** May be worn in lieu of the tie as part of the class B winter dress uniform. Shall not be worn with the summer shirt. Holloway Arrowhead Polyester (short or long sleeve) or Under Armour Cold Gear Compressed Mock UA544 white for Chief, Majors, Lieutenants, and PSOs. Black for Sergeants and Officers.

**Tie:** 100% polyester, dress type, clip on or Velcro with buttonhole, black in color, Samuel Broome style 900, BOBH or equivalent.

Regulation: May be worn as part of the class B winter dress uniform. Shall not be worn with the summer shirt. The tie shall not be slipped down, nor shall any snap on ties be removed from the collar at any time. The tie shall be worn on the outside of the shirt and not tucked in.

**Tie Tack**: ~~City of Ashland pin in the shape of the state of Kentucky. White background with gold outline with "Proud Past/Bright Future" in blue and green, Ashland in black letters.~~ Round 7/8 inch medallion with City of Ashland Police Patch Replica.

Regulation: Shall be worn with the uniform tie positioned to the center of the tie even with the middle of the shirt pocket.

**Whistle/Chain**: Chain of snake design, 12 to 18 inches long, with shoulder strap slide, metal, silver color for police officers and PSOs and gold color for command officers.

Regulation: Shall be worn on right side with shoulder strap slide secured on the right shoulder strap of the uniform shirt with the whistle secured inside the right breast pocket. Whistle and chain shall be worn by all uniformed personnel. Whistles will not be worn on the pocket button and all excess chain will be placed inside the pocket, not hanging outside the pocket.

**Badge (metal, shirt)**: Only the badge prescribed by the chief of police and issued by the Department. Two-tone finish, hard enamel, block lettering, safety catch, full color, "Commonwealth of Kentucky" state seal, Blackinton style B296 or equivalent. The PSO badge may be of solid finish at the direction of a division commander.

Regulation: The shirt badge shall be worn over the left pocket in the place provided by the manufacturer.

**Badge (hat)**: Only the badge prescribed by the chief of police and issued by the Department. Two-tone finish, hard enamel, block lettering, safety catch, full color, "Commonwealth of Kentucky" state seal, Blackinton style B629 or equivalent. The PSO badge may be of solid finish at the direction of a division commander.

Regulation: Hat badge shall be worn in the hole provided in the front of the hat.

**Insignia, Collar Brass** - Metal initials, A.P.D., silver for police officers and PSOs, gold for sergeants.1¼" by 3/8".

Regulation: On the long sleeve shirt collar when tie is worn, or when wearing mock shirt in lieu of tie, the insignia shall be parallel to the top edge of the collar, 3/4" from the top edge, and 1/2" back from the front edge. (Exhibits A and B)

Exhibit A

Exhibit B

Regulation: On the short sleeve shirt, the collar insignia shall be 1/2" back and parallel to the front edge of the collar. (Exhibit C)

Exhibit C

**Insignia - Sergeant;** Cloth, Chevron, gold on a black background, 3 5/8 inches tall and 3 inches in width. Shall be worn on Class B winter and summer shirt as well as all authorized winter jackets. As authorized by the chief of police.

**Insignia - Lieutenant** - Metal, gold bar, military regulation, 3/8" wide by 1" length.

Regulation: The metal bar will be centered on each end of the collar of the summer and winter uniform shirts. The front edge of the bar shall be 1/2" back of and parallel to the front edge of the shirt collar and centered between the top and bottom of the collar. The winter jacket will have the metal bar attached to the shoulder strap, 1/2" from the outside edge.

**Insignia - Major**: Metal, gold oak leaf, military regulation, 5/8" in diameter.

Regulation: The gold oak leaves will be centered upon each end of the collar of the summer and winter uniform shirts. The insignia will be positioned in a manner that allows the collar to lie flat. The winter jacket will have the large gold oak leaves attached to the shoulder strap.

**Insignia – Chief**: Metal, gold in color, eagle design, military regulation.

Regulation: The insignia will be centered upon each end of the collar of the summer and winter uniform shirts. The insignia will be positioned in a manner that allows the collar to lie flat. The winter jacket will have the eagle attached to each shoulder strap.

**Pins/Other insignia**: As appropriate for organization represented.

Regulation: All pins and other insignia will require approval of the division commanders or chief of police, except for pins/insignia representing the Kentucky DOCJT, the Fraternal Order of Police, and the KLEC. Pins/insignia directly related to the APD, the Kentucky DOCJT, Commonwealth of Kentucky Crime Prevention, or those authorized by the Awards and Commendations Board are permitted. These types of pins/insignia may be worn on the uniform shirt or class A dress jacket. Pins/insignia will be professionally displayed on the right side of the uniform shirt above the pocket flap.

**Nameplate**: The metal nameplate will be 2 1/2" by 1/2", plain, silver for police officer and PSOs, gold for sergeant or above, with black lettering, with the officer's first initial and last name. When worn on the uniform shirt will have below and attached to the nameplate an additional tag with the legend "Serving Since" (year). All in one model metal name plate and “Serving Since” is also authorized.

Regulation: Approved nameplates will be those authorized by the Department. The nameplate shall be centered on the right pocket flap of the uniform shirt. The purpose of the nameplate is to identify the officer. This regulation prohibits the use of any name or nickname other than the officer's true name being on the nameplate. The name plate will have the first initial of the officer’s first name, followed by a period, a space, then the officer’s last name. Ex: J. Smith. Special consideration will be made if there are members of the department with the same initial and same last name.

**Patches (shoulder)**: The cloth patch authorized by the chief of police is gold lettering on a black background containing the words "City of Ashland Police" in a circular pattern with the City logo and legend "Where Coal Meets Iron". Patch is four inches in diameter.

Regulation: The patch shall be placed on each sleeve of each shirt, centered on the crease, 1" from the shoulder seam.

**Trousers**: 100% Dacron polyester gabardine, visa finish, 1/4 top pockets, belt loops to fit 1 3/4" wide belt, navy blue in color for sworn personnel and PSOs. Fechheimer brand, style 3900 or 38200 or equivalent. SAP pockets are approved.

Regulation: Rear pocket shall be buttoned at all times. Trousers will have a neat fitting appearance; the bottom of the trouser shall touch the top of the uniform shoes without an excessive break in the center crease. They shall be neatly pressed with a center crease and shall not be wrinkled, worn, or soiled. During periods of extremely hot temperatures, the Staff Services Section supervisor may authorize PSOs to wear shorts (see Special Events Summer Uniform for PSO) while working meter enforcement.

**Belt (gun)**: Smooth, plain, black leather, Clarino type finish, Sam Brown style, four row stitching, suede lined, 2 1/4" wide, with double tongued buckle, and center belt stud. Buckle shall be silver for police officers, gold for command officers. Safariland model 87 or equivalent.

Regulation: Gun belt shall be worn only with regulation holster, parallel to the trouser belt. It shall not hang below or above the trouser belt. Belt keepers are authorized, but no more than four may be worn with belt.

Division commanders and the chief of police shall have the option of wearing the fully equipped duty belt or a black leather trouser belt with sidearm and radio when in uniform.

**Belt keepers**: Smooth, plain, black leather, Clarino finish, silver snaps for police officers, gold for command officers, to fit 2 1/4" belt. May have velcro closure rather than snaps.

Regulation: Four shall be worn with the belt. No more than four may be worn. Shall be worn in a manner to give an appearance of being evenly spaced around the waist, and to provide maximum support to the gun belt.

**Belt (trouser)**: Smooth, plain, black leather or black nylon, 1 3/4" wide, may be regular or with high gloss finish.

Regulation: When worn with the uniform, must be concealed by gun belt. It is necessary to wear this type of belt with the trousers. The trouser belt shall be concealed with the gun belt.

**O.C. spray holster**: Smooth, plain, black leather, Clarino finish, with hidden snap closure, to fit MK-4 MK-III canister, Safariland 38H8 or equivalent. MK-4 and MK-III will be supplied by the Department for officers that are able to wear the O.C. spray holster. The MK-III style holster will be purchased by the officer. MK-4 holster will be supplied on initial issue.

Regulation: Must be worn on gun belt, consistent with approved training. In the event an officer does not have the adequate space then it may be removed and the ASP Tactical Defender will become the source for O.C. Spray.

**Handcuffs**: ~~Adequate to accomplish their intended purpose.~~ Peerless Black Oxide Standard Handcuffs Model 701C. ~~Eight~~ 5-3/4 to 7-7/8 inch inner perimeter, heat treated chain, ~~20~~ 19 locking positions, self locking, ~~single lock~~, double lock engaging pin, ~~nickel~~ black oxide ~~plated,~~ carbon steel construction, ten ounce.

Regulation: Must be carried in handcuff pouch with flap.

**Handcuff pouch**: Smooth, plain, black, leather, Clarino type finish, with top flap. Silver snap for patrolman, gold snap for command officers, or hidden snap. Safariland model 190 or equivalent.

Regulation: Must be worn on the gun belt on the opposite side from holster in front of or behind radio at officer's discretion and consistent with training. Officers may wear a secondary handcuff pouch at the discretion of the officer. The secondary handcuff pouch is at the expense of the officer and will not be issued.

**Handcuff Strap:** Smooth, plain, black leather, Clarino type finish. Gould and Goodrich model 83 or equivalent.

Regulation: May be worn as a primary or secondary carrier for handcuffs on the duty belt. Must be worn on the gun belt on the opposite side from the holster in front of or behind radio at officer's discretion and consistent with training. This item is at the cost of the officer and will not be issued.

**Key ring holder**: Smooth, plain, black leather, Clarino type finish. Safariland model 169 or equivalent.

Regulation: Not mandatory, but if worn shall be worn on the gun belt in a manner not to interfere with mandatory equipment.

**Impact weapon**: Night stick, a diameter not less than 1 1/8" nor more than 1 1/2". May be of wood, plastic, fiberglass, or metal. If anything but wood, must be black in color. If wood, must be black, if painted. If stained or natural, must be dark walnut or like color. Armament Systems and Procedures (ASP) Tactical Baton, 21" tactical baton chrome or black chrome is approved for carry and use consistent with training received in the use of straight baton/nightstick only. The baton should never be extended open in the direction of any individual. The ASP baton provided will have installed the department issued ASP Tactical Defender Cap with O.C. Spray.

Regulation: Officers assigned to uniform patrol duty shall report to roll call with impact weapon. When on duty, officers assigned to patrol shall keep impact weapons (night stick) available at all times, either on the person or in the vehicle. An ASP issued by the Department will be worn on the duty belt by uniformed officers. All other ~~O~~on duty ~~uniformed~~ officers shall keep their impact weapons readily available in the event the officer is assigned to patrol duty.

**Impact Weapon Holder**: Black, molded plastic construction, Clarino type finish, sidebreak model, will hold the ASP baton retracted or expanded. ASP-SB21F or equivalent.

Regulation: Worn on duty belt on opposite side of holster.

**Sidearm**: The standard department issued weapon is the Glock 22 .40 caliber. The Chief of Police upon recommendation from the range master can approve the Glock 23, .40 caliber for officers

needing accommodations. See General Order F-2. Chief of police, division commanders and officers assigned to CIS shall also have the option to carry the Glock model 27.40 caliber.

Regulation: Shall be worn at all times while on duty. Weapon shall be kept and used in the safest manner possible, and shall meet all guidelines set forth by the Kentucky Justice Cabinet, DOCJT and APD range officer. The weapon must be worn in the proper size holster and be able to fire ammunition designed for it. The sidearm shall be worn on the gun belt on the side of the officer's strong hand, not in a cross draw manner. See General Order F - 2, 1.2 for weapons authorization.

**Ammunition pouch**: Smooth, plain, black leather, Clarino type finish, double magazine holder with silver snaps for police officers and gold snaps for command officers. A velcro closure or hidden snap is also permitted. Safariland model 77 or equivalent.

Regulation: The magazine pouch may be worn vertically, in front of the handcuff pouch and radio. It may be worn on the same side as, and in front of, the holster, vertically. If worn horizontally on the holster side, openings/flaps shall be away from the holster. If worn horizontally on the weak hand side, openings/flaps shall be toward the center of the body.

**Holster**: Smooth, plain, black, leather, Clarino type finish. Safariland, Mid Ride Level II, model 295 for Glock 22, or equivalent.

Regulation: To be worn on the strong hand side, but not in a cross draw manner.

**Flashlight Holder:** Safariland model LP632-CL

Regulation: To be worn on the gun belt on opposite strong hand and in the rear to adequately secure the flashlight for ready use.

**Ballistic Vest (Bullet Resistant)**: Threat level 3A must meet or exceed prior to July 2008 NIJ Standard 0101-03: and after July 2008 must meet or exceed JIJ Standard 0101-06, will provide side protection with full unrestricted movement at arms, one dark blue and one white polyester/cotton garment carrier, adjustable velcro straps, trauma plate, and pouch for trauma plate, front and back flaps, extended style, five year warranty.

Regulation: **Each sworn member of the Department is provided a vest for his/her safety. The internal carrier or under the uniform shirt style of vest will be provided. Each officer hired after October 1995 shall wear the vest and trauma plate when in any Department Class B, SESU or bicycle uniform unless there is a special request. The special request will give details on reasons not to wear the vest and will be directed to the officer's immediate supervisor and through the chain of command to be reviewed by the Chief of Police. Only after approval of the Chief of Police will officers deviate from this regulation. Each officer hired prior to October 1995 is encouraged to wear the vest and trauma plate supplied by the Department while in any Department uniform, or as directed by a watch/section commander or officer of higher rank. In the event a member hired prior to October 1995 elects not to wear the issued vest, that member shall have in his/her immediate possession, or in the officer's assigned vehicle, the issued vest, in a wearable condition, at all times while in a Department Class B, SESU or bicycle uniform. Officers granted approval for special requests not to wear the vest will have it with them when leaving the police station and operating a departmental vehicle. If the vest may be worn over a uniform, its carrier must be of a dark blue or black color. (KACP 10.5(A))**

**Ballistic Vest Carrier (External)(OPTIONAL):** Elbeco V1 External Vest Carrier V2 Series for navy blue. Model V1314. Blauer Armorskin for white. Model 8370. To be purchased at the expense of the officer.

Regulation: To be worn as an option over a department approved shirt. If purchased the officer is required to have measurements taken so that the assigned ballistic panels will properly fit in the carrier and provide the appropriate placement of the panels for protection. This is an option only to wearing the ballistic vest under the uniform shirt.

**Under Vest Shirts (OPTIONAL):** Elbeco navy blue under vest shirts. Long sleeve is model UVS101, Short sleeve model is UVS118. Blauer white under vest shirts. Long sleeve is model 8371, Short sleeve is model 8372. To be purchased at the expense of the officer.

**Gloves**: Black, leather.

Regulation: May be worn when needed to keep hands warm. This general order prohibits the use of "sap" type (hard knuckle) gloves. Gloves designed to protect an officer from sharp objects and/or liquid borne pathogens are approved for year round use and can be worn at the officer's discretion. Examples of this type glove are the HATCH or FRISKMASTER brand glove.

**Rainsuit**: The Blauer Style 233R B.Dry Reversible Rain Jacket, with Snap-On hood style 123, Imprinted POLICE on HiVis side only. No vinyl press badge on left breast. Officers still having a serviceable Helly Hansen vortex or Walls jacket, Helly Hansen Cardinal or Walls cargo pant, black, vinyl press on badge, left breast will be allowed to continue to use until the need to replace.

Regulation: Shall only be worn when raining or when expecting, rain.

**Winter coat**: **5.11 Double Duty Jacket (JA837):** Navy blue in color. Officers and PSOs shall have subdued cloth badge and subdued embroidered name strip, one inch high, Rose black 900 with Rose 486 dark gray embroidered lettering with officer's first initial and last name, no other insignia will be worn on the jacket. The subdued APD shoulder patch will be worn one inch below the seam on each sleeve. The name strip with the officer's first initial and last name will be sewn on the right side centered over the pocket, centered to the badge. Command staff shall have gold on black cloth badge, embroidered name strip and APD patches. Sergeants shall affix sergeant stripes on both sleeves, shall be placed with the top peak of the sergeant stripe ½ inch below the top of the department patch. Lieutenants, Majors and Chief of Police will display appropriate collar insignia of rank on the epaulettes closest to the sleeve seam.

**5.11 Reversible Hi-Vis Duty Jacket (JA836): (OPTIONAL)** Navy blue in color. Officers and PSOs shall have subdued cloth badge and subdued embroidered name strip, one inch high, Rose black 900 with Rose 486 dark gray embroidered lettering with officer's first initial and last name, no other insignia will be worn on the jacket. The subdued APD shoulder patch will be worn one inch below the seam on each sleeve. The name strip with the officer's first initial and last name will be sewn on the right side centered over the pocket, centered to the badge. Command staff shall have gold on black cloth badge, embroidered name strip and APD patches. Sergeants shall affix sergeant stripes on both sleeves of the shirt, shall be placed with the top peak of the sergeant stripe ½ inch below the top of the department patch. Lieutenants, Majors and Chief of Police will display appropriate collar insignia of rank on the epaulettes closest to the sleeve seam. No patches or other insignia shall be sown on the ANSI compliant side of the jacket.

Regulation: To be worn in inclement weather. If the Hi-Vis Duty Jacket is worn while at any scene of an investigation directly adjacent to or in the roadway; and while engaged in point traffic control officer will wear the jacket with the available ANSI compliant option visible.

Any replacement of the winter coat will be the 5.11 JA836. Current Blauer jackets that are still serviceable continue to be authorized.

**Lightweight jacket**: Navy blue with gold lettering, Ashland Police on left breast, Police Chief on back for chief, Police Commander on back for Majors, Police Criminal Investigations for CIS officers, Police down both sleeves.

May be worn in mild weather or at scene of incident by command officers or detectives.

**Sweater**: Blauer 225 fleece-lined V-neck British Commando style sweater, machine washable, 57% polyester, 28% worsted wool, and 15% low pill acrylic, navy blue in color, color-matched ripstop shoulder and elbow patches, attached epaulets. Sweater shall have long sleeves, must be collarless and pocketless. Shoulder patches shall be gold on black. When worn as the outer garment, the name plate and badge shall be affixed to the sweater. The coat or shirt badge is authorized to be worn on the sweater. Command staff shall affix sergeant stripes on both sleeves of the shirt, shall be

placed with the top peak of the sergeant stripe ½ inch below the bottom of the department patch. Lieutenants, Majors and Chief of Police will display appropriate insignia of rank on the epaulettes closest to the sleeve seam.

Regulation: The sweater may be worn with long sleeve shirts during the appropriate time period. When worn with the long sleeve shirt the uniform tie will also be worn. Sweater may be worn with or without the lightweight jacket or winter coat. On formal occasions when the class A uniform is required, the sweater will not be permitted. Purchase of the sweater is at the member's expense.

**Shoes**: Black in color, low quarter or high cut style with plain toe. No fancy stitching or straps visible below trouser hem line. No sharp pointed (cowboy type) shoes or boots are permitted. May be of high gloss, leather, or lightweight "Reebok" style uniform shoes.

Regulation: Must be worn when in uniform and must be clean and polished to a high gloss. Must have standard heels no more than 1" in height.

**Boots:** Black. May be low, quarter, or high top. Must comply with the same requirements listed above.

Regulation – May be worn at officer's discretion. Uniform trousers shall be worn outside the high top boot.

**Socks**: Uniform type, black or dark navy blue, crew length or longer.

Regulation: To be worn at all times when in uniform. Length will be long enough so that officer's bare leg does not show when sitting down.

**Winter toboggan:** Plain Black. In the event of product lettering, design, logo, or writing, that too will be in black.

Regulation: **May be worn in lieu of uniform "five-star" cap during severe winter weather at the discretion of member's supervisor**.

**Ear muffs:** Black in color, fleece type and low profile style. No lettering, no fur styles, design, logo or writing.

Regulation: May be worn with the uniform "five-star" cap during winter weather at the discretion of member's supervisor.

**Identification Card** - Only the identification card issued by the office of the chief of police is authorized.

Regulation: When on active duty in police headquarters and in civilian attire, the identification card shall be prominently displayed on the clothing. All personnel shall carry the police identification card while on active duty.

**Patches, Shoulder** - The cloth patch authorized by the chief of police is gold lettering on a black background containing the words "City of Ashland - Police" in a circular pattern and the City logo and legend "Where Coal Meets Iron". Patch is four inches (4") in diameter. The subdued or utility shoulder patch is four inches (4") in diameter with Rose 486 gray lettering on a Rose 900 black background containing the same logo as above.

Regulation - The patch shall be placed on each sleeve of each shirt and jacket, centered on the crease one inch (1") from the shoulder seam. The standard shoulder patch shall be worn on the class A dress, class B dress, and class B uniform. The subdued or utility patch shall only be used on the winter coat, lightweight jacket, and SRT uniform for officers and PSOs.

**Pen**- Officer's discretion as to type pen, but must have blue ink.

Regulation - If displayed at all, shall be done so in shirt pocket and in slot provided only and shall complement the uniform.

**Flashlight** – Stinger LED model FL653 flashlight. It is hand-held and provides adequate illumination.

Regulation - May be worn on the gun belt in a carrier designed for that purpose. The flashlight is to be used for illumination purposes only.

**ANSI Compliant Traffic Vest:** ~~OccuLux Class 2 Vest.~~ A brand and style selected and purchased by the department. The vest meets the minimum 107-2004 and 107-2010 requirements. That requirement is that it be worn on any outermost article of clothing when in use.**(KACP 10.5(B))**

Regulation – If you work in a street or highway right-of-way and you're exposed to traffic or construction equipment, you must wear a highly visible upper-body garment. Emergency responders and law enforcement officers must also wear high-visibility apparel after an emergency has passed while doing traffic control, cleanup, investigations, or similar tasks.

3. **UTILITY UNIFORM**

May be worn by Criminal Investigations Section (C.I.S.) personnel in lieu of business attire during normal duty hours. Civilian clothing may be authorized at the discretion of the C.I.S. commander. Shall not be worn when court attendance is anticipated (see section 1.3 B). Should be worn by C.I.S. personnel on call-outs after normal duty hours when practical. May be approved for other department personnel when authorized by a division commander. i.e. training. When wearing the utility uniform it must conform to the specifications as a uniform in whole. Parts of the uniform are not to be worn with unauthorized clothing.

Issued to C.I.S. personnel: Officers assigned to C.I.S. shall be issued the utility uniform at department expense. The initial issue shall consist of three long sleeve shirts, three short sleeve shirts, and three trousers.

**Shirt –** Short sleeve and long sleeve shirts worn with the utility uniform shall be 5.11 Tactical Series Snag-Free Performance Polo, dark navy blue in color, 100% polyester. The wearing of the proper type shirt will follow same regulations for winter and summer as Class B dates. Over right breast shall be a single line with officer's rank. A second line directly under rank shall have the officer's first initial and last name. The stitching shall be in gray. The A.P.D. subdued badge patch shall be ~~embroidered in gray and black~~ sewn on over the left breast. Gold lettering is authorized for chief, majors and lieutenants and sergeants.

**Range shirt:** Red polo type or t-shirt as prescribed by range master, authorized by a division commander.

Regulation: Shall be worn by range personnel at all firearm training functions. Short and long sleeves will be used in this style of shirt and will follow the Class B schedule.

**Jacket:** Galls heavyweight undercover duty jacket, black with pull down panels, "Police" on front and back panels.

Regulation: May be worn with utility uniform for CIS personnel.

**Trousers:** Trousers worn with the investigator's uniform shall be "5.11" pro ripstop pants or Tru-spec 24-7 ripstop pants, khaki in color.

**Belt:** Black, brown or tan in color. Leather or nylon tactical type belt.

**Shoes:** Black, brown or tan in color. Leather or tactical type boot, quarter boot, or shoe. Clean and well maintained.

a. Support Services Section personnel may be authorized to wear this type of uniform by

theTechnical Services Division Commander. PSOs shall be issued three short sleeve and three long sleeve polo style shirts, cadet blue, with embroidered name and patch as described above, and three khaki trousers.

**Cap:** Elbeco Response TEK-TWILL_ball cap Model HW360 black in color, with “Ashland Police” embroidered one inch tall consisting of two lines on the front of the cap, in Rose 486, dark gray lettering for officers. Gold lettering for command staff is authorized.

Regulation: May be worn with utility uniform. Any replacement of the utility uniform will be as prescribed above. Current utility uniforms that are serviceable are still authorized.

4. **SPECIAL EVENTS SUMMER UNIFORM (SESU)**

**POLICE OFFICER:** shall be worn at the discretion of a division commander or the chief of police for special events held between April 1 and September 30. Leather gear as previously specified in this order shall be worn with the SESU.

**Cap:** Elbeco Response TEK-TWILL_ball cap Model HW360 black in color, with “Ashland Police” embroidered one inch tall consisting of two lines on the front of the cap, in Rose 486, dark gray lettering. Gold lettering for command staff.

Regulation: Shall be worn as part of SESU uniform.

**Shirt** - Short sleeve 5.11 Tactical Series Snag-Free Performance Polo, dark navy blue in color, 100% polyester. Over right breast shall be a single line with officer’s rank. A second line directly under rank shall have the officer’s first initial and last name. The stitching shall be in gray. The A.P.D. subdued badge patch shall be gray and black over the left breast. Gold lettering for chief, majors, lieutenants and sergeants is authorized. ~~This shirt is not to be used as part of the utility uniform.~~

Regulation: Shall be neat, not wrinkled, worn or soiled.

**T-shirt** - high neck, crew, white.

Regulation - Wearing of the T-shirt is required when the SESU has been authorized.

**Whistle** - May be of metal or plastic. Shall be of sufficient size to be utilized by a police officer in his/her duties.

Regulation - Shall be readily available.

**Badge (cloth) -** In the shape of a shield, 2" wide by 3" long, Rose 486 dark gray on Rose 900 black with embroidered lettering. Gold badge for chief, majors, lieutenants and sergeants is authorized.

Regulation - Shall be attached to the upper left front of the shirt. Shall be in the same location as the metal badge on the uniform shirt.

**Shorts** – 5.11 TacLite Pro Ripstop or TruSpec shorts, dark navy blue in color.

Regulation – Shall be neat, not wrinkled, worn, or soiled.

**Bullet resistant vest -** Specifications for the bullet resistant vest are the same as previously specified in this order.

Regulation - When the bullet proof vest is worn with the short sleeve utility uniform, the exposed carrier shall be either white or navy blue.

**Socks** - Shall be white in color, no show style not permitted. Ankle style socks only.

Regulation - To be worn at all times when in uniform.

**Shoes** - Tennis shoe style, lightweight uniform shoes, black in color, no contrasting colors, stitching, straps, laces, or logos will be visible.

Regulation - Must be worn when in uniform and must be cleaned and polished to a high gloss.

a**. PSO (KACP 7.2D)**

**Shirt**–Cotton or polyester polo type shirt, light blue, banded collar and sleeves, right chest personalization embroidered with Rose 486 gray containing the officer's first initial and last name. Shirt shall have the badge patch affixed.

**Shorts** – 5.11 brand for male officers, dark navy blue in color, 65% polyester and 35% cotton. Tru-spec brand for female officers.

**Socks** – Shall be white in color, crew style, mid-length; no show style not permitted. Ankle style socks only.

**Shoes** – Tennis shoe style, lightweight uniform shoes, black in color, no contrasting colors, stitching, straps, laces, or logos will be visible; shall be clean and polished.

**During times of extremely hot temperatures, the Support Services Section Supervisor may authorize wearing of the following:**

**Shirt** – (Summer, short sleeve) Visa finish, 100% Dacron polyester, light blue, with zipper front, shoulder straps, military sewn-in creases. Clifton style 332S or equivalent. On the shirt will be the regularly worn items, badge, collar brass, nameplate, whistle, and shoulder patches.

**Shorts –** 5.11 brand for male officers, dark navy blue in color, 65% polyester and 35% cotton. Tru-spec brand for female officers.

**Socks** – Shall be white in color, ~~crew style, mid-length; no~~ ankle socks.

**Shoes** – tennis shoe style, lightweight uniform shoes, black in color, no contrasting colors, stitching, straps, laces, or logos will be visible; shall be clean and polished.

**Regulation: Effective date of this order. Any replacement of the SESU will be as prescribed above. Current SESUs that are serviceable are still authorized.**

5. **HONOR GUARD UNIFORM** - Shall only be worn at the direction of the chief of police, a division commander, or honor guard commander. The honor guard uniform will be designated by the honor guard commander as approved by the field operations division commander.

6. **BICYCLE PATROL UNIFORM** - May be worn at the direction of the bike patrol supervisor. The proper wearing and appearance of the bike patrol uniform shall be at the direction of the bike patrol supervisor and with the approval of the field operations division commander.

7. **SPECIAL RESPONSE TEAM UNIFORM** - The SRT uniform will be recommended by the team commander, Field Operations Division Commander and approved by the chief of police.

   Regulation: May only be worn during active SRT functions or training.

   **Boots** – Black or tan. May be low quarter or high top. Uniform trousers shall be worn outside the high top boot.

   **Pants**- A-TACS (Advanced Tactical Concealment System) pattern,

   **Shirt -** Short or long sleeve t-shirt and cotton sweatshirt, tan in color.

**Winter Coat**- SORD brand, all weather, black in color

**Tactical Gloves**- SRT members may utilize tactical gloves with plastic knuckles and plastic covering along the fingers. These are common on tactical teams for protecting the operators hands from glass, wood splinters, etc., while breaching doors and windows. They are not authorized for street duty.

**Hat**- tan ball cap with logo or protective ballistic helmet

8. **SUNGLASSES: (Optional)** - If sunglasses are worn they shall be of a conservative size, color (black, brown, gold, etc.,) and design, and shall not in any manner detract from the decorum of the uniform or dignity of the officer. **Mirrored sunglasses are prohibited. Sunglasses shall be removed while indoors, during conversations with the public, a supervisor, or a subordinate. No officer shall hang sunglasses around his/her neck by retention straps, nor shall the sunglasses be propped on the officer's head. If any eye glass retention strap is used it shall complement the glasses and uniform, and shall be of a conservative color and style.**

9. **CIVILIAN PERSONNEL**: Regulation: Civilian employees of the Police Department shall appear neat and well groomed at all times. They shall wear appropriate dress, that is: male personnel will wear slacks, conservative shirt with tie. Female personnel may wear dress, skirt and blouse, business-like pantsuit or appropriate business attire.

10. **EXISTING EQUIPMENT**: Damaged On Duty

    A. The Department shall replace or authorize replacement, without cost to the officer, of issued uniforms, clothing, or police equipment damaged, destroyed or otherwise becoming unserviceable as determined in this General Order, while said officer was engaged in lawful and authorized on-duty police activity. Should negligence be determined as the cause of the damage or destruction of clothing, uniforms or equipment, it shall be the officer's responsibility to replace at the officer's cost. Item replaced, if not completely physically destroyed shall be turned into the Department and shall become the property of the City. Personal prescription glasses or prescription sunglasses of two hundred dollars ($200) value or less, and personal wristwatches of one hundred dollars ($100) value or less, damaged in the performance of duty shall be replaced at cost by the City upon formal written request of the individual Officer with approval from the appropriate duty supervisor. This shall not include those items damaged by normal wear and use. The City will not replace personal non-prescription sunglasses.

    B. No items shall be accepted or selected by the officer who has requested replacement until a written report from the officer, endorsed by his/her supervisor, is submitted to the division/section commander for review.

    C. All clothing, uniforms or police equipment replacing damaged or destroyed items shall conform to standards as established by this General Order.

    D. All clothing, uniform or equipment items returned to the Department for replacement shall be returned to the division commander's office. Any item that is evidence shall follow rules of evidence procedure and be placed in property.

        5. Personal orders beyond or outside the uniform allowance shall be at the officers expense and will not need to follow this policy. However, any personal order for departmental uniforms/equipment are subject to the regulations set forth in APD, General Order G-3, and must comply with the uniform/equipment specifications therein. When in doubt, ask before placing an order.

11. **UNIFORM OR EQUIPMENT PURCHASES USING ANNUAL UNIFORM ALLOWANCE**

    A. Uniform Allowance Annual Account Budget Amount and Dates:

        1. The annual budget for sworn officers is $750.00.

        2. The annual budget for public service officers is $600.00

3. Each budget cycle starts on July 1st and ends on June 30th the following calendar year. Example: Budget starts July 1, 2010 and ends June 30, 2011

4. **The last purchase date of each budget cycle will be May 31st** of that budget cycle. No purchases will be authorized in the month of June. This allows transition time for all outstanding invoices.

5. Upon approval by a Division Commander, officer's may exceed the $750.00 by a minimal amount to insure they have used the entire amount allotted. However, they will be required to attach a personal check for the overage to the paperwork when submitted. Officers shall not continue to order uniforms/equipment through the city uniform allowance after they have exceeded the authorized amount.

6. Personal orders beyond or outside the uniform allowance shall be at the officers expense and will not need to follow this policy. However, any personal order for departmental uniforms/equipment are subject to the regulations set forth in APD, General Order G-3, and must comply with the uniform/equipment specifications therein. When in doubt, ask before placing an order.

## 11.1. UNIFORM OR EQUIPMENT PURCHASING PROCEDURE USING ANNUAL UNIFORM ALLOWANCE

A. Purchases from Galls
   1. Log on to the APD /Galls uniform website
   2. Enter user name and password
   3. Your current uniform balance will be listed at top of page
   4. Select items and place order
   5. Your order will be sent to designated supervisor for approval
   6. After approval order will be processed and shipped
   7. No forms needed for this purchase.

B. Purchases from all other Vendors
   1. Complete a Uniform / Equipment Purchase Request Form.
      - Form and completed sample forms attached.
   2. Forward completed Purchase Request Form to a Supervisor.
   3. The Supervisor will review and forward the approved Purchase Request Form to the Division Commander.
   4. The Division Commander will forward approved Purchase Request Forms to Division Secretary.
   5. Division Secretary will notify requesting officer of approval/denial to purchase items.
   6. After purchasing item officer will submit original receipt to Division Secretary. (Officer will not submit receipt for reimbursement unless he/she has checked size and functionality of all items. Receipts containing multiple purchases for personal items and clothing allowance will not be accepted. Items submitted for clothing reimbursement need to be purchased separately. There will be no returns of other vendor purchases once original receipt and reimbursement request has been submitted.
   7. When Division Secretary receives officer's check she will note date on Purchase Request Form, electronically add outside vendor purchase on Ashland / Galls website. Division Secretary will also retain a copy of completed Purchase Request Form.

## 11.2 UNIFORM OR EQUIPMENT RETURNS USING ANNUAL UNIFORM ALLOWANCE

A. Returns: All items must be returned for reimbursement. No exchanges may be made. All items must be returned and then items may be reordered. Returns will follow below procedure:
   1. Complete Uniform / Equipment Return Request Form (Galls).
      - Form and completed sample form attached.
   2. Forward completed Return Request Form to supervisor.
   3. Supervisor will forward Return Request Form to Clothing Coordinator.

4. Coordinator will contact Galls and make shipping arrangements.
5. If requesting officer will be responsible for shipping costs, Coordinator will note shipping amount to be charged to officer's clothing allowance on Return Request Form.
6. Coordinator will note date he shipped items back to Galls.
7. Coordinator will forward completed form to Division
8. Division secretary will electronically add return shipping cost as an outside vendor purchase on Ashland / Galls website.

9. When Galls representative receives return he will add return balance to Officer's electronic balance on Ashland / Galls website.
10. Coordinator will forward completed form to Division to be placed on file and forward a copy to requesting officer.

11.3 **DEPARTMENTAL UNIFORM OR EQUIPMENT PURCHASES**

A. Purchases from Galls

All departmental purchases from Galls will be approved by Chief or Division Commander. Purchase will be made on Ashland / Galls website by an APD administrator of the site. Reports of all purchases may be obtained from the site to document all purchases.

B. Purchases from all other Vendors

All department purchases from other vendors will be approved by Chief or Division Commander. Division Secretary will keep documentation of purchases.

NOTICE: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Uniform / Equipment Return Request (Galls)

☒ Clothing Allowance Return Account # 5082215

Officer Name **T. Renfroe** ID# **5075** ***Order #** ***1731707***

Date**1/19/2012**

| Item Description | Quantity | Price | Item# | Reason for Return |
|---|---|---|---|---|
| **Uniform long sleeve shirt w/patches size 17 /34** | **1** | | | **Ordered long sleeve sent short sleeve** |
| | | | | |
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| | | | | |

Supervisor forwarding form_____ Date:_____

☐ Shipping label sent by Galls

☐ Shipping to be paid by Officer / deducted from clothing allowance.

- Amount of shipping: $_____

Returned shipped by _____ Date: _____

**Return received date*: _____ **Received by*: _____

# Uniform / Equipment Purchase Request

☒ Clothing Allowance Purchase

Vendor Name **Walmart**

Officer Name **William D. Hensley** ID# **2050** Date **5/29/2013**

Circle one: Purchase / Pre-Approval Request for Future Reimbursement

| Item Description | Size | Color | Quantity | Price | Item# | Item Use |
|---|---|---|---|---|---|---|
| Water Bottle | | | 1 | 9.41 | | Physical Fitness Training |
| | | | | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |
| | | | | | | |
| | | | | | | |

Total Order Cost : _____

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Approved: Yes / No

Supervisor Approving _____ Date: _____

Division Commander _____ Date: _____

Date officer's check request received _____

Date officer's check received _____

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 4

| SUBJECT: PERSONNEL EVALUATION | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01DEC83 | |
| Revision Date: 14FEB14 | Review Date: 14FEB16 | **REVISED** |
| Accreditation Standards: KACP 16.1, 16.2, 16.3A, 16.3B, 16.3C, 16.4, 16.5, 16.6, 16.7, 16.8, 16.9, 16.10, 16.11, 16.12, 30.4 | | |

**1.1 PURPOSE**: To establish a personnel evaluation system consistent with city of Ashland Personnel Policies:

A. City of Ashland Employee Evaluation Report (EER), as established by Ordinance. **(KACP 16.1)**

B. Field Training Officer Program (FTO). Program evaluation regulations are provided in ~~a separate order~~ Ashland Police Department General Order G-24.

The EER is to measure past work performance in order to improve future performance or maintain already superior performance. Instructions for completion of required report forms and conducting employee interviews are contained within the attachment to this order. **(KACP 16.9)**

C. City of Ashland EER will provide documentation that the employee understands the harassment/sexual harassment in the workplace policy. The rater will have the opportunity to provide training and to take questions on the policy. The rater conducting the interview will be open to receive any complaints during this time. **(KACP 30.4)**

**1.2 RATER TRAINING**: The city of Ashland Human Resources Director will train supervisory personnel and field training officers in the purpose, methods, and procedures to objectively evaluate personnel. Instructions for the employee evaluation program are contained in the city personnel policy manual. Each rater involved with the employee evaluation program shall receive appropriate instruction on rating procedures and responsibilities as a precondition of such involvement. **(KACP 16.2)**

**1.3 COMPLETION AND SUBMISSION OF EER AND FTO REPORTS**

A. Sworn: Probationary officers shall be evaluated consistent with the department's field training program policy. All probationary employees shall be evaluated ~~on at least a quarterly basis~~ as follows: **(KACP 16.4)**

1. Probationary Certified Officer – 30, 60 and 90 days and quarterly thereafter during their probationary period for the City of Ashland EER. Certified officers will participate in the Field Training Officer Program and will also be evaluated on those designated program forms.

2. Recruit/Probationary Police Officer – Non Certified. Newly hired officers that are required to attend the Department of Criminal Justice Training Basic Training Course. Upon graduation the recruit/probationary police officer(s) will then enter the Field Training Program and will be evaluated on the designated program forms. He/she will also be evaluated on the City of Ashland EER at 9 and 12 months.

B. Nonsworn personnel shall be evaluated by their immediate supervisor after 30, 60, and 90 days, and quarterly thereafter during their probationary period. The EER for the last months of the probationary period shall be submitted to the Administration section fifteen (15) days prior to the probationary employee's anniversary date.

**1.4 SUBMISSION OF EER AND FTO REPORTS**

A. EER reports shall be submitted to the administration section within five (5) business days after the close of the rating period. FTO reports shall be submitted consistent with FTO program policy.

B. The immediate supervisor shall complete the EER report for the 12th month of an officer's probationary period. This EER shall be submitted to the administration section fifteen (15) days prior to the probationary officer's first anniversary date. This EER shall contain a recommendation for or against granting career status to the probationary officer.

## 1.5 RATING PROCEDURE

A. An employee's immediate supervisor shall complete the required forms and conduct employee interviews consistent with instructions contained in city of Ashland employee evaluation program policy. Each employee shall be counseled by his immediate supervisor at the beginning of each rating period concerning tasks of the employee's position, performance expectations of the rater, and the evaluation rating criteria to be applied. **(KACP 16.3A, 16.3B, 16.3C, 16.7)**

All EERs contain an area for employees who supervise and evaluate/rate others. This section is required for completion by each immediate supervisor of rank. **(KACP 16.8)**

B. The FTO and command officer completing the EERs shall meet with the command officer's immediate supervisor to review the report prior to conducting an employee interview. The command officer and his immediate supervisor should make every effort to resolve any difference in the rating of an employee prior to review with employee. At the completion of the interview the employee is given an opportunity to sign the completed performance evaluation. The opportunity to sign indicates they have read the evaluation and has agreed upon the conclusion or wishes another review. **(KACP 16.6)**

C. The employee interview to review an evaluation shall be conducted in a private meeting.

D. Evaluation of the employee's performance covers the specific stated period and the evaluation is based on only the performance during that specific period. **(KACP 16.5)**

E. An employee shall have the right to appeal a contested EER through each step to the City Manager. **(KACP 16.10)**

F. Division commanders shall review, comment as appropriate, and endorse all EER and FTO reports prior to submission to the administration section.

G. Officers reassigned or transferred to another shift or division during a rating period shall have an evaluation completed by their current supervisor for the time spent on that shift. That evaluation shall be forwarded to the officer's new supervisor for inclusion on the annual evaluation.

## 1.6 DISTRIBUTION AND RETENTION OF REPORTS

A. All EERs shall be retained consistent with city of Ashland policy.

B. The Chief of Police shall be responsible for forwarding EERs on each probationary employee to the City Manager along with a recommendation for or against granting career status.

C. Command officers may review EER and FTO reports on a need basis.

D. An employee may review his EER and FTO reports upon request. A copy of a completed evaluation report shall be provided to the employee upon request. **(KACP 16.12)**

E. A copy of each EER shall be retained by the administration section for twenty-four (24) months from the date of the report. FTO reports shall be retained as permanent record. **(KACP 16.11)**

F. EERs forwarded to the City's Human Resources Director shall be maintained consistent with city of Ashland policy.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# EMPLOYEE EVALUATION PROGRAM*

## A. THE STATEMENT OF THE EMPLOYEE EVALUATION PROGRAM:

1. Essentially the Program involves the joint participation of the supervisor and his/her subordinates in the evaluation of the subordinate's work progress over a certain period of time. The supervisor evaluates the employee's work, then the two meet to discuss evaluations. The objectives of the discussion is to enable the employee to recognize and accept both strengths and weaknesses. The involvement of the employee in the evaluation of his/her own work is important.

2. All employees occupying established positions, part-time employees, and employees appointed to temporary (acting) assignments in a higher position shall participate in the Employee Evaluation Program.

(a) Probationary Employees:

(1) The probationary period not only provides the supervisor with an opportunity to critically evaluate the new employee's performance, but it can also serve as a time during which the supervisor can establish the expected work habits and attitudes within the new employee. During the probationary period the supervisor should work closely with the probationary employee to ensure that there is an understanding of what the assigned duties and responsibilities are and how they are expected to be performed. The success or failure of a probationary employee can be related not only to the employee's own ability or lack thereof, but also the amount and quality of supervisor-employee counseling offered during the probationary period.

(2) Supervisors are required to complete work progress reports every month for the first three months and every three months thereafter throughout the probationary period of the employee. All personnel initially appointed to an established position, either new employees or current employees who enter the new class by way of promotion (except for automatic promotion), transfer, or demotion, shall be on probationary status for twelve months, except for Fire Department personnel promoted to a higher class shall be on probation for the time established by contract.

(b) Part-time Employees: Supervisors are required to complete employee evaluation reports every month for the first six months of assignment and then quarterly thereafter.

(c) Temporary (Acting) Assignments to Higher Positions: Supervisors are required to complete employee evaluation reports at the end of a temporary assignment or acting position which has lasted more than two weeks. This evaluation is in addition to the annual evaluation or quarterly evaluation otherwise required. In the case of long-term acting assignments, which have been approved by the City Manager, evaluations shall be completed quarterly on performance in the acting position.

(d) Employees in Established Positions: All employees occupying established positions will be included annually in the Employee Evaluation Program. Eligibility for merit increases is not considered automatic but is contingent upon a satisfactory or higher level of performance. Those employees denied a merit increase remain eligible for a merit increase based upon their next evaluation. Merit increases will be considered as the exception, rather than the rule, and are subject to budgetary constraints.

(e) Supervisors: The progress of management personnel in supervisory positions

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* See Attachment 1, Supervisory Accountability, relating to supervision of City personnel.
See Attachment 2, Documentation of Employee Action.

shall also be reviewed annually. The report forms list a number of additional factors to be used in the review of a supervisor's work progress. These factors are explained later in this program.

B. SUPERVISOR-SUBORDINATE INTERVIEW:

1. The discussion of the Evaluation Report with the employees is the most important part of the evaluation program. It provides an opportunity for frank and constructive discussion of the employee's work progress in relating to the requirements of his/her position. It should result in a better understanding between the supervisor and employee about what is expected of the employee and how the employee is meeting those expectations.

2. Prior to the interview, the employee should be thoroughly familiar with the objectives and procedures of the Employee Evaluation Program.

3. The employee should be provided with the Employee Evaluation Standard Operating Policy (S.O.P.) and a report form which he/she should complete prior to the interview. This report form will enable the employee to evaluate his/her own work performance for comparison with his/her supervisor. The similarities and differences between the supervisor's report and the employee's report serve as the foundation for the supervisor-employee interview. The supervisor's Final Evaluation Report shall be completed in duplicate - one copy for the employee and the original for the personnel file. The final report shall be signed by both the supervisor and the employer.

C. DEFINITIONS OR WORK PROGRESS FACTORS AND GUIDES FOR THEIR USE:

1. The following general factors shall be used Citywide, although individual departments may develop more quantifiable measurements consistent with this format. Annual evaluations shall be on the City wide form. All departmental standards require City Manager approval.

(a) Factors Concerning Employee Work Progress:

(1) Observance of Work Hours: Refers to punctuality in reporting to or leaving a duty station in accordance with the prescribed schedule of working hours, breaks, or leaves of absence. Can the employee be relied upon to be working when and where required?

(2) Attendance: Reflects absences from duty for any reason. This factor introduces the opportunity for necessary or desirable counseling of an employee regarding improper or excessive use of leave privileges, especially if attendance has become unreliable. Includes submission of doctor's excuses after each scheduled appointment and any record of other treatment received during absence due to work related injury. If sick leave use has been greater than the norm, should the employee seek medical care? Is there a Friday-Monday or holiday pattern of sick leave use? Have continued absences been costly to the City or harmful to the morale of co-workers who may have been required to carry extra loads?

(3) Grooming and Dress: An appropriate type of dress and standard of good grooming is required in every position. Does the employee meet the standards of dress commensurate with the dress of public and/or employee contacts made? Is the employee consistently clean, neat and appropriately dressed?

(4) Safety Practices: All employees, even those who do not work under physically hazardous circumstances, must comply with reasonable safety practices. These practices may reflect specific supervisory directives, or simply forethought for potentially dangerous conditions and the use of good common sense. Does the employee endanger his/her own safety or the safety of others by his/her actions? Does the employee help to prevent accidents by practicing good safety procedures? Does the employee consistently wear and use required safety apparel and equipment? Does the employee comply with personnel policies and procedures for reporting

accidents?

(5) Public Contacts: Refers to all public contacts made through personal or telephone conversations, correspondence, and day-to-day appearances before the public. Does the

employee's exposure to the public eyes and ears reflect credit on the City and promote a good public image? Is the employee courteous, discreet in public contacts and behavior, and aware of the necessity to present a consistently good appearance to the public?

(6) Employee Contacts: Reflects only those contacts that either improve or reduce the effectiveness of the employees involved. It does not apply to an employee's personal popularity or lack of it. Does the employee mind his/her own business, but at the same time have a proper concern for the problems of other employees whose jobs coincide? Is the employee a disruptive influence? Does the employee bother or embarrass others with personal problems? Is the employee a positive influence on the morale of others?

(7) Knowledge of Work: This factor should not be confused with, or restricted to, the technical knowledge an employee is required to bring to a specialized job class. (See Job Skill Level, factor 10 below.) It is much broader and includes particularly the range of pertinent City policies, regulations, and procedures relating to assignments. Has the probationary employee acquired an acceptable working level of job knowledge? Is the employee occupying an established position keeping up-to-date with changed policies, and procedures and with technological advances in his occupational field?

(8) Work Judgments: Every employee makes decisions depending upon the degree of responsibility assigned to his/her position. Does the employee make a minimum of poor judgments in the course of work? Is the employee consistent and reliable in judgments? What affect does his/her judgment have on the quantity and quality of work produced by them and by others?

(9) Planning and Organizing: Measure the manner and method in which an employee approaches assigned duties, and how successful his/her planning and organizing is in achieving desired results. Does the employee take time to plan the steps required in carrying out tasks? Does the employee attack the job thoughtlessly or with such blind enthusiasm that waste and mistakes result or work deadlines are missed? Does the employee make allowances in organizing the job so that all foreseeable circumstances are properly taken into account? Does lack of planning or poor organizing contribute to low production or poor quality of work?

(10) Job Skill Level: This factor relates particularly to the mental and/or manual skills required for a given position. A craft's basic skills are readily identified, while many office occupations include job skills that are relatively obscure. Does the employee consistently demonstrate at a proper level the skills prerequisite to entry in the job class? Has the employee made any effort to improve basic skill levels? Does the employee have potential for acquiring or developing job skills to higher levels of proficiency? Should the employee undertake a brush-up or back-to-school program? Has the employee taken advantage of related in-service training opportunities? Does the employee read technical publications relating to work? Does the employee take it upon himself/herself to attend sessions outside of normal working schedules?

(11) Quality of Work: The degree of excellence of the work performed over the entire rating period is measured here. In rating this factor, attention should be paid to the consequence of poor quality work. Is the employee's work neat, accurate, thorough and acceptable? Must the work be redone, thus reducing the potential volume of acceptable work, which could have
been produced? Do errors in the employee's work affect the efforts of others? Does poor work too often reflect adversely upon the department or City?

(12) Volume of Acceptable Work: Refers to the amount of work required to meet job standards. Does the employee consistently accomplish a day's work for a day's pay? Does the employee produce enough work so that he/she is clearly a net asset to the City? Undue allowances for such reasons as the employee's poor health, home problems, age, or length of service are not appropriate here. Short-term exceptions should be considered as unacceptable.

(13) Meeting Deadlines: If work schedules are important enough to set reasonable deadlines, were these deadlines met? If the employee could not meet deadlines, did he/she give advance notice? Did he/she show an honest attempt to meet deadlines?

(14) Accepts Responsibility: Refers to the degree of willingness an employee exhibits when given responsibility and the manner in which the responsibility is carried out. Does the employee readily accept responsibility or does he/she avoid it? Does the employee deny responsibility when things go wrong? Or is he/she quick to own up to failures? Does he/she consistently act in a responsible manner?

(15) Accepts Direction: The word "direction" as used here is synonymous with such words as supervision, training and instruction. Does the employee demonstrate that he/she has accepted direction by carrying out the direction to the best of his/her ability? Does the employee chronically challenge supervision, instructions of others? Does he/she meekly or passively accept directions he/she thinks may be faulty? Does the employee blindly or maliciously carry out such directions? Is the employee resentful of direction or supervision? Does he/she accept directions but complain about it to fellow employees?

(16) Accepts Change: Use this factor to evaluate adaptability and flexibility. Does the employee cause inefficiencies by resistance to change? Does the employee adapt satisfactorily to new surroundings, new equipment, new supervisors? Does the employee use creativity in adapting to change?

(17) Effectiveness Under Stress: There are some positions where pace, pressure and tempo are consistently demanding. Is the employee capable of meeting rapidly changing deadlines? Can he/she produce an acceptable volume and quality of work in an emergency? Is this work generally organized well enough to meet unforeseen contingencies? Before marking this factor, consider whether stress is inherent to the position or results from the employee's failure to properly plan and organize work.

(18) Appearance of Work Station: Refers to the neatness and efficient arrangement of work areas of which the employee has direct control (truck, car, desk, etc.). Does the appearance of the employee's work station affect the quality of work conducted there? Does the appearance of the work station contribute to a desirable work atmosphere or a proper public image?

(19) Operation and Care of Equipment: Reflects the employee's concern for safe, responsible, and reasonable operation or use of equipment. Is the employee concerned with conservation of equipment? Does the employee request appropriate maintenance and repair of equipment when necessary? Does the employee inspect equipment for compliance with safety procedures?

(20) Work Coordination: Measures specifically the necessary coordination of work that directly or indirectly involves the other employees or departments. Characteristics of this factor include pre-planning, timing, and a consistent excellence of work judgments. In situations where work coordination is applicable, does the employee consistently maintain a smooth flow of work materials? Has the production process been slowed because of obstructions caused by the employee?

(21) Initiative: Refers to initiation of action by the employee. While initiative shows up in the form of suggestions and constructive criticism, it is most obvious when the employee acts to produce more efficient, productive, or economical methods and procedures. Does the employee show self-reliant enterprise? Does the employee take opportunities to exercise initiative or wait to be prodded into action? Is the employee alert to operating efficiency and cost-cutting? Is the employee inventive? Does the employee offer practical constructive criticism?

(22) Physical Ability: Measures the ability to work consistently with the physical demands of the job. Does the employee have a health problem that causes inability to complete tasks? Does the employee undertake to correct physical deficiencies where possible?

(23) Communications: Measures the employee's ability to express ideas in a concise and clear manner. This factor includes both oral and written expressions. Does the employee get to the point? Does the employee know the language of the trade, craft, or profession? Does the employee talk to those outside the special skill area in an understandable manner?

(24) Harrasment/Sexual Harassment in the Workplace. The interviewer/rater queried that the employee is aware of the City of Ashland/Police Department Harassment/Sexual Harassment Policy; and to ask any questions or review the policy. The Kentucky Association of Chiefs of Police requires through the Accreditation Program the documentation during the yearly EER that the policy is in place and employees are versed.

(25) Factors such as oral or written expression, thoroughness or accuracy may figure significantly in fulfilling the requirements of a particular position. Intangible qualities, such as integrity, patience, and courage, unusually refer to character or personality traits, not as evaluation factors unless a direct relationship can be demonstrated. If the employee is not given the responsibility for completing supervisory work progress reports but does give work direction, field supervision or is responsible for performing tasks which of necessity include some of the supervisory factors, the blank spaces provide for additional factors which might be utilized to evaluate the employee.

(b) Factors Concerning Supervisory Progress (for those who supervise and evaluate the work of others):

(26) Planning and Organizing: Knowledge, talent and mental effort are required in planning and organizing the work of subordinates. Does the supervisor constantly keep alert to possibilities of work simplification? How well does he/she analyze and then put into effect improved and more efficient work processes? Does the supervisor plan improvements or change and affect them in a logical and systematic manner?

(27) Scheduling and Coordination: This is a critical phase of the supervisor's function. Does the supervisor affect the necessary scheduling or rescheduling of work? Does the supervisor provide the necessary personal coordination of the work, not only among subordinates, but, more importantly, between other work sections, departments, and divisions? When schedules are changed in some work areas, does the supervisor provide for the maintenance or adjustments of related work schedules elsewhere?

(28) Training and Instructing: Training refers to orientation of new employees or the demonstration and exploration of technical methods, procedures and rules including completion of reports for injuries occurring while on duty, absence reporting, etc., in which the new employee cannot be expected to be competent. It also refers to introducing employees to changing materials, methods, procedures, and techniques, as well as improving basic qualifying skills to their highest potential level. Instructing, while allied to training, refers more to day-to-day, or periodic

surveillance and supervision of employee performance. It may be an occasional word about such things as telephone techniques, or how to put a sharper edge on a cutting tool; or it may be a planned periodic get-together of a small group of employees in which effective methods, techniques and standard procedures are explained, demonstrated, and reviewed. Does the supervisor plan to carry out a program of orientation and training of new employees? Does the supervisor provide training for employees occupying established positions in self development programs?

(29) Productivity: This factor is designed to measure the results achieved by the supervisor and subordinates. Are assigned functions accomplished? Completely? On time? Are

reports of injuries and incidents occurring during the work period submitted within the time period required and completely and correctly filled out? Is the quality of work produced by the supervisor and staff up to standard? Does the supervisor find ways to accomplish the "impossible"? Does he/she improvise and find other ways to make up for the failure of others? Does the supervisor anticipate work schedule problems, or is he/she surprised and "caught short" when these occur? Does he/she offer excuses instead of reasons? Does the supervisor keep his/her supervisor informed of problems and delays, or does he/she wait until these may be discovered, or until it is too late for other planning adjustments? Is the supervisor willing to permit lowered quality standards in favor of meeting schedules? Is the supervisor unwilling to adjust or revise schedules once they are set, even-though they develop impracticalities or impose undue hardships on others?

(30) Evaluating Subordinates: Measures the accuracy and manner in which the supervisor approaches and completes the formal evaluation of subordinates. Does the supervisor exhibit a good balance of constructive criticism and praise in evaluating employees? Does the supervisor indicate how an employee's work may be improved when improvement is needed? Are evaluations positive contributions to employee development? Are evaluations consistently objective, fair and accurate?

(31) Judgments and Decisions: Refers to the practical exercise of authority and responsibility by the supervisor. Does the supervisor exhibit firmness and fairness in judgments affecting functional goals? Does the supervisor cause resentment or other adverse reactions to decisions because of timing or the manner in which he/she states them? Is his/her judgment always in accord with the best interest of the City? Does the supervisor balance employee and City interests when these are not fully compatible?

(32) Leadership: Does the supervisor spur subordinates to their best efforts through example and force of personality rather than by relying on the authority of position? Does he/she mold them into a group or team whose cooperative and willing endeavors surpass their individual performance collectively? Does his/her intelligent exercise of leadership create an atmosphere in which employee attitudes are optimistic and positive, in which production potentials are consistently realized, and in which the goals of the organization are consistently met or exceeded?

(33) Operational Economy: Refers to the conservation of time and material. Is the supervisor truly budget conscious? Does he/she live within budgets? Does the supervisor make careful and accurate budget estimates? Does he/she know, or periodically calculate, operational costs for units or phases of operational responsibilities? Does the supervisor identify uneconomical procedures, methods, tools, or equipment? Does he/she recommend changed policies or procedures or procedures that might affect dollar economies?

(34) Supervisor Control: Refers to the maintenance of order in all areas of supervisor jurisdictions. Do the supervisor's employees perform their duties and functions in an orderly and disciplined manner which is in harmony with the environment and which promotes work objectives? Do the employees have a clear understanding of behavior and performance standards that are expected? Does the supervisor enforce these standards consistently? Is the supervisor

"accepted" by subordinates and in full control at all times? Is the discipline and control too oppressive or too lenient?

(35) Spaces have been left blank for any additional supervisor factors the rater feels should be included as determinates of supervisory effectiveness necessary to the position of the employee being evaluated. These may come under the heading of particular qualities or skills, without which effective supervision cannot be achieved. Intangible qualities and references to character or personality traits should however, be avoided.

D. INSTRUCTIONS FOR USE OF EVALUATION REPORT:

1. SECTIONS 1, 2, 3, 4, 5:

(a) Checklist Definitions:

(1) OUTSTANDING: Total performance is well above normal for the position. (Only a few employees would normally qualify for this rating.) Specific examples should be recorded in Section 2.

(2) EXCEEDS REQUIREMENTS: Work progress consistently exceeds general standards.

(3) MEETS REQUIREMENTS: Consistently competent performance meeting standards in all critical points for the factor.

(4) NEEDS IMPROVEMENT: Total performance periodically or regularly falls short of normal standards. Specific deficiencies should be noted in Section 3 with recommendations on how improvement might be recorded in Section 5. This evaluation indicates the supervisor's belief that the employee can and will make the necessary improvement.

(5) NOT SATISFACTORY: Performance clearly inadequate on one or more critical points as described or documented in Section 4. Employee has demonstrated inability or unwillingness to improve or to meet standards. Performance not acceptable for position held.

(b) GENERAL: Both the supervisor and the employee shall complete a work progress report prior to the interview. All sections of the report should be completed with special attention given to Sections 2 through 5.

(c) If space for comments is inadequate, similarly dated and signed attachments may be made (either typewritten or ink). All attachments must be made in duplicate - one copy for the employee and the original for the Personnel file.

2. SECTION 6 (overall performance rating):

(a) Consider all factors carefully and view this rating from the last work progress interview. Check anywhere within the box that best describes the overall abilities as directly related to work performance.

(b) Comments on employee's potential shall include goals and objectives set forth by the supervisor during the employee conference. Considerable attention shall be given to this section.

3. SECTION 7:

(a) The employee shall complete this section at the conclusion of the review and sign the evaluation report.

(b) The employee is asked if he/she agrees with the evaluation or wishes to discuss the review with the evaluator's supervisor. At the conclusion of the interview, the employee is asked to sign and date the report. Two copies shall be made of the report. One each is to be retained by the employee and the supervisor and the original is to be forwarded to the evaluator's supervisor.

4. SECTION 8:

(a) The evaluator's supervisor will complete this section. If the evaluator's supervisor agrees with an evaluation that is agreed to by an employee, the evaluation will be reviewed for other actions by the evaluator's supervisor and placed in the employee's file.

(b) If the evaluator's supervisor disagrees with the performance rating, a conference with the evaluator and/or the employee will be scheduled.

(c) If the employee does not agree with the evaluation and has requested a discussion with the evaluator's supervisor, a conference will be arranged between the employee and the evaluator's supervisor. Any evaluation may be appealed progressively through the Department Director, and finally to the City Manager.

5. CONFIDENTIALITY:

(a) It shall be noted that all discussions and writing shall be kept in confidence and shall be kept between the employee, the evaluator, and the evaluator's supervisor. This evaluation review will become a permanent part of the employee's file. Each supervisor will have access to previous evaluations on employees and/or maintain an additional evaluation file at the department level. Each file may be subject to review by the City Manager.

# SUPERVISORY ACCOUNTABILITY
(Attachment 1)

A. Basis for Evaluations: To establish accountability for the management and supervision of City personnel.

B. General Regulations:

(1) Each supervisor shall perform his/her duties in a manner that:

(a) Follows official accountability to his/her superiors.

(b) Recognizes his/her ultimate moral accountability to the public.

(c) Serves the best interests of the citizens of Ashland

(2) Each supervisor shall be held accountable for the performance of subordinate personnel under his/her immediate control and shall be expected to provide the following: direction, coordination, and control of subordinate personnel:

(a) Direction shall be provided through verbal and/or written means.

(b) Coordination of any work effort shall be either directly or indirectly monitored by the supervisor responsible for its outcome.

(c) Control shall be maintained over subordinate personnel and all work efforts with respect to conduct and final disposition.

(d) Nothing in this administrative order shall make a supervisor liable or responsible for the act of his/her subordinate when such act is outside the subordinate's employment unless the supervisor ordered, approved, or ratified such act. Knowledge of such acts without affirmative corrective action by the supervisor may be construed to create supervisory responsibility.

C. Acting Supervisors: This administrative order shall apply to all personnel designated to serve in an acting capacity by proper authority or through incapacitation of a supervisor.

D. Specific Requirements:

(1) Supervisory control commands the supervisor to:

(a) Maintain order in all areas of jurisdiction.

(b) Have employees perform their duties and functions in an orderly and disciplined manner that is in harmony with the work environment and promotes work objectives.

(c) Ensure that employees have a clear understanding of behavior and performance standard that are expected.

(d) Enforce standards consistently and fairly.

(e) Achieve employee acceptance of supervisor's role.

(f) Ensure that discipline and control are not too oppressive or too lenient.

(2) Planning and coordination calls for the supervisor to:

(a) Apply knowledge, talent, and mental effort to plan and organize the work of subordinates.

(b) Constantly keep alert to possibilities of work simplification.

(c) Analyze and put into effect improved and more efficient work processes.

(d) Plan improvements or change, and effect them in a logical and systematic manner.

(3) Scheduling and coordination defines the supervisor's need to:

(a) Cause the necessary scheduling and/or rescheduling of work.

(b) Provide the necessary personal coordination of work among subordinates, other work sections, divisions, departments, and other organizations.

(c) Provide for the maintenance or adjustment of related work schedules in all work areas when schedules are changed in some work areas.

(4) Training and instructing mandates that the supervisor:

(a) Orient new employees by the demonstration and exploration of technical methods, procedures, and rules.

(b) Introduces all employees to changing methods, procedures, techniques, materials, and rules and regulations.

(c) Improve employee skills to the employee's highest potential.

(d) Periodically review employee performance with regard to group or individual training needs.

(e) Provide individual or group meetings in which effective methods, techniques, and standard procedures are explained, demonstrated, and reviewed.

(5) Productivity needs dictate that the supervisor:

(a) Measure results achieved by the supervisor and subordinates for accomplishment, completeness, timeliness, and quality.

(b) Find ways to accomplish the "impossible."

(c) Improvise and find ways to make up for the failures of others.

(d) Anticipate work schedule problems.

(e) Keep immediate supervisors informed of problems or delays in time to allow planning adjustments.

(f) Be willing to adjust or revise schedules to handle impracticalities or undue hardships.

(6) Evaluating subordinates presses the supervisor to:

(a) Apply accuracy and a good balance of constructive criticism and praise.

(b) Indicate how an employee's work may be improved when improvement is needed.

(c) Make evaluations a positive contribution to employee development.

(d) Be consistently fair, objective, and accurate.

(7) Judgments and decisions oblige the supervisor to:

(a) Practically exercise authority and responsibility.

(b) Exhibit fairness and firmness in judgments affecting functional goals.

(c) Mitigate adverse reactions to decisions because of timing or manner of presentation.

(d) Reach decisions in accord with the best interests of the City.

(e) Balance employee and City interests when they are not fully compatible.

(8) Leadership commands this supervisor to:

(a) Spur subordinates to their best efforts through example and force of personality rather than relying on the authority of the position.

(b) Mold employees into a group or team whose cooperative and willing endeavors surpass their collective individual performance.

(c) Create an atmosphere in which employee attitudes are optimistic and positive, in which potentials are consistently realized, and in which the goals of the organization are consistently met or exceeded.

(9) Operational economy constrains the supervisor to:

(a) Conserve time and material.

(b) Be truly budget conscious.

(c) Make careful and accurate budget estimates.

(d) Know, or periodically calculate, operational costs for units or phases of operational responsibilities.

(e) Identify uneconomical procedures, methods, tools, equipment, or suppliers.

(f) Recommend changed policies or procedures which might affect dollar economies.

E. Change in Policy: This policy is subject to change from time to time as determined by the City Manager.

F. Notice: Each employee shall acknowledge receipt of this policy by signing and returning a copy of the attached Form B.

G. Effective Date: January 18, 1994.

# Employee Evaluation Report

Date:

| Employee's Name: | | Position: |
|---|---|---|
| Department: | Employee Grade: | Anniversary Date: |
| Reason for Evaluation:<br>_____ Completion of Probation | _____ Scheduled Performance Rating | _____ Other |

| Not Satisfactory | Needs Improvement | Meets Requirements | Exceeds Requirements | Outstanding | | SECTION 1<br>WORK PROGRESS FACTOR<br>CHECK LIST | Doesn't Apply |
|---|---|---|---|---|---|---|---|
| | | | | | 1. | Observance of work hours | |
| | | | | | 2. | Attendance | |
| | | | | | 3. | Grooming and dress | |
| | | | | | 4. | Safety practices | |
| | | | | | 5. | Public contacts | |
| | | | | | 6. | Employee contacts | |
| | | | | | 7. | Knowledge of work | |
| | | | | | 8. | Work judgments | |
| | | | | | 9. | Planning and organizing | |
| | | | | | 10. | Job skill level | |
| | | | | | 11. | Quality of work | |
| | | | | | 12. | Volume of acceptable work | |
| | | | | | 13. | Meeting deadlines | |
| | | | | | 14. | Accepts responsibility | |
| | | | | | 15. | Accepts direction | |
| | | | | | 16. | Accepts change | |
| | | | | | 17. | Effectiveness under stress | |
| | | | | | 18. | Appearance of work station | |
| | | | | | 19. | Operation & care of equipment | |
| | | | | | 20. | Work coordination | |
| | | | | | 21. | Initiative | |
| | | | | | 22. | Physical ability | |
| | | | | | 23. | Communications | |
| | | | | | 24. | Harassment Policy | |
| | | | | | 25. | | |
| | | | | | | | |
| FOR EMPLOYEES WHO SUPERVISE AND EVALUATE OTHERS | | | | | | | |
| | | | | | 26. | Planning & organizing | |
| | | | | | 27. | Scheduling & coordinating | |
| | | | | | 28. | Training & instruction | |
| | | | | | 29. | Productivity | |
| | | | | | 30. | Evaluating subordinates | |
| | | | | | 31. | Judgments & decisions | |
| | | | | | 32. | Leadership | |
| | | | | | 33. | Operational economy | |
| | | | | | 34. | Supervisory control | |
| | | | | | 35. | | |
| | | | | | 36. | | |

| | |
|---|---|
| SECTION 2 | Explain each factor for which "Outstanding" was checked. Cite Examples. |
| | |
| | |
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| | |
| | |
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| | |
| | |
| SECTION 3 | Explain each factor for which “Needs Improvement” was checked. Cite Examples. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| SECTION 4 | Explain each factor for which “Not Satisfactory” was checked. Cite Examples. |
| | |
| | |
| | |
| | |
| | |
| | |
| SECTION 5 | Comment on how weaknesses might be improved. |
| | |
| | |
| | |
| | |
| | |
| | |

SECTION 6 OVERALL PERFORMANCE RATING BY REVIEWER

Consider all factors carefully and view this rating from the last interview. Check anywhere within the box that best describes the overall abilities as directly related to work performance.

| | | | | |
|---|---|---|---|---|
| Not Satisfactory | Needs Improvement | Meets Requirements | Exceeds Requirements | Outstanding |

Comment on employee's potential:

_____
_____
_____
_____
_____
_____

Signature (Reviewer) _____ Date: _____

SECTION 7 To be completed by the employee at the conclusion of review.

_____ I agree with this evaluation.

_____ I wish to discuss the evaluation with the Reviewer's Supervisor

Signature (Employee) _____ Date: _____

SECTION 8 OVERALL PERFORMANCE RATING BY THE REVIEWER'S SUPERVISOR

_____ Agree _____ Do not agree with its contents.

If not, please explain:

_____
_____
_____
_____

Signature _____ Date: _____

# Ashland Police Department

## GENERAL ORDER G - 5

| SUBJECT: DISABILITY AND SICK LEAVE POLICY | |
|---|---|
| Date of Issue: 21SEP83 | Effective Date: 21OCT83 |
| Revision Date: 06MAR2013 | Review Date: 06MAR2015 |
| Accreditation Standards: KACP 10.2A, 10.2C | |

**1.1 PURPOSE**: To establish a uniform policy concerning the accumulation and use of sick leave and reporting procedures pertinent thereto.

**Note: Ashland Police Department employees covered under the collective bargaining contract are bound by the terms contained in the current contract regarding disability and sick leave procedures.**

**1.2 ACCUMULATION OF SICK LEAVE: (KACP 10.2C)**

A. Each full-time employee of the city of Ashland shall accrue sick leave of with pay for each completed month of service. An employee who occupies a part-time established position shall be entitled to sick leave for the time actually worked at the same rate as that to which a full-time employee is entitled. Calculations for sick leave are as follows:

| | |
|---|---|
| Secretary | 7.5 hours per month |
| Public Service Officer | 8 hours per month |
| Police Officers (8 hr. shift) | 8 hours per month |
| Police Officers (12 hr. shift) | 12 hours per month |
| Sergeants (12 hr. shift) | 12 hours per month |
| Sergeants (8 hr. shift) | 8 hours per month |
| Lieutenants (12 hr. shift) | 12 hours per month |
| Lieutenants (8 hr. shift) | 8 hours per month |
| Majors (8 hr. shift) | 8 hours per month |
| Chief (8 hr. shift) | 8 hours per month |

B. Unused sick leave shall be cumulative up to a maximum of one hundred twenty (120) working days or nine hundred (960) hours.

1. In case of retirement, an employee hired prior to September 1, 1986, shall be entitled to pay for accumulated sick leave only for a period not to exceed one hundred twenty (120) working days or nine hundred (960) hours.

2. An employee hired on or after September 1, 1986, shall not be compensated for accumulated unused sick leave at the time of retirement, but up to six months accrued but unused sick leave may be applied towards CERS retirement at the expense of the city.

C. An employee absent from work on a legal holiday, on vacation, during sick leave, or for a disability arising from injuries sustained in the course of employment, or on special leave of absence with pay, shall continue to accumulate sick leave at the regular prescribed rate during the absence as though he/she was employed, subject, however, to the maximum limitation provided herein.

**1.3 USE OF SICK LEAVE: (KACP 10.2C)**

A. An employee eligible for sick leave with pay may use such sick leave upon approval of the Chief of Police, or his designated representative, for absence due to illness, injury, exposure to contagious disease which could be communicated to another member, and to illness or death in the member's immediate family.

For the purpose of this order, the immediate family shall mean spouse, children, parents, grandparents, brothers, sisters, and immediate in-laws (same relation to spouse as defined for employee)

## 1.4 REPORTING UNAVAILABILITY FOR DUTY DUE TO ILLNESS OR INJURY

A. Each member, for a bonafide reason of illness or injury resulting from either duty or non-duty causes, shall report unavailability for duty to immediate supervisor or his designee as soon as the unavailability for duty is known, consistent with Article III, Department Rules and Regulations.

1. Each member reporting unavailability for duty due to illness or injury shall advise his immediate supervisor or the on duty supervisor if the member reporting is assigned to the Field Operations Division.

   a. The nature of the illness or injury; and,

   b. If possible, projected date of return to full duty.

2. Length of illness or injury

   a. Should the member determine the illness or injury to be of a short duration, five (5) working days or less, the member shall report his unavailability for duty daily to his immediate supervisor as set forth above.

   b. Should the member determine the illness or injury to be of long duration, more than five (5) working days, the member's immediate supervisor shall be kept informed of the member's condition and progress weekly.

   c. A member should report his unavailability personally, or if incapacitated, have a member of his immediate family report his unavailability.

3. Should a member report unavailable for duty due to illness or injury more than three (3) consecutive working days or more than five (5) working days in any twelve (12) consecutive months, the member shall:

   a. Present, prior to return to duty, written verification of treatment by a medical professional (excludes chiropractors), giving information as to the circumstances surrounding any incidence involving sick leave and release for member to return to work. A waiver of the medical certification may only be obtained by the City Manager. The City reserves the right to require written verification of treatment for utilizing more than five (5) days sick leave in any twelve (12) consecutive months if there appears to be a pattern of abuse by the member. Only the City Manager and/or the Chief of Police of the City of Ashland may require medical verification that shall not be unreasonably applied; and,

   b. Present, in writing, circumstances surrounding any incidence of sick leave used by member for illness of immediate family member.

   c. Officers covered by collective bargaining contract with the city may have different requirements for sick leave verification. See current contract for clarification.

B. Failure to report the fact of unavailability for duty due to illness or injury within the prescribed limits of this General Order, the Rules and Regulations of the Ashland Police Department, and City of

Ashland Personnel Policy, may be cause for denial of sick leave with pay for the period of absence and lead to disciplinary measure being taken against the member.

C. Absence chargeable to sick leave in accordance with these provisions, for a fraction of a day shall be charged proportionally in an amount not smaller than one hour.

D. Command officers shall attempt are to be proactive in inspecting attendance records to isolate patterns of sick leave abuse and report same to appropriate division commander. The division commander shall be responsible to formulate a corrective action plan and to assist supervisory personnel with implementation of said plan. Corrective action may consist of, but not be limited, to:

1. Correction of abuse by counseling with a member that a pattern is developing and the pattern will be monitored to see if it improves;

2. Medical examination by a physician or other competent medical authority, the cost of said examination to be paid by the City of Ashland; or

3. Initiation of disciplinary measures as provided for by law.

**1.5 DISABILITY LEAVE**

A. Any member who suffers injury as a result of a service-connected accident shall, upon proper investigation and authentication, be granted leave and shall be entitled to compensation for each incident consistent with the negotiated rate with the city's worker's compensation insurance carrier and current city policy, or consistent with the terms of the current collective bargaining contract for employees so covered.

B. Use of sick leave and or vacation leave in connection with on-duty disability leave shall be consistent with current city policy or collective bargaining contract for those covered employees.

C. In exceptional cases involving personal heroism or unusual service in the protection of life or property, the City Manager may grant extension beyond the above limitations with the approval of the Board of City Commissioners.

**1.6 TEMPORARY LIMITED DUTY**

A. Use of temporary limited duty shall be consistent with City of Ashland temporary limited duty program policy or by the terms of the collective bargaining contract for employees so covered if different than city policy.

**1.7 SPECIAL LEAVE**: The City Manager may, at his discretion, grant special leave of absence without pay for any period of time not to exceed sixty (60) work days in any calendar year, upon request of an employee and approval by the Department director. **EXCEPTION:** Police department members of the bargaining unit are exempt from this section per ordinance 102, of 2011 and subsequent contracts, to the degree not otherwise in conflict with the hereinafter stated policies. (City of Ashland policies and procedures Part VI, (I) 1) **(KACP 10.2A)**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 6

| SUBJECT: HARASSMENT AND DISCRIMINATION IN THE WORK PLACE | |
|---|---|
| Date of Issue: 23NOV84 | Effective Date: 23NOV84 |
| Revision Date: 18FEB13 | Review Date: 18FEB15 |
| Accreditation Standards: KACP 30.4 | |

**1.1 PURPOSE**: The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. Federal law provides for the protection of classes of person based on race, color, sex, religion, age, disability, and national origin. The city of Ashland is an equal opportunity employer and subscribes to the affirmative action plan, M/F[1] and prohibits harassment and discrimination in the workplace.[2] Harassment and discrimination in the workplace are further prohibited by Kentucky Revised Statute Chapter 344.

**1.2 DISCUSSION**: It is the policy of the Ashland Police Department (APD) that each employee has the right to work in an environment free of all forms of harassment. APD will not tolerate, condone, or allow harassment by employees, whether sworn, civilian, volunteer, or other non-employees who conduct business with this Department. APD considers harassment and discrimination of others a form of serious employee misconduct. Therefore, the Department shall take direct and immediate action to prevent such behavior, and to remedy each reported incident of harassment and discrimination. A violation of this general order, City ordinance, Kentucky Revised Statute, or federal law can lead to discipline up to and including termination. Repeated violations, even "minor," will result in greater levels of discipline as appropriate. **(KACP 30.4)**

**1.3 POLICY**:

A. Prohibited activity

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, or national origin. Such harassment is a prohibited form of discrimination under City ordinance, and state and federal employment law, and/or is also considered misconduct subject to disciplinary action by this Department.

3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

   a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

   b. Submission to or rejection of such conduct by an employee as a basis for employment decisions affecting the employee; or

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[1] Ordinance 130-2005

[2] Ordinance 161, 1995, Amendment to Personnel Policies and Procedures Manual

c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

4. Hostile-environment harassment can be nonsexual. The environment can be negatively focused against a gender without reference to sexual behavior. This would include:

   a. Unequal treatment of an employee that would not occur but for the sex of the employee;

   b. Sexual stereotyping;

   c. Abusive, belittling and demeaning comments; or

   d. Assigning employee to complete demeaning type tasks that are otherwise not in his/her job description.

5. Individuals covered under the policy include Department members defined as employees and applicants for employment with the APD, whether sworn, civilian, or volunteer.

B. Employee Responsibilities:

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

   a. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;

   b. Counseling all employees on the type of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;

   c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether the involved employees are within his/her line of supervision; and

   d. Taking immediate action to prevent retaliation toward the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.

      * If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.

      * Transfer or reassignment of any of the parties involved should be voluntary if possible, and, if non-voluntary, should be temporary pending the outcome of the investigation.

   e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.

2. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint.

3. Each APD employee is responsible for assisting in the prevention of harassment through the following:

   a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;

b. Reporting acts of harassment to a supervisor; and

c. Encourage any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

4. Failure of any employee to carry out the above responsibilities will be considered in performance evaluation or promotional decisions and may be grounds for discipline.

5. All employees are responsible for knowing the Harassment and Discrimination in the Workplace Policy. During yearly employee performance evaluations raters will ensure that employees know the policy and if there are any questions needing to be answered. Documentation on the form will be made at the interview.

C. Complaint Procedures

1. Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment to provide the fullest basis for investigation.

2. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible to his/her supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint directly with another supervisor, the Chief of Police, the Ashland City Clerk/Human Resources Director, or the City Manager[3].

a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which it occurred.

b. A complaint will be acknowledged in writing at the home address of the complainant within ten (10) days of receipt of the complaint. Complaints must be filed within ninety (90) days after the alleged harassment unless the alleged harassment is continuing, in which case the complaint may be filed at any time.[4]

c. The city of Ashland employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the responsible investigative unit or individual.

3. The APD unit or individual identified by the Chief of Police as the internal investigation authority shall be responsible for investigating any complaint alleging harassment or discrimination.

a. The internal investigative authority shall immediately notify the Chief of Police and the appropriate prosecuting attorney if the complaint contains evidence of criminal activity, such as assault, rape, or attempted rape.

b. The investigator shall include a determination as to whether other employees are being harassed

[3] Ibid, Item O. Sexual Harassment, 1., page 16D

[4] Ibid, page 16D

by the person and whether other APD members participated in or encouraged the harassment.

c. The internal investigative authority shall inform the Chief of Police of the outcome of the investigation who shall in turn inform the parties involved.

d. A file of harassment and discrimination complaints shall be maintained in a secure location. The City Manager shall be provided with an annual summary of these complaints.

4. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

5. The complaining party's confidentiality will be maintained throughout the investigative process to the extent practical and appropriate under the circumstances.

6. Complainants or employees accused of harassment may file a grievance/appeal in accordance with procedure in APD Rules and Regulations when they disagree with the investigation or disposition of a harassment claim.

7. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by APD, City ordinance, and federal statutes.

2. Retaliation is a form of employee misconduct. Any evidence of retaliation, intimidation, coercion, or discrimination of any kind shall be considered a separate violation of this policy and shall be handled by the same complaint procedure established for harassment and discrimination complaints. All such acts against complainants or other participants shall be reported immediately to the City Manager.[5]

3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, each supervisor, and the assigned internal investigative authority.

**1.4 CITY ORDINANCE 161, 1995**: An ordinance of the city of Ashland, Kentucky, amending Part III: CONDITIONS OF EMPLOYMENT, SECTION 6. SEXUAL HARASSMENT, OF THE "PERSONNEL POLICIES AND PROCEDURES" AS ADOPTED BY ORDINANCE NO. 25, SERIES OF 1991, AS PREVIOUSLY AMENDED, is attached and made part of this general order.

[5] Ibid, page 16E

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 7

| SUBJECT: VACATION LEAVE, HOLIDAYS AND MILITARY LEAVE | |
|---|---|
| Date of Issue: 29NOV85 | Effective Date: 01DEC85 |
| Revision Date: 06MAR2013 | Review Date: 06MAR2015 |
| Accreditation Standards: KACP 10.2B, 10.2D | |

**1.1 PURPOSE**: To establish a policy by which members of the Ashland (APD) accrue vacation, holidays, the procedure for scheduling and military leave. **Note: Employees of the Ashland Police Department covered under the collective bargaining contract are bound by the terms of the current contract regarding vacation leave and holiday compensation.**

**1.2 DEFINITIONS**:

A. Sworn officer: all police officers.

B. Public Service Officer (PSO): all personnel assigned limited peace officer status and not listed as a police officer or civilian employee.

C. Civilian employee: all other employees except police officer and public service officer.

**1.3 VACATION ACCRUAL**: Vacation shall be accrued consistent with Ashland City Policy and ordinance 145 of 2007 unless stated otherwise in collective bargaining contract regarding covered employees. **(KACP 10.2D)**

A. SWORN OFFICERS: Per KRS 95.495 and City policy, after having served for a period of one year, each sworn officer shall be entitled to three weeks vacation with pay annually.

B. PSO AND CIVILIAN EMPLOYEES:

1. All PSOs and civilian employees who have completed one year of continuous service shall be entitled to two weeks vacation per year.

2. All PSOs and civilian employees who have completed five years of continuous service shall be entitled to three weeks vacation per year.

C. All members, regardless of date of employment, after having served for a period of ten years continuous service, shall be entitled to four weeks vacation with pay annually.

D. FIVE (5) WEEKS VACATION:

1. All employees regardless of date of employment, after having served for a period of twenty years of service shall be entitled to five weeks vacation with pay annually.

**1.4 HOLIDAYS**: The following days are declared paid holidays at the regular rate of pay for all employees occupying established positions **(KACP 10.2B)**

A. New Year's Day

B. The third Monday in January (Martin Luther King, Jr., Day)

C. Easter

D. Memorial day

E. July Fourth

F. Labor Day

G. Thanksgiving

H. Day after Thanksgiving

I. Christmas

**1.5 SCHEDULING AND COMPENSATION FOR HOLIDAYS**

A. Holiday compensation regarding PSO's, police officers, and sergeants shall be as stated in the current collective bargaining contract. Lieutenants assigned to the field operations division shall also follow the holiday pay outlined in the police contract as stated in city policy Part VI section A.

B. All members working the normal office work week of City hall employees, Monday through Friday, shall have the holiday benefit prescribed for City hall employees.

C. The Easter holiday for members not engaged in shift work and able to observe the holiday is either the last working day preceding or first working date following Easter Sunday. Each office shall schedule adequate staff on the Friday prior to and the Monday after Easter Sunday to keep the offices open. The Easter holiday for shift workers shall be Easter Sunday.

D. If any of the days designated as holidays other than Easter occur on Sunday, the next day thereafter shall be observed as a holiday; and if any of the days named occur on Saturday, the day immediately prior shall be observed as a holiday for members not engaged in shift work and able to observe the holiday.

E. Sworn officers covered by collective bargaining contract (including lieutenants assigned to field operations as stated in city policy Part VI) assigned to shift work and who work a holiday that falls on the member's regularly scheduled work day or who work a holiday on an overtime basis shall be compensated consistent with the terms of the current collective bargaining contract.

Employees not assigned to shift work shall be compensated as directed by contract when applicable or otherwise consistent with city policy when the contract is not applicable.

F. Newly employed sworn officers assigned to shift work shall be entitled to those designated holidays to be used as individual vacation days occurring after their employment date and before the end of the calendar year. These individual vacation days must be taken before the end of the calendar year and are not transferable to any following calendar year.

**1.6 SCHEDULING AND USE OF ACCRUED VACATION, HOLIDAYS AND PERSONAL DAYS:** Shall be consistent with the terms set forth in the current collective bargaining contract regarding employees covered by the contract. Shall be consistent with city policy or as otherwise directed by the chief of police regarding employees not covered by contract. **(KACP 10.2D)**

**1.7 SCHEDULING AND USE OF BIRTHDAY**: Ashland City Policy entitles employees occupying established

positions to a day off for his or her birthday

A. The birthday holiday may be taken anytime during the calendar year with the approval of the department director.

B. Birthdays and holidays to be used as individual vacation days shall be scheduled consistent with current collective bargaining contract.

**1.8 MILITARY LEAVE** Any officer or employee occupying an established position with the city who is a member of the National Guard, or any reserve component of the Armed Forces of the United States, or of the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence from the officer's or employer's respective duties without loss of time, pay, regular leave, impairment of efficiency rating or of any other rights or benefits to which they are entitled while in the performance of duty or training in the service of this state, or of the United States under competent orders, for a period in any calendar year not to exceed that specified in this section. Officers or employees while on leave shall be paid their salaries or compensation for a period or periods not exceeding twenty one (21) calendar days in any one fiscal year.

A. Any member of the Ashland Police Department who is requesting leave of absence for military training shall present written documentation to his watch/team commander showing date and location of the training.

1. Documentation shall include, but not be limited to:

a. Monthly and yearly mobilization calendars showing scheduled training;

b. Unit letters;

c. Special orders including travel orders; and

d. Intra-office memorandum from the member to his watch/team commander five (5) working days prior to the training giving details of the request for leave of absence.

2. On the first duty date after returning from military leave the member shall submit a "Leave Earning Statement" to his watch/team commander. The "Leave Earning Statement" can be obtained from the member's military commander.

B. In the event of a readiness alert or call-up and there is insufficient time for the member to give required notice of military leave, the member shall notify an on-duty supervisor of the Ashland Police Department as soon as possible. The member shall submit the documentation called for in 1.8 A, 1 and 2 on his first duty day after returning from unscheduled emergency military leave.

C. Military leave shall include weekend drills, summer camps, and emergency mobilization.

D. Military leave of absence will not be granted unless proper documentation is submitted by the member and leave of absence shall not extend to makeup training in which the member is attempting to recover time lost due to absence from regularly scheduled or unscheduled emergency training.

E. Request for training duty Leave of Absence - The Request for training Duty Leave of Absence form (APD:91-01, attached) must be completed by the affected employee and submitted with endorsements through channels to the administration section. The form must be submitted by the affected employee on the first duty day after the employee is notified of training date.

## 1.9 ACTIVATION OF NATIONAL GUARD OR ARMED FORCES RESERVE EMPLOYEES

A. National Guard and armed Forces Reserve employees called to active military duty have specific

rights as set forth under KRS 61.371 to 61.396, Veteran Re-employment Rights Act of 1948 (38 USC 2021), Public Law 99-290 (1986) The Uniformed Services Employment And Reemployment Rights Act as updated in 2006, and the consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

B. National Guard or Armed Forces Reserve employees called to active military duty shall be entitled to re-employment rights and benefit continuation as set forth by various statutes, public law, and administrative regulations as set forth in section 1.9 A above.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 8

| SUBJECT: ALCOHOL/DRUG TESTING OF POLICE DEPARTMENT EMPLOYEES | | |
|---|---|---|
| Date of Issue: 02MAY88 | Effective Date: 02MAY88 | |
| Revision Date: 24JULY13 | Review Date: 24JULY15 | **CITY POLICY** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a uniform procedure for conducting alcohol and drug testing, to detect the illegal use of controlled substances/drugs or alcohol and/or the use of illegal drugs by employees of the Ashland Police Department.

**1.2 POLICY**:

A. The Ashland Police Department policies for alcohol and drug testing are established in the City of Ashland Policies and Procedures, Compensation Plan and Classification Plan, adopted by Ordinance No. 91, Series of 2011, and previously amended.

B. Ordinance No. 71, 2013 amended alcohol and drug policies that are on pages 92-123, which is ***Appendix E, Drug-Free Workplace Policy and Appendix F, Drug and Alcohol Testing Policy.***

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER G-9

| SUBJECT: OVERTIME | | |
|---|---|---|
| Date of Issue: 10DEC12 | Effective Date: 08OCT14 | |
| Revision Date: 14NOV14 | Review Date: 14NOV16 | **REVISED** |
| Accreditation Standards: KACP 10.1E | | |

**1.1 PURPOSE**: To standardize and streamline the overtime call out procedures to ensure shifts and special details have adequate staffing. (**KACP 10.1E**)

**1.2 POLICY**: The use of overtime shall be avoided whenever possible. When it is necessary to schedule overtime, every effort shall be made to keep the overtime within the effected division. If this is not possible, the overtime opportunity may then be offered to members of another division. When overtime is required, supervisors shall make every effort to avoid working employees more than 16 consecutive hours. However, some incidents or circumstances could require officers to continue working beyond 16 hours.

**1.3 PROCEDURE**:

A. Field Operations:

1. Each team shall have a non-rotating overtime call-out roster. The Field Operations Division shall have an "A", "B", "C", and "D" Team overtime call-out rosters for the four Field Operations division work-teams. Officers assigned to the Technical Services Division shall be listed on a fifth overtime call-out roster designated as "Technical Services Personnel" overtime call-out roster.

2. When it is necessary to fill team specific overtime, it shall be filled from an overtime callout list for that affected team. Rosters shall be ranked by and overtime filled by seniority/time in grade from a non-rotating list starting with the senior in grade down to the least senior.

3. Overtime in the Field Operations Division shall first be offered to the same work team Field Operations team that is scheduled off for the day of the needed overtime, then to the other team scheduled off. If the overtime is still not filled it will rotate to "Technical Services Personnel" overtime roster and then to the Sergeant overtime roster.

B. Technical Services:

1. Overtime in the Technical Services Division of the Department shall be filled in a like manner if possible; first being filled from the affected cost-area/workgroup before going to another workgroup or section of the department. Due to the complexity of these Divisions/Sections, operational necessity may dictate where and to whom overtime is offered at the discretion of the Technical Services Division Commander or the Chief of Police.

C. Command Officers:

1. Command Officers shall be listed on a non-rotating overtime call-out roster with senior in rank down to the least senior for each Division of the

Department. Overtime for Command Officers shall first be offered to all Command Officers within that division, then to the remaining Division.

D. Non Team/Division Specific:

1. All other non team/division specific overtime shall be filled from a separate overtime callout roster (special event roster). This overtime call out roster shall consist of all non-exempt sworn officers of the Ashland Police Department. This roster shall be non-rotating, shall be ranked by and overtime filled by, seniority starting with the senior personnel down to the least senior personnel. Seniority will be determined by hire date regardless of grade.

2. An exception to this policy is school functions where the School Resource Officer is requested by the school to be in attendance, or as required by Department policy. In this instance, it will be the intent of the City to provide the School Resource Officer as additional manpower and not as a substitution for manpower.

**1.4 NOTIFICATION:**

Notification of overtime may be done by a supervisor or officer in charge of an event in person, by telephone, or electronic notification system.

~~A.~~ In Person:

1. A supervisor will start at the top of the applicable overtime roster and ask each member if they will commit to work available overtime. The officer's answer will be recorded on the space provided next to their name. The senior officer on the applicable roster will be notified they are working the overtime.

~~B.~~ Telephone:

1. A supervisor will start at the top of the applicable overtime roster and contact each member on their number (singular) listed on the overtime roster. The supervisor will document Yes, No, or No Contact on the space provided next to each officer's name. The supervisor will continue down the overtime roster until an officer commits to working the overtime.

~~C.~~ Mass Communication Program:

1. One Call Now:

a. For overtime that is less than three (3) days away, Mass Communication Program, such as One Call Now, may be used.

b. When using the system the supervisor shall allow a one hour time window for officers to respond to the notification. After the one hour period, the overtime shall be granted to the responding officer with the highest seniority as specified by the applicable overtime roster. A second notification shall be sent out listing the person(s) receiving overtime, assignment and report to duty time.

c. In the estimation of the calling supervisor there is not sufficient time to wait the

one hour; the overtime is to be filled by the first eligible employee that responds.

~~D. Posting:~~

~~1. For extended or mass events (Traffic Grant, Summer Motion, etc...) overtime signup sheet(s) may be posted in a general work area (roll call) for officers to sign up. If there are limited slots/shifts then the signup sheets will stay posted for a specific time frame. After time frame, sheets will be taken down and officers will be assigned shifts per special event callout roster. If all slots are not filled, the signup sheet(s) may be reposted and the first officer accepting slot will be allowed to work the overtime.~~

**1.5 Reporting for duty**:

If an officer fails to report to duty for any accepted overtime he/she shall be considered absent from duty and susceptible to measures sent forth in Section 3.19 of our Rules and Regulations.

**1.6 Emergency Procedures:**

Command Staff will make every effort to follow callout procedures by seniority. However, in an emergency, that process may not be practical and Command Staff may employ any means necessary to fill an immediate need for manpower.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 10

| SUBJECT: SECONDARY EMPLOYMENT | | |
|---|---|---|
| Date of Issue: 28MAR90 | Effective Date: 11AUG2008 | |
| Revision Date: 3NOV14 | Review Date: 3NOV16 | **REVISED** |
| Accreditation Standards: KACP 10.3 A,B,C,D | | |

**1.1 PURPOSE**: The purpose of this policy is to set forth guidelines to govern off-duty or secondary employment by members of the Ashland Police Department.

**1.2 POLICY**: The policy of the APD is to provide guidelines to police employees to inform them of the types of secondary employment which are appropriate; and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the efficient operation of the Police Department and for the protection of the community.

**1.3 DEFINITIONS**:

A. ***Employment***: Provision of a service, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.

B. ***Special Duty Employment***: Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

C. ***Regular Secondary Employment***: Any employment, including self employment, that will not require the use or potential use of law enforcement powers by the off-duty employee.

**1.4 PROCEDURES**: There are two types of secondary employment in which an employee may engage. **(KACP 10.3)(KACP 10.3A)(KACP 10.3B)**

A. Regular Secondary Employment: Employees may engage in secondary employment that meets the following criteria:

1. Employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer and is not performed during assigned hours of duty.

2. Employment that presents no potential conflict of interest between duties as a police officer and duties for the secondary employer. Some examples of ***employment representing a conflict of interest*** are:

   a. As a process server, repossessor, or bill collector, towing of vehicles, or in other employment which police authority might tend to be used to collect money or merchandise for private purposes.

   b. Personnel investigations for the private sector or any employment which might require the police officer to have access to police information, files, records or service as a condition of employment.

   c. In police uniform in the performance of task other than that of a police nature.

   d. Which assists (in any manner) the case preparation in any criminal or civil action or proceeding which **may** involve the City of Ashland, APD, or any employee of the city of Ashland.

   e. For a business or labor group that is on strike.

3. Employment that does not constitute a threat to the status or dignity of the police as a professional occupation. **Examples of employment presenting a threat** to the status or dignity of the police profession are:

a. Establishments which sell pornographic books, magazines, sexual devices or video or otherwise provide entertainment or service of a sexual nature.

b. Any employment involving the sale, manufacturer or transport of alcoholic beverages as the principal business.

c. Any gambling establishment not exempted by law.

B. Special Duty Employment: Police officers may engage in special duty employment as follows:

1. For a profit-making or not-for-profit entity to provide police services when not in conflict with Section 1.4, A, of this order.

2. Types of special duty employment which may be considered are:

a. Traffic control and pedestrian safety.

b. Crowd control.

c. Security and protection of life and property.

d. Routine law enforcement for public authorities.

e. Plain clothes assignments.

f. As approved by the Department.

3. An employee on special duty employment shall notify the Regional Public Safety Communications Center (RPSCC) dispatcher working police services F-1 console at the start and end of each special duty employment work period. RPSCC shall record the employee's name and location of special duty employment, inform the watch commander or field supervisor, and pass on to relief dispatcher if special duty employment has not ended. It is the responsibility of the watch commander of field supervisor to ensure that departmental policy is adhered to while on secondary employment.

C. Limitations on regular secondary employment and special duty employment are as follows:

1. A probationary patrolman who has not obtained solo status, or an officer on medical or other leave due to sickness, temporary disability, or on-duty injury shall not be eligible to engage in regular secondary or special duty employment.

2. Prior to obtaining secondary employment, a police employee shall complete in its entirety the "Secondary Employment Approval Form" and forward through channels to Administration Section. The original "Secondary Employment Approval Form" will be returned to the submitting officer. One (1) copy will be placed in office file and (1) copy will be placed in employee's personnel file.

**Exception**: It is recognized that an emergency situation may arise when it will not be possible to complete the "Secondary Employment Approval Form" prior to obtaining secondary employment. In these rare instances verbal authorization from a division commander must be obtained prior to performing secondary employment. "Secondary Employment Approval Form" shall be completed as outlined above and forwarded without delay to the Administration Section. Notation listing the division commander's name, and date/time he approved secondary employment shall appear on the "Secondary Employment Approval Form".

3. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty. An officer may work no more than 16 ~~consecutive~~ hours within a 24-hour period to include ~~including~~ regular duty hours, court time, and secondary employment. Secondary employment is not authorized if regular duty hours, court time, and overtime combined total more than 16 hours within the 24 hour period. Officers working secondary employment are to be conscious of working extended hours that may create officer safety issues during regular duty hours. Section and team commanders/supervisors will monitor officer off-duty employment hours and report any concerns where off-duty employment is interfering with the officer's health or fitness for duty. Officers need to have adequate rest periods between both employment periods.

4. A police officer engaged in any secondary employment is subject to call-out in case of emergency and may be expected to leave his regular secondary or special duty employment in such situations.

5. Permission for police employees to engage in secondary employment may be denied or revoked should it be determined that such secondary employment is not in the best interest of the city of Ashland.

6. A police officer engaged in special duty employment where police powers are being used, will comply with APD uniform requirements. Class B uniforms will be worn according to General Order G - 3; if in plain clothes, police officers will comply as stated in General Order G – 3, Section 1.3, Civilian Clothing. No other APD uniform or part of APD uniform may be worn without expressed permission from division commander or Chief of Police. On-duty watch commanders/supervisors will be responsible for compliance.

D. Specific Regulations:

1. City of Ashland Administrative Policy 94-001 states "No employee shall work or engage in any employment prohibited by law or personnel policy or procedures adopted consistent with provisions of the Kentucky Revised Statutes or ordinances of the City". Specifically this includes but is not limited to:

   a. All City employees engaged in outside self employment within the City of Ashland shall:

      1). Obtain and hold a current business privilege license, as applicable.

      2). Fully comply with all City ordinances and regulations, including but not limited to the zoning ordinance.

      3). Fully comply with all home occupation regulations, building codes and construction codes including obtaining and maintaining required permits and licenses.

   b. No City employee engaged in outside self employment and/or outside employment shall knowingly work in violation of any federal, state, city, or county laws.

2. The policy further states, "No employee shall work or engage in employment that would adversely reflect upon the City". Specifically this includes but is not limited to:

   a. Employment whether self-employed or otherwise which:

      1). Violates the constitutional provision against full time employees working for more than one agency of the state government.

      2). Would place professional employees bound by a code of ethics in a conflict of interest situation.

      3). Would involve use of confidential or proprietary information gained through city employment.

      4). Would involve enforcement officials and/or their employees in employment within the city of Ashland to correct violations they had cited, or projects on which they would or could provide inspection services.

b. Employment resulting from solicitation:

1). Conducted on City time to provide work similar to City duties.

2). Conducted on/or off City time; but giving the appearance of City endorsement of activities or represents that the employee's relationship to the City offers some advantage to the other party.

3. No employee shall engage in outside employment which requires or involves completion of any task associated with the outside employment while on duty for the City. This shall include personal, radio, telephonic or mail contact for the purpose of soliciting business, responding to requests for outside employment, cost estimates, documents, services or procurement.

4. Any employee who wishes to engage in outside employment which involves work similar to City duties or could give the appearance of the City "at work" must, regardless of any other conditions, obtain prior written permission from his/her department head.

5. Any employee on leave, holiday, absent without leave, or on suspension remains bound by this policy.

6. No employee on medical leave or other leave due to sickness, temporary disability, or on-duty injury shall participate in outside employment.

7. Any employee participating in outside employment shall advise the outside employer that the City employee may not be granted injury leave with pay if injured while on outside employment and that the outside employer may have potential liability if an incapacitating injury or illness occurs.

E. Revocation Process. **(KACP 10.3C)**

1. Any employee in violation of this policy will have the approval for secondary employment removed at the discretion of the Chief of Police.

2. Any employee that is placed on suspension both paid and unpaid will have their secondary employment approval revoked by the Chief of Police.

3. The Chief of Police has the authority to reinstate, place restrictions or stipulations for any secondary employment.

F. Management of Secondary Employment **(KACP 10.3D)**

1. Each Division Commander is responsible for overseeing members under their command after being approved for secondary employment.

2. Each Division Commander will be supplied with a copy of the final approval of each request for secondary employment. The administrative assistant in the Administration Section will provide each division a notice that expiration is about to occur on an employee secondary employment.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff
Chief of Police

# SECONDARY EMPLOYMENT APPROVAL FORM

Employee's Name _____ S.S. No. _____

Prospective Secondary Employer _____

Secondary Employer's Complete Address _____

_____

Name of Location Where Officer Will Be Working _____

Physical Address Where Officer Will Be Working _____

Prospective Immediate Supervisor _____ Phone _____

New Request _____ Or Annual Renewal _____ Hours per Week _____

Starting Date _____ Nature of Work to be Performed: _____

I. Is the purpose of your prospective secondary private employment to utilize your police skills and expertise?

_____ Yes _____ No

A. If yes, I fully understand that I ***may not*** be granted injury leave with pay if I become injured while on this secondary employment. I must advise my employer of this policy and his potential responsibility if I receive an incapacitating injury or illness; however, I do understand that I may use any sick leave credits I have accrued if I become physically incapable of reporting for duty due to an injury or illness arising from my secondary employment.

B. If no, and in my prospective secondary employment I find it necessary to exercise police action which results in an injury or illness, I fully understand that I ***may*** then be eligible for injury leave. I realize this only applies as long as the police action I exercise occurs within the jurisdictional boundaries of the city of Ashland.

C. I am also aware that if my secondary employment is situated outside the corporate limits of the city of Ashland, I will not represent myself as an Ashland Police Officer during the performance of my duties. In addition, I accept the condition that I am not to use any City equipment nor utilize any information or the facilities of the Ashland Police Department Central Records in connection with my prospective secondary employment. The single exception to use of City equipment may be the use of a portable radio if so approved by the on-duty watch commander.

A police officer engaged in special duty employment using police powers, whether in uniform or plain clothes, will comply with Ashland Police Department uniform requirements (See General Order G – 3.)

I HEREBY ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE CITY'S PERSONNEL RULES RELATING TO SECONDARY EMPLOYMENT AND THAT I AM NOT TO BE EMPLOYED BY ANY SPECIAL POLICE AGENCY OR CONSULTING AGENCY THAT PROVIDES POLICE SERVICES.

II. My secondary employment at _____

will end by _____.
Date

_____ _____
Requesting Officer's Signature Employee No. Date

Request is: _____ Approved
_____ Denied
_____
Team/Unit Commander Date

Request is: _____ Approved
_____ Denied
_____
Division Commander Date

Request is: _____ Approved
_____ Denied
_____
Chief of Police Date

Secondary employment approval expires: _____.

**This request must be received in the Administration Section one week prior to starting date.** Complete and submit via channels to Administration Section. Original will be returned to submitting officer. One (1) copy will be placed in office file, one (1) copy will be placed in employee's personnel file, and one (1) copy will be forwarded to secondary employer.

Special Instructions: _____

_____

_____

_____

_____

_____

_____

_____

_____

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 11

| SUBJECT: TRAFFIC COLLISION INVESTIGATION | |
|---|---|
| Date of Issue: 01MAY90 | Effective Date: 01MAY90 |
| Revision Date: 01MAR2013 | Review Date: 01MAR2015 |
| Accreditation Standards: KACP 23.1,23.1A, 23.1B, 23.1C, 23.1D, 23.1E, 23.1F, 23.2, 23.3, 25.3 | |

**1.1 INTRODUCTION**: The purpose of traffic collision investigations is multi-faceted.

A. The police must collect the facts surrounding the traffic collision to determine the causes, times, and locations of traffic collisions so appropriate enforcement actions can be implemented;

B. The interests of those involved in the collision must be protected;

C. Data must be obtained for traffic and engineering improvement;

D. Data must be obtained that will improve driver education and make the highways safer.

Because of the increase in the number of serious traffic collisions and their staggering economic and human costs, the Ashland Police Department will increase attention given to the investigation of these traffic collisions.

**1.2 PURPOSE:** The purpose of this order is to establish procedures and assign responsibility and accountability, for reporting and investigating traffic collisions specifically involving: **(KACP 23.1)**

A. Death or injury;

B. Property damage;

C. Hit and run;

D. Impairment due to alcohol, drugs or other factors; and

E. Hazardous materials.

**1.3 OFFICER RESPONSE:** It shall be the policy of the Ashland Police Department that officers shall respond to all traffic collisions involving the following: **(KACP 23.1A,B,C,D,E)**

A. Death or injury;

B. Hit and run;

C. Impairment of an operator;

D. Damage to public vehicles or property;

E. Disturbance between vehicle operators;

F. Major traffic congestion as a result of the collision;

G. Damage to vehicles to the extent towing is required;

H. At the direction of the Watch Commander or Field Supervisor.

**1.4 RESPONSIBILITIES:** Collision scene responsibilities include but are not limited to: **(KACP 23.3)**

A. Administering emergency medical care;

B. Requesting assistance (officers, fire, EMS, etc.);

C. Preserving evidence;

D. Establishing a temporary traffic pattern;

E. Locating witnesses and recording key information.

NOTE: If officers will be working in or near a street or highway right-of-way and you're exposed to traffic or construction equipment, you must wear a highly visible upper-body garment, traffic vest. Emergency responders and law enforcement officers must also wear high-visibility apparel after an emergency has passed while doing traffic control, cleanup, investigations, or similar tasks.

**1.5 REPORTING**: Kentucky Revised Statutes concerning the reporting of traffic collisions include:

A. KRS 189.580 - The driver of any vehicle involved in an accident resulting in death, injury, or damage shall immediately stop, notify police and arrange for medical treatment.

B. KRS 189.635 – The driver of any vehicle involved in an accident resulting in injury or death or total property damage of $500 or more shall, within 10 days, make a written or electronic report of it to the Kentucky Justice Cabinet.

C. KRS 189.635 – Police officers who investigate an accident for which a report must be made, either at the time of and at the scene of the accident, or thereafter and elsewhere, by interviewing participants or witnesses, shall within 10 days after completing the investigation, forward a written report of the accident to the Kentucky Justice Cabinet.

D. All collision reports, with the exception of the civilian accident report, will be completed using the Kentucky State Police E-Crash software.

**1.6 COLLISIONS INVOLVING DEATH OR LIFE THREATENING INJURY: (KACP 23.1A)** The watch commander will be responsible for assigning the TAR to reconstruct all types of serious traffic crashes that involve:

A. Fatalities;

B. Life threatening injuries;

C. Dismemberment of any body part or sufficient trauma to suggest possible dismemberment;

D. Factors which cannot be readily determined;

E. Serious injuries involving all passenger carriers, or hazardous material carriers, or any traffic accident involving spillage of hazardous material from a carrier;

F. Serious injury involving a train and a motor vehicle or pedestrian;

G. Serious injury involving a vehicle owned by the City of Ashland or other municipal, federal, state or

county government;

H. Serious injury where primary cause may be a roadway defect;

I. Vehicle(s) utilized in the commission of a felony.

In addition to instances outlined above, the TAR may:

A. Be assigned to assist with any accident investigation where there is a need for limited participation by the TAR for speed calculations or examination of vehicle parts for manufacturing defects;

B. Be assigned to reconstruct any other accident specified by the Chief of Police, a Division Commander or Watch Commander;

C. Be assigned to reconstruct collisions outside The City of Ashland pursuant to mutual aid request as defined in Ashland Police Department General Order B - 9. The Watch Commander shall utilize the TAR assigned to his team when possible.

**1.7 COLLISIONS ON PRIVATE PROPERTY: (KACP 23.1F)** Officers responding to collisions on private property may issue the KSP Civilian Accident Report unless one of the following factors is present:

A. Death or Injury;

B. Impairment by operator;

C. Hazardous materials;

D. Damage to city owned vehicle or property;

E. Supervisor directs that a report be written.

**1.8 HIT AND RUN: (KACP 23.1 C, 23.2)** Hit and run collisions occurring on public roads shall be reported using the KSP E-Crash software. A criminal incident report shall also be completed when serious injury or death is involved.

A. Hit and run collisions on private property or parking lots that do not involve injury and when no evidence or identifying information is available on the suspect vehicle may be handled by issuing a KSP Civilian Accident Report.

B. Hit and run collisions occurring on private property or parking lots with injury involved, or when evidence or identifying information is available regarding the suspect vehicle, shall be handled by completing an E-crash collision report.

C. An E-crash collision report shall be completed for all hit and run collisions involving a City of Ashland vehicle.

D. All hit and run incidents when evidence or identifying information is available on the suspect vehicle shall be fully investigated as a criminal offense resulting in charges being filed when appropriate. **(KACP 23.2 C)**

**1.9 IMPAIRMENT DUE TO ALCOHOL OR DRUGS**: **(KACP 23.1D, 23.2)** Officers shall make arrests for Operating a Motor vehicle while under the influence of alcohol/drugs if probable cause exists during the investigation of traffic collisions.

A. Field sobriety tests should be conducted as soon as safely possible, ensuring the suspect is away from the flow of traffic.

**1.10 HAZARDOUS MATERIALS: (KACP 23.1E, 23.5, 25.3)**

A. The primary responsibility for removal and control of hazardous materials will be that of the Ashland Fire Department, which is automatically dispatched by RPSCC to all collision scenes involving hazardous materials.

B. In the event of a collision involving hazardous material spills, officers should use all care and caution to keep from being contaminated. If possible locate the hazardous materials placard and relay the pertinent information to RPSCC as soon as safely possible.

**1.11 ENFORCEMENT ACTION: (KACP 23.2, 23.3):** Officers should enforce violations of traffic laws that occur in their presence, which result in a collision, and may complete a prosecution request for misdemeanor offenses or violations that occurred before the officer's arrival. This does not prohibit an officer from citing subjects on scene for equipment or registration violations (expired registration, no insurance, etc.).

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 12

| SUBJECT: REPORT OF DUTY INCURRED ILLNESS OR INJURY | | |
|---|---|---|
| Date of Issue: 25MAY90 | Effective Date: 01JUN90 | |
| Revision Date: 28MAY13 | Review Date: 28MAY15 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: The purpose of this policy is to establish guidelines to ensure efficient and expedient reporting of time lost/no time lost duty incurred illness or injury sustained by a member of the Ashland Police Department (APD).

**1.2 DEFINITIONS**:

A. Time-lost duty incurred illness or injury: Any illness or injury sustained by an APD employee whose status is on-duty as set forth in APD Rules and Regulations Article III, section 3.17, and which causes said employee to be absent from job assignment.

B. No-time lost duty incurred illness or injury: Any illness or injury sustained by an APD employee whose status is on-duty as set forth in APD Rules and Regulations Article III, section 3.17, and which does not cause said employee to be absent from job assignment.

C. Non-emergency: requiring only first aid.

D. Serious injuries include but are not limited to anything requiring emergency medical care or services for heart attack, cardiovascular accidents, head injuries with or without loss of consciousness, profuse bleeding and breathing or respiratory distress.

**1.3 WORKERS COMPENSATION - FIRST REPORT OF INJURY**

A. The WORKER'S COMPENSATION - FIRST REPORT OF INJURY form shall be completed ***immediately*** and ***in detail*** by the employee sustaining time lost/no time lost on-duty incurred illness or injury. If the ill or injured employee is unable to complete the form it shall be completed ***immediately*** and ***in detail*** by the employee's supervisor. This report may be handwritten, but must be legible. The form will be ***immediately*** forwarded through channels to the Administration Section.

1. The WORKER'S COMPENSATION - FIRST REPORT OF INJURY form will be forwarded by Administration Section to the city of Ashland Risk Manager within 24 hours after the illness or injury occurs.

2. The WORKER'S COMPENSATION - FIRST REPORT OF INJURY form for an injury occurring on a week-end or holiday shall be forwarded to the Risk Manager on the morning of the first business day following illness or injury.

3. The employee sustaining time lost/no time lost on-duty incurred illness or injury shall complete the "Kentucky Department of Worker's Claims Medical Waiver and Consent" form and forward it to Administration with the WORKER'S COMPENSATION-FIRST REPORT OF INJURY form.

B. Completion of the WORKER'S COMPENSATION - FIRST REPORT OF INJURY form is self explanatory.

C. Treatment:

1. All non-emergency work related injuries occurring week days will be directed to King's Daughters' Medical Center (KDMC) Occupational Medicine, 408-4900, for initial consultation.

2. For serious injuries and/or injuries which occur after regular business hours or on weekends, the nearest and most immediate available treatment should be utilized.

3. Doctor's slip or emergency treatment facility documentation shall be attached to the WORKER'S COMPENSATION FIRST REPORT OF INJURY form.

D. All bills relating to time lost/no time lost duty incurred illness or injury received by APD employees shall be forwarded consistent with Section 1.3 A. of this order.

E. When an employee sustains a duty incurred injury/illness, his/her supervisor shall provide to the employee the packet of information provided by the City's current worker's compensation carrier.

**1.4 FOLLOW-UP REPORT OF WORK RELATED INJURY/ILLNESS**

A. The FOLLOW-UP REPORT OF WORK RELATED INJURY/ILLNESS form shall be submitted to report additional information after the WORKER'S COMPENSATION - FIRST REPORT OF INJURY OR ILLNESS form has been submitted. The FOLLOW-UP REPORT OF WORK RELATED INJURY form shall be completed in its entirety with particular attention being paid to date of the initial illness or injury. The FOLLOW-UP REPORT OF WORK RELATED INJURY/ILLNESS form shall be forwarded consistent with Section 1.3 A. of this order.

***NOTE***: Notification of employee's return to work must be received on the day of his/her return to work. Notification shall be forwarded consistent with Section 1.3 A.

B. Completion of the FOLLOW-UP REPORT OF WORK RELATED INJURY/ILLNESS form is self-explanatory.

C. It shall be the responsibility of the Administration Section to forward the FOLLOW-UP REPORT OF WORK RELATED INJURY/ILLNESS form to the Risk Manager.

**1.5 SUPERVISOR'S ACCIDENT INVESTIGATION REPORT**: The supervisor of an employee who sustains an on-duty injury or illness shall complete the SUPERVISOR'S ACCIDENT INVESTIGATION REPORT form and forward it with the initial WORKER'S COMPENSATION - FIRST REPORT OF INJURY form and the "Consent for Release of Medical Information" form to the Administration Section for processing as described in Section 1.3 of this order.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 13

| SUBJECT: COMMUNICABLE DISEASES | | |
|---|---|---|
| Date of Issue: 01JULY90 | Effective Date: 01JUL90 | |
| Revision Date: 10JUNE13 | Review Date: 10JUNE15 | **REVISED** |
| Accreditation Standards: KACP 29.1A, 29.1B, 29.1C, 29.1C1, 29.1C2, 29.1C3, 29.1C4, 29.1C5, 29.1C6, 29.1C7, 29.1C8, 29.1.D, 29.1E, 29.1F, 29.4A | | |

**1.1 PURPOSE**: Communicable diseases are growing; however, prudent precautions can reduce the spread. This order is being implemented so that the Ashland Police Department (APD) may manage those things a member of the Department can reasonably predict will occur in the performance of duties, and attempt to protect departmental personnel from unnecessary exposure. **(KACP 29.1A)**

**1.2 DISCUSSION**: Police personnel and other public safety personnel routinely come into contact with members of the public. At some point it is predictable that police officers will come into contact with a person who has an infectious disease such as AIDS, hepatitis, tuberculosis and other infectious diseases. Cases have been documented where the AIDS virus has been transmitted to health care workers. These instances have been the result of handling of blood samples with ungloved hands (particularly where skin disorders have left broken skin), splashing of contaminated blood into the mouth and nose, or piercing the skin with a contaminated needle.

As a result, extreme caution should be exercised by police personnel and the following procedures shall be utilized when dealing with blood, items stained with blood or other bodily fluids, and individuals who participate in high risk behavior.

**1.3 DEFINITIONS**:

A. **Blood:** Human blood, human blood components and products made from human blood.

B. **Bloodborne Pathogens:** Microorganisms that are present in human blood and can cause disease in humans. These pathogens include Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

C. **City**: City of Ashland, Kentucky.

D. **Contaminated**: The presence or the reasonable anticipated presence of blood or other potentially infectious materials on an item or surface.

E. **Decontamination**: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

F. **Engineering Controls:** Controls that isolate or remove the bloodborne pathogen hazard from the workplace, including sharp disposal containers and self-sheathing needles.

G. **Exposure Incident**: When an employee has contact with blood or other potentially infectious materials as a result of his/her duties. This contact includes specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact.

H. **Health Care Provider**: A person/organization whose legally permitted scope of practice allow him/her to independently perform the activities required to perform HBV vaccination and post-exposure evaluation and follow-up.

I. **HBV**: Hepatitis B Virus - This virus causes hepatitis B infection. Once transmitted, the incubation period of hepatitis B ranges from 45 to 160 days. The onset of hepatitis B occurs gradually and is discovered in the patient only after the illness has fully developed. The symptoms of hepatitis B include: weight loss, malaise, nausea, vomiting, abdominal pain, jaundice, skin rashes, and aching

joints. HBV is much more common than HIV and is increasing at the rate of 2 - 3% per year. There is a vaccine that helps protect persons at risk of exposure from HBV. The vaccine protects more than 90% of those receiving it against HBV infection. The City offers the HBV vaccine free of charge to employees in job classifications in which they have occupational exposure to blood or other body fluids. The vaccine is to be offered within the first ten (10) days of initial assignment to a job considered to be at risk of exposure for employee.

J. **HIV**: Human Immunodeficiency Virus - This is a virus that attacks a certain type of white blood cell - the T cell - which is a vital part of the body's immune system. HIV infects the T cells and multiplies inside of them, eventually destroying the host cell. As a result, the body is left without an important line of defense against infection. A person infected with HIV is susceptible to opportunistic disease such as pneumonia or certain cancers that would not seriously affect a healthy immune system. Once a person is HIV positive and contacts an opportunistic disease, the person is said to have AIDS. There is no known cure for AIDS.

K. **Incubation Period**: The time from initial exposure to the time when symptoms of the disease surface.

L. **Non-Intact Skin**: Skin that has cuts, abrasions, or other openings through which bloodborne pathogens could enter the bloodstream.

M. **Occupational Exposure**: Reasonably anticipated employee contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. This includes skin, eye, mucous membrane or parenteral contact.

N. **OPIM**: Other Potentially Infectious Materials

1. Human body fluids:
   a. Semen
   b. Fluid in the brain and spinal cord
   c. Fluid in the lungs
   d. Abdominal fluid
   e. Saliva in dental procedures
   f. All body fluids in situations where it is difficult or impossible to differentiate between body fluids
   g. Vaginal secretions
   h. Fluid in the joints
   i. Fluid surrounding the heart
   j. Fluid that protects the fetus
   k. Any body fluid that is visibly contaminated with blood

2. Any tissue or organ (other than intact skin) that is disconnected from a human body (living or dead).

3. HIV - containing cell or tissue cultures, organ cultures, and HIV or HBV - containing culture medium or other solutions.

4. Blood, organs or other tissues from experimental animals infected with HIV or HBV.

O. **OSHA**: Occupational Safety and Health Administration.

P. **Parenteral**: Puncture wounds to the mucous membranes or the skin barrier caused by needle sticks, human bites, cuts and abrasions.

Q. **Personal Protective Equipment**: Specialized clothing or equipment worn by an employee for protection against hazard.

R. **Regulated Waste**: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological or microbiological wastes containing blood or other potentially infectious materials.

S. **Sharps**: Any object that can penetrate the skin, including needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wire.

T. **Source Individual**: Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

U. **Sterilize**: The use of a physical or chemical procedure to destroy all bacteria.

V. **Universal Precautions**: An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

W. **Work Practice Controls**: Controls that reduce the likelihood of exposure by changing the way a task is performed.

**1.4 POLICY**:

A. **HBV Pre-Exposure Program**

1. The hepatitis B vaccine and vaccination series will be offered within 10 working days of initial assignment to employees who have occupational exposure.

2. The vaccine and vaccinations, as well as all medical evaluations and follow-up, will be made available to employees at no cost during work hours.

3. Vaccinations will be administered according to current recommendations of the U.S. Public Health Service. King's Daughters Medical Center Occupational Medicine provides this service for the City.

4. Employees who decline the vaccination will sign a declination form.

5. The vaccination will be made available to the employee at a later date and at no cost if he/she continues to have potential exposure.

B. Infectious Disease Precautions

1. Discretion should be used by police personnel to limit their exposure to communicable diseases.

2. Protective disposal gloves and other infectious disease control materials should be used by police personnel to prevent transmission of communicable diseases. Direct contact with blood and other bodily fluids should be avoided whenever possible. Officers are required to carry issued protective disposable gloves while on duty.

3. Police personnel shall not eat, drink or smoke at crime scenes or in any area where evidence is being gathered, stored, processed, or handled so as to decrease the inadvertent contact with bodily fluids or other foreign material which increases the communicable factors. Work breaks shall be taken outside area designated as a crime scene, and officer shall cleanse hands before going on personal break. **(KACP 29.1D)**

4. Police personnel should be aware that certain prescribed medications, such as steroids and asthma medications, suppress their immune system and make them more susceptible to infectious disease. Police personnel should consult with their private physician if they are taking prescription drugs.

5. Pregnant police personnel should report to their physician any direct contact with body fluids in the line of duty. Infectious viruses can cause severe problems in newborns.

C. Infectious Disease Training: Division commanders will be responsible to disseminate updated information and coordinate additional roll-call and/or in service training.

**1.5 PROCEDURE**:

A. Supplies

1. Command officers will ensure that adequate supplies are available for infectious disease control.

2. Command officers will be responsible for the inventory and dissemination of supplies for infectious disease control. They will also initiate re-ordering procedures before supplies become depleted.

3. Police personnel using supplies stored in police vehicles are responsible for replacing them immediately after use and before going off duty. Protective gloves, other first aid supplies, and disinfecting material will be made readily available at all times.

4. Supplies in each vehicle assigned to the Patrol Division for general patrol duty and the Criminal Investigations Section at a minimum shall have the following protective supplies: **(KACP 29.1C)**

a. One set of disposable coveralls - one size fits all; **(KACP 29.1C2)**

b. Protective disposable gloves available in each vehicle and police facilities; **(KACP 29.1C1) (KACP 29.4A)**

c. Face mask with eye protection; **(KACP 29.1C3)**

d. Plastic bags and sealing ties, or sealable plastic bags; **(KACP 29.1C7)**

e. Spray bottle;

f. Liquid and aerosol germicidal cleaner; **(KACP 29.1C5)**

g. Disposable handi-wipes (70% isopropyl alcohol); **(KACP 29.1C5)**

h. Absorbent Chux;

i. Other absorbent materials, such as sponges, mop head, etc.; and,

j. Four signs which read "Isolation Area - Do Not Enter" and tape for temporarily affixing the signs;

k. CPR/Pocket Masks used for rescue breathing and CPR**; (KACP 29.1C4)**

l. Sharps container for needles and intravenous devices. **(KACP 29.1C6)**

B. Custody procedures

1. Individuals who practice high risk behavior should be treated with caution. However, Ashland

police employee(s) will not discriminate against an individual because of positive test results or suspected exposure.

2. Where violence or an altercation is likely, protective disposable gloves should be worn.

3. Extreme caution should be used during search of suspected drug users or dealers to prevent accidental skin puncture from a needle. Extreme caution must also be used when reaching into areas such as under car seats that are not visible.

4. After the completion of the task or search where protective disposable gloves are utilized, they should be removed with caution, placed in a plastic bag and securely sealed. Upon returning to police headquarters, the police member shall place the sealed bag into a designated "Contaminated Trash" receptacle.

5. Whenever it is necessary to transport a subject who has blood or bodily fluids present on his person or clothing, the supervisor shall be notified. Emergency medical vehicles shall be summoned when transport to a health care facility is necessary.

6. Individuals with blood or bodily fluids present on their persons should be transported separately from other subjects if possible. Officers will inform the Regional Public Safety Communications Center (RPSCC) when a subject should be transported alone. RPSCC personnel will notify the responding unit and or emergency medical personnel when solo transportation is appropriate.

7. Police personnel have an obligation to inform other support personnel (paramedics, Pathways, jailers, emergency room personnel, etc.) whenever change or transfer of custody occurs and the subject has blood or bodily fluids present on his person, or if the subject has made a voluntary statement that he has a communicable disease.

8. Subjects taken into custody with blood or bodily fluids on their person shall be taken directly to and placed in the booking area for processing. An "Isolation Area - Do Not Enter" sign shall be posted.

9. Police personnel should indicate on the uniform citation when a subject taken into custody makes a voluntary statement that he has an infectious disease; verbatim narratives also will be included when preparing offense reports. Additionally, a notation shall be made when a subject has blood or bodily fluids present on his person or clothing (i.e., "Bodily Fluids Present").

10. Police personnel responding to a call where a complainant is alleging that he has been intentionally infected with an infectious disease shall summon a supervisor to respond to the scene. A report outlining the details of the alleged occurrence shall be completed.

C. Vehicle Maintenance

1. Disinfection procedures <u>are required</u> when a police vehicle requires cleaning after blood or other bodily fluid discharges.

2. A supervisor shall be notified and the vehicle taken or towed to the car wash as soon as possible.

3. Car wash personnel will <u>use</u> disinfection procedures (where appropriate).

4. Recommended disinfection procedures are as follows:

   a. Effected vehicle shall be immediately designated by the posting of an "Isolation Area - Do Not Enter" sign upon arrival at the car wash and while awaiting disinfection. Signs will be available at the car wash.

   b. Protective disposable gloves will be worn during all phases of disinfection. All personnel must be aware that rings, jewelry or long fingernails may compromise the structural integrity

of the gloves. They should make certain the gloves are not torn before they attempt to begin any phase of the maintenance process.

c. Any excess of blood or bodily fluids should first be wiped up with disposable absorbent Chux or other approved absorbent material. Afterwards, the absorbent material should be immediately placed in a plastic bag and placed in a designated receptacle.

d. The effected area shall be cleansed with Clorox or a viricidal-germicidal solution and allow it to air dry for ten minutes.

e. All disposable contaminated cleaning items shall be placed in plastic bags and placed in the designated receptacle.

f. Car wash and police personnel shall be careful not to contaminate themselves during this cleaning process or when taking off their disposable protective gloves.

g. All police vehicles taken to the car wash for scheduled washing will routinely be cleaned in the interior with an approved viricidal-germicidal solution.

h. Subsequent to the cleaning of the police vehicle, the "Isolation Area - Do Not Enter" sign shall be placed in the designated receptacle.

D. Handling and Storage of Property and Evidence

1. Evidence containing suspected blood or other bodily fluids shall be handled with gloves. If the stain or sample is dry, it should be placed in a paper bag. A proper evidence tag and evidence processing request and special labels shall be affixed to the outside of the package. If the evidence consists of a syringe and needle, the needle portion should be made safe by placing in special syringe container or wrapping with tape so that the sharp point is covered and is blunt. The needle - syringe shall be placed in a plastic bag so that it can be seen by persons handling the evidence. The bag shall be tagged with an evidence tag, request for lab analysis, and a special label. It should be noted that if the needle - syringe is to be processed for latent fingerprints, the plastic bag may hinder the obtaining of latents. Remember, the safety of police personnel is of utmost importance. Liquid samples either should be collected as liquid and stored in bottle or, if located on clothing or similar materials should be air dried and packaged as described above.

2. Always wash thoroughly with soap and hot water for a minimum of 30 seconds after handling any items suspected of being contaminated with blood or other bodily fluids. Wash even if you have worn gloves.

3. Police personnel working areas for extended periods of time where blood or other bodily fluids have been shed (for example, crime scene personnel working for extended periods of time at a homicide scene) should wear anti-contamination clothing such as suits, masks, boots, covers and gloves.

4. The property officer will adhere to precise procedure when handling, processing and storing potentially infectious disease contaminated evidence/property.

5. Any clothing or evidence known to be contaminated with suspected AIDS, hepatitis B or other communicable diseases will be placed in a specified area and clearly labeled. Label in this manner: "Known Aids," "Possible Hepatitis", etc, along with the appropriate biohazard placards.

6. All bloody clothing will be treated as if it is contaminated.

7. All bloody clothing or evidence, and bags containing the clothing or evidence will be handled with protective disposable gloves.

8. The property officer will furnish protective disposable gloves to other police officers, prosecutors, or others handling bloody clothing while in the property room.

9. Any clothing known or suspected to be contaminated with any communicable disease, bloody or not, will be handled by property officer only after those persons are gloved with protective disposal gloves.

10. The property officer shall wash his hands thoroughly with germicidal soap after handling any possibly contaminated clothing or evidence.

11. All property for disposal shall be kept in sealed plastic bags and placed in the infectious disease receptacle in the property room.

12. All evidence related to suspected blood or bodily fluids will be stored in the Hazardous Materials Room within the Property Room. The Property Officer will make the necessary storage arrangements.

13. The evidence processing area(s) will be cleaned prior to and after each use. This will reduce contamination of any evidence. Clorox wipes are supplied for each processing area and will be used to wipe down the surface before placing evidence on the surface. Once completed with processing and packaging, the surface will again be wiped again with a wipe. The process will be used in the Evidence Processing Room and the Fingerprinting area located in the Sallyport. The process is the same for any other portion of the police facility, vehicle or site and officer would be using. **(KACP 29.1E)**

E. Property Contamination

1. When department-issued or personal property is contaminated by blood or bodily fluids in the line of duty officers will place the items in a sealed plastic bag, and deliver to the property room for disinfection. The officer will verbally inform the property officer when possible infectious disease-contaminated items are transferred to his custody and shall always mark on the outside of the sealed plastic bag "Contaminated Material". **(KACP 29.1F)**

   **NOTE**: When a pocket mask is used in mouth to mouth breathing, the mask is to be discarded by placing it in a contaminated materials bag. The bag shall be placed in a contaminated materials/hazardous materials container located at selected areas in the department. Due to infrequency of use and low cost involved, it is not practical to re-handle the mask by disinfecting and replacing the valve. **(KACP 29.1C4)**

2. If the property officer determines that effective disinfection procedures are not practical, the property officer will accept custody of the property and arrange for disposal. The officer from whom the property was taken shall direct a memorandum through channels to the Chief of Police requesting replacement of contaminated property. Replacement of personal property shall be consistent with General Order G-3. **(KACP 29.1F)**

3. The memorandum requesting replacement of contaminated property shall include:

   a. The circumstances by which the property became contaminated;

   b. The name of the property officer who confirmed that disinfection procedures were not practical; and

   c. Whether any person was charged with destruction of public or private property due to circumstances by which it became contaminated.

4. The property officer shall make coveralls available when uniforms become contaminated and officers require a change of clothing. Officers will be responsible for the prompt return of the issued coveralls.

F. Line of Duty Exposure to Infectious Disease or Contaminated Materials

1. Documentation will be prepared when officers have cause to believe they have had high-risk exposure during line of duty activities. Examples of high-risk exposure are:

   a. The handling of bloody or wet items, where scratches, cuts or open sores are noticed on the area of contact;

   b. Direct contact with bodily fluids from a subject on an area where there is an open sore or cut;

   c. Direct mouth-to-mouth resuscitation (CPR);

   d. The receiving of a cut or puncture wound as a result of searching or wrestling a subject; or

   e. Other high-risk exposure.

2. The officer's immediate supervisor will be notified and a "Workers Compensation - First Report of Injury or Illness" detailing the event of exposure will be completed. A copy of this report is to be forwarded to the Administration Section for submission to the ABC/Insurance Administrator for the City of Ashland.

3. An officer suffering a line of duty exposure to an infectious disease or contaminated materials will be evaluated clinically and serologically for evidence of infection, after the exposure. This evaluation will be conducted at King's Daughters' Medical Center. During normal working hours the exposed employee will be examined at King's Daughters Medical Center Occupational Medicine. At other times or in severe cases, the exposed employee will be treated in the Emergency Department.

4. Medical test result(s) are considered as confidential and ***shall not*** be released by the department other than to the tested employee or as ordered by a court of law.

## 1.6 DISPOSAL OF CONTAMINATED TRASH:

A. Contaminated trash receptacles shall be placed in the following locations: Booking Room, Property Room, Criminal Investigation Section and Roll Call area. Contaminated trash receptacles shall be used exclusively to dispose of items contaminated with biohazardous infectious substances.

B. The property officer shall be responsible for the proper disposal of contaminated material. The property officer will inspect each contaminated trash receptacle daily to determine if removal and disposal is required.

C. The on-duty supervisor will have a supply of contaminated trash receptacles available. As needed, the on-duty supervisor will cause full contaminated trash receptacles to be replaced.

## 1.7 REPORTING AND RESPONSIBILITY

Per City Ordinance 107, 1996, (attached to and made a part of this order) the Program Administrator is Marion Russell, Director Public Works. The Administrator is responsible for:

A. Issuing and administering this plan and making sure that the plan satisfies the requirements of all applicable federal, state or local bloodborne pathogen regulations.

B. Requiring that all department heads identify which employees are likely to be exposed to bloodborne pathogens.

C. Working with Human Resources to develop procedures for post-exposure incidents, inform all departments of the accepted procedure and require that the procedures be followed.

D. Insure that all records of exposure incidents, training and hepatitis vaccination are properly completed and passed to Human Resources for safe keeping.

E. Reviewing exposure incidents reports and the notification of affected individuals. The reports and notification are to be completed by each division head.

F. Evaluating and updating the program annually.

G. Training employees annually. **(KACP 29.1B)**

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BY ORDER OF

Robert W. Ratliff, Chief of Police

**CITY OF ASHLAND**
**BLOODBORNE PATHOGENS: EXPOSURE CONTROL PLAN**
**Ordinance 107, 1996**

**Purpose**

The purpose of this plan is to establish a program and procedures for employee protection from bloodborne pathogens for the City of Ashland, Kentucky. This plan supports compliance with Occupational Safety and Health Administration 29 CFR 1910.1030 Bloodborne Pathogens. This plan applies to all employees.

**Definitions**

**Blood:** Human blood, human blood components and products made from human blood.

**Bloodborne Pathogens**: Microorganisms that are present in human blood and can cause disease in humans. These pathogens include Hepatitis B virus (HBV) and Human Immunodeficiency Virus (HIV).

**City**: City of Ashland, Kentucky.

**Contaminated**: The presence or the reasonable anticipated presence of blood or other potentially infectious materials on an item or surface.

**Decontamination**: The use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

**Engineering Controls**: Controls that isolate or remove the bloodborne pathogen hazard from the workplace, including sharps disposal containers and self-sheathing needles

**Exposure Incident:** When an employee has contact with blood or other potentially infectious materials as a result of his/her duties. This contact includes specific eye, mouth, other mucous membrane, non-intact skin or parenteral contact.

**Health Care Provider**: A person/organization whose legally permitted scope of practice allow him/her to independently perform the activities required to perform HBV vaccination and post-exposure evaluation and follow-up.

**HBV**: Hepatitis B Virus --- This virus causes hepatitis B infection. Once transmitted, the incubation period of hepatitis B ranges from 45 to 160 days. The onset of hepatitis B occurs gradually and is discovered in the patient only after the illness has fully developed. The symptoms of hepatitis B include: weight loss, malaise, nausea, vomiting, abdominal pain, jaundice, skin rashes, and aching joints. HBV is much more common than HIV and is increasing at the rate of 2 - 3% per year. There is a vaccine that helps protect persons at risk of exposure from HBV. The vaccine protects more than 90% of those receiving it against HBV infection. The City offers the HBV vaccine free of charge to employees in job classifications in which they have occupational exposure to blood or other body fluids. The vaccine is to be offered within the first ten (10) days of initial assignment to a job considered to be at risk of exposure for employees.

**HIV**: Human Immunodeficiency Virus --- This is a virus that attacks a certain type of white blood cell - the T cell - which is a vital part of the body's immune system. HIV infects the T cells and multiplies inside of them, eventually destroying the host cell. As a result, the body is left without an important line of defense against infection. A person infected with HIV is susceptible to opportunistic diseases such as pneumonia or certain cancers that would not seriously affect a healthy immune system. Once a person is HIV positive and contacts an opportunistic disease, the person is said to have AIDS. There is no known cure for AIDS.

**Incubation Period**: The time from initial exposure to the time when symptoms of the disease surface.

**Non-Intact Skin**: Skin that has cuts, abrasions, or other openings through which bloodborne pathogens could enter the bloodstream.

**Occupational Exposure**: Reasonably anticipated employee contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. This includes skin, eye, mucous membrane or parenteral contact.

**OPIM**: Other Potentially Infectious Materials

1) Human body fluids:

Semen
Fluid in the brain and spinal cord
Fluid in the lungs
Abdominal fluid
Saliva in dental procedures
All body fluids in situations where it is difficult or impossible to differentiate between body fluids
Vaginal secretions
Fluid in the joints
Fluid surrounding the heart
Fluid that protects the fetus
Any body fluid that is visibly contaminated with blood

2) Any tissue or organ (other than intact skin) that is disconnected from a human body (living or dead).

3) HIV-containing cell or tissue cultures, organ cultures, and HI-V or HBV-containing culture medium or other solutions.

4) Blood, organs or other tissues from experimental animals infected with HIV or HBV.

**OSHA**: Occupational Safety and Health Administration

**Parenteral**: Puncture wounds to the mucous membranes or the skin barrier caused by needle sticks, human bites, cuts and abrasions.

**Personal Protective Equipment**: Specialized clothing or equipment worn by an employee for protection against hazard.

**Regulated Waste**: Liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological or microbiological wastes containing blood or other potentially infectious materials.

**Sharps**: Any object that can penetrate the skin, including needles, scalpels, broken glass, broken capillary tubes and exposed ends of dental wire.

**Source Individual**: any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

**Sterilize**: The use of a physical or chemical procedure to destroy all bacteria.

**Universal Precautions**: An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

**Work Practice Controls**: Controls that reduce the likelihood of exposure by changing the way a task is performed.

**Responsibilities**

The ***Program Administrator*** is Marion Russell, Director Public Works. The Administrator is responsible for:

1. Issuing and administering this plan and making sure that the plan satisfies the requirements of all applicable federal, state or local bloodborne pathogen regulations.

2. Requiring that all department heads identify which employees are likely to be exposed to bloodborne pathogens.

3. Working with Human Resources to develop procedures for post-exposure incidents, inform all departments of the accepted procedure and require that the procedures be followed.

4. Insure that all records of exposure incidents, training and hepatitis vaccination are properly completed and passed to Human Resources for safe keeping.

5. Reviewing exposure incidents reports and the notification of affected individuals. The reports and notification are to be completed by each division head.

6. Evaluating and updating the program annually.

7. Training employees annually.

***First Aid Providers***: Many City employees work in small groups throughout the City and are equipped with radios. In an emergency situation, employees are to contact their supervisor or the 911 Center (Dispatch) to send the required assistance. Fire Department personnel from the Central Station will act as First Aid Providers for employees working in City Hall. All employees are to either go or be taken to King's Daughters' Medical Center when an exposure incident has occurred. During normal working hours the exposed employee will be examined in the Occupational Health and Environmental Medicine Division of KDMC. At other times or in severe cases the exposed employee will be treated in the Emergency Department of KDMC. Those responding to a reported exposure incident are to use universal precautions in all situations. The supervisor of the employee exposed is to notify the Program Administrator of the incident.

**Program Activities**

**Determination of Exposure**

1. Division heads will make a list of all job classifications that have the potential for exposure to bloodborne pathogens. Once reviewed by the Program Administrator, the division lists will be combined to form the department list which will become an attachment to this program.

2. Specific tasks and procedures will be listed when only some employees in a job classification have the potential to be occupationally exposed.

**Personal Protective Equipment**

1. Employees will be provided with personal protective equipment at no cost.

2. Protective equipment will be removed before leaving the work area or after a garment becomes contaminated.

3. Used protective equipment will be placed in designated containers.

4. Gloves will be worn when the employee may have contact with blood or other potentially infectious materials.

5. Gloves will be replaced if torn, punctured or contaminated.

6. Decontaminated disposable gloves will never be reused.

7. Appropriate face and eye protection will be worn when splashes, sprays, spatters or droplets of blood or other potentially infectious materials pose a hazard to the eye, nose or mouth.

8. Appropriate protective body covering will be worn when occupational exposure is anticipated.

9. A Bloodborne Pathogen Kit will be located in work areas determined to be areas of occupational exposure. Kits will also be placed in City vehicles used by employees in areas of occupational exposure. A list of all kit locations, by department, will become an attachment to this plan.

**Housekeeping**

1. All equipment and work surfaces that have been contaminated with blood or other potentially infectious materials will be cleaned and decontaminated with an appropriate disinfectant.

2. Tongs, forceps or a brush and a dust pan will always be used to pick up contaminated broken glass.

3. All infectious waste will be place in red colored plastic bags for disposal.

4. Contaminated sharps will be discarded in containers that are closeable and puncture-resistant. The containers will then be discarded into the red colored plastic bag.

5. All regulated waste will be discarded according to Federal, State and Local regulations.

**Labeling**

All infectious waste containers will be labeled with a bio-hazard symbol and the work 'bio-hazard'.

**HBV Pre-Exposure Program**

1. The hepatitis B vaccine and vaccination series will be offered within 10 working days of initial assignment to employees who have occupational exposure.

2. The vaccine and vaccinations, as well as all medical evaluations and follow-up, will be made available to employees at no cost during work hours.

3. Vaccinations will be administered according to current recommendations of the U.S. Public Health Service. The Boyd County Health Department provides this service for the City.

4. Employees who decline the vaccination will sign a declination form.

5. The vaccination will be made available to the employee at a later date and at no cost if he/she continues to have the potential for exposure.

**HBV Post-Exposure Program**

1. The City post-exposure procedures will be followed for any employee who is not initially identified as occupationally exposed, but who voluntarily or inadvertently becomes exposed in the workplace.

2. HBV vaccine will be administered within 24 hours of any reported exposure incident.

**Exposure Incident Procedure**

1. The routes of exposure and how exposure occurred will be documented.

2. The source individual will be identified and documented, if possible.

3. If consent is given, the source individual's blood will be tested and documented as soon as possible to determine HIV and HBV infectivity.

4. The exposed employee will be provided with the source individual's test results and information about applicable laws and regulations concerning source identity.

5. After consent is given, the exposed employee's blood will be tested for HBV and HIV serological status.

6. If the employee does not give consent for HIV serological testing, the baseline blood sample will be preserved for at least 90 days.

7. Recommendations by the U.S. Public Health Service will be followed.

8. The health care provider who is responsible for administering the vaccine and post-exposure evaluation will be given a copy of the OSHA Standard.

9. After an exposure incident occurs, the health care provider will receive a description of the exposed employee's job duties relevant to the exposure incident, documentation of the route of exposure, circumstances of exposure, vaccination record, and any available medical records of the source individual and blood tests, if possible.

10. The employee will be provided with a copy of the health care provider's written opinion within 15 days after the evaluation.

11. The health care provider who will complete the post-exposure evaluations:

King's Daughters' Medical Center
Occupational Medicine
2211 Montgomery Avenue
Ashland, Kentucky

327-4900

**Training**

Employees will be trained annually on the OSHA Standard, symptoms of bloodborne diseases, ways in which bloodborne pathogens are transmitted, an explanation and copy of the exposure control plan and how to recognize tasks that might result in occupational exposure.

**(KACP29.1C8)**
CITY OF ASHLAND
HEPATITIS B VIRUS INOCULATION
AUTHORIZATION FORM

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring Hepatitis B Virus (HBV) infection. I further understand that the City of Ashland provides to designated employees the series of HBV inoculations at no cost to the employee.

_____ I wish to receive the series of HBV inoculations at no cost to me. Please schedule me for the first, second, and third shot at the appropriate time.

_____ _____
Employee's signature Date

_____ I have been given the opportunity to be vaccinated with HBV vaccine, at no cost to me. However, I decline HBV vaccination at this time. I understand that by declining the vaccine, I continue to be at risk of acquiring HBV, a serious disease. If, in the future, I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with HBV vaccine, I will notify the City of Ashland and will be able to receive the vaccination series at no cost to me.

_____ _____
Employee's signature Date

G-14 was merged into K-3. G-14 is currently vacant for future use.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 15

| SUBJECT: PATROL TEAMS WORK SCHEDULE | |
|---|---|
| Date of Issue: 30DEC93 | Effective Date: 02JAN94 |
| Revision Date: 06MAR2013 | Review Date: 06MAR2015 |
| Accreditation Standards: KACP 17.2, 17.3 | |

**1.1 PURPOSE**: The purpose of this general order is to establish a procedure for systematic personnel deployment for police officers, sergeants and lieutenants while on a 12-hour work day schedule in the Field Operations Division (F.O.D.). **(KACP 17.2, 17.3)**

**1.2 DISCUSSION**: Studies and research support a quality of life concept that police officers who work permanent hours and who are able to eat, sleep, work and plan social events at regular hours, over a period of time are much better off physically and psychologically.

**1.3 ASSIGNMENTS**:

A. The F.O.D. shall be divided into four teams which shall work a twelve (12) hour work day schedule. The teams and work hours shall be divided as:

**1.** Team A which work times shall be from 0700 hrs until 1900 hrs or 0600 hrs until 1800 hrs
**2.** Team B which work times shall be from 0700 hrs until 1900 hrs or 0600 hrs until 1800 hrs
**3.** Team C which work times shall be from 1900 hrs until 0700 hrs or 1800 hrs until 0600 hrs
**4.** Team D which work times shall be from 1900 hrs until 0700 hrs or 1800 hrs until 0600 hrs

B. Each member of a team shall have the same days off.

C. The work days and days off of each team will conform to the following schedule:

***Team A & Team C***

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|---|---|---|---|---|---|
| *W (12)* | *DO* | *DO* | *W (12)* | *W (12)* | *DO* | *DO* |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| *DO* | *W (12)* | *W (12)* | *DO* | *DO* | *W (12)* | *W (12)* |

***Team B & Team D***

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|---|---|---|---|---|---|---|
| *DO* | *W (12)* | *W (12)* | *DO* | *DO* | *W (12)* | *W (12)* |
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| *W (12)* | *DO* | *DO* | *W (12)* | *W (12)* | *DO* | *DO* |

It is understood that during a pay period which includes training, the watch commander shall have the flexibility to schedule an officer(s) so that he/she is compensated for a minimum of 80 hours during that pay period.

D. A work time of either 0700 hrs to 1900 hrs or 1900 hrs to 0700 hrs shall be offered for assignment by seniority from the most senior to least senior at the individual choice of each officer/sergeant. Once a time frame has been picked by an officer/sergeant, the Chief of Police or his designee may place those officers on either of the time frame teams at his discretion.

E. Following completion of the basic training program, all new officers may be assigned to a team at the discretion of the Chief of Police or his designee until the completion of their probationary period and for the balance of that calendar year.

F. The initial 12-hour work day F.O.D. schedule shall be for a period of one year. **(KACP17.2)**

G. The first 12-hour work day for the F.O.D. schedule shall commence during the first two weeks of January annually. This will assist transition to different shifts and account for any holidays.

H. Initial platoon assignments shall be by seniority. **(KACP17.2)**

I. The final decision on deployment of personnel shall be the responsibility of the Chief of Police. **(KACP17.2)**

J. An exception to the above is ***if*** the department utilizes the relief sergeant position. It is recognized that the relief sergeant shall be the F.O.D. cover sergeant. The relief sergeant by nature of its position and out of operational necessity will be assigned for manpower coverage as needed by the F.O.D. commander and does not work a non-rotation schedule. When the relief sergeant is assigned for manpower coverage, resulting coverage shall be scheduled in monthly or weekly increments. The relief sergeant's scheduling shall be flexible enough to attempt to achieve a balance between the operation needs of the department and the personal needs of the employee.

   A sergeant may choose a time frame slot or the relief sergeant position (if it is being utilized by the City) by seniority from most senior down to the least senior at the individual choice of each sergeant, each year for the subsequent year. The resulting assignments shall start on the first Sunday of each new year. **(KACP 17.3)**

   Should a transfer of a sergeant occur from another division within the department to the F.O.D. the transferring in sergeant shall fill the vacated patrol sergeant's position/assignment until the re-bidding of assignments the subsequent year. Upon assignment selection for the subsequent year, that sergeant shall be entitled to their rightful assignment in accordance with seniority at that time. Transfer assignments will take place upon the effective date of the personnel order. (Exception: If all affected sergeants agree, assignments may be re-bid according to seniority for the most senior to the least senior). Seniority bumping will not be allowed.

   Any officer may receive a ride to work from within the Ashland city limits from an on-duty officer subject to the demands of duty that shall not be unreasonably applied. Requests for rides to work require a minimum of a thirty (30) minute notice. An officer who calls for a ride and gives a thirty (30) minute notice will be considered on time for work, regardless on any delay by the responding on duty officer. Any officer receiving a ride shall be considered as available for duty if needed by the City.

**1.4 EXCEPTIONS**:

A. After initial assignment, each subsequent assignment shall be at the discretion of the F.O.D. commander.

   1. Seniority "bumping" shall not be permitted.

2. When possible, the officer should assume the schedule of the officer being replaced.

3. If a transfer is initiated by the department, the transferred officer should be permitted to retain scheduled vacation, even when in conflict with another officer. The F.O.D. commander shall be the final authority in such matters.

B. When necessary, an officer may be transferred. The F.O.D. commander shall make the final decision on which officer is transferred.

C. General Order G - 1: PATROL DEPLOYMENT PLAN shall be adhered to while utilizing 12-hour day F.O.D. work schedules. Any conflict between General Orders G - 1 and G - 15 shall be resolved by the F.O.D. commander.

D. Officers working the 12-hour work schedule will be assigned to a 40-hour work week when on injured on duty or temporary limited duty status.

**1.5 POLICE TRAINING OFFICER PROGRAM (PTO):**

A. Length of service required before trainee officers are assigned to 12-hour day watch teams shall be at the discretion of the F.O.D. commander with the concurrence of Chief of Police.

B. Trainee officers shall rotate from one watch team to another at the discretion of the F.O.D. commander.

C. While in the PTO Program, and before being assigned to a 12-hour work day watch team, each trainee officer shall rotate to a new PTO at the discretion of the Chief of Police or his designee.

D. PTOs shall complete necessary evaluations on the trainee officers and copies shall be given to the trainees' regularly assigned PTO for assistance in completion of department required evaluations.

**1.6 TRAINING**: Officers assigned to C team and D team will not be on duty during normal range hours for range training. It will be necessary to alter their duty hours during the week of training. The decision on overtime for training shall be recommended by the officer's team leader and pre-approved by the F.O.D. commander.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 16

| SUBJECT: HEALTH MAINTENANCE PROGRAM | |
|---|---|
| Date of Issue: 26JAN94 | Effective Date: 30JAN94 |
| Revision Date: 25JAN2013 | Review Date: 25JAN2015 |
| Accreditation Standards: | |

**1.1 PURPOSE**: ~~The health maintenance program has been developed to serve the needs of pre-**service** and in-service personnel.~~ The ~~physical evaluation requirements have~~ health maintenance program has been designed to create officer awareness of his/her physical capabilities and are related to the physical demands of police service. ~~A~~ The goal is to provide an officer the means to improve his/her physical well being. By improving and maintaining health and fitness it is hoped that each officer will be better equipped both now and at retirement to function more productively. The ultimate goal is to establish and maintain a lifestyle which supports a high quality of life.

**1.2 PARTICIPATION**:

A. Each sworn officer employed **after** December 31, 1980, is required to participate in the City's physical fitness/wellness program. Therefore, each sworn officer employed after that date may be granted up to three (3) hours per week duty time for discretionary physical fitness training.

~~B. Physical fitness evaluations shall be on a bi-annual basis. Evaluation dates will be established by the Ashland Police Department (APD) physical fitness director and/or the City's risk manager. Personnel will be notified in advance of the actual evaluation date, time, and location.~~

~~C~~ B. Each sworn officer employed **prior** to December 31, 1980, may elect to participate in the City's physical fitness/wellness program and may be granted up to three (3) hours per week duty time for physical fitness training.

~~1. Physical fitness evaluation of each officer hired before December 31, 1980, who volunteers to participate in the physical fitness program shall be on a bi-annual basis. Evaluation dates will be established by the APD physical fitness director and/or the City's risk manager. Personnel will be notified in advance of the actual evaluation date, time, and location.~~

~~2~~ 1. Each officer should consult his/her physician prior to beginning physical fitness training.

~~D~~ C. The physical fitness training program is a wellness program and no officer shall be subject to disciplinary action ~~for a below average evaluation~~.

**1.3 SCHEDULING:**

A. Physical fitness training shall be scheduled so that no overtime is incurred by the participating officer or any City employee.

B. Supervisors ~~shall~~ will schedule each participating officer two (2) one and one-half (1 1/2) hour sessions during the officer's work week. Sessions for each officer should be separated by one or more days.

1. Each officer shall report to roll-call in normal duty clothing and shall not leave duty early to participate in physical fitness training.

2. Only one (1) officer at a time from each team or section may participate in physical fitness training. **Exception**: a coach and a probationary officer who has not attained solo status may participate at the same time.

3. Police priorities may require that a supervisor modify an officer's scheduled physical fitness training time. In such an event, the time may be re-scheduled. However, should an officer

miss his/her scheduled time for personal reasons (personal days, vacation, sick leave, etc.), the time will not be re-scheduled.

4. A supervisor shall schedule his/her physical fitness training time to ensure that members under his/her command are not without a supervisor.

**1.4 LOCATION**:

A. Exercise sessions shall be restricted to authorized locations within the corporation limits of the city of Ashland.

B. When the exercise session involves walking, running, or jogging, each officer shall advise his/her supervisor of his/her location and planned exercise course, e.g., 17th Street to Central Park; YMCA; Ashland Town Center Mall; etc.

**1.5 CHANGE OR CANCELLATION**:

A. Physical fitness training time shall be used as intended: to improve and maintain proper health and fitness for duty for Ashland police officers.

B. Abuse of physical fitness training time shall result in disciplinary action which may include but not be limited to revocation of the privilege to participate in the on-duty physical fitness training program.

**1.6 ANNUAL MEDICAL EXAMINATION (See Attachment)**

A. Sworn officers of the Department shall receive a comprehensive yearly medical examination at no cost to the officer. This examination will be provided by a physician selected by the City. Participation in this program by officers hired prior to July 1, 1994, is voluntary. Officers voluntarily involved in the physical fitness program are strongly encouraged to participate in the yearly medical examination.

B. Each sworn officer employed after July 1, 1994, is required to participate in the yearly medical examination in addition to the bi-annual physical fitness evaluation.

C. Results of the individual medical examinations are confidential and will not be reported to the City. Medical concerns identified by the physician will be referred to the officer for follow-up with his/her personal physician.

D. Administration section personnel will work with the examining physician to schedule annual physicals for officers required to submit to the examination as well as those who voluntarily participate in the program.

E. Administration Section personnel will ensure that examinations are charged to the appropriate cost center.

F. Each unit and/or team commander will facilitate this program by ensuring that the officer has an opportunity to complete his/her medical examination while on duty.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ~~Health Matters~~
# ~~Wellness Program Overview~~

## ~~January~~

~~A physical examination shall be scheduled by the Ashland Police Department for each officer. Aggregate statistical results will be reported to the City; individual results will be provided to the officer.~~

## ~~April~~

~~Each officer shall participate in a physical assessment to be coordinated through the City's wellness program.~~

## ~~July~~

~~Each officer shall have the opportunity to complete a Health Risk Assessment (HRA) form and participate in health screenings performed by King's Daughters Medical Center (KDMC) which include, but are not limited to the following: (1) lipid profile, (2) blood pressure, (3) pulse, (4) blood oxygen, (5) lung function, (6) body-fat percentage,~~
~~(7) tobacco cessation information and (8) nutritional information.~~

## ~~September/October~~

~~Each male officer shall have the opportunity to participate in a PSA SCREENING AND EXAM. Each female officer shall have the opportunity to participate in a mammogram and osteoporosis screening.~~

## ~~October~~

~~Each officer shall participate in a physical assessment to be coordinated through the City's wellness program.~~

# ~~Physical Assessment~~

~~Each officer shall participate in a bi-annual physical assessment to be coordinated through the City's wellness program. The assessment shall include the following:~~

| ~~Fitness Component Testing~~ | ~~Test Administered~~ |
|---|---|
| ~~Muscular Strength Press~~ | ~~1 Repetition Maximum Bench Press and~~<br>~~1 Repetition Maximum Leg Press~~ |
| ~~Muscular Endurance~~ | ~~60 Second Sit-up test~~<br>~~Push-up test~~ |
| ~~Flexibility~~ | ~~Trunk Flexion Sit and Reach Test~~ |
| ~~Body Composition~~ | ~~Body Mass Index (BMI) or Skin Fold Test~~ |
| ~~Cardiovascular Fitness~~ | ~~3 Minute Step Test~~ |

~~The testing order and definitions shall be as follows:~~

1. ~~Body Composition - tests the relative percentages of body weight comprised of fat and fat free body tissue.~~

2. ~~Cardio-respiratory Endurance - tests the ability to perform large muscle, dynamic, moderate to high intensity exercise for prolonged periods.~~

3. ~~Muscular Strength - tests the maximal force that can be generated by a specific muscle or muscle group.~~

4. ~~Muscular Endurance - tests the ability of a muscle group to execute repeated contractions over a period of sufficient time duration to cause muscular fatigue, or to statically maintain a specific percentage of maximal voluntary contraction for a prolonged period of time.~~

5. ~~Flexibility - tests the maximum ability to move a joint through a range of motion.~~

~~Test results shall be interpreted according to the American College of Sports Medicine's (ACSM) Guidelines for Exercise Testing and Prescription.~~

~~**Percentile Scale**:~~

| | |
|---|---|
| ~~(99-95) Superior~~ | ~~(59-40) Fair~~ |
| ~~(94-80) Excellent~~ | ~~(39-20) Poor~~ |
| ~~(79-60) Good~~ | ~~(19-1) Very Poor~~ |

# Ashland Police Department

## GENERAL ORDER G-17

| SUBJECT: SCHOOL RESOURCE OFFICER | | |
|---|---|---|
| Date of Issue: 9AUG95 | Effective Date: 15AUG95 | |
| Revision Date: 26AUG13 | Review Date: 26AUG15 | **REVISED** |
| Accreditation Standards: KACP 9.1 | | |

**1.1 PURPOSE:** To establish the duties and responsibilities of the School Resource Officer (SRO) and provide procedure for reporting, supervision, and daily operation of the program.

**1.2 DISCUSSION**: This position shall be filled by a career police officer supervised by the sergeant of the Support Services Section. Notification of an opening will be made within the Police Department by written/electronic means. This officer shall normally work in uniform and will make random rounds of each school in the Ashland Independent School District, kindergarten through twelfth grades, and Holy Family School. The SRO will enforce criminal law. The SRO shall not be responsible for enforcing violations of school policy, but may report violations to the appropriate school officials. The SRO shall be a liaison between the Ashland Independent School System, Holy Family School and the Ashland Police Department. The officer in the temporary position will be evaluated during the (5th) year of service. The evaluation will determine if the officer is to be reassigned to other duties as specified by the Chief of Police. If the evaluation proves that the officer will be effective then an extension of (1) one year or more may be granted by the Chief of Police. **(KACP 9.1)**

**1.3 REQUESTS FOR POLICE SERVICES AT SCHOOLS:**

A. When there is a need for police assistance at a school, the reporting person should contact the Regional Public Safety Communication Center (9-1-1).

B. Any non-criminal or non-emergency request for police service may be handled in one of three ways:

1. Call 9-1-1,

2. fax: 324-5500, or

3. mail: PO Box 1864, Ashland, KY 41105-1864; or 201 17th St., Ashland, KY 41101.

**NOTE***:* It is not the intent of this general order to prohibit the SRO from responding to emergency calls for police services at the schools. The schools are asked to contact 9-1-1 because the beat officer will probably be the closest unit. There will be times the SRO will not be available when police service is needed. The SRO may respond to any emergency or non-emergency call for service at a school.

**1.4 SRO PROCEDURE:**

A. The SRO program is a component of Community Oriented Policing and involves a partnership between the police and citizens of the community, with a common goal of identifying and solving criminal and non-criminal problems.

B. The position of SRO is created to assist school personnel in the prevention, intervention, and reporting of criminal activity on school property.

C. On school property, school personnel have authority that police officers do not have. The SRO may assist school personnel in matters for which school personnel have primary responsibility. Example:

locker, automobile, or student searches should be conducted by school personnel; the SRO will assist in collection of any contraband taken in the search. The SRO may be present as a safety agent during the search of a locker, automobile or a person. School personnel should notify the SRO of any contraband that they come into possession of.

The SRO should always try to place himself/herself in a position that school personnel are not acting as agents of the police/SRO. The SRO should be aware of this legal position including K-9 searches on school property. The SRO shall not be prohibited from making on view arrests or detentions, or from conducting searches when necessary in the ordinary performance of duties.

D. The SRO shall enforce violations of criminal law.

E. The SRO's normal duty hours will be 0800 to 1600. The duty hours of the SRO shall be flexible to allow the officer to modify the work schedule and accommodate special assignments and/or investigations.

F. The SRO shall be assigned to the support services section for reporting purposes.

G. The support services commander will maintain direct control for administrative purposes.

**1.5 RESPONSIBILITIES**:

A. The SRO is responsible for handling incidents that **occur on school property during normal school hours and after school events**. SRO responsibilities shall include but are not be limited to:

1. child abuse investigations,
2. criminal damage to school property,
3. theft of school property,
4. theft of personal property,
5. protection of school personnel,
6. training of school personnel in handling emergencies,
7. assistance in writing school emergency policies,
8. prevention and control of illegal drugs on school property,
9. seizure of firearms and other illegal weapons on school property,
10. attending after school events, such as dances, ball games, fall festivals, etc., and
11. assisting in reducing intimidation of students by other students.

B. The SRO is a crime prevention officer who shall have similar duties as other crime prevention officers. When not assigned to or involved in SRO activities, the SRO shall assume duties assigned by the support services commander.

C. The SRO shall be bound by all policies and procedures of the Ashland Police Department.

**1.6 AGREEMENT TO IMPLEMENT SRO PROGRAM**:

A. The SRO Program is founded on mutual agreements between the Ashland Independent School District, Holy Family School, Rose Hill Christian School, and the city of Ashland.

B. Continuation of the SRO program with a particular school system is dependent on consent of the school system and the city of Ashland.

C. The SRO shall be provided a location at each school site where (s)he can write reports and have access to a telephone. The SRO shall have a contact person at each school whom he can notify when he is at the school.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 18

| SUBJECT: LINE OF DUTY DEATHS | |
|---|---|
| Date of Issue: 15FEB98 | Effective Date: 12FEB98 |
| Revision Date: 18FEB13 | Review Date: 18FEB15 |
| Accreditation Standards: | |

**1.1 PURPOSE**: The purpose for this order is to establish a procedure for handling situations involving line of duty death, non-line of duty death and civilian employee death protocol for the Ashland Police Department (APD).

**1.2 POLICY**: It shall be the policy of the APD to provide liaison assistance to the immediate survivors of sworn or civilian personnel who die while serving the department and coordinate services for retirees and others.

**1.3 DEFINITIONS**: The following definitions shall apply to this General Order:

A. Line of Duty Death - Any action, felonious or accidental, that claims the life of a member of the APD who is performing work related functions, on or off duty.

B. Member - As defined in APD Rules and Regulations, Article 1 Section 1.10.

C. Survivors - Immediate family members of the deceased member: spouse, children, parents, siblings, fiancé, and/or significant other.

**1.4 DISCUSSION**: Coordination of events following the line of duty death of a member is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. This will provide the best possible services and support to the member's family. The Department will provide services to retired officers and civilian personnel in accordance with guidelines outlined in this policy. The level of services provided when the death of a member is due to natural causes shall be determined by the Chief or his designee. Specific tasks may be assigned to selected members of the department. These assignments will include notification officer, hospital liaison officer, family liaison officer, funeral liaison officer, and benefits coordinator.

**1.5 PROCEDURES**:

A. Death Notification

1. In the event of a serious injury or death, the notifying officers will follow the confidential information provided by each member in the line of duty death information file. These forms shall be updated annually or as individual needs arise. The master file shall be kept in the administration section;. ~~sealed copies for immediate use during hours the administration section is closed will be placed in vehicles assigned to the following personnel:~~

~~a. Chief of Police~~
~~b. Field Operations Division Commander~~
~~c. Technical Services Division Commander~~
~~d. Criminal Investigations Section Supervisor~~
~~e. Watch Commander~~
~~f. Field Supervisor~~

2. It shall be the responsibility of the watch commander to properly notify the next of kin of a member who has suffered severe injuries or died. The watch commander may personally make the notification or designate a notification officer to inform the survivors.

3. The name of the deceased member shall not be released by the Department before the immediate family is notified.

4. If it is known that an immediate survivor has a medical problem, medical personnel should be available at the residence at the time of the death notification.

5. Notification must always be made in person and never alone. The Chief of Police or a representative, police chaplain, close friend, or another police officer could appropriately accompany the notification officer. If these persons are not readily accessible, notification should not be delayed until these people can gather. If there is an opportunity to get to the hospital before the death of the member, do not wait for the delegation to gather. The family should learn of the death from department personnel first and not from the press or other sources.

6. Never make a death notification at the doorstep. Ask to be admitted to the house. Inform family members slowly and clearly of the information available. If specifics of the incident are known, the notification should relay as much information as possible to the family. Use the member's name during the notification.

   If the member has died, relay that information. Never give the family a false sense of hope. Use words such as "died" and "dead" rather than "gone away" or "passed away."

7. If family members request to visit the hospital they should be transported by a police vehicle. It is highly recommended that family members not drive themselves to the hospital. If family members insist on driving, an officer should accompany them in the family car.

8. If young children are at home, the notification officer must arrange for their care. This may involve coworkers, spouses, transportation of children to a relative's home, or a similar arrangement.

9. Before departing for the hospital the notification officer should notify the hospital and the hospital liaison officer that a family member is enroute.

10. The deceased or severely injured member's parents should be personally notified, if feasible.

11. If immediate survivors live outside the Ashland, Kentucky, metropolitan area, the notification officer shall ensure a teletype message is sent to the appropriate jurisdiction requesting a personal notification. In addition to the teletype, the notification officer may choose to phone the other jurisdiction. Arrangements should be made to allow simultaneous telephone contact between the survivors and the APD.

12. The Chief of Police or a high ranking representative should respond to the residence or the hospital to meet with the family as quickly as possible.

13. In the event of an on duty death, the external monitoring of police frequencies may be extensive. Communications regarding notification should be restricted to the telephone whenever possible. If the media has obtained the member's name, they should be advised to withhold the information pending notification of the next of kin.

14. After survivors have been notified, the Chief of Police or his designee will notify the following:

    a. City manager who will notify all necessary City department heads and elected officials;
    ~~b. 100 Club officials;~~
    c. All current ~~and retired~~ members of the APD;
    d. Concerns of Police Survivors (COPS) (573) 346-4911; and

e. National Law Enforcement Officers Memorial (202) 737-3400;

B. Assisting the Family at the Hospital

1. The first officer other than the Chief of Police or his designee to arrive at the hospital becomes the hospital liaison officer. The hospital liaison is responsible for coordinating the activities of hospital personnel, the member's family, APD members, the press, and others. These responsibilities include:

   a. Arranging with hospital personnel to provide an appropriate waiting facility for the family, the Chief of Police, the notification officer, and those others requested by the immediate survivors;
   b. Arranging for a separate room for fellow members and friends to assemble;
   c. Establishing a press staging area;
   d. Ensuring the family is updated regarding the incident and the member's condition upon their arrival at the hospital;
   e. Ensuring medical personnel relay pertinent information regarding the member's condition to the family on a timely basis and before that information is released to others;
   f. Notifying the appropriate personnel that all medical bills relating to the injured or deceased member shall be directed to the office of the city of Ashland's City Clerk/Human Resources Director. The family should not receive any of these bills at their residence. This may require the hospital liaison to recontact the hospital during normal business hours to assure proper billing takes place; and,
   g. Arranging transportation for the family to return to their home.

2. If it is possible for the family to visit the injured member before death they should be afforded the opportunity. A police official should prepare the family for what they might see in the emergency room. This official should offer to accompany the family into the room. Medical personnel should advise the family of visitation policies and, in the event of death, explain why an autopsy is necessary.

3. The notification officer should remain at the hospital while the family is present.

4. Do not be overly protective of the family. This includes the sharing of specific information on how the member met his/her death and allowing the family time with the deceased member.

C. Support of the Family During the Wake and Funeral

1. The Chief of Police or a designee will meet with the member's family at their home to determine their wishes regarding departmental participation in the preparations of the funeral or services. All possible assistance will be rendered.

2. With the approval of the family, the Chief of Police will assign a family liaison officer. The Chief will also designate a department liaison officer and a benefits coordinator.

D. Family Liaison Officer

1. The selection of a family liaison officer is a critical assignment. An attempt should be made to assign someone who enjoyed a close relationship with the member and his/her family.

2. The family liaison acts as a long term liaison with the family to ensure close contact is maintained between the department and the survivors and that their needs are met for as long as they feel the need for support.

3. This is not a decision making position. This is the role of a "facilitator" between the family and the police department.

4. Responsibilities of the family liaison officer:

   a. Ensure the needs of the family come before the wishes of the department;
   b. Help the family with funeral arrangements and make them aware of what the department can offer if they decide to have a police funeral. If they choose the latter, brief the family on funeral procedures (i.e., 21 gun salute, presenting the flag, playing of Taps);
   c. Inform the family of information concerning the death and the continuing investigation;
   d. If no court proceedings surround the circumstances of the member's death, the family liaison will relay all details of the incident to the family at the earliest opportunity;
   e. If criminal violations surround the death, the family liaison will:

      1). Inform the family of all developments prior to press release;
      2). Keep the family informed of legal and parole proceedings;
      3). Introduce the family to a victim assistance specialist of the court;
      4). Encourage the family to attend the trial and accompany them whenever possible; and
      5). Arrange for the investigators to meet with the family at the earliest opportunity following the trial to answer all their questions;

   f. Provide as much assistance as possible including overseeing travel and lodging arrangements for out of town family members, arranging for food for the family, meeting child care and transportation needs;
   g. Be constantly available to the family; and
   h. Determine what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out of town family travel, and food for family attendees following the burial. The family liaison officer should carry a pager at all times, and the family should be given the pager number.

E. Department Liaison Officer

1. This position is normally assigned to a division commander because of the need to effectively coordinate resources throughout the department.

2. Responsibilities of the department liaison officer:

   a. The department liaison officer will serve as a facilitator between the family and law enforcement agency. This officer will work closely with the funeral liaison officer to ensure the needs and requests of the family are fulfilled. This includes but is not necessarily limited to the following:

      1). Providing oversight of travel and lodging arrangements for out of town family members;

      2). Identifying alternate churches and reception halls that will accommodate the law enforcement funeral. These alternatives will be presented to the family who will make the final determination;

      3). Coordinating all official law enforcement notification and arrangements to include the honor guard, pall bearers, traffic control, and liaison with visiting law enforcement agencies;

      4). Providing liaison with the media to include coordination of statements and press conferences. The department liaison officer shall also ensure members of the agency are aware of restrictions regarding release of information that might undermine future legal proceedings; and

      5). Ensuring that security checks of the survivor's residence are initiated immediately following the incident and for as long as necessary.

F.Funeral Liaison Officer

1. This position should normally be assigned to a lieutenant because of the need to effectively coordinate throughout the department. The funeral liaison officer acts as a facilitator between the deceased member's family and the department during the wake and funeral.

2. Responsibilities of the Funeral Liaison Officer

   a. Meet with family members and explain his/her responsibilities.
   b. Be available to the family prior to and throughout the wake and funeral.
   c. Ensure the needs and wishes and family come before those of the department.
   d. Assist the family in working with the funeral director regarding funeral arrangements.
   e. Relay information to the family concerning circumstances of the deceased member's death and appropriate information regarding any investigation.
   f. Decide the need for travel arrangements for out of town family members and any other special needs of the family during the funeral and reporting this information to the department liaison.
   g. Brief family members on the procedures involved in a law enforcement funeral.
   h. Meet with the following persons to coordinate funeral activities and establish an itinerary: Chief of Police, division commanders, funeral director, family priest or minister, cemetery director, and honor guard.
   i. Direct the funeral activities and visiting police departments according to the wishes of the family.
   j. Issue a teletype to include the following: name of the deceased, date and time of death, circumstances surrounding the death, funeral arrangements including whether the service will be a private or a police funeral, uniform to be worn, expressions of sympathy in lieu of flowers, and the contact person and phone number for departments that indicate their desire to attend and to obtain further information.
   k. Obtain an American flag. If the family wishes a flag presentation by the Chief of Police, notify the chief's office.
   l. If the family requests a burial in uniform, select an officer to obtain a uniform and all accouterments (except weapons) and deliver them to the funeral home.
   m. Arrange for the delivery of the member's personal belongings to the family.
   n. Ensure the surviving parents are afforded recognition and that proper placement is arranged for them at the funeral and procession.
   o. Arrange for a standby doctor for the family, if necessary.
   p. Coordinate traffic management with other jurisdictions, if necessary, during the viewing, funeral, and procession.
   q. Assign an officer to remain at the family home during the viewing and funeral.
   r. Maintain a roster of all departments sending personnel to the funeral including name and address of responding agency, name of the Chief of Police, number of members responding, number of members attending the reception after the funeral, and number of vehicles.
   s. Assist in making the necessary accommodations for food and lodging.
   t. Acknowledge visiting and assisting departments.

G. Benefits Coordinator

1. This position ~~should normally be assigned to the command officer in charge of the administrative section~~ will be assigned by the Chief of Police. The benefits coordinator will gather all information on benefits available to the family.

2. Responsibilities of the benefits coordinator:

   a. Assist in filing the appropriate paperwork and follow through with the family to ensure these benefits have been received.
   b. Work closely with the city's human resources office filing workers' compensation claims and

related paperwork.

c. Gather information on all benefit payments available to the family.

d. Meet with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of these benefits, and any other related paperwork, should be given to the family at this time.

(NOTE: A publication titled Benefits Available to Surviving Families of Kentucky Law Enforcement Officers Killed in the Line of Duty is on file in the Administration Section. This publication can be used as a resource document. Other benefits the member's family might be made aware of are those offered by the Fraternal Order of Police, Kentucky Peace Officer's Association, Members Choice Credit Union, city of Ashland life insurance policy, Commonwealth of Kentucky Crime Victim's Advocate).

Most claim forms require a certified copy of a death certificate, marriage license, and/or birth certificate(s) of minor children.

e. If there are surviving children from a former marriage, the guardian of these children should also receive a printout of benefits the children may receive.

f. Attention should be given to the revocation of health benefits. Most health benefit providers allow a thirty-day grace period before canceling or imposing monthly payments upon survivors.

g. Meet again with the family in about six months to make sure they are receiving their benefits.

H. Funeral Protocol

1. Category I - Line of Duty Death, Sworn Officers: The following are offered:

   a. Full military-style/ceremonial honors
   b. Uniformed pallbearers
   c. Honor Guard
   d. 21-Gun Salute/Firing Party
   e. Ceremonial flag folding
   f. Bagpiper
   g. TAPS
   h. Marked Unit escort
   i. Final call
   j. Casket guard
   k. Static display personnel effects

2. Category II – Non-Line of Duty Death Sworn or Retired: The honor guard commander, or his/her designee, shall determine on an individual basis the level of service authorized for those listed for this category, when additional services are requested by the family. The following are offered:

   a. Reduced level of military honors
   b. Casket guard during visitation
   c. Rifle salute
   d. Flag fold
   e. TAPS, either live or recorded depending on availability
   f. Marked police unit escort
   g. The Specialty Units will be coordinated through the Honor Guard Commander or his/her designee. Honor Guard personnel assigned to this Category II will be utilized on an as needed basis, as determined by the Honor Guard Commander. Honor Guard personnel should be given priority and consideration for these events.

3. Category III – Civilian Employee: The following are offered:

a. Marked police unit escort
b. Static Honor Guard at gravesite

4. Category IV – Immediate Family Member: The following services are offered:

a. Limited services approved by the Chief of Police
b. Attendance by on-duty personnel shall be approved by the Chief of Police

I. General Funeral Procedures

1. All members will maintain an excellent personal appearance. Uniforms and equipment must be in outstanding condition.

2. Uniforms

a). Spring and summer - long sleeve shirt and tie.
b). Fall and winter - long sleeve shirt and tie, uniform jacket, if needed.
c). Members of honor guard and pall bearers will wear white gloves.
d). A black sash will be worn across the badge.

3. Funeral Services

a). Members who attend the funeral service will report to a predesignated assembly point away from the place of services for inspection and briefing.
b). From the assembly point, members will march to the place of service timing their arrival to allow immediate entry.
c). Upon entering the building, members will remove their uniform hats, place them under their left arm, hat brim forward, and move in an orderly manner to the place reserved for them.
d). Members will remain standing until all members are in their places and the command "be seated" is given.
e). Members will sit with their hats upright in their laps maintaining a military bearing throughout the service.
f). At the end of the service, members, upon receiving the command "officers rise," will rise in unison and place their hats under their left arm preparatory to filing past the casket. They will hold their hats in this position until they have passed the casket and arrived outside.
g). Upon leaving the building, members will replace their hats and assemble in formation at right angles to the hearse.

1). Two ranks will be formed facing each other leaving an aisle through which the pallbearers and casket may pass.
2). Members will be formed by height. This will normally be dressed at extended intervals but may be dressed at close intervals if space is limited.
3). While waiting in formation, members will stand at parade rest.

h). When the casket comes into view, the formation will be called to attention. The next command will be "present arms." All members will salute and hold the salute until the casket is placed in the hearse. The command "order arms" will be given and members will return their hands to their sides. After the doors of the hearse are closed, the command "first rank" (passenger side of the hearse) "right face" and "second rank" (driver's side of the hearse) "left face" is given so the two columns are facing the hearse.
i). The commander will then dismiss the formation with the command "officer's dismissed." The members will break ranks and leave in a quiet, orderly manner.
j). Members will take their assigned places in the motorcade and proceed to the cemetery.

2. Grave Site Services

a). Immediately upon arrival to the grave site members will report to the places reserved for them. If indoors, members will remove their hats and hold them under their left arm. All members will sit with hats in laps maintaining a military bearing throughout the services. If services are held outdoors, members will wear their hats.

b). Just prior to the 21 gun salute and Taps, the command "officers rise" will be given. Members will stand at attention facing the firing team or bugler. When the 21 gun salute and Taps have concluded, the command "officers dismissed" will be given. Members will break ranks and return to their assigned vehicles.

I. Honors Accorded

1. Any member of the APD who dies in the line of duty will be accorded full honors if requested by the survivors. This includes the casket watch during viewing, honor guard, pall bearers, firing squad, Taps, military flag fold and presentation, and motor escort.

2. The honor guard commander is responsible for coordinating and directing the activities of the honor guard, casket watch, pallbearers, firing squad, bugler, and flag presentation.

3. Casket Watch

a). The casket watch is usually comprised of officers from the honor guard. Volunteers may stand watch at the discretion of the honor guard commander. Officers who are assigned to the casket watch must present an excellent uniform appearance and conform to all current grooming regulations.

b). The dress uniform, including hat and white gloves, will be worn for the casket watch. The watch will be divided into shifts with two officers standing 30 minutes at a time.

c). The casket watch moves in slow cadence. This includes marching, movements, and saluting. The official will post the watch and the officers will position themselves at or near the head and feet of the deceased member.

4. Honor Guard

a). Members of the honor guard will assemble at location near the service (church, funeral home, or cemetery) for inspection by the honor guard commander.

b). Commands will be executed by the honor guard commander.

5. Pallbearers

a). If pallbearers are requested by the family they will be selected by the honor guard commander.

b). Pallbearers will be under the direction of the honor guard commander. They will report to the funeral home as directed for instructions and seating arrangements.

c). Procedural variation

1). The procedures outlined in this order shall be followed in most cases. Any changes made necessary by shortage of manpower, the unusual size of the funeral, the type of service, the physical arrangement of the place of service, or for any other reason shall be made by the department liaison officer.

2). Any additional honors to be accorded to the deceased members of the APD or to deceased members of other law enforcement agencies shall be at the discretion of the Chief of Police.

J. Needs of Survivors

1. Members of the department must remain sensitive to the needs of the survivors long after the member's death. The grief process has no timetable and survivors may develop a complicated

grief process. More than half of surviving spouse's can be expected to develop post-traumatic stress reaction to the tragedy.

2. Survivors should continue to feel a part of the police family.

3. Members of the department are encouraged to keep in touch with the family. Close friends and coworkers should arrange with the family to visit the home from time to time for as long as the family expresses a desire to have these contacts continue.

4. Holidays may be especially difficult for the family particularly if small children are involved. Increased contact with survivors and additional support is important at these times.

NOTICE: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff, Chief of Police

Attachment: Confidential Line of Duty Death Information Forms, Parts 1 and 2

# CONFIDENTIAL

## *LINE-OF-DUTY DEATH INFORMATION*

Name: _____
Last First Middle

The information you provide on this form will be used ***only*** in the event of your serious injury or death in the line of duty. Please take time to complete it accurately. This data will be of extreme comfort to your family in the fulfilling of your wishes.

Your Street Address: _____

City State Zip Code _____

Home phone number: ( ) - _____

**FAMILY INFORMATION**:

Spouse's name: _____

Address and telephone, if different from above: _____

_____

Spouse's employer, address, and telephone: _____

_____

Names and dates of birth of your children: _____ DOB _____

_____ DOB _____

_____ DOB _____

_____ DOB _____

_____ DOB _____

_____ DOB _____

If you are divorced, please provide the following information about your ex-spouse:

# CONFIDENTIAL

## *LINE-OF-DUTY DEATH INFORMATION*

Do you want a police representative to contact your ex-spouse? ☐Yes ☐ No

Ex-Spouse's Name: _____

Address: _____

City _____ State _____ Zip Code _____

Phone: Home ( ) -
Work ( ) -

Please list the name, address, and telephone numbers of your children and key relatives (parents, siblings, in-laws, etc.) who live outside the family home:

| NAME | ADDRESS | PHONE | RELATIONSHIP |
|---|---|---|---|
| | | Home<br>Work | |
| | | Home<br>Work | |
| | | Home<br>Work | |
| | | Home<br>Work | |
| | | Home<br>Work | |
| | | Home<br>Work | |

# CONFIDENTIAL

## *LINE-OF-DUTY DEATH INFORMATION*

NOTIFICATION

Please list the persons you would like contacted by a police representative in case of serious injury or death in the line of duty. Begin with the first person you would like notified.

| NAME | ADDRESS | PHONE | RELATIONSHIP |
|---|---|---|---|
| | | Home<br>Work | |
| | | Home<br>Work | |
| | | Home<br>Work | |

Is there anyone you would like to accompany the police representative when the notification is made to your immediate family? If someone other than an Ashland police officer, please include address and telephone number.

| NAME | ADDRESS | PHONE | RELATIONSHIP |
|---|---|---|---|
| | | Home<br>Work | |
| | | Home<br>Work | |

Is there anyone you would like contacted to assist your family, or to assist with funeral arrangement or related matters who is not listed above? This person should be knowledgeable concerning your life insurance representatives, location of your will, etc.

| NAME | ADDRESS | PHONE | RELATIONSHIP |
|---|---|---|---|
| | | Home<br>Work | |
| | | Home<br>Work | |

Additional Information:
Please list any preferences you may have regarding funeral arrangements:

Funeral home _____

Church or Synagogue _____

Cemetery _____

# CONFIDENTIAL

## *LINE-OF-DUTY DEATH INFORMATION*

Are you a veteran of the U.S. Armed Services? ☐ Yes ☐ No

If you are entitled to a military funeral as determined by the Department of Veterans Affairs, do you wish to have one? ☐ Yes ☐ No

Do you wish to have a law enforcement funeral? ☐ Yes ☐ No

Please list memberships in law enforcement, religious, or community organizations that may provide assistance to your family.

_____ _____

_____ _____

Do you have a will? ☐ Yes ☐ No
If yes, where is it located?

Please list any insurance policies you have.

| | Company | Policy Number | Location of Policy |
|---|---|---|---|
| 1. | | | |
| 2. | | | |
| 3. | | | |

Are there any special requests or directions you would like followed upon your death?

Signature Date

# PART II

## This part of the questionnaire is for *YOUR FAMILY'S USE*. Keep it in a safe place.

Listed below is information your family needs to know. It is recommended that you complete these pages and give the information to someone in your family. Please print or type all information.

Do you have a will? ☐ Yes ☐ No

If yes, where is it kept?

Who is the executor and/or personal representative?

Telephone number of executor and/or personal representative:

Do you have a safety deposit box? ☐ Yes ☐ No

If yes, where is it located?

Where is the key?

What is the safety deposit box number?

Do you have life insurance? ☐ Yes ☐ No If yes, please list the names of the policies, account numbers, and telephone numbers of the companies:

| Name | Account Number | Telephone Number |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

If married, where is the marriage certificate kept?

If divorced, where is the divorce decree kept?

## This part of the questionnaire is for *YOUR FAMILY'S USE*. Keep it in a safe place.

Please list all bank accounts below. Include all savings and checking accounts, certificates of deposit (CDs), individual retirement accounts (IRAs), and any other special accounts.

| BANK | TYPE OF ACCOUNT | ACCOUNT NUMBER |
|---|---|---|
| | | |
| | | |

Please list all firearms you own:

| TYPE | SERIAL NUMBER | WHERE STORED |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

Please list where prior income tax returns are kept:

| YEAR OF RETURN | LOCATION |
|---|---|
| | |
| | |
| | |
| | |

Do you own real estate? (Your home, rental properties, land, timeshares?) If yes, please list below the type of real estate and where titles are kept.

| REAL ESTATE | LOCATION OF TITLE |
|---|---|
| | |
| | |
| | |

# This part of the questionnaire is for *YOUR FAMILY'S USE*. Keep it in a safe place.

Do you have any brokerage accounts? If yes, please list the types of stocks, bonds, savings bonds, or any other type of account:

1. Type of account: _____

   Number of shares: _____

   Serial numbers(s): _____

   Maturity date(s): _____

   Brokerage firm and telephone number: _____

   Location of certificates(s): _____

2. Type of account: _____

   Number of shares: _____

   Serial number(s): _____

   Maturity date(s): _____

   Brokerage firm and telephone number: _____

   Location of certificate(s): _____

3. Type of account: _____

   Number of shares: _____

   Serial number(s); _____

   Maturity date: _____

   Brokerage firm and telephone number: _____

   Location of certificate(s): _____

## This part of the questionnaire is for *YOUR FAMILY'S USE*. Keep it in a safe place.

Did you serve in the military? ☐ Yes ☐ No

If yes, what branch?

Dates of service:

Do you have funeral preferences? ☐ Yes ☐ No

☐ Funeral ☐ Burial ☐ Cremation

If you die in the line of duty, would you like to have a police funeral? ☐Yes ☐ No

Do you have a cemetery plot deed? ☐ Yes ☐ No

If yes, where is the plot located?

Where is the deed kept?

Do you have a headstone preference? ☐ Yes ☐ No

If yes, please state

Do you have a casket preference? ☐ Yes ☐ No

If yes, please state

Do you know who you would like to have as pallbearers? ☐ Yes ☐ No

If yes, who?

Accountant's name:

Address: Telephone: ( ) -

Attorney's name:

Address: Telephone: ( ) -

G-19 was merged into K-3. G-19 is currently vacant for future use.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 20

| SUBJECT: DETECTIVES | | |
|---|---|---|
| Date of Issue: 15APR09 | Effective Date: 15APR09 | |
| Revision Date: 28MAY13 | Review Date: 28MAY15 | **REVISED** |
| Accreditation Standards: KACP 9.1 | | |

**1.1 PURPOSE**: To establish duties and responsibilities of detectives assigned to the Criminal Investigations Section.

**1.2 DISCUSSION:** This position shall be filled by a career police officer. Notification of an opening will be made within the Police Department by written/electronic means. This position is temporary in nature and shall be considered as a special assignment and selection of detectives will be directed by Ashland Police Department Rules and Regulations Section 16.17. The officer in the temporary position will be evaluated during the(5th) year of service. The evaluation will determine if the officer is to be reassigned to other duties as specified by the Chief of Police. If the evaluation proves that the officer will be effective then an extension of (1) one year or more may be granted by the Chief of Police. **(KACP 9.1)**

**1.3 RESPONSIBILITIES**

A. Detectives shall investigate cases assigned by the Criminal Investigations Section Supervisor. Investigative techniques shall include but are not limited to: interviews, evidence collection, intelligence gathering, photography, use of surveillance equipment, interrogations, etc.

B. Detectives shall maintain open lines of communication with officers in the Field Operations Division and other agencies for gathering intelligence to assist in disposition of cases.

C. Detectives will focus efforts to exonerate the innocent and identify perpetrators of cases assigned. This investigation shall be documented on appropriate forms and forwarded to the Criminal Investigations Supervisor in a timely manner.

D. See additional responsibilities as listed in General Order L – 1: Responsibility for Preliminary and Follow – Up Investigations.

**1.4 WORK SCHEDULE AND HOURS**

A. Although detectives are considered City Building employees and usually work Monday through Friday, detective's schedules and work hours are flexible as needed for case investigations as approved by the Criminal Investigations Supervisor. Detectives are issued take home vehicles and are subject to call outs, upon availability.

B. Detectives work extended hours on short or no notice, and change hours/days on short or no notice.

**1.5 UNIFORM DRESS CODE**

Dress code for detectives will be the 511 investigators uniform, or business attire if court is anticipated. Civilian or other clothing may be approved on an as needed basis, as approved by the CIS commander.

**1.6 JOB DUTIES**

A. Investigate criminal incidents with the goal of identifying, arresting and prosecuting the offender.

B. Interview victims and witnesses, and document findings.

C. Interrogate suspects and offenders, and document findings.

D. Prepare cases leading to successful prosecution, where applicable.

E. Prepare complete and concise case reports and supplemental reports.

F. Maintain the ability to function as a patrol officer.

G. Liaison with other law enforcement agencies for coordination and cooperation of the law enforcement effort.

H. Gather intelligence on criminal activity, and submit documented information for dissemination to other sections.

I. Forward information of possible crime patterns, suspects and their activities to other divisions for use in apprehension and prevention.

J. Conduct covert and undercover investigations as assigned.

**1.7 JOB SPECIFICATIONS**

A. Possess a valid Kentucky operator's license.

B. Maintain First Aid / CPR / AED certification.

C. Comprehensive understanding of the laws regarding the use of deadly force, search and seizure and arrest.

D. Considerable knowledge of Kentucky Revised Statutes, City of Ashland Policies and Procedures, Ashland Police Department Rules and Regulations, and Ashland Police Department General Orders.

E. Communicate effectively, both verbally and in writing.

F. Proficiency writing reports.

G. Ability to communicate clearly, courteously, and interview and interrogate effectively.

**1.8 ADDITIONAL DUTIES**

A. Attend investigators meetings with other law enforcement agencies to share information.

B. Attend roll calls when available to share information with patrol officers.

C. Properly maintain work area, assigned vehicle and issued equipment.

D. Keep supervisor informed of the progress of assigned cases as well as any significant activities, events or circumstances.

E. Conducts special assignments at the direction of the Lieutenant, Major or Chief of Police.

F. Performs other duties as assigned.

**1.9 MONTHLY PRODUCTIVITY REPORT**

A monthly productivity/activity report will be submitted by the CIS Commander or his designee, through

channels to the Chief of Police.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 21

| SUBJECT: REPORT REVIEW/COURT LIAISON OFFICER | | |
|---|---|---|
| Date of Issue: 23APR09 | Effective Date: 13MAY16 | |
| Revision Date: 13MAY16 | Review Date: 13MAY18 | **REVISED** |
| Accreditation Standards: KACP 9.1 | | |

**1.1 PURPOSE**: To establish the duties and responsibilities of the Report Review/Court Liaison Officer and provide procedure for reporting, supervision, and daily operations.

**1.2 DISCUSSION:** This position shall be filled by a career status police officer supervised by the commander of the Support Services Section. Notification of an opening will be made within the Police Department by written/electronic means. This officer shall wear the class B uniform on a daily basis, unless duties dictate the use of the issued 5.11 utility uniform. The officer will be familiar with all report forms and information needed to complete them. Officer shall be familiar with using KYOPS, LEADS-ONLINE, COURTNET and other software programs. This position is temporary in nature and shall be considered as a special assignment and selection will be directed by Ashland Police Department Rules and Regulations Section 16.17. The officer in the temporary position will be evaluated during the (5th) year of service. The evaluation will determine if the officer is to be reassigned to other duties as specified by the Chief of Police. If the evaluation proves that the officer will be effective, then an extension of (1) one year or more may be granted by the Chief of Police. **(KACP 9.1)**

**1.3 ROLES AND RESPONSIBILITIES**:

A. The Report Review (Including but not limited to):

1. Review all reports and arrests for accuracy and completeness.
2. Obtain fugitive warrants for officers who work evenings or are off the next day and have arrested a fugitive from another state.
3. ~~Maintain the Arrest Disposition forms and send to KSP Records when completed.~~
4. ~~Maintain the Leads-Online forms for stolen property.~~
5. Answer phone calls in office for persons with general police questions.
6. Take care of calls at the window such as fingerprints, City Cashier escort and general police questions.
7. Complete follow up reports and property dispositions for officers that are no longer with the department.
8. Attend meetings such as Safe Harbor board meetings, Hopes Place, MDT meetings, etc.
9. ~~Complete initial incident reports that are received via the Ashland PD website.~~
10. Fingerprint civilians at the police station.
11. Work with the field operations commander in reference to case management.

B. Court Liaison (Including but not limited to):

1. Prepare all paperwork for submission to each prosecutor's office.
2. Meet with the prosecutors twice weekly to go over reports and prosecution requests.
3. Transport all paperwork between APD and Clerks office, Sheriffs office, PSCC and any others as needed.
4. Swear officers to warrants issued by County/Commonwealth Attorney's.
5. Work with the field operations commander in reference to court related issues.

**1.4 Duty Hours:** Duty hours for the Report Review/Court Liaison Officer will normally be 0830 -1630 Monday-Friday unless duties dictate otherwise.

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BY ORDER OF Robert W. Ratliff

Robert W. Ratliff, Chief

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 22

| SUBJECT: D.A.R.E./COMMUNITY RESOURCE OFFICER | | |
|---|---|---|
| Date of Issue: 23APR09 | Effective Date: 13MAY16 | |
| Revision Date: 13MAY16 | Review Date: 13MAY18 | **REVIEWED** |
| Accreditation Standards: KACP 9.1 | | |

**1.1 PURPOSE:** To establish the duties and responsibilities of the D.A.R.E./Community Resource Officer and provide procedure for reporting, supervision, and daily operations.

**1.2 DISCUSSION:** This position shall be filled by a career status police officer directly supervised by the commander of the Support Services Section. Notification of an opening will be made within the Police Department by written/electronic means. The D.A.R.E. (Drug Abuse Resistance Education) officer shall wear the class B uniform on a daily basis; unless another uniform is approved for wear by the Support Services Section commander. The D.A.R.E. officer is responsible for presenting the D.A.R.E. curriculum to the Ashland School District as well as presenting crime prevention information to citizens and businesses in the city of Ashland. The officer assigned as a D.A.R.E. officer should have the ability to project a positive, knowledgeable and professional image to the community as a representative of the Ashland Police Department. This position is temporary in nature and shall be considered as a special assignment and selection will be directed by Ashland Police Department Rules and Regulations Section 16.17. The officer in the temporary position will be evaluated during the(5$^{th}$) year of service. The evaluation will determine if the officer is to be reassigned to other duties as specified by the Chief of Police. If the evaluation proves that the officer will be effective then an extension of (1) one year or more may be granted by the Chief of Police. **(KACP 9.1)**

**1.3 ROLES AND RESPONSIBILITIES:**

A. D.A.R.E. (Including but not limited to):

1. Present the D.A.R.E. curriculum and associated programs in the Ashland school system as requested.
2. Maintain contact with teachers and school administrators throughout the year.
3. Present a positive role model for students, teachers, administrators and citizens.
4. Establish rapport with students outside the classroom.
5. Establish and maintain a liaison with local school district officials.
6. Attend after school events, such as dances, festivals etc.
7. Present information on the D.A.R.E. program to local civic groups, teachers and administrators.
8. Purchasing of D.A.R.E. materials.

B. Crime Prevention (Including but not limited to):

1. Developing, implementing and maintaining the departments crime prevention activities.
2. Establish and conduct Neighborhood Watch meetings.
3. Convey information on citizen concerns to the department.
4. Contact businesses and residences in reference to nuisance/false alarms.
5. Present crime prevention information to citizens as requested.
6. Meet with businesses to discuss crime prevention concerns.
7. Prepare crime trend analysis when requested.

**1.4 SPEAKERS REQUEST:** Crime prevention duties include presenting information to citizens. An Ashland Police Department Speakers Request form shall be filled out by the person requesting at least two weeks prior to the event. All requests for speakers must be approved by the Support Services Section commander. The Speakers Request form can be e-mailed to the person requesting or downloaded from the Ashland Police Department web-site.

**1.5 Duty Hours:** Normal duty hours for the D.A.R.E./Crime Prevention Officer are Monday-Friday, 0800-1600hrs, but should be flexible for attendance at crime prevention activities or other functions.

**1.6 Education and Experience:**

A. The officer will be certified in the instruction of the D.A.R.E. curriculum through the Kentucky State Police prior to teaching the D.A.R.E. curriculum.

B. The officer shall be proficient at public speaking and project a positive image of the Ashland Police Department.

**1.7 Reporting:** The officer assigned to the D.A.R.E./Crime Prevention programs shall provide to the Support Services Section commander a monthly report detailing activity in the respective programs.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 23

| SUBJECT: PROPERTY OFFICER | | |
|---|---|---|
| Date of Issue: 23APR09 | Effective Date: 13MAY16 | |
| Revision Date: 13MAY16 | Review Date: 13MAY18 | **REVIEWED** |
| Accreditation Standards: KACP 9.1 | | |

**1.1 PURPOSE**: To establish the duties and responsibilities of the Property Officer and provide procedure for reporting, supervision, and daily operations

**1.2 DISCUSSION:** This position shall be filled by a career status police officer supervised by the commander of the Support Services Section. Notification of an opening will be made within the Police Department by written/electronic means. The Property Officer shall wear the class B uniform on a daily basis, unless duties dictate the wear of the issued 5.11 utility uniform. The officer will be familiar with all report forms and information needed to complete them. This position is temporary in nature and shall be considered as a special assignment and selection will be directed by Ashland Police Department Rules and Regulations Section 16.17. The officer in the temporary position will be evaluated during the(5th) year of service. The evaluation will determine if the officer is to be reassigned to other duties as specified by the Chief of Police. If the evaluation proves that the officer will be effective then an extension of (1) one year or more may be granted by the Chief of Police. **(KACP 9.1)**

**1.3 ROLES AND RESPONSIBILITIES**:

A. Evidence/Property (Including but limited to)

1. Intake and storing items of evidence and found property.
2. Stocking and upkeep of the evidence processing room.
3. Completing monthly property audits.
4. Tracking all capital assets of the Ashland Police Department.
5. Testify in court as to the chain of evidence.
6. Maintain records of all items placed in the property room.

**1.4 Duty Hours:** Duty hours for the Property Officer will normally be 0830-1630 Monday-Friday unless duties dictate otherwise. The property officer is subject to being called out during non-working hours for the purpose of securing large or unique items of evidence.

**1.5 Job Specifications:**

A. Possess a valid Kentucky operator's license.

~~B. Maintain First Aid / CPR / AED certification.~~

C. Comprehensive understanding of the laws regarding search and seizure and arrest.

D. Considerable knowledge of Kentucky Revised Statutes, Ashland Police Department Rules and Regulations, and Ashland Police Department General Orders related to the handling, packaging and processing of evidence.

E. Be familiar with using KYOPS, LEADS-ONLINE, COURTNET and other software programs.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER G - 24

| SUBJECT: FIELD TRAINING PROGRAM | | |
|---|---|---|
| Date of Issue: 03FEB14 | Effective Date: 15SEPT15 | |
| Revision Date: 27AUG15 | Review Date: 27AUG17 | **REVIEW** |
| Accreditation Standards: KACP 14.1; KACP 14.5 A; KACP 14.5 B; KACP 14.5 C; KACP 14.5 D; KACP 14.5 E; | | |

**1.1 PURPOSE:** The purpose of this directive is to establish guidelines for the operation of a Field Training Program within the Ashland Police Department (APD).

**1.2 POLICY:** It shall be the policy of the Department to establish and maintain a field training program which shall provide each new hire with academic training. This will include training in the Department's rules, regulations and policies and to provide them with supervised training and evaluation, prior to assigning them to solo patrol. All newly hired, full-time, police officers will serve a 1 year probationary period and successfully complete the Field Training Program within this period.

**1.3 DEFINITIONS:**

A. ~~**Recruit:** term "**Recruit**" or trainee shall also be used to mean "**Probationary Officer**" (P.O.). An officer that has been recently employed and has not completed the 1 year probationary period and reached career status.~~ **POLICE TRAINEE:** A non-sworn, training level classification in the city's police service. Police trainees are sent to the Department of Criminal Justice Training for basic training. Advancement to a sworn, probationary police officer position is contingent upon successful completion of the basic training academy. Upon approval of the Police Chief, the officer(s) will begin a one-year probationary period.

B. **Probationary Police Officer:** A police officer who has not reached the first anniversary from his/her date of appointment as probationary police officer.

C. **FTO/Coach adviser:** Field Training Officer who is a career status officer.

D. **DOR:** Daily Observation Report.

E. **Field Training Coordinator:** A command officer of a rank of Lieutenant or higher designated by the Chief of Police or his designee.

**1.4 DISCUSSION:**

A. It is the policy of the APD to provide newly appointed officers some form of initial training to easily and efficiently assimilate them to the Ashland Police Department. The new employee should also be provided with the training necessary to enable them to perform at a minimum level of job competency. To perform this task, there must be a system that can organize, administer and evaluate the training of these Officers.

B. The ultimate goal for field training is to expose the trainee to as many varied situations as possible, in the shortest period of time, under controlled circumstances.

C. This policy provides a basic outline of the Field Training and Evaluation Program for the Ashland Police Department. A more detailed description of the Field Training Program, including training curriculum, can be found in the document entitled: Ashland Police Department Field Training Manual. A copy of this manual will be maintained in the Administration Section of the Police Department. Individuals designated as recruit officers participating in the Field Training Program shall also be issued a copy of the Field Training Manual.

**1.5 PROCEDURE:**

A. All newly-hired Police Officers will complete a designated Field Training Program after graduating from the Department of Criminal Justice Basic Training Academy prior to solo assignment. If any

newly hired officer is from another agency and has achieved Kentucky Peace Officer Certification, completion of the Field Training Program will be required. This training will be organized, administered and evaluated by the Field Training Coordinator. This policy shall address the procedures for the administration of the FTO program for full-time officers. **(KACP 14.1)**

B. Phase Training - The Ashland Police Department has adopted the San Jose Model of the Field Training Program. It is acknowledged to be job related and utilizes non-discriminatory measures and procedures. Because of the 12 hour shift configuration, the program for full-time officers will be divided into the following phases:

* Phase I: 11 or 12 work days (approximately 3 weeks).

* Phase II: 11 or 12 work days (approximately 3 weeks).

* Phase III: 14 or 15 work days (approximately 4 weeks).

* Phase IV (shadow phase): 7 work days (approximately 2 weeks).

These time periods may be modified by the Field Training Coordinator in order to facilitate scheduling or special training needs of the recruit officer.

1. In order to ensure that the Recruit Officer receives a diverse exposure to the patrol function within the Ashland Police Department, he/she will be assigned to a minimum of three Field Training Officers and will work on both platoons. The Recruit Officer will be assigned to a different FTO for Phase I, II, and III. He/she will be assigned to his/her Phase I FTO for his/her shadow phase (Phase IV).

2. At the end of each phase, the FTO will recommend one of the following:

   a. the recruit should be permitted to advance to the next phase of training,

   b. the recruit should be given specific remedial training to correct deficiencies, or

   c. the recruit should be placed before an FTO Board to determine his/her future status within the program.

3. The Field Training Coordinator shall consider the recommendation of the FTO and make the decision as to what action shall be taken. In the event that there is a recommendation to convene the FTO Advisory Board, the Field Training Coordinator will inform the Chief of Police.

4. A recruit officer will not be advanced to the next phase of training until all of the required paperwork (DOR's, Phase Reports, Examinations, Weekly Training Checklists, etc.) have been completed.

5. Any recruit officer that requires extension of any phase(s) or remedial training will be documented on the appropriate requests and approval forms.

C. Evaluations: **(KACP 14.5E)**

1. Without specific approval of the Field Training Coordinator, a Recruit officer will be assigned to only one Field Training Officer for each phase of training. The assigned FTO shall be responsible for administering all of the assigned training material for that phase of training. The FTO shall complete all of the required evaluations and administer required examinations as necessary. If the Primary FTO for a phase is unavailable (due to illness, vacation, etc) another “trained” FTO may take over the duties of the Phase Primary FTO. If due to extenuating circumstances a “trained’ FTO is not available the Recruit Officer may be

assigned that day to a "Non – Probationary" Officer. That Officer will complete a Non FTO Training Synopsis Report. **(KACP 14.5D)**

2. The FTO will complete a Daily Observation Report (DOR) for each day the Recruit Officer is in training. If Recruit Officer is absent (due to illness, vacation, etc). An Absence Report will be attached to the DOR

3. Those days in which an Absence Report or NON FTO Training Synopsis Report is completed shall not count toward completion of the FTO program.

4. The Field Training Officer shall complete an End of Phase Report at the end of each phase of training. This evaluation shall include a recommendation as to whether or not the recruit should be allowed to proceed to the next phase of training.

5. Should the Recruit Officer feel that a numerical score or comment on the Daily Observation Report or any other evaluation form is inaccurate or does not fully explain a particular incident or behavior, he may submit a memorandum to the Field Training Coordinator. This memorandum which shall detail the Recruit's response to the evaluation shall become part of the Recruit's Field Training File.

**1.6 GENERAL GUIDELINES FOR RECRUIT OFFICERS:**

A. While in field training, the Recruit Officer is to remain in the direct supervision of his FTO or a specific full-time sworn officer. Direct supervision shall be defined as being within visual contact and voice command. The FTO and Trainee shall be considered as a one person unit for purposes of back-up, either required or requested. A Recruit Officer shall not be counted as a resource or back-up officer in order to meet staffing needs.

B. Except as approved by the Chief of Police, Recruit Officers are prohibited from engaging in police related off-duty employment until such time as they complete the Field Training Program. The Field Training Coordinator may deny the full-time Recruit Officer permission to engage in any non-police related outside employment based upon the Recruit Officer's performance in the Field Training Program.

C. The Recruit Officer shall achieve passing scores on all written examinations. A minimum score of 80% shall be achieved on each examination during the FTO program.

**1.7 SELECTION OF FIELD TRAINING OFFICERS: (KACP 14.5A)**

A. Officers selected to serve as Field Training Officers shall be selected based upon the following criteria:

1. a demonstrated ability and willingness to serve as role model and trainer for the Department,

2. minimum of three years service with the Ashland Police Department or equivalent law enforcement service,

3. overall meet requirements ratings on their most recent evaluation, with no "needs improvements" indicated,

4. no outstanding formal discipline within the previous 12 months,

5. completion of the Field Officers Training. **(KACP 14.5B)**

**1.8 FIELD TRAINING OFFICER:**

A. Officers desiring to serve as Field Training Officers shall complete a memorandum of interest and submit it to the Field Training Coordinator. The Field Training Coordinator will submit requests to

the FTO Advisory Board. Upon recommendations from the FTO Advisory Board, the Field Operations Division Commander shall have the final say in selection of Field Training Officers.

**1.9 SUPERVISOR ACCOUNTABILITY: (KACP 14.5C)**

A. Watch Commanders and Shift Supervisors play a vital role in this program. They are responsible for overseeing the FTO's on their shift along with remaining responsible for their normal duties. APD supervisors must ensure the FTO's are acting within the scope of their responsibility. (As set forth in General Order A-8, Section 1.2 General Command Officer Responsibilities)

B. Watch Commanders and Shift Supervisors are to ensure all paperwork is completed properly and forwarded in a timely manner through the proper chain of command.

C. Watch Commanders and Shift Supervisors are responsible for completion and review of the Weekly Supervisors Report. The report will be submitted without delay.

D. The Watch Commander and/or Shift Supervisor for each FTO will see that the Field Training Officer Critique Form is completed by the recruit officer at the end of the program. The form will be submitted appropriately to the Division Commander.

**1.10 FIELD TRAINING OFFICER ADVISORY BOARD:**

A. The FTO Advisory Board shall consist of the Field Training Coordinator, a FTO trained Shift Supervisor or Watch Commander and two active Field Training Officers. Members of the FTO Advisory Board are selected or appointed by the Field Operations Division Commander.

B. The FTO Advisory Board shall make recommendations in the following matters:

1. Remedial training plans for Recruit Officers who are not meeting minimum standards within the FTO program,

2. The continued employment status of Recruit Officers who have not responded to remedial training within the FTO program,

3. The selection and retention of Field Training Officers, and

4. Review the Field Training Officer Critique Forms for use in evaluating the effectiveness of the FTO and any recommendations that need to be made to the program.

C. The Chief of Police shall have the final authority to act on recommendations of the FTO Advisory Board.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER J - 1

| SUBJECT: PASSENGERS IN ASHLAND POLICE VEHICLE | | |
|---|---|---|
| Date of Issue: 18AUG99 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To establish a uniform policy authorizing passengers in Ashland Police Department (APD) vehicles.

**1.2 DISCUSSION**: APD vehicles may be used to transport specific passengers. The challenge is to do so safely. A passenger permitted to ride in the right front seat of certain APD patrol units faces an increased hazard caused by the repositioning of the video camera to the right front side of the passenger compartment. This equipment was repositioned for officer safety.

Non-members of the Department should not be transported in the front seat of a patrol unit equipped with a video camera if the camera presents a hazard to the passenger.

The use of an APD patrol unit to transport a passenger other than a Department member should not always be the first option. As an example, an individual taking money for deposit should be encouraged to travel in another vehicle and the officer should follow. This will keep the officer in the role of a protector and reduce the officer's exposure as first tier crime victim. Obviously, this is not always possible and the individual transported on a bank escort may have to ride in the patrol unit.

**1.3 POLICY**: Passengers are permitted in APD vehicles as specified in this order.

**1.4 TRANSPORTATION OF PRISONER**:

A. Each prisoner shall be transported in the rear seat of an APD vehicle equipped with a security screen. Each exception to this policy must have the expressed approval of an APD command officer.

B. A prisoner shall not be handcuffed or otherwise attached to an APD vehicle during transport except by the use of approved seat belts consistent with manufacturer's instructions.

C. A prisoner being controlled by maximal prone restraint technique requires the presence of a second officer during transport. See General Order B – 5.

D. Police officers transporting juveniles of the opposite sex to a facility outside of Boyd County shall:

1. Be accompanied by another police officer; or,

2. Record the entire trip while juvenile is a passenger in the vehicle with in-car camera recording both video and audio. There should be ample time left on the tape to include the entire trip.
   The tape shall be turned in to APD property and retained for 90 days before being recycled.

**1.5 DUTY REQUIRED PASSENGERS:**

A. The Regional Public Safety Communications Center (RPSCC) shall be notified by radio each time a passenger goes on or off an APD patrol unit.

B. The watch commander shall be made aware of the reason a passenger is to be transported in a patrol division vehicle and shall have the authority to approve or disapprove.

C. Passengers may be transported in APD vehicles other than those assigned to the patrol division if permission is granted by the supervisor of the officer assigned to the vehicle or the on-duty watch commander.

D. When an individual other than a member of the Department or a participant in the ride along program is transported by an officer of the opposite sex, RPSCC shall be notified by radio the unit's shop number and the odometer reading prior to the start and at the conclusion of each trip.

**1.6 RIDE ALONG PROGRAM**:

A. The on-duty watch commander shall permit only those persons to participate in the ride along program who have individually received prior permission from the Chief of Police. No individual younger than 18 years of age shall be permitted to participate in the APD ride along program. Watch commanders will be kept abreast of persons authorized to ride in APD vehicles as part of the ride along program.

B. Request to Ride Permits:

1. The on-duty watch commander, or his designated representative, shall determine that properly executed request to ride permit is on file in the watch commander's office.

2. The member in charge of the vehicle accommodating a passenger shall record on the passenger ride record date of ride, time the passenger goes on and off the vehicle, name of officer in charge of vehicle, vehicle's shop number and beat/assignment.

3. Notification of passenger on vehicle will be as set forth in 1.5 above.

4. Participants in the ride along program, other than city of Ashland employees, will not be allowed to ride between the hours of 2300 and 0700 hours except as otherwise approved by the Chief of Police.

5. Each participant in the ride along program, other than city of Ashland employees, may ride a maximum of eight (8) hours during any ninety (90) day period except as otherwise approved by the Chief of Police.

6. Each participant in the ride along program shall be properly dressed in business attire. Jeans are not permitted. The participant shall not wear a garment or headdress which contains writing or artwork which might be considered as advertising and/or offensive. The shirt should be a plain sport or dress shirt with a collar. No logos shall be worn indicating that an individual is a member of a law enforcement agency unless that individual is in fact a police officer and authorized to wear a department logo. The watch commander may cancel permission to ride based upon the appearance of the guest rider.

7. No person shall be allowed to participate in the ride along program after having consumed alcohol or other controlled substances(s) which may impair the senses.

8. Each participant is expected to conduct himself/herself in a calm, polite, and professional manner.

9. No person participating in the APD ride along program will be armed with a deadly weapon or dangerous instrument as defined by K.R.S.500.080. Chemical agents are also prohibited. EXCEPTION: Any person who meets the definition of peace officer as defined by K.R.S.446.010, Section 24, is exempt from this restriction.

**1.7 APD PERSONNEL**:

A. APD personnel shall include the following: sworn, non-sworn, and chaplains.

B. Prior approval of the watch commander shall be obtained for an off-duty member to go on a patrol unit, except for police officers en route to or from headquarters.

C. A member of the Department may ride with a career status officer. The officer assigned the vehicle shall note on the daily activity report form the time the passenger goes on and off the vehicle.

**1.8 VEHICLES USED FOR TRANSPORTATION OF PASSENGERS:**

A. An APD vehicle equipped with a video camera shall not be used to haul any non-member except in the rear seat if the camera presents a hazard to the passenger.

B. Seat belt shall be used consistent with Kentucky Revised Statute and General Order B – 10.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER J - 2

| SUBJECT: VOLUNTEERS CHAPLAINS' PROGRAM | | |
|---|---|---|
| Date of Issue: 5NOV83 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a volunteer chaplains' program for the Ashland Police Department (APD). The volunteer chaplains' program is designed to provide spiritual guidance and counseling to each member of the Police Department, and his/her family in times of need. Services of the chaplain are available based on need and desire. It is not intended that the chaplain replaces an individual's own clergyman.

The volunteer chaplains' program is designed to assist police officers and the people of the community through a field service ministry. This program is to provide spiritual guidance, counseling and comfort in time of crisis to anyone in the community. The chaplain should also be able to refer people to the appropriate agency for assistance with individual needs.

**1.2 VOLUNTEER CHAPLAIN STAFFING**: APD chaplains provide services at no cost to the APD.

A. The volunteer chaplains' program coordinator shall be selected by the chaplains.

B. The volunteer chaplain coordinator shall be directly responsible to the Chief of Police who is directly responsible to the City Manager.

**1.3 DEFINITIONS**

A. ***Police Chaplaincy***: A ministry to the people of the community in the area of field service through the Police Department.

B. ***Service***: The chaplaincy program shall provide services on a 24-hour per day, seven day per week basis. Services provided are outlined in the duties and responsibilities section of this order.

C. ***Response Call***: At the request of any Ashland police officer the chaplain shall respond and seek to bring comfort and consolation to person(s) involved in accidents, confronted with death, or otherwise faced with extreme stress.

**1.4 QUALIFICATIONS FOR APPOINTMENT AS POLICE CHAPLAIN**: A candidate for police chaplain must:

A. be an ordained, licensed or certified clergy in good standing and endorsed for the chaplaincy by a recognized religious denomination;

B. file a letter, of the church certification with the Chaplain Coordinator as proof of his/her church's approval and affiliation;

C. show a God-like compassion, understanding and love for others, and relate easily to people;

D. maintain high spiritual and moral standards;

E. be able and willing to commit time required; and

F. have completed a designated training course in crisis work or have passed the appropriate screening process.

## 1.5 AUTHORITY OF THE POLICE CHAPLAIN

A. Responsibility: The chaplain is not a law enforcement officer, but a person of God, duly ordained and approved and an experienced representative of his/her denomination. His/her responsibility is to assist each member upon request, on matters within the chaplain's realm.

1. Most response calls involving the police chaplain will be handled as a collaborative effort between the officer making the request and the on-call chaplain.

2. The police officer retains authority regarding decisions involving alleged criminal behavior which may take precedence over judgments regarding emotional crisis issues.

3. Difficult calls shall be subject to review at the request of participating personnel or by directive from the Chief of Police.

B. Duties

1. As part of his/her official duty with the Department, the chaplain is expected to perform the following tasks and other duties that may be requested by the Chief of Police or by his designated representative.

2. When the dispatcher receives notification to call the police chaplain he/she shall call the chaplain who shall have first choice to notify the family involved in a serious incident.

a. Crisis/counseling work with the public includes but is not limited to:

* Making death notifications to next of kin.

  This can be in regard to a homicide, suicide, accidental death or natural death.

* Responding to the scene of an incidence involving serious injury or death to bring comfort to the injured or family members.

* Counseling person(s) who is confused, suicidal or otherwise emotionally upset.

* Responding upon request to domestic violence calls.

  The chaplains may wish to take appointments for counseling or make referrals.

* Being involved in the negotiation process at the scene of a hostage situation, upon request by ranking officer of the patrol division.

* Assisting police officer in child abuse situations.

* Assisting police officers with transients.

b. Crisis/counseling work with Police Department members and other City personnel includes but is not limited to:

* Assisting Department officials in making notifications to the family of a police officer receiving serious injury or death.

When an officer is seriously injured, or has died while on duty, the chaplain may respond to the hospital emergency room and identify himself to the hospital staff and hospital chaplain and work with both according to common ethical courtesies.

* Visiting sick and injured police personnel when requested at home or in the hospital.

* Attending and participating in the funeral of active, as well as retired, members of the APD and other City departments. May represent the APD at out of town funerals.

c. Police community relations includes but is not limited to:

* Attending departmental graduations, promotions, and award ceremonies, dinners, social events, etc., and be willing, if requested, to participate in the ceremony.

* Assisting in the police community relations efforts of the APD.

* Providing liaison with other religious leaders in the community.

**1.6 POLICE PROCEDURES**: The chaplain shall:

A. have a basic knowledge of the duties of law enforcement officers to keep abreast of new procedures;

B. conform to all police procedures in so far as applicable;

C. be familiar with and conform to all regular procedures established by the Department;

D. periodically attend roll call;

E. not release any information regarding cases in which he is involved. All information secured shall be held in confidence and used only for the benefit of the person or officers involved;

F. carry on his/her person an identification card issued by the Department; and,

G. when on duty, properly identify himself, be courteous and conduct himself in a manner becoming his role in the ministry.

**1.7 TOUR OF DUTY**

A. Time Period: Each chaplain shall be on duty for a period of seven days. The seven day period shall begin at 00:01 hours on Monday and end at 23:59 hours on Sunday. During the time, he/she shall be on call 24 hours a day, on an as needed basis.

B. Back-up Chaplain: The chaplain coordinator shall maintain a roster and prepare a three month schedule for duty chaplains. The chaplain coordinator shall be designated as back-up chaplain. In the event the on-call chaplain and/or the chaplain coordinator cannot be reached, the chaplain at King's Daughters' Medical Center may be called.

**1.8 RIDE ALONG PROGRAM**: Each chaplain, when on duty, is permitted and encouraged to ride with an officer on any watch. The on-call chaplain does not have to be scheduled prior to coming in to ride.

## 1.9 REQUESTING THE ON-CALL CHAPLAIN

A. Each police officer shall become familiar with the duties and responsibilities of the chaplain.

1. A police officer may request a chaplain to respond to a situation whenever he/she feels it is necessary.

2. If a police officer or a citizen needs the service of the chaplain, a police officer shall request the dispatcher to contact the on-call chaplain.

B. Confidentiality: Persons, including police officers, using the chaplain's services for counseling purposes, shall do so in total confidentiality. This confidentiality is important to the effectiveness of the chaplain and his/her rapport with the man or woman being counseled.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

APD Chaplains

Rev. Mark Kloha
Home: 606-325-1919
Cell: 606-831-1953
Page: 606-924-0498

Rev. Willard Nolen Jr.
Home: 606-324-4670
Pager: 606-920-8227

Rev. Marty Gute
Home: 606-329-1718
Office: 606-739-8490

Rev. Ike Nicholson
Office: 606-324-5335

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER J - 3

| SUBJECT: COMMENDATION AND AWARDS PROGRAM | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To foster and maintain a continuous program for extending official recognition to members of the Ashland Police Department (APD) who perform acts of meritorious service or who accomplish outstanding achievements. The Department shall extend official recognition to members of other law enforcement agencies, private citizens and other City employees who perform meritorious acts in rendering aid to a fellow citizen or the Department under circumstances that are within the scope of Department responsibility.

**1.2 RECOMMENDATIONS FOR COMMENDATIONS AND AWARDS**

A. Who Recommends: A nomination for an award or commendation may be made by any member of the Department by completing the attached nomination form.

B. Duty to Report: A command officer shall complete a nomination form to his immediate supervisor:

1. On each act worthy of a commendation that he observes involving members under his supervision;

2. An act worthy of commendation reported to him that involves members of the Department, members of other law enforcement agencies, City employees or private citizens;

3. A report of an act worthy of commendation shall be forwarded without delay to the Administration Section for recording and submission to the Commendation and Awards Board.

C. Filing Procedure: Recommendations for commendation or awards shall be in writing. A nomination form shall be made for each person recommended. The report shall include:

1. Full name and rank of persons recommended;

2. Circumstances of incident, in chronological sequence;

3. Charts, diagrams, photographs, newspaper clippings, and any other appropriate material; and,

4. Photocopy of incident report and attachments.

D. Routing: A recommendation for commendation report shall be forwarded through the following sequence for classification by the Commendation Board:

1. Immediate supervisor of person recommended; or

2. Team commander of person recommended;

3. Division Commander of person recommended; or

4. Chief of Police.

**1.3 COMMENDATION BOARD**

A. Members: The Commendation Board shall consist of five members:

1. The Field Operations Commander, or his designee, shall serve as chairman of the board; and

2. The remainder of the board shall consist of one patrolman from each Field Operations team who shall be selected by members of his/her team, and one patrolman selected by members of the Technical Services Division/Administration Section.

3. Each member shall serve a term of one year beginning January 1 and ending December 31.

4. Any vacancy on the board shall be filled in the same manner as original appointments.

B. The Commendation Board shall classify all recommendations for commendation reports, with the exception of letters of commendation, and forward them to the Chief of Police with its recommendation.

C. Convening of Board: The Commendation Board will convene at the call of the chairman of the board.

**1.4 CLASSIFICATION OF COMMENDATIONS AND AWARDS**: Action of Board - Each recommendation for commendation report received by the commendations board shall be classified or rejected by action of the Board. The classifications are:

A. Combat Cross Award: Shall consist of a gold medallion attached to a solid green ribbon, a matching bar and certificate, and may be awarded:

1. To a department member or member of another law enforcement agency for an act of heroism extending far above and beyond the normal call of duty or service performed at great risk to his own safety or life in an effort to save human life;

2. To any department member or member of another law enforcement agency for the successful performance of an act of extraordinary heroism while engaged in personal combat with an adversary at imminent hazard of life and the performance of duty.

3. May be awarded posthumously.

* Example shown as AW-16.

B. Medal of Honor: Shall consist of a gold medallion attached to a solid green ribbon, a

matching citation bar and certificate, and may be awarded to a department member or member of another law enforcement agency for an outstanding act in the line of duty, at imminent personal hazard of life, with full knowledge of the risk involved.

* Example shown as AW-14.

C. Meritorious Service Medal: Shall consist of a silver medallion on a green, white, and blue ribbon, a green, white, and blue bar, and certificate, and may be awarded for a highly unusual accomplishment with some degree of hazard to life and limb to the nominee or where death or injury to a third party is prevented.

* Example shown as AW-4

D. Honorable Service Award: Shall consist of a blue citation bar and a certificate and may be awarded for a creditable act in the line of duty that meets some but not all of the requirements for other medals, unusual in the nature of showing initiative and accomplishment.

E. Purple Heart: Shall consist of a purple citation bar and a certificate, and may be awarded:

1. To a member who is seriously wounded or injured by an assailant while in the performance of recognized police activities:

2. May be awarded in conjunction with Medal of Honor, Medal of Valor, Medal of Merit and Meritorious Award - Class A.

   NOTE: Serious physical injury means physical injury that creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

F. Educational Achievement Awards:

1. Outstanding - Shall consist of a green citation bar with one star centered upon it and a certificate and may be awarded to a member in recognition of that member's certified completion of a course of instruction resulting in a Master's Degree from a recognized university, while a member of the Department.

2. Class A - shall consist of a green citation bar and a certificate, and may be awarded to a member in recognition of that member's certified completion of a course of instruction resulting in a Bachelor's Degree from a recognized university, while a member of the department.

3. Class B - shall consist of a white citation bar and a certificate, and may be awarded to a member in recognition of that member's certified completion of a course of instruction resulting in an Associate Degree from a recognized university while a member of the Department.

G. Letters of Commendation: May be awarded by a command officer or the Chief of Police when a member's performance does not qualify for any other award. This letter should be issued to the officer at the time of the event. A copy of the letter shall be forwarded to the committee for further review and consideration.

H. Certificate of appreciation

* May be issued to any citizen for services rendered to the Department.

I. Wound Award: Shall consist of a red bar with four white stripes and a certificate; and may be awarded to a department member or member of another law enforcement agency for a wound received in the line of duty inflicted intentionally by an armed adversary, resulting in severe puncture wounds, lacerations, fractures, or concussion being suffered by nominee.

* Example shown as AWB-18

J. Life Saving Award: shall consist of a red and white bar and a certificate; and may be awarded to a department member for an act performed in the line of duty that, through disregard for personal safety or prompt and alert action results in saving a life. Officers performing cardiopulmonary resuscitation will be eligible for this award.

* Example shown as AWB-6

K. Legion of Honor: Shall consist of a gold medallion attached to a red, white, and blue ribbon, a matching ribbon and a certificate; and may be awarded to a member of the department or other law enforcement agency who receives a permanent injury in the line of duty, including arrest, wounds from gun shots, traffic or fire accidents, or hospitalization as a result of work related heart condition, etc., thereby preventing an officer from further serving in the active role of his job.

* Example shown as AWB-1, AW-1

L. Honorable Discharge Award: shall consist of a medallion attached to a white and green ribbon and matching ribbon and a certificate; and may be awarded to a member of the Ashland Police Department in recognition of an officer who has retired from employment and has served the community during this period of service in an honorable fashion. The Chief of Police shall present this award to the member at time of retirement.

* Example shown as AWB-11

M. Civilian Service Award: May be awarded for personal assistance by a civilian in apprehending a criminal, or in extending oneself beyond ones own safety to provide prompt action to aid people who are in danger.

N. Exceptional Duty Award: Shall consist of a gold ribbon; and may be awarded for a highly creditable accomplishment bringing public acclaim to himself, his department, or the police profession, as a result of training, devotion to duty, or service to the public.

O. Appurtenance: Devices such as stars, acorns, and oak leaves worn on the citation bar indicate additional awards of participation in specific events. Placement of appurtenance can be inserted in the combat cross, honorable service medal, exceptional service medal, exceptional duty medal, or meritorious service medal.

1. Cross - worn in lieu of second multiple and five subsequent awards.

2. Gold star - worn in lieu of second multiple and two subsequent awards.

3. Silver star - worn in lieu of second multiple award.

4. Gold acorn - worn in lieu of any five awards.

5. Oak leaf - worn in lieu of any three awards.

**1.5 WEARING THE COMMENDATION**: Consistent with procedures in General Order G-3.

**1.6 TIME LIMIT**

A. Educational Achievement Awards: may be issued if a degree was received within ten years prior to the issuance of this general order.

B. All Others: Recommendations for commendation must reach the Commendation Board for classification within one year of the incident for which it is recommended.

**1.7 RECORDS OF COMMENDATION AND AWARDS**: Documentation of each commendation and award shall be forwarded to the office of the City Clerk/Human Resources Director for insertion in the member's permanent employee file.

**1.8 AUTHORITY**: The Commendation Board has authority to recommend an award to a member of an emergency service organization if deemed appropriate and if the award is limited to police officers only.

**1.9 AWARD SAMPLES**: A color brochure showing samples of awards is to be attached to the master copy of this general order and filed in the Administration Section.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# *Ashland Police Department*

# *Awards & Commendation Nomination*

**Nominee's Information**

Name:
_____

Position or Title: _____

Nominee's Address: _____

Nominee's Phone Number(s) _____
** address and phone numbers needed only if nomination is for Citizen or volunteer*

**Nominator's Information**

Nominated by:
_____

Nominator's Position or Title: _____

**Please describe in detail how this nominee meets the criteria for the selected award. Please attach any supporting documentation such as incident reports, statements, newspaper accounts.**

**Date of Event:_____Time of Event:_____Case**

**Number:_____**

_____

_____

_____

_____

_____

_____

_____

Supervisor Review:_____

Division Commander:_____

Chief of Police Review:_____

Awards & Commendations Board--Filed for Review:_____

---------- For Commendation Board Use Only ----------

**Commendation Board** Approved ___ Yes ___ No

**Award Recommended**

__ Combat Cross
__ Medal of Honor
__ Meritorious Service
__ Purple Heart
__ Letter of Commendation
__ Legion of Honor Award
__ Civilian Service Award
__ Certificate of Appreciation
__ Exceptional Duty Award
__ Honorable Service
__ Educational Achievement
__ Wound Award
__ Honorable Discharge Award
__ Life Saving Award

Comments:

_____

_____

_____

_____

Rev. 5/2011

Placement of appurtenance can be inserted in the combat cross, honorable service medal, exceptional duty medal, or meritorious service medal.
Example of how these medals should be worn is as follows:

First award: original citation bar:

Second award:  two of original citation bars:

Third award:  one citation bar with oak leaf:

Fourth Award: one original citation bar and a citation bar with oak leaf

Fifth Award: one citation bar with gold acorn

Sixth Award: one original citation bar and a citation bar with gold acorn

Seventh Award: one citation bar with silver star

Eight Award: original citation bar and a citation bar with silver star

Ninth Award: one citation bar with gold star

Tenth Award: original citation bar and a citation bar with gold star

Eleventh Award: two original citation bars and a citation bar with gold star

Twelfth Award: citation bar with oak leaf and a citation bar with gold star

Thirteenth Award: original citation bar, citation bar with oak leaf and a citation bar with gold star

Fourteenth Award: citation bar with gold acorn and citation bar with gold star

Fifteenth Award: citation bar with gold cross

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER J - 4

| SUBJECT: SCREENING AND CONDUCT OF ASHLAND POLICE DEPARTMENT VOLUNTEERS | | |
|---|---|---|
| Date of Issue: 28FEB08 | Effective Date: 01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** The purpose of this general order is to provide guidelines for the screening of, and expected conduct of, volunteers or other citizens who are associated with the Ashland Police Department (APD) as part of any program sponsored by the department or one that the department participates in along with civilian members of the community.

**1.2 POLICY:** It is the policy of the APD that all volunteers and citizens associated with the APD through any of our programs shall be screened for compatibility, suitability, and trustworthiness. This screening shall include, but will not necessarily be limited to, the review of an FBI national criminal records background check on each volunteer or citizen desiring to participate in an APD program as an unpaid volunteer. In no event shall the APD discriminate on the basis of gender, race, religious preference, sexual orientation, disability, national origin, age, or economic status.

**1.3 DISCUSSION:**

It is absolutely imperative that the APD do everything within our control to maintain the trust and confidence of the citizens of the community we serve. Civilian volunteers can be a valuable asset to the department and the community and are intended to supplement and support the department rather than supplant compensated department personnel. There are several legitimate reasons that require the screening of criminal records regarding volunteer personnel. Examples of these reasons include but are not limited to:

A. Maintaining the trust and confidence of the community.

B. Officer safety.

C. Avoiding discredit or embarrassment for the department.

D. Safeguarding the integrity of APD facilities and privileged information.

E. Protecting officers from potential violations of policy arising from association with persons who have criminal records.

F. Disqualifying people who may not have the best interests of the department and the community at heart.

**1.4 PROCEDURE:**

A. Criminal Records Checks

1. All persons who wish to serve in a volunteer capacity in any APD program, as well as any person associated with the department in a cooperative program such as neighborhood watch (when serving in a key position such as block captain or director) shall be required to obtain a criminal records check from the FBI and provide a copy to the APD;

2. Any person shall have the right to refuse to comply with this request, but shall not be eligible to participate in the APD sponsored program;

3. The APD shall provide assistance in obtaining the record check, including the taking of fingerprints, and the fee associated with the records check shall be paid by the APD upon approval of a division commander or the chief of police;

4. A cover letter (attachment I), along with a FBI "applicant" (blue) fingerprint card FD-258 and payment shall be mailed to the FBI at the following address:

   FBI-CJIS Division-Record Request
   1000 Custer Hollow Road
   Clarksburg, West Virginia 26306

5. The fee of $18.00 may be paid by money order or certified check made out to The Treasury of the United States, or by credit card using the credit card payment form (Attachment II). When a city credit card is used for this purpose, the employee making the purchase must remember to have the form notarized and make a copy of the form for attachment to the monthly credit card statement as we will not have a traditional receipt;

6. The record should be mailed back to and received by the person desiring to participate in the APD program and a copy of the record will be provided to the APD;

7. The APD shall reserve the right to confirm or follow up on information submitted via this process; and

8. The chief of police, or his designee, shall review the report from the FBI along with any other available information, and shall make a determination based upon the factors listed in section 1.3 of this order whether the person should be allowed to participate in an APD sponsored program in a volunteer capacity.

**1.5 CONDUCT OF APD VOLUNTEERS**:

A. APD employees are held to high standards of conduct and are required to comply with numerous regulations designed to ensure the provision of professional services to the community. It is equally important that APD volunteers and persons participating in APD sponsored programs be held to high standards of conduct.

B. All persons serving as a volunteer as part of an APD program, or participating in an APD sponsored cooperative program, as well as any person desiring to serve in one of these capacities, shall be provided a copy of this general order and will be asked to agree and consent to the terms contained in this policy as a condition of serving in a volunteer capacity. Any person who is not willing to agree to be bound by the terms in this policy shall not be considered as eligible to participate in an APD sponsored program.

C. All APD volunteers and persons participating in an APD sponsored cooperative program are expected to adhere to the following standards of conduct at all times while engaged in an APD sponsored activity or when representing oneself as being associated with the APD:

   1. The volunteer agrees to maintain a neat, clean, and professional appearance.

2. Absolutely no weapons will be permitted (to include lethal or non-lethal weapon such as firearms, tasers, batons, stun guns, pepper spray, mace, brass knuckles, etc.) when engaged in APD sponsored activities.

   a. APD volunteers shall enjoy the same rights and privileges under the law as any other citizen when not engaged in an APD sponsored event or activity.
   b. An exception may be granted to the weapons rule when an APD volunteer is present during an APD training session and the volunteer is allowed to handle a weapon for demonstration or familiarization purposes. Such exception must be approved by the range officer or instructor in charge, and a division commander or the chief of police.

3. No use of alcoholic beverages or other intoxicating substances while engaged in an APD sponsored activity.

4. An APD volunteer shall not represent himself or herself as a police officer, whether engaged in an APD activity or not.

5. An APD volunteer shall not attempt to gain privilege or favor from law enforcement or a business as a result of his/her association with the APD.

6. APD volunteers will comply with all city, state, and federal laws, to include all traffic and parking regulations.

7. Association with the APD in a volunteer capacity shall not authorize the installation of any emergency equipment such as flashing lights, siren, or police radio in any privately owned vehicle.

8. The volunteer agrees to support the mission and values of the APD, and to take no action contrary to the procedures, goals, or objectives of the APD.

9. The volunteer agrees to maintain in confidence any privileged or confidential information which he or she may be exposed to as a result of the association with the APD. The volunteer must not discuss police procedures, investigations, or other matters with any unauthorized person.

10. The volunteer must at all times conduct himself or herself in a manner that does not bring dishonor, disrepute, criticism, or embarrassment to the APD.

**1.6 SUSPENSION AND REMOVAL**: All volunteers serve at the pleasure and discretion of the chief of police. Any deviations from this general order shall be brought to the attention of the chief of police through proper channels, and the chief of police upon gathering of facts may choose to issue a warning, suspension from service, or removal from an APD program in his sole discretion.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

_____

Robert W. Ratliff, Chief of Police

# CREDIT CARD PAYMENT

TO PAY BY CREDIT CARD, FILL OUT THE FOLLOWING INFORMATION

**CUSTOMER NAME:** _____

**PART A**

| | | | | |
|---|---|---|---|---|
| CARD NUMBER: | | | | |
| | | | | |
| EXPIRATION DATE | Mo | Year | Amount (US Dollars) | $ |
| | | | | |
| TYPE OF CARD | VISA ☐ | MASTER CARD ☐ | AMERICAN EXPRESS ☐ | DISCOVER ☐ |
| ACCOUNT HOLDER NAME | | | | |
| BILLING ADDRESS 1 | | | | |
| BILLING ADDRESS 2 | | | | |
| CITY | | | | |
| STATE/ZIP CODE | | SIGNATURE | | |
| COUNTRY | | | | |

**NO CHARGE BACKS OR REFUNDS**
**ALL SALES FINAL**

**PART B**

**IF THE CUSTOMER NAME DOES NOT MATCH THE ACCOUNT HOLDER NAME, THIS FORM MUST BE NOTARIZED**.

**NOTARY**

Subscribed and sworn before me by the above credit card account holder, this _____ day of _____, of the year _____.

Signature of Notary: _____

Expiration Date of Commission: _____

**(SEAL**)

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER J - 5

| SUBJECT: VACATION RESIDENCE CHECK | | |
|---|---|---|
| Date of Issue: 28MAR14 | Effective Date:01FEB16 | |
| Revision Date: 20JAN16 | Review Date: 20JAN18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** The purpose of this general order is to establish procedures to ensure that department-wide communication is achieved with regard to checking a citizen's residence or business.

**1.2 POLICY:** The Ashland Police Department periodically checks citizens' residences while they are away on vacation or on business for a maximum of 14 days. An extension may be granted up to 7 days by a Lieutenant or officer of higher rank. This service is a courtesy to our community members. Citizens use this service because it makes them feel more comfortable about leaving their homes unattended. While it is understood that the mere visual and physical checking of homes may not prevent a burglary, or some other incident, it may deter that would-be criminal, and increase the possibility of finding it once it has occurred.

**1.3 PROCEDURES:**

A. Requests for Extra Patrol/Security Checks

1. A request for vacation watch can be submitted at any time for the convenience of our community members. When this occurs, the individual receiving the request will complete an Ashland Police Department Vacation Residence Check Request Form. This can be filled out over the phone (606)-327-2020 by members of the Ashland Police Department or in person at the Information Desk at Headquarters. NOTE: Do not refer anyone to the Regional Public Safety Communications Center (RPSCC) to complete. The request should be taken at the front desk during the hours of 0830 to 1700 hours, Monday through Friday.

2. After-hours or weekend requests will be processed by the on-duty Watch Commander/Field Supervisor in person or via telephone (606)-327-2074.

B. Contact Information

1. The person completing the Ashland Police Department Vacation Residence Check Request Form will obtain the necessary information from the citizen in order to complete it. In the section titled "Persons Authorized," provide information regarding who will be checking the house, or taking in the mail, or other relevant information. In addition, ask the citizen to be sure to call the Department should they return earlier than expected.

   **NOTE: It is important that the liability statement on the back of the form is understood. If the form is submitted in person by the requestor then it shall be signed by them. If the request is taken over the telephone then the officer will read and ask the requestor if they understand and agree. The officer will then sign the statement as documentation of the understanding.**

C. Posting and Review

1. Upon completing the Ashland Police Department Vacation Residence Check Request Form submit the form to RPSCC so that all information can be entered under the CAD event number. This allows officers in the field to see the details of the residence form without using the radio. The information will be placed in the remarks or details section of the CAD event screen**.**

2. After submission and obtaining the CAD event number from RPSCC complete the original form and submit to the Support Services Section.

3. The completed form will be sent to the Support Services Section who will compile the information and disseminate the list electronically (email) via the Daily Bulletin. This procedure helps to ensure that all officers are aware of necessary information relating to the vacation watch, so that they can take appropriate

action.

D. Documenting Checks

1. One check will be made by the day shift and one by the night shift. Day shift officers will walk around the home for inspection. Night shift officers will spotlight the home thoroughly.

2. Officers will broadcast via radio to re-open the associated residence check by the permanent assigned CAD event number. Dispatchers will assign the officer which allows viewing on the MDT of any remarks or information concerning the location. This also shows when all checks have been made and the officers that completed the detail.

E. Ending Checks

1. When the citizen returns and the vacation watch is over, the Watch Commander/Shift Supervisor shall notate the vacation watch completion electronically (email) to the designated Records Personnel. The Ashland Police Department Vacation Residence Check Request Form shall remain on record, with the Support Services Section, for one year.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT
# VACATION RESIDENCE CHECK
# REQUEST FORM

DATE OF DEPARTURE_____ TIME OF DEPARTURE_____
DATE OF RETURN_____ TIME OF RETURN _____

(Notify us immediately if departure or return times change) 14 DAYS MAXIMUM ALLOWED

*REQUEST FOR EXTENSION OF 7 DAYS APPROVED BY* _____
UPDATED DATE OF RETURN_____ UPDATED TIME OF RETURN _____

NAME_____PHONE _____

ADDRESS_____AWAY PHONE CONTACT_____

**LOCAL EMERGENCY CONTACT:** You **must** designate a local contact person.

NAME_____PHONE _____

ADDRESS_____DO THEY HAVE A KEY? _____

**VEHICLES LEFT ON PROPERTY: (DO NOT INCLUDE VEHICLES IN GARAGE)**

Year_____Make_____Model_____Color_____Lic# & State_____

Year_____Make_____Model_____Color_____Lic# & State_____

**ALARMS**

Alarm System_____Yes_____No
Alarm Company Name_____Phone _____

**PERSONS AUTHORIZED IN/ON PROPERTY: (Lawn/Pet Care, Etc.)**

Name_____Name _____

Name_____Name _____

| YES | NO | |
|---|---|---|
| _____ | _____ | Rear yard locked? |
| _____ | _____ | Mail stopped? |
| _____ | _____ | Newspaper stopped? |
| _____ | _____ | Broken windows or screens? Where? _____ |

_____ _____ Pets in yard? What type?_____Amount _____

Continued on Back

**YES NO**

_____ _____ Lights on timers? Location(s):_____

_____ _____ Lights on all the time? Location(s):_____

**ADDITIONAL INFORMATION**_____

_____

_____

_____

_____

**INFORMATION GIVEN BY**_____

**I UNDERSTAND THAT VACATION RESIDENCE CHECKS WILL BE PERFORMED AS TIME PERMITS. THE SIGNATURE ON THIS FORM RELEASES THE CITY OF ASHLAND POLICE DEPARTMENT OF ALL LIABILITY FOR LOSS OF PROPERTY OR DAMAGE OCCURRING DURING THIS TIME PERIOD.**

- ***IF COMPLETED IN PERSON COMPLETE THE NEXT SECTION.***
- ***IF OFFICER COMPLETED OVER TELEPHONE SIGN BELOW THAT RELEASE WAS READ AND UNDERSTOOD***

**PRINTED NAME**_____**SIGNATURE**_____

**DATE**_____**TIME**_____

*Tips before you go…*

- ***Stop mail and newspaper delivery or have someone collect them from your mailbox and yard.***
- ***Use light timers so it appears that someone is home at night.***
- ***Lock all doors and windows. If vehicles are left behind, do not leave valuables in plain sight.***
- ***Yard maintenance should appear that it does not look as though you are away.***

**********

******* FOR ASHLAND**
**POLICE USE ONLY**

**Date Received** _____

**Time Received** _____

**Received by**_____

**RPSCC CAD Event Number Assigned**_____

**RPSCC Data Entered into CAD Detail**_____

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 1

| SUBJECT: SPECIAL WEAPONS AND TACTICS TEAM | | |
|---|---|---|
| Date of Issue: 28JULY97 | Effective Date: 10MAR16 | |
| Revision Date: 10MAR16 | Review Date: 10MAR18 | **REVISED** |
| Accreditation Standards: KACP 19.6 A,B,C,D,E | | |

**1.1 PURPOSE:** The purpose of this order is to establish the duties and responsibilities of the Special Weapons and Tactics, S.W.A.T. Team.

**1.2 POLICY:** It shall be the policy of the Ashland Police Department (APD) that a S.W.A.T. Team be maintained and trained to deal with situations involving a threat to human life where specialized training and equipment could be utilized for the safety and benefit of citizens and police personnel.

**1.3 MISSION:** The mission of the APD S.W.A.T. Team shall be to provide a prepared ready response to high risk or special problems and situations that require deployment and concentration of personnel by employment of a group of police officers who are well trained in tactical skills and the use of special equipment. The primary purpose of S.W.A.T. Team is to provide a systematic approach to saving lives.

**1.4 EMPLOYMENT:** The S.W.A.T. Team may be activated to counter the following type of incident or other assigned tasks:

A. barricaded person;
B. high risk arrest;
C. high risk search;
D. hostage situation;
E. personal security;
F. search & rescue;
G. special event;
H. stake outs;
I. terrorist threat or attack;
J. threatened suicide intervention; or
K. any other activity or situation deemed appropriate.

**1.5 ACTIVATION AUTHORITY:** The S.W.A.T. Team may only be activated and deployed when so authorized by a division commander or officer of higher rank. The Ashland Police Department Threat Matrix Assessment must be completed for all arrest/search warrants.

**1.6 REQUEST FOR MUTUAL AID:** The S.W.A.T. Team may be deployed outside the city of Ashland only on the authority of the Chief of Police or his designee. Mutual aid request for the S.W.A.T. Team shall be considered on a case by case basis.

**1.7 SELECTION OF S.W.A.T. TEAM MEMBERS: (KACP 19.6A)**

A. Each officer considered for S.W.A.T. Team assignment shall be carefully selected. When an opening is announced, each interested officer must meet the following mandatory criteria:

   1. Have two years law enforcement experience (law enforcement/correctional/military service and/or other experience may be credited at the recommendation of the team commander with approval of a Division Commander and the Chief of Police); and,

   2. ability to function as an integral part of a police team.

B. If mandatory criteria are met, those officers will submit a written request for consideration to the S.W.A.T. team leader. The written request should contain:

1. Reason for request to be considered; and

2. outline of specialized skill(s) or training that would benefit the team.

C. The candidate will be evaluated on the firing range consisting of various courses of fire that will include decision making and physical agility. The candidate must also be able to pass standards required to participate in the Kentucky Tactical Officers Association (KTOA) Basic S.W.A.T. School.

1. Physical fitness will be measured during the performance of five physical fitness tests that will be given within three hours in one day.

a. One and one-half mile run. This measures aerobic power or cardiovascular endurance (the ability to have stamina over time). This test consists of running/walking, as fast as possible, the distance of 1.5 miles.

b. Three hundred meter run. This measures aerobic power or the ability to make an intense burst of effort for a short time period or distance. This test consists of sprinting 300 meters as fast as possible.

c. One repetition maximum (rm) bench-press. This measures the absolute strength of the upper body. The candidate lies on a bench and pushes up as much weight as possible one time.

d. Maximum push up test. This measures the muscular endurance of the upper body. The candidate executes as many push-ups as possible from the front, lean and rest position with no time limit.

e. One minute sit up test. This measures the abdominal or trunk muscular endurance. While lying on the ground, the candidate executes in one minute as many bent leg sit ups as possible.

2. The order for testing and KTOA Basic SWAT course requirement is as follows:

a. Bench press (73% of body weight - conversion).

b. Sit up test (one minute time limit). 18 or greater.

c. Three hundred meter run. 65 seconds or less.

d. Push up test (two minute time limit). 25 or greater.

e. One and one-half mile run. 16 minutes 15 seconds or less.

Candidates will also successfully pass an obstacle course followed by a course of fire.

D. Candidates will participate in an oral interview conducted by the team commander and team leaders. Selection recommendation will be forwarded to the Chief of Police for approval.

E. Each member of the S.W.A.T. Team shall voluntarily agree to participate in the Department's Random Drug Testing Program as set forth in General Order G – 8.

F. Each member of the S.W.A.T. Team will have a medical examination annually by a physician selected by the City. Cost will be paid by the City.

**1.8 TRAINING: (KACP 19.6C)**

A. Members of the S.W.A.T. Team will train a minimum of twelve (12) hours per month when schedule permits. Planning for training will include reducing overtime costs. Examples are schedule changes, adjusted work periods, etc. Planning and conducting training is the responsibility of the team leader.

B. Each team member is required to participate in APD's physical fitness program and maintain minimum POPS established standards.

C. S.W.A.T. Team members will attend all open firing range dates when practical.

D. Any member unable to attend any S.W.A.T. training shall obtain prior approval from the team leader or the assistant team leader unless exigent circumstances exist. Permission not to attend shall be requested via memorandum or departmental e-mail addressed to the team commander and the member's team commander. These will be included in the monthly report.

E. All training conducted by the team will be recorded in a monthly report to be kept on file as a permanent record in the Administration Section.

**1.9 EQUIPMENT: (KACP 19.6B)**

A. Specialized equipment is an integral part of the S.W.A.T. Team mission. To ensure a successful resolution of tactical operations and the safety of the S.W.A.T. Team officer, the Department should have available individual equipment and team equipment.

1. S.W.A.T. Team members may use available special equipment and weapons necessary to fulfill their mission.

2. All equipment, individual and team, will be stored at Ashland Police Headquarters or an approved location.

3. Issued equipment will be routinely inspected by the team leader or his designee to ensure operational readiness.

4. The S.W.A.T. Team uniform and accessories guidelines are covered in Ashland Police Department General Order G-3.

B. Any personal equipment not issued by the department must first be reviewed and recommend by the S.W.A.T. team leader and forwarded to the Chief of Police for approval.

C. Gas masks: S.W.A.T. Team members shall be issued Advantage 1000 full face respirators or equivalent, to be used when appropriate at the direction of the S.W.A.T. team leader. The procedures concerning selection, medical evaluation, fit testing, proper use and maintenance, training and evaluation as required by OSHA respiratory protection standard 29 CFR 1910.134 and its state plan equivalent shall be covered in The City of Ashland's Respiratory Protection Plan which is maintained by the Safety/Risk Manager. The City of Ashland's Safety/Risk Manager shall designate the administrator of the Respiratory Protection Plan, and shall notify the Police Department of the date, time and location of required training and/or fit testing.

D. Tactical Helmets: Atlantic Signal hi-cut tactical helmet with core rail kit. The tactical helmet features an integrated headset for sound suppression and integrated radio interface with remote PTT for tactical communication.

E. Tactical Body Armor: Threat level 3-A NIJ compliant body armor with specialized plates and inserts for use by the SWAT team.

F. Go Pro/hard shell case will be stored in the SWAT room to ensure readiness for all SWAT callouts. The Go Pro will be mounted on a tactical helmet to record entry on SWAT operations. It features a built-in WIFI that can provide a live video feed to the command post. Inability to use the Go Pro must be preapproved by a Division Commander or Chief of Police. The footage is for official use only including training purposes (after action review) and court. Go Pro footage will be downloaded onto a DVD or other media device and submitted with the Tactical Operations Order.

## 2.0 DEPLOYMENT/CALL OUT PROCEDURE: (KACP 19.6E)

A. When authorized by a division commander or officer of higher rank to deploy the S.W.A.T. Team, the “One Call Now” electronic notification system will be used to notify team members to respond to a specified location.

B. A S.W.A.T. Team member shall not respond to a call out unless more than eight (8) hours have elapsed from the last drink of alcoholic beverage or are currently taking prescribed medication(s) that would prohibit them from working normal duties in accordance with the City of Ashland Drug Policy.

C. S.W.A.T. Team members shall respond to Ashland Police Headquarters upon activation, unless otherwise directed.

## 2.1 OPERATIONS: (KACP 19.6D)

A. The S.W.A.T. Team vision is to successfully resolve each assigned task with no personal injury or loss of life, a commitment to human and civil rights, and a fair and impartial enforcement of state and federal laws.

B. Operational Objective

1. The basic operations concept is containment and apprehension. This involves locating and isolating suspects, evaluating the area threatened, using special tactics to effect apprehension in a manner that affords minimum peril to officers and citizens who may be directly or indirectly involved.

2. The containment process is highly dependent upon the initial action of the first responders and supervisors assigned to the operation.

C. Operational Terms:

1. Inner Perimeter - A containment area immediately surrounding the situation location that minimizes and controls movement of a suspect within that area. The inner perimeter should be sufficiently large to present no immediate danger to anyone, but should be as small as possible to ensure control and management of the area.

2. Outer Perimeter - A large area that completely surrounds the inner perimeter and prohibits unauthorized vehicular and pedestrian traffic from reaching the inner perimeter. The outer perimeter should be positioned in a manner to afford protection and safety to anyone outside the perimeter boundaries.

3. Control Zone - The space between the outer perimeter and the inner perimeter. Officers manning the outer perimeter may allow authorized persons into the control zone for restricted purposes as designated by the incident commander. Depending upon the specific geographic circumstances, unauthorized persons, including bystanders, residents, merchants, non-involved police officers, and others, should be evacuated from the inner perimeter and the control zone, or sheltered in place if an evacuation is not possible or desired.

D. Initial Response

1. Officers are authorized to apprehend suspects or take other action to ensure the safety of officers and citizens. It is emphasized that time is usually an ally, particularly in cases involving barricaded subjects and hostage situations. The concept of containment requires deliberate and well-planned actions for a successful operation, beginning with the first officer to arrive at the scene of an incident.

2. When circumstances indicate that a situation may warrant the deployment of S.W.A.T. Team, a field operations division supervisor shall be so informed. The field operations division supervisor shall respond to the scene and evaluate the situation and if a watch commander is on duty the supervisor shall brief that person on his findings and recommendation.

3. The initial on scene supervisor shall assume responsibility as the incident commander and continue in that role until relieved by an officer of higher rank. The incident commander shall be responsible for the following:
   a. assure the evacuation of injured victims and bystanders, unless the evacuation process is likely to result in a greater risk of injury to citizen(s) or officer(s);

   b. establish the inner perimeter, outer perimeter, and control zone;

   c. establish a command post and a staging area; and

   d. request Ashland Fire Department and Boyd County Emergency Medical Service units to stand by at a specific staging area.
4. The highest ranking on-duty field operations division command officer shall evaluate the situation and, if appropriate, notify the division commander.

5. The deployment of the S.W.A.T. Team shall require that a division commander report to the scene and assume the responsibilities of incident commander.

**2.2 CRITICAL INCIDENT REVIEW:**

A. All S.W.A.T. Team actions shall be critiqued and evaluated at a debriefing immediately following the incident. The S.W.A.T. Team commander shall complete the "Ashland Police Department Tactical Operations Order, attached.

B. After the Tactical Operations Order is completed it shall be forwarded to the division commander who was not the lead division commander involved in the incident. He shall review, evaluate, and render his findings and recommendations. These findings and recommendations shall be forwarded to the Chief of Police.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Ashland Police Department

**S**pecial **W**eapons **A**nd **T**actics

# TACTICAL OPERATIONS ORDER

**DATE:** Click here to enter a date.
**OPERATIONS ORDER NUMBER:** Click here to enter text.
**INCIDENT NUMBER:** Click here to enter text.
**ACTIVATION AUTHORITY:** Click here to enter text.

**TYPE OF OPERATION:** Special Event

**LOCATION:** Click here to enter text.

**SITUATION:** Click here to enter text.

**MISSION:** Click here to enter text.

| TEAM MEMBER | RADIO IDENTIFIER | ASSIGNED WEAPON |
|---|---|---|
| Click here to enter text. | Click here to enter text. | Click here to enter text. |
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| **??** | ?? | ?? |

**Ashland Police Department**
**S**pecial **W**eapons **and T**actics
**TACTICAL OPERATIONS ORDER**

**EXECUTION PLAN:** Click here to enter text.

**DESIGNATED HEALTH CARE FACILITY:** Click here to enter text.

**PRIMARY HELICOPTER LANDING ZONE:** Click here to enter text.

**LAT/LON:** Click here to enter text.

**SRT RADIO CHANNEL:** Click here to enter text.

**SUPPORT:**

Fire Department ☐
Hostage Negotiator ☐
Explosives Technician ☐
Public Works ☐
Utility Company ☐
EMS ☐
Tactical Medic ☐
Tactical Doctor ☐

**Mission Summary:**

Click here to enter text.

**Operations Order Completed By:** Click here to enter text.

**Signature:** _____

**Division Commander's Review:**

**Signature:** _____

**Signature:** _____

**Chief of Police Review:**

**Signature:** _____

**Ashland Police Department Risk Assessment Matrix Warrant Service**

Risk assessment is based on facts and circumstances stated in the affidavit for the arrest or search warrant and the criminal history of the suspect(s). A copy of the warrant should be attached to the risk assessment matrix.

Suspect / Location:

**Please check only one block in each of the six colored categories. The block checked should be the highest block that is applicable to the subject location**

| Points | Facts | Score |
|---|---|---|
| 0 | Search Warrant is for property crimes | 0 |
| 1 | Search Warrant is for crimes against persons | 0 |
| 2 | Search Warrant is for drug possession/distribution | 0 |
| 0 | Arrest warrant is for property crimes | 0 |
| 2 | Arrest warrant is for crimes against persons | 0 |
| 3 | Arrest warrant is for drug possession/distribution | 0 |
| 0 | Subject of warrant has property crimes history only | 0 |
| 1 | Subject has history of crimes against persons | 0 |
| 2 | Subject has made statements regarding resisting arrest/search | 0 |
| 3 | Subject has history of arrest/involvement w/drugs | 0 |
| 4 | Subject has a violent criminal history | 0 |
| 10 | Subject has used firearms during commission of crimes | 0 |
| 1 | Location of service requires minimal forced entry | 0 |
| 2 | Location has surveillance/counter surveillance by suspect(s) | 0 |
| 3 | Location requires use of ram or sledgehammer | 0 |
| 10 | Location is fortified requiring specialty breaching / has guard dogs | 0 |
| 2 | Firearms are readily available to suspect(s) at the location | 0 |
| 3 | Previous runs to location where weapons were involved or where violence against officer has occurred | 0 |
| 4 | Subject is known to carry firearms or has arrests for CCDW | 0 |
| 6 | Subject is always armed | 0 |
| 8 | Subject has history of assault or resisting arrest offenses against police | 0 |
| 25 | Automatic weapon is possessed or used in commission of the crime | 0 |
| | TOTAL: | |

<u>0 – 14 points</u> Service / Execution may be handled by supervisor and officers

<u>15 – 20 points</u> Consultation with SWAT Commander is optional, warrant service requires approval of a division commander or designee

<u>21 – 24 points</u> Consultation with SWAT Commander is required, warrant service requires approval of a division commander or designee

<u>25 + points</u> SWAT Team is required for service of warrant, warrant service requires approval of jurisdiction head of agency or designee

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 2

| SUBJECT: UNUSUAL OCCURRENCES AND CRITICAL INCIDENT MANAGEMENT | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 10MAR16 | |
| Revision Date: 10MAR16 | Review Date: 10MAR18 | **REVISED** |
| Accreditation Standards: KACP 17.4, 19.1, 19.2, 19.2A, 19.2B, 19.2D, 19.2F, 19.2G, 19.2H, 19.2M, 19.2N, 19.2O, 19.2P, 19.2Q, 19.2R, 19.2T, 19.2U, 19.2V, 19.2X, 19.2Y, 19.2Z, 19.2AA, 19.2BB, 19.2CC, 19.3, 19.4, 29.2A, 29.2B, 29.2C | | |

**1.1 PURPOSE**: "Unusual occurrences" denote situations, generally of an emergency nature, that result from disaster, both natural and man-made, and civil disturbances. Each situation is different, therefore, response to a specific situation must be accomplished within administrative and operational measures the Ashland Police Department (APD) has developed and prepared. This policy sets forth the emergency administrative and operational measures developed for the Department to handle unusual occurrences. (**KACP 19.2)**

**1.2 DEFINITIONS:**

A. Unusual Occurrences: Situations of an emergency nature, resulting from disasters, both natural and man-made, ~~and~~ civil disturbances, <u>and acts of terrorism</u>.

1. Disasters may include: floods, earthquakes, explosions, or tornadoes.
2. Civil disturbances may include: riots, disorders, labor disputes, or critical incidents in a school.

B. High-risk Incident: Any incident in which there is a greater than "normal" chance for injury or death to all those involved (particularly first-responders).

**1.3 GOALS:**

A. Prevent and control conduct recognized as threatening to life and property;
B. Aid individuals who are in danger of physical harm;
C. Protect constitutional guarantees;
D. Facilitate the movement of people and vehicles; and,
E. Create and maintain a feeling of security in the community.

**1.4 OBJECTIVES: (KACP 19.2A)**

A. When responding to natural and man-made disasters, the APD seeks to:

1. Contain the disaster area;
2. Ascertain the degree of seriousness (especially if acting as the first responder);
3. Set up or assist in setting up and maintaining a command post, (if needed);
4. Render any assistance possible; and,
5. Provide traffic control and security.

B. When responding to civil disturbances, the APD seeks to:

1. Contain the disturbance area;
2. Ascertain the degree of seriousness;
3. Set up or assist in setting up and maintaining a command post, (if needed) and,
4. Restore order.

**1.5. AUTHORITY**:

A. The Ashland, Boyd, Catlettsburg Emergency Operations Plan (EOP) containing provisions which, if activated, will necessitate agreed-upon emergency operations performed by this Department, are based upon various presidential and gubernatorial executive orders: KRS 39.400 – 39.432; EOP

operations primarily describe response to natural and man-made disasters (e.g., tornadoes, hazardous spills, etc.) of sufficient magnitude which require implementation by the Mayor or County Judge Executive.

B. However, this policy sets forth the general administrative and operational measures of this Department, for responding to **ANY** unusual occurrence requiring police services, whether the situation requires activation of EOP procedures by the Mayor/County Judge Executive or not.

**1.6 RESPONSIBILITY FOR PLANNING/ANNUAL REVIEW/MAINTENANCE OF LIAISON**: The Chief of Police or his designee is responsible for planning for response to unusual occurrences. (**KACP 19.1**). Responsibilities include:

A. Natural and man-made disasters;
B. Civil disorders;
C. Maintaining liaison with civil defense authorities; and,
D. Annually reviewing and updating unusual occurrence plans, if necessary. (**KACP 19.3**)

1. These plans will be reviewed each year.

**1.7 ENABLING LEGISLATION (KACP 19.2V)**

A. In the event of occurrences or threatened or impending occurrence of any of the situations or events contemplated by KRS 39.400 or 39.401, the Governor may exercise the emergency powers stated in KRS 39.409.

B. In addition, KRS 39.427 authorizes local governments to make orders, rules or regulations as may be necessary for disaster and emergency response, and that they shall have the full force and effect of the law, **when filed in the office of the clerk**, provided that they are not inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him.

**1.8 EQUIPMENT**:

A. The Ashland, Boyd, Catlettsburg EOP Manual contains an Emergency Response Inventory List (ERIL) containing personnel, equipment, vehicles, and other pertinent information regarding resources for dealing with disasters. The APD may have access to this equipment through the Regional Public Safety Communications Center (RPSCC) or the Emergency Operations Center (EOC) in the event of a disaster in which EOP procedures are activated. (**KACP 19.2R)**

B. Departmental equipment for use in the event of any unusual occurrence is limited primarily to patrol cars and issued equipment. (**KACP 19.4)** Each A.P.D vehicle is equipped with an escape respirator/hood**.** The use of these is considered voluntary by the employee, and they are intended to be used for escape from a contaminated area only. This equipment is covered in The City of Ashland's Respiratory Protection Plan for compliance with OSHA 29 CFR 1910.134. The plan is maintained by the City of Ashland Safety/Risk Manager.

C. Patrol vehicles and equipment are inspected for readiness:

1. Daily by assigned officers; and,
2. Monthly by supervisors. **(KACP 19.4)**

**1.9 COMMUNICATIONS (KACP 19.2H)**

A. The Ashland Police Department shall utilize the Incident Command System during all critical incidents as specified under the National Incident Management System. Plain text communication shall be utilized.

B. The Ashland, Boyd, Catlettsburg EOP specifies that the RPSCC along with the EOC will be the central point of communications in the event of an unusual occurrence that requires described emergency operations.

C. In such an event, the department's communicative resources will respond according to the following responsibilities and procedures:

1. Warnings, i.e., RPSCC or the EOC is charged with the dissemination of information to government officials and ultimately to the public, a prediction or occurrence of natural, man-made technological, conventional or nuclear war incidents which could result in loss of life, hardship, suffering, or extensive property damage. **(KACP 19.2H)**

2. Basic communication duties during emergency operations including duties involving: **(KACP 19.2H)**

   a). Law enforcement;
   b). Public works;
   c). Ambulance;
   d). Fire; and/or
   e). Emergency management.

**1.10 INITIAL RESPONSE/DIRECTION/CONTROL/FIELD COMMAND POSTS/AVAILABILITY FOR COMMAND (ORDER OF PRECEDENCE) (KACP 17.4)**

A. For "first responders" to a disaster (or especially any high-risk incident) the first minutes are crucial. Whether the situation will be resolved efficiently, in the minimum amount of time, or whether officers and citizens will be exposed to excessive danger, may largely be determined by the actions of the first responder.

~~B. Regardless of the type of incident; initial responders to high-risk police situations, toxic chemical spills, etc., all help set the tone for the problem. A chaotic beginning will only breed more chaos.~~

C. Since the officer responding to an incident is constantly thinking of many different things, and since stress levels tend to be very high, the following acronym has been developed to help remember the basic steps necessary to stabilize a high-risk situation:

**C.O.N.T.R.O.L.**

1. **C**ontain the incident;
2. **O**bserve what is taking place or has taken place;
3. **N**otify dispatch of what is transpiring or has transpired;
4. **T**ell other responders the safest route to the scene;
5. **R**eport any changes in the status of the incident;
6. **O**rganize outer perimeters; and,
7. **L**ocate citizens, witnesses, etc., within the perimeter and determine if evacuation is necessary.

Once the incident has been contained and is under **C.O.N.T.R.O.L.**, it is then necessary to establish a command post within the outer containment perimeter. **(KACP 19.2M)**

D. It doesn't really matter who sets up the command post initially, as long as one is set up and someone takes charge. However, until relieved by higher authority, the ranking officer on the scene of any unusual occurrence is responsible for the following actions as may be appropriate:

1. The selection of a preliminary command post site;
2. The summoning of emergency medical treatment;
3. The summoning of fire units;
4. The notification of the Field Operations or Technical Services Commander or Chief of Police;
5. The coordination and deployment of responding units; and,
6. The initiation and coordination of evacuation measures.

E. The person who initially sets up the command post may eventually be relieved by higher authority, but someone, the officer in charge (OIC) whoever he is, will ultimately be responsible for the handling of the situation.

The administrative command post is where the major decisions are made. Anything that is not defined as a "major decision" should be handled elsewhere. Delegating both authority and decision-making discretion is one of the hardest jobs facing the OIC. **(KACP 19.2B)**

The officer in immediate command of the police operations associated with a disaster should be the highest raking officer according to command protocol in control at the scene. In the event of a disaster, the Field Operations and Technical Services Commanders along with the Chief of Police shall be notified by RPSCC. The order of precedence for command authority in the event of the absence of the Chief of Police shall be: **(KACP 19.2D)**

1. The Field Operations or Technical Services Division Commander in his absence;
2. The ranking officer according to rank and seniority and according to command protocol. **(KACP 19.2B)**

F. In the event of emergency operations of sufficient magnitude, the Ashland, Boyd, Catlettsburg EOP system will coordinate operations, and overall direction and control shall operate from an activated EOC. The County Judge Executive, Mayor, or emergency management coordinator will authorize opening and staffing of the EOC. The EOC may be opened and staffed due to the threat of a disaster or an actual disaster. The County Judge Executive is responsible for emergency operations in the unincorporated areas of the county. The Mayor is responsible for emergency operations within the city limits. (See Ashland, Boyd, Catlettsburg EOP).

**1.11 CASUALTY INFORMATION:** In any disaster, casualty information should be handled according to the following:

A. **Initial information**: If medical assistance or hospitalization is required, relay through RPSCC known relevant information, e.g., number of victims (or estimate), condition of victims, type of incident (e.g., radiological or chemical), and associated dangers, etc.

B. **Media inquiry and news releases**:

1. An information officer assigned by the Chief of Police or his designee; and
2. The emergency management coordinator at the scene, or the designated press release person.

Press releases will be made by the above individuals or otherwise authorized by them.

**Identification of deceased persons and death notifications:** The Boyd County Coroner shall have sole control and responsibility for handling deceased persons including but not limited to identification and notification of next of kin. Assistance may be rendered to the coroner by the Ashland Police Department upon request to include the services of the APD chaplain program as needed. **(KACP 19.2Z)**

**1.12 COMMUNITY RELATIONS/PUBLIC INFORMATION (MEDIA BRIEFINGS/RUMOR CONTROL (KACP 19.2O)**

A. In addition to its other goals and objectives, if a disaster strikes, the police department shall seek to create and maintain a feeling of security in the community and maintain an ongoing awareness of any other community need. Those needs which may not be directly fulfilled by the Department will be referred to other agencies according to the following criteria:

1. The nature of the problem;
2. The type of help or remedy required; and,
3. The identification of the agency best suited to provide remedy.

All media briefings shall be coordinated with other responding agencies and according to the following: **(KACP 19.2O)**

1. If an EOC has been activated according to the Ashland, Boyd, Catlettsburg EOP, a public information coordinator will be designated to assist the County Judge Executive and Mayor in preparing and coordinating the release of all emergency information to the public and other levels of the government. Periodic briefing sessions will be held for the news media and others who must be kept aware of the problems during a disaster or emergency (Ashland, Boyd, Catlettsburg EOP) ~~ANNEX-E)~~.

2. If an EOC has not been activated ~~than~~, news releases may be coordinated through the police department from a designated officer and will coordinate according to established procedures.

B. In the event of a disaster, various rumors may surface that cause serious problems for those responsible for maintaining control. Officers are advised of the dangers of inadvertently perpetuating false rumors. Officers should not comment or guess about procedural matters having to do with the safety and relief of the public, but should refer inquiries to proper coordinating officials or public news broadcasts. Rumors may best be controlled by informative and timely use of news bulletins.

## 1.13 LAW ENFORCEMENT AGENCY SUPPORT AND OTHER SUPPORT

A. In the event of a disaster necessitating other law enforcement agency support to the APD, agency roles must be determined in the beginning. In all events of concurrent jurisdiction, it is the policy of the APD that departmental members either assume a primary role or a secondary role.

B. However in disaster situations, as events are stabilized and the various agency operations continue, the role of the police itself usually becomes secondary, involving security and traffic control, rather than directly working toward resolving the situation. In the event other law enforcement support is requested by the APD, the APD will continue to be in charge. In the event another police agency makes itself available or inserts its services into a disaster situation within the city limits, the officer in charge of the APD will seek out the officer in charge of the other agency and determine which agency is in charge, and the responsibilities of both.

The APD will request other law enforcement agency support only when unable to cope with a particular disaster situation. Upon authorization by the Chief of Police or his designee, the following mutual aid agencies may be contacted and asked for assistance: **(KACP 19.2N)**

1. Kentucky State Police.
2. Catlettsburg Police Department.
3. Boyd County Sheriff's Office.
4. Other agencies as needed.

C. In addition to law enforcement agencies, there are other agencies that can assist in unusual occurrences which may be notified as needed (list not conclusive): **(KACP 19.2Q)**

1. Ashland Public Services.
2. Ashland Fire Department.
3. Windstream Telephone Communications.
4. American Electric Power.
5. Boyd County Emergency Management (EM) Director.
6. Boyd County Health Department.
7. Others as needed.

## 1.14 MILITARY SUPPORT (MARTIAL LAW)

The Kentucky National Guard (KYNG) will support emergency operations necessitated by a natural or man-made disaster in the Commonwealth of Kentucky when so ordered by the Governor, provided they have not been federalized, or are otherwise not available **(KRS 38.030**).
**(KACP 19.2P)**

A. Requests may be made according to the following procedures specified in the Ashland, Boyd, Catlettsburg County EOP:

1. The chief executives (Mayor or County Judge Executive) or EM director will contact the KY EM Area Coordinator to request state assistance.
2. If the area coordinator cannot be reached, the KY EM duty officer is on staff 24 hours a day to relay request for assistance and to coordinate state response. The phone number of the duty officer is (502) 564-7815 or (502) 564-8600.
3. The KY EM officer has available all the necessary resources to contact state, federal, and private agency personnel and coordinate their response.

B. Use of federal or reserve troops requires additional authorization as stated in the Ashland, Boyd, Catlettsburg County EOP. This also provides additional instructions having to do with planning and utilization of military forces.

D. The department will seek military support only when unable to cope with a particular disaster situation.

**1.15 PUBLIC FACILITY SECURITY**

A. In the event of a disaster, essential public facilities and supplies must be made available for relief services.

The Ashland, Boyd, Catlettsburg County EOP specifies that in the event an EOC is activated its law enforcement coordinator (the Chief of Police or his designee for the APD) is responsible for maintaining law and order through traffic and crowd control, preventing crimes against people and property, law enforcement support for lodging and shelter managers and to all hosting facilities and activities, and security for vital facilities and supplies. **(KACP 19.2F)**

**1.16 TRAFFIC CONTROL (KACP 19.2G)**

A. In the event of a disaster, the immediate area must be cleared of traffic and avenues for approach and exit provided for emergency vehicles. Thus, a problem for the police is one of immediate traffic direction and control.

B. Immediate traffic control of the area is facilitated by forming a perimeter, moving traffic out, and denying entrance to unauthorized vehicles. This should be accomplished quickly and as orderly as possible, remembering that initial responders help set the tone of the incident.

**1.17 TRANSPORTATION (KACP 19.2T**)

A. Before, during, and after a disaster, there may be a need for transportation to move and protect life and property and a need to warehouse private and public goods. Transportation needs for immediate protection of life and property may be facilitated through resources in the Ashland, Boyd, Catlettsburg County EOP emergency resource inventory list.

B. In the event of emergency operations of sufficient magnitude (e.g., one requiring the warehousing of private and public goods), the Ashland, Boyd, Catlettsburg County EOP system will coordinate transportation operations, and overall direction and control shall operate from an activated EOC by an appointed transportation coordinator.

**1.18 DE-ESCALATION PROCEDURES/POST-OCCURRENCE DUTIES (KACP 19.2AA**)

A. Response to any disaster or emergency situation, no matter how large or small, should proceed through three basic phases:

1. Initial response and implementation of C.O.N.T.R.O.L. measures;
2. A period of stabilization as various agencies seek to deal with the situation; and,
3. De-escalation as the problem is overcome.

B. After C.O.N.T.R.O.L. measures are implemented, and the period of stabilization begins, police duties usually become secondary (security and traffic control) to the more primary responsibilities of

working directly toward resolving the situation. When the situation begins to be resolved, the police may begin scaling back its security and traffic operations. All operation cut-backs shall be coordinated by the officer in charge with the other agencies and higher authorities involved.

The following post-occurrence duties shall be conducted: **(KACP 19.2BB)**

1. Continued observation of the disaster area to determine if renewed police operations may be necessary;
2. Evaluation of all police operations to determine:
   a). If planning for response to natural or man-made disasters has been adequate;
   b). If initial response was adequate and correctly performed;
   c). If coordination with other agencies and department was adequately performed; and,
   d). Did the police department attain its overall goals and objectives for response to natural and man-made disasters.

C. Determine any recommendations for change in the event of a similar disaster.

**1.19 AFTER ACTION REPORTS (KACP 19.2CC**)

A. The collection, evaluation, and dissemination of factual reports are of primary importance to enable government officials at all levels to form a base for decision making.

B. At the completion of any unusual occurrence or special event the officer commanding the scene shall:

1. Coordinate the completion of the department's initial response report and any other official report necessary, and,
2. Within 24 hours of the conclusion of the incident, prepare a written report directed to the appropriate Division Commander and Chief of Police. The report will contain, but will not be limited to, the following:

   a). Cause of the initial incident;
   b). Police response;
   c). Manpower and equipment allocations;
   d). Functions of patrol and commanding officers;
   e). Civilian and law enforcement casualties, if any;
   f). Coordination with mutual aid and support agencies, if any;
   g). Communications;
   h). Property damage;
   i). Emergency legislation utilized; and,
   j). Post-action duties.

C. In the event of the activation of an EOC, the law enforcement coordinator (the Chief of Police or designee for the APD) is required by the Ashland, Boyd County, Catlettsburg EOP to make a report to the EOC. This report may be made by phone. The EMA coordinator will use this information to compile the initial Disaster Damage Assessment Report. After the disaster is over, the Chief of Police and designees will participate in evaluation of operations with the EMA coordinator and other authorities, using the Department's initial incident report (above) and any other report he may deem necessary and appropriate.

**1.20 HAZARDOUS MATERIALS INCIDENTS**

The following paragraphs describe response to one type of man-made disaster: hazardous materials accidents. **(The Ashland Fire Department has the primary responsibility for management of hazardous materials incidents occurring within the City of Ashland.)**

A. A hazardous material is any element, compound, or combination thereof, which is flammable, corrosive, explosive, toxic, radioactive, and oxidative, an etiological agent, or is highly reactive and which because of handling, storing, processing, and packaging may have detrimental effects, upon operating and emergency personnel, the public, equipment, and/or the environment.

B. Numerous hazardous materials are transported through the state every day. While many of these are in common use, accidents or spills present a serious threat to the health and safety of the general public, especially the officer who happens to be first on the scene.

C. Many accidents and other emergencies will involve more than one agency and require a cooperative emergency response. It is of major importance for all officers to be aware of the proper action to take during hazardous material emergencies.

D. The city of Ashland safety risk manager will provide as prescribed by law, awareness level training for first responders of hazardous materials. (**KACP 29.2A**)

E. Each APD fleet vehicle will be equipped inside the operator's compartment the current guide to hazardous materials and binoculars to observe an incident from a safe distance. (**KACP 29.2B, 29.2C)**

F. The department will coordinate with Emergency Management through procedures set forth in the Ashland, Boyd, Catlettsburg EOP manual. The plans contain hazardous materials response. The safety of our officers and the general public is of paramount importance.

G. The following **general** procedures apply to the control and removal of hazardous materials:

1. Radioactive materials:

a). In the event of a radiological incident, complete information concerning the incident will be forwarded to the on-duty watch commander by the quickest means available. This information shall include:

1). Type of incident;
2). Basic description;
3). Exact location; and,
4). All information, if possible, contained on the Interstate Commerce Commission (ICC) label or labels.

b). The RPSCC shall, upon being notified of any incident, notify the following immediately by telephone, pager or radio:

1). The Ashland Fire Department
2). The Ashland, Boyd, Catlettsburg Emergency Management Director;
3). The Field Operations Division Commander and Chief of Police.

c). The radiation and Product Safety Branch (henceforth referred to as "Radiation Control") of the Kentucky Cabinet for Human Resources shall provide technical assistance to the Ashland, Boyd, Catlettsburg Emergency Management director. As assigned in KRS 211.842, Radiation Control is responsible for:

1). The quantification of the radiation hazard, if any;
2). The assessment of the impact on public health and safety from the hazard;
3). The possible resulting decision to evacuate areas (other than the immediate hazard area secured by the initial response personnel); and,
4). Ensuring decontamination equipment and personnel are secured by appropriate sources, as well as certifying that all contamination is contained.

d). In incidents involving radioactive materials, spillage or leakage, local police, fire, rescue, and emergency medical personnel will take the following emergency actions at scene of incident pending the arrival of radiological emergency personnel from Radiation Control:

1). Apply C.O.N.T.R.O.L. and remember that the first priority for any officer at a high-risk situation **must** be self-protection.
2). Rescue injured or trapped persons and remove them from the area, if radiation levels

permit; otherwise, additional personnel may be exposed.

3). Limit first aid to those actions necessary to save life or minimize immediate injury.

4). Try to hold all people who have been involved in the incident within the incident area until the radiation monitoring team from Radiation Control arrives. They must be checked with a radiation survey instrument for radioactive contamination before being allowed to leave the scene.

5). When it is necessary to send an individual to a hospital or other medical facility **before** a radiological emergency team or a physician knowledgeable in radiological health arrives, inform ambulance and other transporting vehicles personnel who will be in contact with the individual of the possibility of radioactive contamination. Also, inform the receiving hospital or medical facility that the individual may be contaminated with radioactive material.

6). Be sure no one except emergency service personnel are admitted into the area, and advise all persons **not** to handle or remove any part of the debris from the incident.

7). Keep upwind, and avoid smoke, fumes, and dust.

8). **Do not** eat, drink, or smoke in the incident area, or use food or drinking water that may have been in contact with radioactive material.

9). **Do not** handle, use, or remove from the incident area any material, equipment, or other items suspected of being radioactively contaminated unless released by the radiation monitoring team.

10). Obtain names and addresses of all persons involved; restrict access to the incident area and prevent unnecessary handling of incident debris; and, if necessary, initiate evacuation of areas subject to contamination.

11). When a transportation incident involves radioactive material, **do not** move vehicles, shipping containers, or wreckage, except to rescue people. Detour pedestrian and vehicular traffic, if necessary.

12). **Do not** give out information releases concerning radiation levels. This is the responsibility of Radiation Control.

e). The Radiation Control team, upon arrival at the scene, will coordinate activities with the official in charge and assume control of the technical operations.

f). When a nuclear weapon is involved in an accident, the Emergency Management mission is to assist the U.S. Department of Defense (DOD) in the neutralization of the weapon and clean-up of the site.

2. Hazardous Materials or Chemical Accidents:

a). Apply C.O.N.T.R.O.L. and remember that the first priority for any officer at a high-risk situation **MUST** be self-protection.

b). First, and most important, is the identification of shipments considered hazardous. This is usually accomplished directly or indirectly by descriptive data in shipping documents, on containers, package labels, and vehicle placards. If this information is not readily obtainable due to an incapacitated driver, destruction of a bill of lading, or other shipping papers, immediately contact the Chemical Transportation Emergency Center (CHEMTREC) at 800.424.9300. CHEMTREC provides technical expertise in handling hazardous material emergencies. Basic information for CHEMTREC:

1). Name of caller and call back number;
2). Location of problem;
3). Shipper or manufacturer;
4). Container type;
5). Rail car or truck number;
6). Carrier name;
7). Consignee; and,
8). Local conditions.

3. In the event of a chemical accident or incident, complete information concerning the incident will be forwarded to headquarters by the quickest means available. This information shall include:

a). type of incident;
b). basic description;
c). exact location; and,
d). all information, if possible, contained on the ICC label or labels.

4. The on-duty watch commander will cause the EM director to be notified. The Field Operations Division Commander and the Chief of Police will also be notified. The EM director will coordinate the need for the Office of the State Fire Marshal, or the Division of Emergency Management. (Local government will, if the situation warrants, activate the local Emergency Operations Center, coordinate initial on-scene operations, initiate local emergency broadcasts, as necessary, and request outside assistance, as necessary, according to established procedures.

5. Restrict the area of the incident, and if possible, rescue injured or trapped persons and remove them from the incident area.

6. If necessary, evacuate the immediate area. Officers are advised that some chemicals produce a gas which is highly toxic. (An evacuation of the full area is usually initiated by joint decision of officials at the command post as stated in EOP procedures.)

7. Allow no one in the immediate area of the incident except “Emergency Service” personnel, and keep them upwind to avoid smoke, fumes, and dust.

8. If hospitalization of personnel is required, inform ambulance and hospital personnel of the chemical contamination, if known. Reroute traffic as required.

9. All news media inquiries must be referred to a designated public information officer for updates and briefings.

**1.21 CIVIL DISTURBANCES:** Civil disturbances may take many forms and vary in size and degree of danger to the public. Civil disturbances may include riots, disorders, and violence arising from dissident gatherings, political demonstrations, and labor disputes etc. Of primary importance in any civil disturbance is defusing the situation and restoring order. Officers must be able to respond to any civil disturbance, isolate it from the remainder of the community, protect life and property and maintain control.

A. Communications **(KACP 19.2H)**

1. In the event of a civil disturbance the Department’s basic communication duties involve the following responsibilities and procedures:

a). Duties involving:

1). Law enforcement
2). Ambulance, if needed;
3). Fire, if needed; and,
4). Any other appropriate resource for response.

b). General liaison with other agencies

B. Basic procedures:

1. In the event of incidents involving serious civil disorder, the watch commander or field supervisor will notify the Field Operations Division Commander. He will determine other notifications and initiate mobilization plans, if necessary.

2. The Chief of Police, Field Operations or Technical Services Division Commander along with the watch commander or field supervisor will make provisions for the requisition of extra equipment to be distributed and, if warranted making contact with the City’s attorney for legal considerations and notify the county jail that mass arrests are possible. For legal considerations regarding

arrest of adults and juveniles, officers are referred to the section entitled "arrest" within the Kentucky Criminal Law Manual for requirements for legal arrests within the Commonwealth of Kentucky. (**KACP 19.2Y)**

3. Basic provision for the following subject areas apply to police response to disasters and civil disturbances.

   a). Initial response, direction, control, command posts, and availability for command;
   b). Casualty information;
   c). Community relations/public information;
   d). Law enforcement agency support and other support;
   e). Military support;
   f). Public facility security; and,
   g). After action reports.

4. Mass Arrests

   a). If mass arrests are probable, the district court judges and the Boyd County attorney's office should be notified. The on-scene incident commander shall designate an officer to be the liaison between the department, the county jail, and the prosecutor's office and court.
   b). The following procedures for mass arrests will be followed:

      1). Command post will establish a forward booking and detention area. A designated area may be used as temporary detention facility for prisoners awaiting transport to the jail after processing.
      2). Command post will ensure this area is adequately secured and staffed.
      3). Command post will request buses from the city of Ashland bus system for transportation.
      4). Command post will designate an arrest team. These designated officers will escort prisoners to the booking area, be properly identified with the prisoners, and return for more arrests. This procedure will simplify identification for prosecution purposes, and will eliminate confusion.
      5). In the event a prisoner is injured, he will be taken to the EMS forward triage area or EMS command post for treatment by EMS personnel.
      6). Command post will designate an officer at the county jail to ensure that arrest slips are properly completed. Food, water, and sanitation will be provided by the county jail. (**KACP 19.2X**)
      7). Each prisoner will be booked and photographed by Boyd County jail protocol. (**KACP 19.2X**)
      8). Evidence should be secured and transported to the evidence lockers as soon as possible.
      9). Juvenile prisoners will be processed in accordance with the court designated worker and should be separated from adult prisoners. One officer should be assigned to handle juveniles and make provisions for contacting their parents in order to reduce the number of juveniles in custody. The court designated worker will be contacted before doing so. (**KACP 19.2U**)

   c). When the need for additional manpower is apparent, the department's mobilization plans may be activated. In the event a partial mobilization is ordered by the ranking officer on duty, he should:

      1). Contact or have RPSCC contact the Field Operations Division Commander.
      2). Decisions will be made at that time on the alert stage to be activated so that the appropriate manpower can be called in for assistance.
      3). A complete mobilization requires the calling up of all sworn members and needed support personnel. Unless directed otherwise, called-up officers will report to the primary mobilization assembly area within a reasonable period of time prepared for duty.

   d). The department will request other law enforcement agency support only when unable to

cope with a particular situation. Upon authorization by the Chief of Police or his representative, the following mutual aid agencies may be contacted and asked for assistance:

1). Kentucky State Police.
2). Boyd County Sheriff's Department.
3). Catlettsburg Police Department.
4). Other agencies as needed.

e). Heavy equipment, or unusual equipment may be obtained by contacting Public Services, State Highway Department, Boyd County Road Department, or Emergency Management.

f). Emergency large-scale transportation needs may be arranged through Ashland, Boyd, Catlettsburg County EOP procedures. The EOP's Emergency Resource Inventory List.

g). During de-escalation, the commander should assess manpower and equipment requirements for continued security of the area until such time as a return to normal operation is possible.

h). When return to normal operations has occurred, a written report of the incident will be made according to procedures.

i). The chief of police, or his designee, will determine when the department will return to normal operations.

**1.22 SPECIAL EVENTS:**

A. Special events are activities such as parades, athletic contests, community events, or demonstrations which result in the need for control of traffic, crowds, or potential criminal activity.

B. The Field Operations Division Commander or his designee is responsible for developing appropriate plans in the form of a department special order and coordinating coverage of special events.

C. The written plan will include the following:

1. Written estimate of traffic, crowd control, and crime problems anticipated during the event;
2. Logistic requirements; and,
3. Coordinating with other departmental units, sections, and divisions, other City departments, and/or other criminal justice agencies.

D. The special order will be submitted to the Field Operations Division Commander for review prior to implementation.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 3

| SUBJECT: SPECIAL PURPOSE VEHICLES & BICYCLES | | |
|---|---|---|
| Date of Issue: 07MAY13 | Effective Date: 02FEB16 | |
| Revision Date: 29JAN16 | Review Date: 29JAN18 | **REVISED** |
| Accreditation Standards: KACP 21.3 | | |

**1.1 PURPOSE:** The Ashland Police Department has an assortment of specialty vehicles for use in emergencies and day-to-day operations. In compliance with this policy, the following will be adhered to regarding the objectives of the operation, and use of these vehicles.

**1.2 POLICY:** It is the policy of the Ashland Police Department to maintain vehicles that are utilized for special purposes. Special purpose vehicles include the police boat, Critical Response Unit, parking enforcement vehicle, S.W.A.T. Team trailer, police bicycles, radar trailer, D.A.R.E./Crime Prevention vehicle and Property/Evidence vehicle.

**1.3 QUALIFICATIONS FOR USE:**

Unless otherwise noted, the minimum qualifications required for authorized use of any listed specialty vehicle will include:

A. Familiarization with the specialty unit;
B. Membership in the appropriate division/unit;
C. An employee of the Fleet Maintenance Division; or,
D. Unless otherwise directed by the Chief of Police or his/her designee.

**1.4 SPECIALTY VEHICLES: (KACP 21.3)**

**A. MARINE VESSEL:**

1. The public safety vessel shall only be operated by employees who have been properly trained to operate the vessel in a safe and productive manner. The vessel may be used as needed by either fire department or police department personnel who are properly authorized and trained. Officers assigned to operate the vessel shall be responsible and accountable for safe and proper operation.

2. The public safety vessel may be utilized for a variety of appropriate purposes such as evidence recovery, search or rescue, public safety patrols of public events, and other purposes as needed. The boat may be jointly manned by both fire and police personnel when appropriate for joint public safety purposes. When the public safety vessel is to be utilized for an operation that is primarily a police function, the vessel shall be manned by properly equipped sworn police personnel only.

3. STORAGE AND MAINTENANCE: The public safety vessel shall be stored and maintained by the Ashland Fire department. The operators from either department who utilize the vessel shall be responsible for cleaning and to ensure that the vessel is ready for its next usage.

4. Guidelines: Personal flotation devices shall be worn when actively engaged in operations. All vessel equipment shall be checked prior to operations (life rings, ropes, emergency lights, siren, radio, radar, navigation lights, etc.) Equipment shall be properly stowed prior to boat being stored. When boarding private vessels, bumpers should be placed between vessels to avoid damage (when practical).

**B. CRITICAL RESPONSE UNIT (CRU):**

1. Maintained by the Ashland Police Technical Services Division, stored at Ashland Police Headquarters.

2. The Critical Response Unit is intended for use at the scene of major incidents, i.e., homicides, robberies, etc., and at more serious accident scenes. The vehicle will be primarily equipped with evidence collection supplies (electronic and physical). The unit is

able to be an evidence processing/packaging resource at the scene of an event. It is equipped with a multi-channel first responder radio for the use as a mobile command post. The unit may be used at the discretion of the Chief of Police, Division Commander or his/her designee during incidents of unusual occurrences or as deemed necessary.

3. The unit will be used for transporting the members of S.W.A.T Team to assignments.

4. The unit will be inspected weekly by the property officer to ensure the equipment is in proper working condition and has the necessary supplies.

**C. PARKING ENFORCEMENT VEHICLES:**

1. The GEM ® electric vehicle will be maintained by the Support Services Section and stored inside the sally port at Ashland Police Headquarters.

2. This vehicle is designed for the constant starting and stopping of inner-city driving associated with issuing parking violations.

3. This vehicle is not to be used during severe weather or with ice/snow covered roadways.

4. The GEM will normally be operated by members assigned as Public Service Officers, but may be used for other functions such as special events and crowd control.

**D. S.W.A.T. TEAM TRAILER:**

1. Maintained by the Ashland Police Field Operations Division, stored in sally port at Ashland Police Headquarters.

2. This trailer will be pulled by the D.A.R.E./Crime Prevention vehicle. It is properly installed with the necessary braking equipment and receiver.

**E. POLICE BICYCLE:**

1. It is the policy of the Ashland Police Department (APD) to utilize mountain bicycles to conduct proactive patrol during normal tours of duty. The mountain bicycles combine mobility with close citizen contact and will also be used for patrol and crowd control during special events. Use of the mountain bicycles will provide first-line police services in the areas where they are assigned. These areas include residential neighborhoods, public housing, business districts, parks, recreational areas and other areas as appropriate. The primary function of the mountain bicycle is to serve as an effective proactive force in crime prevention, detection, and enforcement.

2. The bicycle unit will come under the supervision of the field operations commander and/or the bicycle operator's immediate patrol supervisor.

   A. One 1st line supervisor should be selected as the bicycle unit coordinator.

      a. Regularly inspecting and scheduling maintenance of the active patrol bicycle fleet;

      b. Completing an annual inventory and operational inspection of the entire bike fleet during the month of February;

      c. Keeping records on each bicycle, and who each is assigned to; and,

      d. Maintaining an inventory of minor replacement parts for the bicycle fleet.

B. Each officer selected for the bicycle unit will be trained and receive certification from IPMBA or a comparable agency before performing bicycle patrol duties. Successful completion of IPMBA or similar course grants the officer status as a certified bicycle patrol officer for as long as employed by the APD. If an officer hired by the APD has received IPMBA or comparable training while employed with another law enforcement agency, the APD's training officer and bike unit coordinator may recommend that the officer be granted certification status with the APD.

C. Authorized Bicycles: The bicycles that are utilized for patrol duties, marked or otherwise, will be approved by the field operations commander, and inspected by the bicycle unit coordinator, prior to being used by the bicycle patrol officers.

D. Those officers working bicycle patrol are authorized to wear uniforms specified in the APD's Uniform and Equipment General Order. Each bike patrol officer will, at all times, wear an approved helmet and safety glasses while operating a police bicycle.

**F. RADAR TRAILER:**

1. The RADAR Trailer is a computerized radar trailer which is used to conduct traffic surveys and to increase the public's awareness of traffic safety.

2. Field Operations Division personnel will be responsible for maintaining the RADAR Trailer.

3. The use of the RADAR Trailer will be at the discretion of the Field Operations Division Commander or his /her designee who will determine the times and locations of its use. Only those officers trained in the use of the RADAR Trailer will be assigned to its use.

4. Due to the fact that the RADAR Trailer is going to be left unattended for periods of time on the street, those officers assigned to use the trailer will be responsible for inspecting the trailer before and after it is utilized. Removal of the trailer tongue and installation of the wheel lock will be done before being left unattended.

5. When not in use, the RADAR Trailer will be kept parked at the Ashland Police Department Headquarters where it will be connected to a power source for its battery charging system.

**G. D.A.R.E/CRIME PREVENTION VEHICLE:**

1. Maintained by the Ashland Police Support Services Section.

2. This vehicle will be used for transportation of the D.A.R.E. / Crime Prevention Officer and supplies.

3. This vehicle is also equipped with the necessary equipment to pull the S.W.A.T. Team trailer. It is properly installed with the necessary braking equipment and receiver.

4. This vehicle is used to transport range training supplies.

5. This vehicle is equipped with four-wheel drive and can be used in inclement weather when necessary.

**H. PROPERTY/EVIDENCE VEHICLE:**

1. Maintained by the Ashland Police Support Services Section.

2. This vehicle is used by the Support Services Section. It is used for the movement of evidence, large items ~~from~~ to and from the satellite property locations and from scenes of incidents.

3. This vehicle is equipped with four-wheel drive and can be used in inclement weather when necessary.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 4

| SUBJECT: TRAFFIC ADMINISTRATION AND ANCILLARY SERVICES | | |
|---|---|---|
| Date of Issue: 15JAN08 | Effective Date: 10MAR16 | |
| Revision Date: 10MAR16 | Review Date: 10MAR18 | **REVIEWED** |
| Accreditation Standards: KACP 22.1, 22.2, 24.2, 25.1, 25.2 | | |

**1.1 Purpose:** The purpose of this general order is to establish policies and procedures to guide in the provision of traffic administration and traffic related ancillary services by the Ashland Police Department.

**1.2 Policy:** It shall be the policy of the Ashland Police Department to assign responsibility and establish guidelines for traffic related functions including record keeping, escort services, assistance to motorists and hazardous highway conditions.

**1.3 Traffic functions:** The field operations division shall have primary responsibility for traffic functions such as traffic law enforcement, collision investigation, traffic direction and control, and traffic related ancillary services. **(KACP 22.1)**

**1.4 Traffic records:** The support services section of the technical services division shall have primary responsibility to maintain records related to traffic collisions and traffic enforcement data. This responsibility may be met through a combination of in-house records and reliance upon the Kentucky State Police Records KY-Open Portal Solution (KY-OPS) system including E-crash and E-citation databases. **(KACP 22.2)**

**1.5 Escort services:** the following guidelines shall be followed regarding traffic escort services **(KACP 24.2)**

A. Non-emergency escorts:

1. All requests for non-emergency traffic escorts shall be forwarded to the commander of the field operations division for consideration. Examples of non-emergency escorts are funeral escorts, dignitary motorcade escorts, parades, etc. Escorts that are approved will be accompanied by instructions from the field operations division commander regarding the manner in which the escort will be conducted.

2. This section is not intended to apply to routine escorts such as escorting a business employee to the bank, escorting a citizen to recover personal property, etc.

B. Funeral escorts:

1. The department does not routinely approve requests for funeral escorts. The commander of the field operations division will approve funeral escorts only under very limited circumstances. When an officer is assigned to escort a funeral under approved circumstances, the following procedures shall be followed:

   a. The officer should be given the opportunity to review the route beforehand, and to recommend changes based on public safety, anticipated traffic flow, road hazards, etc. Any concerns should be addressed with the funeral home representative prior to the start of the procession.

   b. It will be the responsibility of the funeral home to provide marking equipment and instructions to drivers of private vehicles participating in the procession.

   c. Police vehicles escorting funeral processions shall have the emergency lights flashing at all times and will use the siren as needed, such as when passing through intersections.

   d. The procession should be led at an appropriate speed below the speed limit to allow the procession to stay together.

C. Parades **(KACP 24.2)**

1. Department participation in any parade occurring within the city of Ashland shall require a written special order to be prepared and approved prior to the parade. The special order will provide instructions and assignments regarding the responsibilities of each officer participating in the parade.

2. Officers assigned to parade details will observe for any conditions that may present a hazard to the public or other parade participants.

B. Emergency escorts:

1. Officers shall not escort civilian vehicles containing either sick or injured persons. Officers encountering this situation shall offer to summon emergency medical assistance and shall offer to provide first aid pending arrival.

2. An officer may transport a sick or injured person in a properly equipped police vehicle when this is the best option available under the circumstances at hand. An example of circumstances that would require this would be when no emergency medical ambulance is readily available.

   a. An officer may provide escort for another properly equipped emergency vehicle when authorized or directed by a command officer.

**1.6 Emergency Assistance (KACP 25.1)**

A. Motorist Assistance:

1. Officers shall provide reasonable assistance to stranded or disabled motorists regardless of whether they were dispatched to the incident or they encounter the motorist during patrol. If the officer is engaged in other activity or is enroute to another call, the officer should use discretion on whether it is necessary to stop and render assistance or to report the incident to dispatch and request that another officer be assigned.

2. An officer's primary concern when assisting a disabled motorist is the safety of the motorist as well as other motorists in the area. Officers should make use of emergency warning lights, flares or traffic cones as needed to ensure safety.

3. Officers will ascertain the needs of the motorist and offer to assist with contacting a wrecker or other reasonable assistance as needed. Officers are not expected to perform repairs, change tires, or fetch fuel, tools, or parts, but are allowed to use discretion in determining what type of assistance can be reasonably provided to remedy the situation.

4. Except in emergency situations, police vehicles should not be used to jump start vehicles or push disabled vehicles.

**1.7 Hazardous Highway Conditions (KACP 25.2)**: All Police Officers and Public Service Officers encountering hazardous highway conditions such as large potholes, traffic signal malfunctions, debris in roadway etc., shall be responsible for reporting these conditions to the appropriate agency for corrective action. This report may be made via radio to RPSCC or by other means as necessary. If the situation represents an immediate danger, the officer shall remain on scene and take action to mitigate the imminent danger until the officer is relieved or the situation is remedied by corrective action or placement of warning devices is accomplished.

NOTE: If officers will be working in or near a street or highway right-of-way and you're exposed to traffic or construction equipment, you must wear a highly visible upper-body garment, traffic vest. Emergency responders and law enforcement officers must also wear high-visibility apparel after an emergency has passed while doing traffic control, cleanup, investigations, or similar tasks.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 5

| SUBJECT: LABOR DISPUTES | | |
|---|---|---|
| Date of Issue: 04FEB08 | Effective Date: 10MAR16 | |
| Revision Date: 10MAR16 | Review Date: 10MAR18 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1** **PURPOSE**: The purpose of this policy is to establish procedures concerning labor disputes such as strikes and picketing where the rights or freedom of the public, individuals, institutions, or establishments are affected contrary to laws, statues, or ordinances.

**1.2** **POLICY:** In disputes it will not be the function of the Ashland Police Department (APD) to deal with the issues; instead, the personnel of this department must remain impartial at all times and protect the rights of all parties involved. Personnel, when responding to labor disputes, will enforce the law and maintain order by taking appropriate action whenever criminal acts are observed.

**1.3** **STRIKES AND PICKETING:** Strikes and mass picketing are themselves not violations of law. It is the illegal activity which sometimes arises from these acts that must concern the police.

**1.4** **FREE ACCESS:** The right of persons to use public sidewalks, streets and roadways, to have free access to public places and the right of persons to enter and leave private premises are to be protected and preserved. In cases where there is denial of these rights, the department will take prompt and impartial police action to ensure these rights are restored.

**1.5** **CIVIL ORDERS:** Violations of court orders and injunctions do not always constitute criminal offenses for which the department will take enforcement action. However, a situation may arise when a court order has to be executed by department personnel. When this occurs, the order will be served and appropriate action taken to effect its execution.

**1.6** **DEPLOYMENT OF PERSONNEL:** Personnel will not normally be deployed at strike scenes. However, when such deployment becomes necessary, it will be the responsibility of the personnel to take the appropriate police action to restore or maintain order, deter crime, and keep the peace.

Personnel shall maintain cooperation with both management and labor officials in order to obtain information and explain the department's policies and procedures involving the dispute. By seeking the cooperation of the parties involved, tensions are reduced and self-discipline is encouraged so that the parties may police their own conduct.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 6

| SUBJECT: EMERGENCY MOBILIZATION PLAN | | |
|---|---|---|
| Date of Issue: 07FEB08 | Effective Date: 15APR16 | |
| Revision Date: 10APR16 | Review Date: 15APR18 | **REVISED** |
| Accreditation Standards: KACP 19.2, 19.C, 19.2E, 19.2 I, 19.2J, 19.2K, 19.2L, 19.2S, 19.2T | | |

**1.1 PURPOSE:** The purpose of this order is to establish a procedure for the mobilization of Ashland Police Department (APD) personnel and resources in the event of an emergency situation requiring more personnel than are normally available. **(KACP 19.2)**

**1.2 POLICY**

A. It shall be the policy of the APD to utilize all resources necessary, including the activation of off-duty personnel, to protect life and property during emergency situations. Since it is impractical and inefficient to burden the Regional Public Safety Communications Center (RPSCC) with a large scale call-out, One Call Now ®, a computerized mass call system shall be used to notify personnel in such an event. **(KACP 19.2L)**

B. Off duty personnel may be mobilized during an emergency, or called back to duty, along with activation of specialized units, on the authority of the chief of police or a division commander. A declared emergency defined in KRS 39A.20, signed by the Governor of Kentucky, or a County Judge Executive, or the Mayor, may result in a Disaster and Emergency Response for first responders. **(KACP 19.2I, 19.2J)**

**1.3 PROCEDURES:** During unusual occurrences, such as natural or man-made disaster, civil disturbance, demonstrations, or riot, on-duty field operations division watch team command personnel shall evaluate each situation, determine potential threat to life and property, and determine the appropriate departmental response. **(KACP 19.2C)**

A. Upon request by the on-duty watch commander, the field operations division commander shall be notified respond to the scene. The field operations division commander may assume command of the scene as incident commander, or appoint an incident commander, and shall have the authority to institute a full or partial mobilization. **(KACP 19.2C)**

B. One Call Now ® has the capability to contact individual or multiple Division teams, SWAT Team **(KACP 19.2J)**, Command Staff, or Emergency Call Out for all personnel.

C. The Chief of Police or Division Commander may authorize a One Call based upon the type of incident and demand for additional personnel. The following information should be relayed during the activitation:

1. The nature of the emergency
2. Reporting location
3. Reporting time

D. Uniform and equipment:

1. Officers recalled to duty will report in a Class B uniform and have the following equipment readily available: **(KACP 19.2S)**

a. Body armor
b. Portable radio
c. Baton
d. Taser
e. Foul weather gear

f. Any other items designated by the incident commander

2. Additional equipment, if needed, would be distributed at the designated assembly point. **(KACP 19.2S)**

E. All personnel must maintain a valid address and telephone number with the department in the event of an emergency mobilization. **(KACP 19.2E)** Changes in contact information will be made with a memorandum through the chain of command. The Administrative assistant will update and distribute the list to all command staff when necessary. The watch commander of the affected member will ensure the contact number on One Call Now ® is updated when a phone number change is submitted.

F. Emergencies create excessive demands on communications personnel from street units as well as calls from citizens. Commanders should be mindful of this fact when requesting additional services from RPSCC.

**1.4 ASSEMBLY AREAS:** Unless otherwise directed, the primary mobilization assembly area for mobilized officers shall be the APD headquarters. Alternate and secondary areas shall be determined by the tactical situation. Preliminary personnel assignment should be made at the primary site. **(KACP 19.2K)**

Transportation to or from the assembly areas shall be by departmental vehicles or special designated city of Ashland vehicles. **(KACP 19.2T)** The number of vehicles brought to the incident site should normally be kept to a minimum. Transportation will be as follows:

A. Departmental multi passenger and/or city bus can transport numerous officers.

B. Four officers can be transported in a cruiser.

**1.5 DE-MOBILIZATION**

A. Mobilized personnel will be demobilized as soon as practical and returned to normal work shifts. **(KACP 19.2E)**

B. Consideration should be given to ensuring there is a sufficient transition to allow for adequate rest.

**1.6 REHEARSALS**

A. Annual practice for police mobilization may be arranged by the chief of police or his designee.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K – 7

| SUBJECT: DEALING WITH PERSONS OF DIMINISHED CAPACITY | | |
|---|---|---|
| Date of Issue: 11FEB08 | Effective Date: 11FEB08 | |
| Revision Date: 28MAY13 | Review Date: 28MAY15 | **REVIEWED** |
| Accreditation Standards: KACP 30.8 | | |

**1.1 PURPOSE:** To provide field officers with the essential tactical and processing skills necessary to effectively deal with persons of diminished capacities in a manner to provide the required professional assistance these persons need, to protect the community, to safeguard the officers involved in the encounter, and to enhance the agency's risk management.

**1.2 POLICY:** Every community can expect its law enforcement officers to encounter persons of diminished capacities. This group of special needs persons presents field officers with different and often complex issues. These types of persons, whether from intoxication, suicidal potentials, medical complications, or mental illness, present field officers with a wide range of behaviors usually different than those exhibited by other members of the community or persons involved in criminal activities. Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable, and threatening. They may not receive or comprehend commands or other forms of communication in the manner that the officer would expect. They often do not respond to authoritative persons or the display of force. It is the primary task of the field officers confronting these special needs persons to resolve the encounter in the safest manner. It is the officers' task to bring these types of persons to professional resources, when necessary. It is not the mission of the field officer to diagnose the root cause for the person's behavior. Proper tactical and intervention techniques can assist in resolving the immediate implications of the encounter and hasten the intervention by professional resource persons. **(KACP 30.8)**

**1.3 DEFINITIONS**:

A. Persons of diminished capacity: This refers to a segment of the community officers will be expected to deal with. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable, or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness, or medical complications.

B. Mental Illness: This policy does not require officers to make a diagnosis of whether the subject is mentally ill or what form of mental illness the subject may have but rather to use reasonable judgment to recognize behavior which is outside the norm in which a person poses a danger to themselves or others.

C. "Mentally Ill Person" means a person with substantially impaired capacity to use self-control, judgment, or discretion in the conduct of the person's affairs and social relations, associated with maladaptive behavior or recognized emotional symptoms where impaired capacity, maladaptive behavior, or emotional symptoms can be related to physiological, psychological or social factors.

D. Professional resources: These sources are those available to the police agency such as mental health professionals, emergency medical facilities, and detoxification centers.

E. Voluntary and involuntary commitments: These are the provisions within the State law which the agency can use for the civil commitment of persons requiring professional psychological intervention.

F. Prosecution guidelines: It is the policy of this agency to evaluate the necessity for and method of prosecution when dealing with a person of diminished capacity. Normally misdemeanor violations by the person committed during the police control of the incident will not subject the person to a physical arrest.

The decision to cite or request a filing by the prosecutor will be determined by the field supervisor. A field supervisor will evaluate felony and/or other crimes committed upon non-agency personnel to

determine whether a physical arrest is warranted. The ultimate mission of the agency is to encourage professional resource intervention for the person of diminished capacity. Physical arrest should be considered a last resort.

**1.4 PROCEDURE**: Field control tactics: The ultimate mission of law enforcement when encountering a person of diminished capacity is to control the encounter and then determine the best course of action for the subject person. This field tactical response can be segmented into four (4) distinct tactical responses: Containment, Coordination, Communication and Time.

A. Containment: Before any reasonable control and defusing techniques can be used, the subject must be contained:

1. Two (2) officers shall be dispatched to an incident involving a person of diminished capacity. Should an officer find him/herself in a situation with such a person, the officer shall request a back-up before attempting to intervene.

2. Responding officers should avoid the use of emergency lights and siren when responding to this type of call for service. Experience has demonstrated that this may agitate the response by the subject of the call or encounter.

3. The officers shall devise a plan that separates the subject from other civilians. This containment should respect the comfort zone of the subject in order to reduce any unnecessary agitation. Officers should convince the subject that they do not have to move. Officers should continuously evaluate this comfort zone and not compress it, unless absolutely necessary.

4. It is important for officers to ensure that on-lookers and family members are not in a position to become involved either verbally or physically in the control methods.

5. Effective containment reduces the elements of agitation, such as large groupings of persons/officers, emergency vehicle equipment, loud police radio transmissions, and multiple persons directing communications to the subject. Containment is meant to reduce outside influences and sources of agitation.

6. Officers should move slowly.

7. Officers should utilize all available tactics to de-escalate the situation where possible, however, if an officer is faced with a dynamic and violent situation which poses a threat to the officer or other persons present, then officers should utilize their law enforcement control tactics outlined under general order F-1, Use of Force, policy to gain control.

B. Coordination: This is essential for control of the encounter and is the foundation for the development of an effective plan and use of personnel and resources:

1. One officer at the scene shall be designated or assume the position of being the lead officer. This may or may not be the most senior officer on the scene depending upon circumstances.

2. A perimeter shall be determined to ensure that outside persons and/or family members don't become involved.

3. Officers shall limit observable indications of force. If firearms are drawn, they should be maintained in the low ready position and not displayed by officers who are attempting to establish communications with the subject.

4. The lead officer shall designate an officer to gather intelligence regarding the subject being encountered. This type of information can come from persons at the scene, neighbors and/or family. This information can become important in determining the further tactical approaches to the subject and the most appropriate form of referral.

5. The lead officer is responsible for determining what resources should be requested including additional police personnel, supervisory personnel, specialized equipment, professional resources and staged medical personnel.

6. When warranted, the responsible command officer in charge of the incident will designate the location for a command post and staging area. This should be out of sight of the location of the subject encounter.

C. Communication with the person of diminished capacity should be planned and controlled:

1. Prior to engaging the subject in communication, the initial responder should await the arrival of a cover officer. When dealing with edged weapons, officers should, where possible, maintain a zone of safety which allows for reaction should the subject decide to attack.

2. One officer shall be designated as the command voice and other officers shall refrain from becoming involved in the communications.

3. Verbal communication should be non-threatening. Whenever possible, use open-ended questions designed to facilitate the subject's participation. If the subject does not respond, use other communication techniques. It may be necessary to change the person designated as the command voice and determine whether that might be beneficial.

4. Sharp, authoritative commands should be avoided. Officers should use calming communicative attempts.

5. It has been found that threats to arrest or use force are not productive when dealing with persons with diminished capacities. Reassure the subject that the police are there to help them.

6. Be truthful at all times.

7. Officers must constantly analyze what affect, if any, their efforts are having on the subject. This is essential to identify areas that appear to agitate the subject that should then be avoided.

8. Normally, family members should not be used in an attempt to establish communications. This frequently exacerbates the situation.

D. Time is the concept of elongating the encounter, rather than hastening it:

1. History has shown that the longer the encounter is allowed to occur, the better the chance for a successful and safe resolution. Patience is important in these situations.

2. Increasing the time of the encounter and using defusing techniques allows the subject to reflect upon his/her predicament.

3. Creating time also allows for the field units to be supported by the deployment of additional police personnel, specialized equipment and medical support personnel.

4. Time encourages the ability to communicate and create a relationship between the subject and the command voice.

E. Commitment procedures: The primary purpose for police response to an incident involving a person of diminished capacities is to control the situation and ensure that the person receives the most appropriate form of professional resources.

1. In determining the most appropriate form of professional resource and referral, officers should consider the information provided by professional resources persons and family members.

2. It is important for the officers on the scene to determine what, if any, on-going threat potential the subject poses to him or herself, family, community and the officers. This threat potential may necessitate an involuntary commitment procedure rather than simply handing off the subject to the family for a voluntary commitment.

3. Officers should consider the use of local crisis intervention personnel, if available, when making this commitment decision.

4. Any peace officer who has reasonable grounds to believe that the individual is mentally ill and presents a danger or threat of danger to self, family or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or designated psychiatric facility and provide written documentation to the facility as to the behavior of the subject that led to the officer taking custody.

5. Officers shall not use a jail as a holding facility for meeting the criteria of this policy unless the person also has criminal charges pending.

6. No officer shall place criminal charges against a person who is mentally ill and in need of hospitalization for the purpose of avoiding transporting the person to an appropriate medical or psychiatric facility.

F. Use of restraints when dealing with persons of diminished capacities: These types of persons may present officers with conflicting considerations in determining the best means for restraint and transportation. The ultimate mission is to safeguard the interests of the subject and transporting officers. In some cases, an ambulance may be required.

G. Reporting requirements: Officers shall prepare all required reports whether the subject of the call is arrested, committed, or released. This can provide valuable information for future contacts and, when available, allows the agency to provide information to the statewide data system.

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 8

| SUBJECT: INCIDENT COMMAND SYSTEM | | |
|---|---|---|
| Date of Issue: 20FEB08 | Effective Date: 15APR16 | |
| Revision Date: 15APR16 | Review Date: 15APR18 | **REVIEWED** |
| Accreditation Standards: KACP 19.3 | | |

**1.1 PURPOSE:** The purpose of this order is to establish an Ashland Police Department (APD) policy concerning the utilization of the Incident Command System (ICS) and the National Incident Management System (NIMS).

**1.2 POLICY:** The APD shall operate under the ICS as a means to coordinate the efforts of multiple departmental divisions or outside agencies as they work toward the common goal of stabilizing an incident. Many incidents, whether major (such as hazardous material spills or civil disorders), minor incidents (such a vehicle crashes and utility outages), or disasters (such as tornadoes, hurricanes, and earthquakes), require a response from a number of different resources. Regardless of the size of the incident or the number of agencies involved in the response, all incidents require a coordinated effort to ensure an effective response and the efficient, safe use of resources. The APD shall operate under the ICS when dealing with the following:

A. A multi-agency emergency response to priority 1 and code 3 incidents;
B. Routine or planned events (celebrations, parades, concerts, etc.);
C. Fires, hazardous materials and multi-casualty incidents;
D. Natural disasters – multi-jurisdictional or multi-agency;
E. Search and rescue missions;
F. Civil disorder and hostage situations;
G. Biological outbreaks and disease containment;
H. Large scale evacuation;
I. Acts of terrorism;
J. Emergency situations where the Emergency Mobilization Plan (EMP) is utilized;
K. Situations where a departmental response is required under the Ashland, Boyd and Catlettsburg Emergency Operation Plan.
L. Situations involving personnel from different divisions and units where the event is expected to last longer than 24 hours;
M. Situations requiring coordination with outside agencies.
N. Other situations where the ICS would prove beneficial.

**1.3 DEFINITIONS:**

**A. Incident Command System (ICS)** – ICS is the model tool for command, control, and coordination of a response. It provides a means to coordinate the response efforts toward mitigation of an incident.

**B. National Incident Management System (NIMS**) – In Homeland Security Presidential Directive 5 (HSPD-5), Management of Domestic Incidents, the President directed the development of a National Incident Management System. NIMS provides a consistent nationwide approach for federal, state, tribal, and local governments to work effectively and efficiently together to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

**C. Unified Command (UC) –** UC is an important element in multi-jurisdictional or multi-agency incident management. It provides guidelines to enable agencies with different legal, geographic, and functional

responsibilities to coordinate, plan, and interact effectively.

**D**. **Incident Action Plan (IAP) –** The Incident Action Plan includes the overall incident objectives and strategies established by the incident commander or the unified command. The IAP also addresses tactical objectives and support activities for one operational period, generally 12 to 24 hours. The IAP is developed utilizing ICS forms (Attachment B) <u>or special orders</u>.

**E. ICS Structure** - The ICS organization comprises six major functional areas: command, operations, planning, logistics, finance/administration, and intelligence (Attachment A);

1. Command:

   a. Command is responsible for all incident or event activity. Although other functions may be left unfilled in the command area, there will always be an incident commander. The command staff positions under the incident commander are:

      1). Public Information Officer (PIO);
      2). Safety officer; and,
      3). Liaison officer.

   b. At a minimum, the incident commander will address the following, if necessary:

      1). Activate the ICS;
      2). Establish a command post;
      3). Initiate the notification and mobilization of additional agency personnel;
      4). Obtain additional support from outside agencies;
      5). Establish staging areas;
      6). Provide for public information and media relations;
      7). Maintain the safety of all affected personnel; and,
      8). Be responsible for preparing a documented after action report. (Attachment C.)

2. Operations:

   a. The operations section is responsible for directing the tactical actions to meet incident objectives.

      1). Divisions and groups are established within the operations section when the number of resources exceeds the operations section commander's manageable span of control.
      2). Divisions demarcate physical or geographical areas of operation within the incident area.
      3). Groups demarcate functional areas of operation for the incident such as rescue, law enforcement, or fire.

   b. At a minimum, the operations function will address the following, if necessary:
      1). Establish perimeters;
      2). Conduct evacuations;
      3). Maintain command post and scene security;
      4). Provide for detainee transportation, processing, and confinement;
      5). Direct and control traffic; and,
      6). Conduct post-incident investigations.

3. Planning:

   a. The planning section is responsible for collecting, evaluation, and disseminating tactical information pertaining to the incident. This section maintains information and intelligence on the current and forecasted situation, as well as the status of resources assigned to the incident.

   b. At a minimum, the planning section will address the following, if necessary:

      1). Prepare a documented incident action plan;
      2). Gather and disseminate information and intelligence; and,
      3). Plan post-incident demobilization.

4. Logistics:

   a. The logistics section meets all support needs for the incident, including ordering resources.

   b. At a minimum, the logistics function will address the following, if necessary:

      1). Communications;
      2). Transportation;
      3). Medical support;
      4). Necessary supplies;
      5). Any specialized or technical teams and equipment needs; and,
      6). It may also provide facilities, equipment maintenance and fueling, and food service for incident personnel.

5. Finance/Administration:

   a. The finance/administration section is responsible for keeping track of incident-related costs.

   b. At a minimum, the finance/administration function will address the following, if necessary:

      1). Recording personnel time;
      2). Procuring additional resources;
      3). Recording expenses; and,
      4). Documenting injuries and liability issues.

6. Intelligence: Traditionally, information and intelligence functions are located in the planning section. However, in exceptional situations, the incident commander may need to assign the information and intelligence functions to other parts of the ICS organization. This placement may change as the information and intelligence needs change.

   The information and intelligence function may be organized in one of the following ways:

   a. Within the command staff: this operation may be the most appropriate in smaller incidents with little need for tactical or classified intelligence.

   b. As a unit within the planning section: This is the traditional placement of intelligence and would be most appropriate when the need for information is quickly available and does not

involve classified information.

c. As a branch within the operations section: This option may be the most appropriate in incidents with a high need for tactical or classified intelligence.

d. As a separate general staff section: This operation may be most appropriate when an incident is heavily influenced by intelligence factors or when there is a need to manage and/or analyze a large volume of classified or highly sensitive intelligence or information such as in a terrorist incident.

**1.4 PROCEDURE:**

A. Establishing Command: The first arriving officer at the scene of a major incident will establish "Command" and designate themselves as "Command" over the radio. That officer will maintain this designation until command is either transferred or terminated.

B. Initial Report: The officer will then transmit, via radio, a brief initial report of the conditions, including the following information:

1. A description of the situation;
2. Obvious incident conditions;
3. Confirmation of command establishment with the appropriate radio destination;
4. Location of command; and,
5. A report of any actions being taken by the on scene unit(s).

C. The incident commander may fill command and general staff positions when necessary and delegate responsibilities so that the span of control is not over extended. Those positions may include:

1. Command staff:

a. Police attorney (legal)
b. Public information office
c. Liaison officer

2. General staff:

a. Operations
b. Planning
c. Logistics
d. Finance/administration

D. Command Transfer Guidelines: Command can be transferred to improve the quality of the response:

1. Transfers of command should occur on a face-to-face basis. However, some conditions may necessitate command transfer via radio.

2. A transfer briefing will occur between the command officer and his/her relief. The information to be exchanged will include the incident conditions, updates to the incident action plan, safety considerations, assignments of responding units and the need for additional resources.

3. Transfer of command will be at the discretion of the ranking officer. Since the overall incident responsibilities rest with the ranking officer on the scene whether or not he/she assumes command, they may assume command to ensure clarity of orders.

4. Individuals relieved of command responsibilities may be used by the incident commander to support the overall incident action plan.

E. Anytime the ICS is utilized, an incident action plan will be formulated.

1. For simple incidents of short duration, the incident action plan will be developed by the incident commander and communicated to subordinates in a verbal briefing.

    a. On smaller incidents which do not require a written action plan, the sequence of steps for a briefing by the incident commander to the general staff includes:

        1). Incident objective(s);
        2). Strategy (one or more);
        3). Tactics; and,
        4). Assignments.

    b. The incident action plan form provides the incident commander with a useful framework for preparing a briefing when no written action plan is prepared.

2. The decision to prepare a written incident action plan will be made by the incident commander. A written incident action plan documenting planning decisions should be prepared whenever:

    a. Two or more jurisdictions are involved;
    b. The incident continues into another operational period;
    c. A number of organizational elements have been activated.

3. Essential Elements in the Action Plan are:

    a. Statement of objectives – statement of what is expected to be achieved. Objectives must be measurable.
    b. Organization – describes what elements of the ICS organization will be in place for the next operational period.
    c. Tactics and Assignments – Describes tactics and control operations, and what resources will be assigned. Resource assignments are often done by division or group.
    d. Supporting material – Examples include a map of incident, communications plan, medical plan, traffic plan, weather data, special precautions, and safety message.

4. The organizational chart, incident action plan and the after action report will be kept in the field operations command vehicles.

F. An after action report will be completed upon demobilization of the incident command structure. The complete incident action plan and the after action report will be forwarded to the field operations or technical services division commander based on the origination of the event.

G. The APD will participate in any training related to large scale incidents when offered. This training will be documented and can involve outside agencies in actual or tabletop exercises. **(KACP 19.3)**

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BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER K - 9

| SUBJECT: PORT OF ASHLAND, KENTUCY – SECURITY RESPONSIBILITIES | |
|---|---|
| Date of Issue: 10JUL08 | Effective Date: 10JUL08 |
| Revision Date: 17APRIL13 | Review Date: 17APRIL15 |
| Accreditation Standards: | |

*******ON FILE IN ADMINISTRATION SECTION.**

**"WARNING: This record contains Sensitive Security Information that is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except the written permission of the Administrator of the Transportation Security Administration or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action. For U.S. government agencies, public disclosure is governed by 5 U.S.C. 552 and 49 CFR parts 15 and 1520."**

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# Ashland Police Department

## GENERAL ORDER K-10

| SUBJECT: CRISIS INTERVENTION TEAM - CIT | | |
|---|---|---|
| Date of Issue: 30SEPT10 | Effective Date: 30SEPT10 | |
| Revision Date: 11JUNE13 | Review Date: 11JUNE15 | **REVISED** |
| Accreditation Standards: KACP 19.7A, 19.7B, 19.7C, 19.7D, 19.7E, 30.8 | | |

**1.1 PURPOSE:** The purpose of this order is to establish the duties and responsibilities of the Crisis Intervention Team (CIT). The CIT are officers assigned throughout the Department that have been trained as a team officer.

**1.2 POLICY:** It shall be the policy of the Ashland Police Department (APD) that the CIT is to provide a proactive approach by using trained officers ~~in the uniformed divisions~~ to respond to runs and initiate contact with citizens who are dealing with mental illness or diminished capacities. There are officers in both divisions of the Department that have been trained to deal with the described issues and can respond if available to an incident where they can assist. Officers that have been trained in crisis intervention should be known to the command staff for deployment needs. **(KACP 30.8)**

**1.3 MISSION:** The mission of the APD CIT is by working actively with the mental health community and frequently with the criminal justice system, the program can promote favorable long-range alternatives when dealing with citizens with mental health problems. Citizens with on-going mental health problems can be identified and measures taken to reduce the frequency of police contacts.

**1.4 SELECTION OF MEMBERS:** ~~A member wishing to become a part of the CIT shall submit an application when vacancies are available.~~ Crisis Intervention Training is commonly offered as an in-service training through Department of Criminal Justice Training. When training is made available, command officers may identify officers and recommend them for training. **(KACP 19.7A)**

**1.5 DEFINITIONS:**

A. **Alcohol and/or Drug Abuse:** The use of any alcoholic beverage or drug which results in intoxication or dependency from continued use. The dependency induces a mental, emotional or physical impairment which causes socially dysfunctional behavior.

1. Likelihood of serious physical harm:

   a. Risk that serious physical harm will be inflicted by a person upon their person as evidenced by recent threats, verbal or otherwise, or attempts to inflict physical harm,

   b. Risk that serious physical harm will result due to impairment of their capacity to make decisions as evidenced by the inability to provide for their basic needs (e.g. food, clothing, shelter) including the ability to seek hospitalization or treatment. Purposely disregarding treatment through non-compliance and failure or refusal to take prescribed medications, or,

   c. Risk that serious physical harm will be inflicted upon another as evidenced by recent overt acts, behavior or threats. The acts or threats having caused harm, or which would place a reasonable person in fear of sustaining such harm.

B. **Mental Disorder:** Any organic, mental or emotional impairment which has substantial adverse effects on a person's cognitive, voluntary or emotional function which constitutes a substantial impairment in a person's ability to participate in activities of living.

C. **Mental Health Coordinator:** A mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is appointed by the Director of the Mental Health Department or his/her designee, who has powers, duties and responsibilities in a geographic area as provided in the Kentucky Revised Statutes (KRS 194A.040).

D. **Mental Illness:** A state of impaired mental processes, which results in a distortion of a person's capacity to recognize reality due to hallucinations, delusions, faulty perceptions or alterations of

mood, and interferes with an individual's ability to reason, understand or exercise conscious control over their actions.

E. **Persons of diminished capacity**: This refers to a segment of the community officers/deputies will be expected to encounter. It encompasses all persons encountered in the field who exhibit unusual behaviors commonly referred to as irrational, bizarre, unpredictable or weird. These outward observable symptoms could be the result of intoxication, drug use, suicidal indications, mental illness or medical complications, intellectually and developmentally disabled (IDD), autistic, dementia and Alzheimer's.

~~E~~F. **Reasonable Cause:** Facts that would lead a person of ordinary care and prudence to believe and conscientiously entertain an honest and strong suspicion that the person in question is suffering from a mental illness or disorder.

**1.6 CIT Program**

A. **Crisis Intervention Team (CIT) Program Coordinator:** The CIT Program Coordinator is the Field Operations Division Commander. The program coordinator is responsible for funds maintenance and projects, and oversees the advisory board and the CIT officer committee, and acts as the liaison between mental health professionals, community partners and the Ashland Police Department. **(KACP 19.7D)**

B. **Training Liaison:** The Training Liaison is the Technical Services Division Commander. The liaison is the Department Training Coordinator and can identify and recommend any additional training or resources. **(KACP 19.7C)**

C. **Advisory Board:** The Advisory Board is a group of mental health partners from varying agencies who meet ~~monthly~~ when needed to discuss improvements to the CIT program.

D. **CIT Officer Committee:** The CIT Officer Committee is a group of sworn officers who meet ~~monthly~~ when directed by the Program Coordinator, to discuss possible improvements to CIT by bridging the gap between mental health professionals and the Ashland Police Department.

E. **Crisis Intervention Team (CIT) Officer:** An ~~uniformed patrol~~ officer who has successfully completed required training in crisis intervention techniques.

**1.7 PROCEDURES**

~~Crisis Intervention Team officers are assigned to the Field Operations Division and respond to routine calls for service when not acting in a CIT capacity. CIT officers are directly responsible to their team supervisors.~~ CIT officers ~~shall~~ should respond to calls that meet specific criteria. **(KACP 19.7E)**

CIT criteria include, but are not limited to:

A. Any incident where mental illness or disorder requires officers to be dispatched or to respond (e.g. disorderly person talking to themselves).

B. Any run involving Mental Health Warrants

C. Any incident where there is reasonable cause to believe that the subject may harm themselves or others.

D. Any request by a mental health coordinator or an Ashland Police Department commanding officer to transport for involuntary commitment~~. Depending on circumstances, this may necessitate the coordinator taking an MIW or,~~ if there is enough information for the CIT officer, they may take the subject pursuant to the KRS under involuntary hospitalization.

E. Any incident where the subject voluntarily accompanies an officer and there is reason to believe that the safety of the public and the subject are best served by the officer transporting the

subject to a facility for voluntary commitment.

F. Command officers will be aware of officers of the Department that are trained in crisis intervention and can make requests for the most available officer to respond.

G. CIT officers ~~shall~~ will be in charge of any scene they respond to unless otherwise directed by a commanding officer. The CIT officer on the scene has the duty and responsibility to request any additional support and direct the actions of other officers on the scene. A CIT officer has the authority to direct officers to stop actions as they deem necessary.

H. In the event of an incident requiring special equipment, the Department will provide specialized equipment such as less lethal munitions or other equipment available from the Special Response Team. **(KACP 19.7B)**

## 1.8 REPORTING PROCEDURES

An E-Crisis Intervention Report will be completed on every CIT event. Incidents involving persons with diminished capacity where techniques of CIT officers are not used will not be reported by this procedure. The appropriate forms such as JC-3, E-Citation, E-NIBRS will used for documentation if other actions are taken.

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BY ORDER OF

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 1

| SUBJECT: RESPONSIBILITY FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS | | |
|---|---|---|
| Date of Issue: 15NOV83 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 13JAN19 | **REVISED** |
| Accreditation Standards: KACP 17.5 | | |

**1.1 PURPOSE**: To establish areas of responsibility for conducting criminal investigations to achieve a more effective utilization of manpower.

Investigation - is a search for truth in which all possible information is developed, collected and analyzed. Investigative process examines all data regarding those accused of criminal conduct. It is appropriate, therefore, to view a case throughout an investigation from both sides, the accuser and the accused. The bottom line of an investigation is to exonerate the innocent and discover the identity of the guilty.

**1.2 PRELIMINARY INVESTIGATION**: Preliminary Investigation begins when the first police unit arrives at the scene, and continues until a postponement of the investigation or transfer of the responsibility no longer jeopardizes successful completion of the investigation. **(KACP 17.5)**

A. Preliminary investigation includes but is not limited to:

1. Providing aid to the injured;

2. Protecting the crime scene to assure that evidence is not lost or contaminated;

3. Determining if an offense has been committed and, if so, the exact nature of the offense;

4. Determining the identity of the suspect or suspects, and effect an arrest if it can be accomplished at the scene or through immediate pursuit;

5. Furnishing other field units, through the Regional Public Safety Communications Center (RPSCC), descriptions, method and direction of flight, and other relative information concerning wanted persons or vehicles;

6. Obtaining complete identification of all witnesses;

7. Determining what information is known by the victim and each witness;

8. Arranging for the collection of evidence;

9. Determining in detail the exact circumstances of the offense;

10. Obtaining written statements from the victim and witnesses, and from the suspect if such statement can be obtained legally; and,

11. Accurately and completely recording on the prescribed report forms all pertinent information and submitting the original reports, including supplement and statement, to the Support Services Section.

B. Except in those cases where the presence of a uniformed officer would obviously prevent a proper investigation from being made, the preliminary investigation shall be conducted by the uniformed

Field Operations Division officer assigned to the call for police service.

1. The assigned patrol officer shall initiate and complete as many of the activities listed above as are needed. The individual circumstances of the incident shall determine how many of the activities are required.

2. As soon as the preliminary investigation is concluded, and before the patrol officer returns to

service, the officer shall complete his/her final field report, unless otherwise directed by his/her supervisor. The officer shall list on a prescribed form all information obtained at the scene of the offense.

C. The patrol officer assigned shall be responsible for initiating action and informing other appropriate on-duty departmental units of the serious crime or a crime requiring immediate, on the scene follow-up investigation.

**1.3 FOLLOW-UP INVESTIGATION**: an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to effect the arrest of an offender and/or recover stolen property. Command officers at the scene of any offense given in L-1, 1.3, E, shall coordinate the investigation and provide for an orderly transition of responsibility for the follow-up investigation from the Field Operations Division to the Criminal Investigation Section. **(KACP 17.5)**

A. Basic activities of the follow-up investigation include:

1. Identifying and apprehending the offender;

2. Arranging for the timely analysis and evaluation of evidence;

3. Recovering stolen property and submitting it to the property control officer;

4. Interviewing victims and witnesses;

5. Interrogating suspects;

6. Determining if other crimes may have been committed by the suspect;

7. Recording information obtained; and

8. Preparing case for court presentation.

B. The Field Operations Division shall be responsible for conducting and completing the investigation of all non-criminal calls for service and for misdemeanor crimes not specifically authorized for referral to specialized investigative units. **(KACP 17.5)**

1. In misdemeanor offenses and incidents of a non-criminal nature, the patrol officer will request the assistance of the supervisor when he/she feels the need for counsel and guidance.

2. The follow-up investigation of most misdemeanor crimes can be completed by the Field Operations Division officer. Misdemeanor offenses should be referred to the Criminal Investigations Section (C.I.S.) for follow-up only when the following conditions exist:

a. When the offense is part of a pattern of such offenses and is related to other crimes; and

b. When follow-up is required in a widely separate location outside the geographical boundaries of the city of Ashland.

3. Occasionally, in cases assigned to the Field Operations Division, additional investigation will be required at the end of the tour of duty of the assigned officer. In such cases, the assigned officer's immediate field supervisor will determine whether the investigation should be discontinued until the assigned officer's next tour of duty or continued by an officer on the relieving watch. Except in cases where the investigation would be jeopardized by its temporary discontinuation, it shall remain the responsibility of the assigned officer.

4. When an investigation needs to be continued on the next watch, the case manager shall completely brief the on-coming watch commander on the case and the work that remains to be completed. The on-coming watch commander will then assign an officer to complete the task

unless the original officer assigned to the case works over to complete the investigation.

5. A supplemental report must be prepared by each officer who works on the case, but not necessarily for each occasion he/she works on it. New information developed as a result of follow-up investigation shall be recorded and submitted to Support Services Section at the conclusion of the officer's tour of duty.

C. Patrol officers shall be responsible for conducting the follow-up investigation of assigned felony offenses and misdemeanors.

1. Case assignment shall be made by the watch commander of the patrol team; and

2. The investigations should be follow-up in nature and not a repetition of the activities of the preliminary investigator.

D. The watch commander of the on-duty team investigating any offense given in section 1.3, E, shall be notified of the offense. The watch commander, after receiving notification by the on-duty supervisor, shall in a timely manner notify, or have the Field Operations Division commander notified, of any case which C.I.S. has been notified. In addition to the offenses listed in section 1.3, E, the watch commander and division commander should be notified of all events of a sensitive nature. Examples of sensitive nature could include any personnel issues brought to their attention, illness/injury of an officer, the investigation, arrest and/or citing of city of Ashland employees, other government officials, any deaths, and other events at the discretion of the on-duty supervisor in charge. If the on-duty supervisor is unable to locate or notify the off-duty watch commander of an offense, the supervisor shall notify, or have the division commander notified of the offense or event. The Field Operations Division commander shall notify the chief of police of all incidents or events of the type described in this section. The chief of police shall notify the city manager, or the mayor when the city manager is not available, of incidents or events of this type.

E. The C.I.S. shall be responsible for the investigation of offenses of a complicated nature or those which contain a sufficient degree of immediacy to warrant the assignment of investigators to the scene of the offense, or when an arrest is made for the offense, to immediately begin a follow-up investigation. The Field Operations Division Commander will notify the Technical Services Division Commander of incidents or arrests for:

1. Murder, 1st degree manslaughter, 2nd degree manslaughter, reckless homicide (excluding traffic accident deaths), and deaths defined in KRS 72.025 EXCLUDING SECTIONS (4) and (6) ~~shall~~ may cause an investigator from C.I.S. to immediately respond to the scene and assume responsibility for the follow-up investigation;

2. 1st degree rape, 2nd degree rape, 3rd degree rape, sodomy in the 1st degree, sodomy in the 2nd degree, sodomy in the 3rd degree or 1st degree sexual abuse;

3. 1st degree robbery;

4. Assault in the 1st degree, criminal abuse of the 1st degree, unlawful imprisonment of the 1st and 2nd degree, or kidnapping;

5. Major loss residential burglaries where there is a loss in excess of $10,000.00; $15,000.00 loss on commercial burglaries, or a safe job,

6. Arsons will be investigated as defined in Ashland Police Department General Order L-3.

F. Case assignments in C.I.S. shall be made by the C.I.S. ~~commander~~ supervisor.

G. In offenses other than those listed above, C.I.S. personnel responding to the scene as backup should not assume responsibility for the preliminary investigation unless otherwise directed by the C.I.S. ~~commander~~ supervisor or an officer of higher rank. C.I.S. personnel who observe an on-view

crime shall complete the preliminary investigation unless otherwise directed by the C.I.S. ~~commander~~ supervisor or officer of higher rank.

H. A Field Operations Division officer is normally the first officer to arrive at the scene of a crime. The assigned Field Operations Division officer shall be responsible for conducting a preliminary investigation consistent with provisions of this order, unless otherwise instructed by his/her supervisor. The assigned Field Operations Division officer shall be responsible for completion of the original offense report.

I. When a C.I.S. officer is assigned to investigate a crime, it is essential that the Field Operations Division officer and C.I.S. officer coordinate their efforts to ensure that the criminal investigation is transferred in a manner that ensures uninterrupted continuation of the criminal investigation. At the discretion of the Field Operations Division commander, a Division officer may be temporarily relieved of patrol responsibilities so that the officer may assist C.I.S. in the continuation of a criminal investigation.

J. The Field Operations Division officer assigned to investigate a crime is responsible for the protection of a crime scene and to ensure that all evidence is collected, properly marked and recorded, and entered into the Department's property control system so that the evidence may be analyzed. A Field Operations Division supervisor is responsible to ensure that crime scenes are properly protected and that all evidence is collected and submitted to the property control system consistent with departmental policy. In the several classifications of crimes listed under Section 1.3, E, a Field Operations Division supervisor shall determine that a crime scene is properly protected and at the supervisor's discretion may hold in abeyance the collection and submission of evidence pending the arrival of a C.I.S. officer.

## 1.4 RESPONSIBILITY OF THE FIELD OPERATIONS SUPERVISOR

A. Preliminary investigation: it shall be the responsibility of the field supervisor to ensure that an adequate and complete preliminary investigation has been made, that all reports are completed, and to review and approve or return to the reporting officer for repreparation of initial and supplemental reports prepared by officers under his/her supervision. The name of the supervisor approving the investigation report shall be included in the report. Original reports and support documents shall be forwarded to Support Services Section after supervisory approval.

B. Follow-up investigation - A field supervisor shall assist each officer under his direction regarding whether a follow-up should be made by uniformed personnel or special investigators. The supervisor shall assist officers in determining the need to utilize other specialized investigative services.

1. A Field Operation supervisor should request the assistance of specialized investigators if an offense under investigation by officers under his supervision is serious enough to warrant it. Responsibility for investigation of offenses shall be transferred from the Field Operations Division to the C.I.S. via written case transfer request, with a complete copy of the case file attached. The case transfer request shall be endorsed by the Field Operations and Technical Services Division commanders prior to being forwarded to C.I.S.

2. ~~The C.I.S. commander or Technical Services Commander shall review the case transfer request and attached case file and will determine whether C.I.S. will assume the responsibility for the investigation~~. The C.I.S. ~~commander~~ supervisor shall sign the case transfer request and document the assignment, rejection, or action taken and a copy shall be returned to the Field Operations Division commander.

3. A field supervisor shall determine whether the continuing investigation by a patrol officer shall be held in abeyance until the next tour of duty of the investigating officer, or continued by personnel assigned to an on-coming watch.

## 1.5 FORWARDING NECESSARY INFORMATION TO PROSECUTOR

A. When a criminal investigation has come to a point where a person is arrested or a suspect is identified and a request for prosecution is initiated, copies of all reports, documents, statements, etc., will be promptly forwarded to the responsible prosecutor.

B. Follow-up investigations can often result after paperwork is forwarded to the prosecutor. It is imperative that every document in that case be copied and sent to the prosecutor so complete disclosure can be made when necessary. Immediately after securing a supervisor's approval and signature on any supplement report, the officer filing the supplemental report shall forward a copy of it to the responsible prosecutor. This will ensure that the responsible prosecutor has in his/her files all material discoverable under RCr 7.24 and 7.26. The officer should note on each supplemental report that a copy was forwarded to the prosecutor. All discovery or disclosure made to defense counsel shall first pass through the responsible prosecutor's office. No files, discovery, or disclosure shall be transferred directly to defense counsel by A.P.D. personnel.

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BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 2

| SUBJECT: CRIMINAL INTELLIGENCE | | |
|---|---|---|
| Date of Issue: 16MAY86 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 12JAN19 | **REVISED** |
| Accreditation Standards: KACP 8.6, 17.7 | | |

**1.1 PURPOSE**: To establish guidelines for the collection, evaluation, collation, analysis, dissemination, re-evaluation, and destruction of police criminal intelligence information.

**1.2 DISCUSSION**: Collection and use of criminal intelligence is a legitimate police practice. Care must be taken to ensure information is relevant and accurate. A police officer should consider each person a potential source of information and each source may be categorized as a witness or a Criminal Intelligence Contributor.

**1.3 DEFINITIONS:**

A. Control Officer - the officer to whom the contributor is assigned and/or reports.

B. Criminal Intelligence - information, overt or covert, supplied to the Department as a basis for decision making in mission related crime areas.

C. Criminal Intelligence Contributor (CIC) - any non-law enforcement person who, by reason of his familiarity or close association with criminals, supplies regular or constant information about criminal activities to a police officer. A CIC may be compensated for his information.

D. Witness - one who has personal knowledge of an incident under investigation by law enforcement.

**1.4 COLLECTION OF CRIMINAL INTELLIGENCE**:

~~A. The collection of criminal intelligence occurs as a natural part of performing police services. Care is required to ensure criminal intelligence is collected through legal means and its use is restricted to legitimate criminal justice needs.~~

~~B. Criminal intelligence may be gathered through overt or covert means.~~

~~1. Overt collection may result from a police officer's personal observation or come from an independent source.~~

~~2. Covert collection may occur while a police officer is involved in a permitted activity to observe for criminal behavior or provided by a CIC. Covert police operations to gather criminal intelligence must be pre-approved by the technical services division commander.~~

~~3. The technical services division commander shall keep the Chief of Police informed on all criminal intelligence gathering activities.~~

A. Legal authority for field interview:

1. Experienced law enforcement officers are well aware that they can be confronted with situations where there is insufficient evidence to justify an arrest, but because of suspicious or unusual activities which they have observed, they realize further inquiry should be made. A mere hunch or intuition is not sufficient reason to justify a temporary detention. There must be articulable factors the officer possessed prior to the stop of a vehicle or pedestrian which would rise to the level of “reasonable suspicion”. Reasonable suspicion is more than unsupported suspicion, but less than “probable cause” that a crime has been committed or is about to be committed.

2. This authority does not entitle the officer to temporarily detain just any passerby. However, in those instances in which the officer, due to the particular circumstances or behavior observed, prior knowledge, or other articulable facts, establishes reasonable suspicion that a crime either

has or is about to be committed, the officer has the authority to make a temporary detention for the purpose of proving or disproving such criminal behavior.

B. An officer may not detain a person to require him to identify himself upon less than reasonable suspicion. Factors which may be considered in determining whether reasonable suspicion exists include:

1. The appearance and/or manner of the suspect;

2. His activity at the time the officer observes him;

3. Any attempted evasion of police when he sees them;

4. The time of day or night;

5. Type of clothing and bulges which suggests a weapon;

6. What, if anything, the suspect is carrying;

7. The officer's prior knowledge of:

   a. Suspect's past record;

   b. Information from an informant or third party; and,

   c. Any overheard conversation.

8. Proximity to a crime scene; and,

9. High crime rate area.

C. Anytime an arrest is made as a result of this type of stop, the applicable factors listed above should be referred to within the officer's case summary.

**NOTE:** When justified under Terry v. Ohio (excerpt below) an officer may conduct a pat down search of the outer garments of temporarily detained individual(s) for the purpose of determining if that individual is armed.

Terry v. Ohio states: "we merely hold today that where a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that the person with whom he is dealing may be armed and presently dangerous, where in the course of investigating their behavior he identifies himself as a policeman and makes reasonable inquiries, and where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others' safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him."

D. Documentation and dissemination

1. Officers conducting a field interview shall complete the Kentucky's Open Portal Solution (KyOPS) Field Interview Form in a detailed manner, being careful to fully explain the section "Reason for Interrogation".

2. Nothing in this policy is intended to hinder the consensual contacts of officers with members of the general public or is it intended to imply that such consensual contacts necessitate any form of documentation. Additionally, this policy does not preclude an officer from documenting a contact that was initiated consensually. The documentation requirement only applies in those instances where the individual(s) was actually temporarily detained and did not occur as a result of a consensual contact.

E. There must be a reasonable and legitimate need to collect criminal intelligence. Information concerning political, religious, racial, or personal beliefs are of no concern and will not be collected or retained unless incidental to a report of known or suspected criminal activity consistent with the mission and objectives of the Department.

F. Members of the Department are encouraged to develop criminal intelligence sources. This information shall be placed on the appropriate form and forwarded to the Criminal Investigations Section (CIS) supervisor for indexing, evaluation, collation, analysis, dissemination, re-evaluation, and destruction.

G. Gathering criminal intelligence by electronic means shall not be utilized unless permitted by:

1. Kentucky Revised Statutes (KRS), or United States Code;

2. The technical services division commander; and

3. An order issued by a court of competent jurisdiction authorizing electronic surveillance.

**1.5 MANAGEMENT OF CRIMINAL INTELLIGENCE COLLECTION**:

A. The CIS supervisor will be responsible for the management and coordination of the Department's criminal intelligence collection. The CIS supervisor will maintain liaison with internal divisions, units, and sections as well as other law enforcement agencies. The Chief of Police has ultimate responsibility for criminal intelligence and shall have complete access to all information.

B. The CIS supervisor shall maintain an index system on all known contributors of information. He will be responsible for maintaining strict security over each criminal intelligence file and under no circumstances will its contents be divulged except as provided for in this order.

C. Each member engaged in the use of a criminal intelligence contributor shall complete the attached Biographical Data Form on each contributor and execute an agreement with the contributor. (See Attachment A and Attachment B.)

D. Retention of Files

1. Only crime-related information germane to the mission and objectives of the Department shall be retained.

2. Criminal intelligence files, including index system, shall identify the suspected criminal activity by crime category. No file shall be maintained unless the specific suspected criminal activity is indicated.

3. Each criminal intelligence report will be prepared on approved forms and will be reviewed, approved, and initialed by the CIS supervisor prior to filing. Information will be evaluated to determine its source, reliability, and content validity.

E. Criminal intelligence will only be disseminated to law enforcement personnel who have demonstrated "NEED-TO-KNOW" responsibility and "RIGHT-TO-KNOW" authority, and where no conflict of interest exists.

**1.6 REPORTING CRIMINAL INTELLIGENCE**: It is important to differentiate between information which must be passed on immediately and that which may be submitted for criminal analysis through the criminal intelligence management system.

Officers' safety information shall be passed on immediately. Information about an imminent crime or person who is subject to lawful arrest should also be passed on immediately. As soon as possible, passed on information which requires immediate dissemination must be reported as set forth in this order. Information which does not require immediate dissemination shall be processed as set forth in this section.

All original intelligence information including field interrogations shall be submitted on the KYOPS E-Field

Information Report. The report shall be submitted through the appropriate processes for evaluation. ~~If additional resources are required then the Criminal Investigations Section Commander will include the KYOPS form data on the ROCIC Criminal Intelligence Submission Form.~~

A. An Ashland Police Department (APD) incident control number shall be assigned to each KYOPS E-Field Information Report.

B. The original KYOPS E-Field Information Report shall be routed to Support Services Section for review. ~~The original~~ A copy shall ~~always~~ be forwarded to the CIS supervisor.

~~C. The CIS supervisor shall process each KYOPS E-Field Information Report as set forth in this order and forwarded to ROCIC when deemed necessary.~~

~~**1.7 PURGING CRIMINAL INTELLIGENCE FILES**: Criminal intelligence information will be maintained for five (5) years and thereafter only as it is currently useful.~~

~~A. The CIS supervisor shall annually review each file to ensure the file is accurate, relevant, timely, and complete. When a file has been dormant for five (5) years, the file will be reviewed by the CIS supervisor to determine if there is reason for retention.~~

~~B. If retention is not warranted, selected files will be destroyed. A record of file destruction and the means used to destroy a file will be completed and certified by the CIS supervisor at the conclusion of each file destruction.~~

~~C. The method of destruction must ensure that information is obliterated and may not be reassembled. Great care must be taken to ensure that information maintained on electronic database is fully purged from both the hard drive as well as diskettes. The CIS supervisor is responsible and accountable for the destruction of all criminal intelligence files: written reports; documents; photographs; electronic recordings (audio and video); electronic database, etc.~~

**1.7 CONTROL OF CRIMINAL INTELLIGENCE CONTRIBUTOR (ADULT OR JUVENILE): (KACP 17.7)**

A. A police officer shall make no promise to or permit special considerations for a CIC except as permitted by this order. A CIC must clearly understand he/she is not under any licenses or permission to commit any criminal act without suffering the appropriate legal penalties at the sole discretion of the appropriate prosecuting authority.

B. A CIC must understand that he/she has no authority to act as a peace officer of the Commonwealth of Kentucky.

C. Consideration must be given to the whole person and his/her motivation to be a CIC. It is important for the control officer to be aware of the CIC's health, age, education, personality, employment, finances, criminal involvement, etc. Failure to consider the whole person and his/her motivation may result in the collection of inaccurate or meaningless information.

D. The information and the CIC must be carefully evaluated. New information should be verified through other reliable means.

E. As CIC's work they become more confident and knowledgeable both in a given field and of police practices. The control officer must exercise firm control to ensure the contributor does not control the investigation. Suggestions may be solicited from the contributor but **EACH DECISION** about an investigation shall be made by the control officer.

F. The CIC shall not be made privy to all information in a matter under investigation. By withholding information, the reliability of contributors can be verified when the CIC is debriefed.

~~**1.9 KENTUCKY LAW ENFORCEMENT INTELLIGENCE SHARING SYSTEM (KLEISS), WEST VIRGINIA INTELLIGENCE EXCHANGE (WVIX), AND REGIONAL ORGANIZED CRIME INFORMATION CENTER (ROCIC)**:~~

~~A. This agreement provides for the orderly and effective dissemination of criminal intelligence information and maintaining the confidentiality and security of those files maintained by the Kentucky State Police (KSP), WVIX, and ROCIC in criminal intelligence information released to agencies throughout the areas they serve.~~

~~B. The KSP, WVIC, and ROCIC each agree to maintain a repository of criminal intelligence information submitted by user agencies. Information concerning an individual shall be collected and maintained only if it is reasonably suspected that the individual is involved in criminal activity and that the information is relevant to that criminal activity.~~

~~C. System security: Access of criminal intelligence information shall be limited to the technical services division commander and the CIS supervisor. The commander of the technical services division or the CIS supervisor shall maintain security over all criminal intelligence information supplied by the KSP, WVIC, and ROCIC and prevent the disclosure to unauthorized persons. Criminal intelligence information supplied by the KSP, WVIC, and ROCIC intelligence sections shall not be filed in any file where public access could be gained and shall not be used in any public proceedings without the expressed approval of the commander of the intelligence sections of the KSP, WVIC, or ROCIC. Any criminal intelligence information which is misleading, obsolete, or otherwise unreliable shall be destroyed. Information disseminated by the intelligence section is intelligence information only and does not necessarily indicate a finding of fact. The CIS supervisor shall maintain an audit trail of all criminal intelligence information submitted to and received from the KSP, WVIC, or ROCIC intelligence sections and provide said audit trail to the KSP, WVIC, and/or ROCIC on request.~~

~~D. Dissemination: The KLEISS program is a pointer system. It does not provide the content of stored data to an inquiring agency. Instead, it refers an inquiring agency to the agency submitting the information. Information held by KSP, WVIC, and ROCIC intelligence sections will only be disseminated to those authorized representatives who have been approved to receive such information.~~

~~E. Submission of intelligence information: Intelligence information may be submitted by any member of the Department through the technical services division commander. Information shall be submitted on an ROCIC Criminal Intelligence Submission form.~~

~~**2.0**~~ **1.8 USE OF A JUVENILE CIC:** The use of a juvenile versus an adult as an informer requires greater care by the police to prevent allegations that a child was misused. The safety and well-being of a juvenile will be of paramount importance and shall be the responsibility of the control officer. The following guidelines apply:

A. A police officer shall refer to and be guided by the provisions of KRS Chapters 600 through 645 (Unified Juvenile Code), inclusive, before a decision is made to request the participation of a juvenile as a CIC.

B. The prosecutor with superintending responsibility over a criminal case shall be consulted prior to using a juvenile CIC.

C. A juvenile's parent or guardian shall be consulted before a juvenile is used as a CIC. The CIC juvenile's parent or guardian must execute a "Juvenile Waiver CIC" form to permit the use of the juvenile as a CIC. This form shall be submitted with the case report. (See Attachment D - Section 1.6.4).

D. The control officer shall forward written application to the CIS supervisor along with the signed waiver and shall receive written approval from the CIS supervisor prior to use of a juvenile CIC.

E. The CIS supervisor shall consider each request to use a juvenile CIC and forward a recommendation to the Technical Services Division commander. The Technical Services Division commander shall forward to the Chief of Police a request to use a juvenile CIC and his/her recommendation for such use. The CIS supervisor, Technical Services Division commander, and the Chief of Police must agree on the use of a juvenile CIC. A disagreement shall result in disallowing the use of a juvenile CIC.

**~~2.1~~ 1.9 EXPENDITURES TO CRIMINAL INTELLIGENCE CONTRIBUTORS**: **(KACP 8.6)**

A. CIC funds shall be controlled by a division commander or his designee.

B. Each expenditure to a contributor requires pre-approval by the CIS supervisor or Field Supervisor.

C. Each expenditure provided a contributor will be properly receipted by the contributor and witnessed by the control officer and an Ashland police officer.

D. An up-to-date accounting of expenditures shall be available for inspection or auditing by the Chief of Police or his designee at all times.

E. Year end fiscal report shall be completed and forwarded to the Chief of Police or his designee for inspection. Report shall be available for inspection by the Finance Director or his/her designee.

**~~2.2~~ 2.0 JUDICIAL PROCEEDINGS:**

A. The judicial system is separate from law enforcement. A member shall not intercede in any court action pending against a criminal contributor or promise protection from prosecution for any violations of the law.

B. If a contributor has proven reliable and been an effective source of information, the control officer, with pre-approval by the officer's division commander, may inform the prosecutor of such.

**~~2.3~~ 2.1 REPORTING CRIMINAL INTELLIGENCE CONTRIBUTOR (CIC) COMPENSATION**

A. The control officer will complete ~~the memo of CIC compensation (see Attachment E) on each CIC~~ a written receipt, to be included on the detective's monthly expense report. ~~who provides information or assistance in a criminal investigation.~~

B. Any compensation, consideration, or other agreement provided to the CIC will be disclosed ~~on this form~~ with a receipt.

~~C. The form will not be included in the case file, but will be forwarded~~ along with the case file to the ~~Commonwealth Attorney when the case is presented for prosecution.~~

~~D~~ C. The CIS supervisor shall keep a copy of the ~~memo of CIC compensation~~ receipt in the CIC file.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

**ASHLAND POLICE DEPARTMENT**
**CRIMINAL INTELLIGENCE UNIT**
**BIOGRAPHIC DATA FORM**
**RESTRICTED FOR LAW ENFORCEMENT USE ONLY**

Special Notation _____

1. NAME: _____ 2. ALIASES: _____

3. DESCRIPTION: 4. PICTURE:

SEX: ____M ____F RACE:_____
DOB: _____ POB:_____
HGT.:_____ WGT:_____
EYES:_____ HAIR:_____
SCARS:_____ TATTOO:_____
OTHER:_____

5. ID NUMBERS: SSN:_____ FBI:_____
APD:_____ OTHER:_____
DRIVER LIC:_____
Fingerprints on file: ___Yes ___No
Fingerprint cards attached: ___Yes ___No

6. ADDRESS - RESIDENCE:
_____

7. PHONE NUMBER: _____

8. ADDRESS: BUSINESS/EMPLOYMENT
_____

9. AUTOMOBILES:
LIC NUMBERS: _____ TYPE/COLOR/MAKE_____
_____ _____
_____ _____

10. ASSOCIATES: _____
_____

11. USUAL HANGOUTS: _____
_____

12. OTHER INFORMATION: (USE SEPARATE SHEET, IF NECESSARY)
Emergency Notification _____ Phone _____

13. Officer's ID # _____

_____ _____
Supervisor Approving CI #

AGREEMENT

I _____, hereby agree to act as an informant, for limited monetary compensation, in association with the Ashland, Kentucky, Police Department, supplying information concerning criminal activities. I understand that I am required by law to pay to the Internal Revenue Service (IRS) taxes on any earned money in excess of $600 annually.

I further agree to hold harmless and free from any and all liability, for any harm, wrong doing or injury that I may be responsible for or may occur to me, the following: the Commonwealth of Kentucky, county of Boyd, Kentucky, city of Ashland, Kentucky, their employees, representatives, agencies and departments.

I further agree that I am not under any licenses or permission to commit any criminal acts without suffering the appropriate legal penalties at the sole discretion of the appropriate prosecuting authorities; nor am I authorized to act with any authority as a peace officer of this Commonwealth of Kentucky or any privileges they enjoy.

I agree and understand my identity will be kept confidential until such time is deemed necessary by the appropriate prosecuting authorities, to reveal my identity. By signing this document I agree to appear, without compensation or remuneration, as necessary, as a witness at any proceeding deemed necessary by the appropriate prosecuting authorities.

I agree my activities will be under color of law and with full knowledge of the appropriate representative of the Ashland Police Department. I understand my activities may ally me, closely, with criminal activities and may, technically, without this agreement, provide the appearance of criminal conduct on my part. To alleviate any such liability, I agree to always and fully inform the appropriate representatives of the Ashland Police Department of my activities as an informant, past, present and future, for their approval, at their discretion.

I agree I have no authority or permission, expressed or implied, to contract with another person or entity to act as my agent or representative or enjoy duties, responsibilities or privileges of this agreement; nor do I have any authority or permission, expressed or implied to confer any such duties, responsibilities or privileges of the agreement on behalf of the Commonwealth of Kentucky, county of Boyd, Kentucky, city of Ashland, Kentucky, their employees, representatives or departments.

I understand my limited agency relationship, and release any and all rights I may share, for any reason, to the privileges extended as an employee, contracting individual or representative, and that I, alone, am responsible for my activities and any ramifications therefrom.

This agreement is limited to its contents and no other agreement, expressed or implied, shall be made part thereof.

This agreement is not, in any form, assignable. I agree that this agreement shall be superior to any rights my heirs or estate should enjoy.

This agreement shall be terminated, without necessity of writing or notice, at any time, by myself or the appropriate representatives of the Ashland Police Department, without reason or explanation, and with such termination shall cause to cease thereafter, all rights and privileges attached thereto.

I enter into this agreement of my own free will having fully read and understanding its contents, being under no coercion, duress, threats or fear of reprisal.

Entered into this _____ day of _____, 20_____.

_____

Informant's signature

Subscribed and sworn before me this _____ day of _____, 20___

_____

Notary Public

My commission expires: _____

_____ _____

Officer's name Officer's ID #

**ASHLAND POLICE DEPARTMENT**
**C I C JUVENILE WAIVER**
**INFORMANT**

NAME OF JUVENILE: _____

ADDRESS OF JUVENILE: _____

DATE OF BIRTH: _____ AGE: _____

I _____, as (please circle one) parent guardian of the above named juvenile do hereby permit and approve of (please circle one) his her use as an informant by the Ashland Police Department.

_____ _____
Parent Guardian Signature Date
(Please circle appropriate title.)

Subscribed and sworn before me this _____ day of _____, 20___

_____
Notary Public

My commission expires: _____

Officer's Name _____ Officer's ID# _____

**ASHLAND POLICE DEPARTMENT**

This is to certify that I do hereby give authority and consent to the Ashland Police Department to attach or install electronic and/or mechanical listening and/or recording equipment to my person for a period of _____ days from the date of this authorization, and to listen to and/or record all conversation heard over said equipment to which I am party. My authority and consent are also given to the Ashland Police Department to make full use of anything heard and/or recorded over said equipment in any criminal prosecution under the laws of the Commonwealth of Kentucky.

I give this authorization freely and voluntarily without coercion, duress, or threats of any kind.

Dated this _____ day of _____, _____ .

_____

Informant's signature

Witness:

_____

_____

Subscribed and sworn before me this _____ day of _____, _____

Notary Public
State at Large, Kentucky
My commission expires: _____

# Ashland Police Department

## GENERAL ORDER L - 3

| SUBJECT: RESPONSE TO AND INVESTIGATION OF FIRES | | |
|---|---|---|
| Date of Issue: 12JUN12 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 13JAN19 | **REVIEWED** |
| Accreditation Standards: KACP 17.5 | | |

**1.1 PURPOSE:** To ensure the appropriate and effective response by personnel of the Ashland Police Department to observed or reported fires.

**1.2 DISCUSSION**: The basic responsibility of law enforcement and fire service personnel at the scene of any fire is the protection of life and property. To that end, police and fire service personnel have different functions. Firemen engage in fire suppression and in related rescue operations. The police function at the scene of a fire is traditionally defined as supportive to the fire service. The role of the police includes providing crowd and traffic control as well as providing any other assistance to the fire suppression effort, victims and/or the general public as may be required, as well as preliminary and follow up investigation of the fire itself.

The police role at a fire scene cannot be minimized. Although police officers are not usually trained in fire suppression techniques, nor generally have the related knowledge of construction to directly engage in suppression activities, the police skills and experience are also needed at the fire scene. Law enforcement officers have expertise in the direction and the control of traffic and/or crowds of people. Such skills are needed at the scene of a fire, particularly fires of great magnitude. Additional assistance or activity may be required, depending on the circumstances. Thus, police should respond to fire scenes as needed.

The role of the police in situations where fires are of undetermined or incendiary origin is to work cooperatively with the fire personnel to determine the exact cause. The police should then work with fire personnel to investigate and seek to identify person or persons responsible for arsons as well as aid in the prosecution effort as needed.

**1.3 DEFINITIONS**: The following definitions apply to this general order:

A. Arson -- The crime of willful or malicious burning of property

B. Incendiary -- of or relating to a deliberate burning of property; designed to start fires, a bomb or any improvised device.

C. Suppression -- To put down by force.

D. Significant Injury -- Injury requiring immediate medical attention

**1.4 POLICY:** It is the policy of the Ashland Police Department that officer(s) respond to fire calls. The nature of such response will be dictated by the fire and related circumstances in conjunction with the recognized police practice. In cases where the fire is of undetermined origin or where information about an incendiary fire is received, any subsequent investigation shall be a cooperative effort of the Ashland Police Department and the Ashland Fire Department.

**1.5 SPECIFIC POLICE RESPONSIBILITY/PROCEDURES:**

**A. WATCH COMMANDER/FIELD SUPERVISORS**

1. The command and control of police operations at fire scenes shall be conducted in accordance with Ashland Police Department General Order K-8, Incident Command System. The fire chief or designee in charge of fire fighting operations shall serve as incident

commander. A police officer at the scene shall report to the incident commander and shall serve as the police incident commander until relieved by a higher-ranking officer. The Watch Commander/Field Supervisor is ultimately responsible for police assistance at a fire scene. The Watch Commander/Field Supervisor will ensure adequate supervisory personnel and line officers are assigned to the fire scene.

2. The Watch Commander/Field Supervisor has the authority to call in additional personnel as may be required to adequately meet manpower needs. Additional personnel beyond the on duty staffing will require notification of the Field Operations Division Commander.

3. The Watch Commander/Field Supervisor is to respond to fire calls other than those of a very minor nature.

4. The Watch Commander/Field Supervisor may at his/her discretion designate a police officer to supervise if the scene is small, under control, or the fire is minor in nature.

**B. RESPONSE TO FIRE CALLS**

1. Officers will remember that the first responsibility of both the Fire and the Police Department is the protection of life. Police officers are not equipped nor required to enter a burning or smoke filled structure. Not being equipped with breathing apparatus, fire retardant clothing and no training on fire science has to be considered. Police officers will not create ventilation points such as forcing entry into windows and doors. Without the proper training in fire sciences ventilating or opening windows and doors can create explosions or intensify the fire. Officers deciding that they will attempt a rescue at a fire scene should realize that this decision places them in a burning building without proper equipment and knowledge described. If a police officer becomes trapped, the Fire Department or other police officers will have to attempt to rescue them.

2. Officers directing traffic at a fire scene will, whenever possible, block off the entire scene or area to all vehicular traffic. Officers are to remain near their patrol units and to remain alert for additional arriving emergency equipment or other changes in the fire scene.

3. Officers arriving at the fire scene shall notify the Watch Commander/Field Supervisor of the nature of the fire and any need for additional assistance.

4. Officers responding to a fire scene in a police vehicle equipped with an in-car camera system shall activate their video recorder and record the fire scene and people in the immediate area of the fire as they approach. In addition note any and all of the following information:

   a. Vehicles observed speeding from the scene,
   b. Description of persons leaving the scene,
   c. Weather conditions (e.g., wind speed and direction, precipitation, lightning, fog, etc.). Note the condition of the involved structure in relation to the determined weather conditions (e.g., windows open during cold weather, closed during warm weather, etc.),
   d. Identify the location of visible fire within a structure or area. Special notice should be taken of the area of most intense fire, and the existence of multiple fire locations,
   e. Identify the presence of barriers (e.g., barricades, fallen trees, cables or trash containers) that may obstruct the fire department's arrival or entry,
   f. Note the color of smoke and flames and the speed and direction of fire spread,
   g. Attempt to determine if any person(s) are inside the involved fire area,
   h. Be cognizant of the dress, attitudes, statements or behaviors of owners, occupants, witnesses and onlookers at the scene.

5. Officers will select a location preferably at an intersection and position their vehicle so as not

to obstruct the arrival of emergency equipment, access to fire hydrants or in front of the structure in question. The vehicle should also be positioned in such a way that will also allow in-car video recording device can make record of the fire scene from their location if possible.

6. Uniformed members, detectives and any other sworn police officers, upon being detailed to a fire scene, will respond without delay. Unless there is an unusual or emergency situation, a Code 2 response is desirable to minimize the confusion which normally exists at the initial response to a fire scene.

7. Officers assigned to crowd control will keep unauthorized persons from the fire scene and at a sufficient distance so that they do not interfere with fire suppression efforts. Officers may use ropes, colored tape, signs or barricades to achieve this purpose.

8. Field Operations Division officers assigned to a fire scene, upon notification by fire service personnel that the fire is of suspicious origin, will generate a fire investigation report (ENIBRS) and will work with fire department investigators at the scene. The officers will collect, receive and secure all evidence pursuant to evidence procedures.(KACP 17.5)

9. All video recordings of fire scenes of undetermined or incendiary or suspicious origin shall be entered into evidence and noted in a filed ENIBRS Offense report.

## 1.6 FIRE SCENE INVESTIGATION RESPONSIBILITIES

A. The fire department is responsible for the fire scene until it is turned over to the police department or released to the property owner. Upon notification by fire service personnel that the fire is of suspicious origin the fire scene will be under the jurisdiction of the police department until criminal activity has been ruled out or is no longer suspected by either the police or fire investigator after examination of the scene. The scene then is turned over to and remains under fire department direction. If a death has occurred or serious personal injuries and the fire is determined by either the fire investigator or initial police investigator to be criminal or suspicious in nature, the Criminal Investigation Section will be notified. A detective will be assigned immediately and respond and begin investigating with the initial police and fire investigators. The scene will not be released until both the fire and all law enforcement investigators agree that the scene security is no longer needed. Prior to leaving the fire scene the detective and the fire investigator will arrange a meeting to provide updates and share information.

## 1.7 CRIMINAL INVESTIGATION SECTION

A. Detectives will respond to fire calls when a death has occurred or serious personal injuries are involved which may or may not result in death.

B. Detectives will respond to fire calls when it has been determined that the fire was used to cover up a crime within the parameters of Ashland Police Department General Order L-1 or by direction of the Chief of Police, whether intentional or unintentional.

C. Absent exigent circumstances, detectives will be assigned to follow-up undetermined fires during the next regularly assigned duty shift.

## 1.8 PRELIMINARY INVESTIGATION

A. An E-NIBRS Offense Report shall be filed by investigating officer(s) in each of the following cases.

1. When the fire involves a death or injury to anyone,

2. When the fire was used as a means to cover up another crime,

3. When the fire has been labeled as incendiary or suspicious in nature.

All preliminary fire reports will be labeled "Fire Investigation" if there are no criminal offenses immediately identified.

B. The preliminary investigation report should include:

1. If possible, the identities of all persons present in the building at the time of the fire, their location at the time the fire was discovered, and their current whereabouts and condition.

Name, address and telephone number of:

a. Property owner.

b. Residents or tenants, if any.

c. Person(s) who discovered the fire.

d. Person(s) who reported the fire.

e. First firefighter(s) on the scene.

f. Bystanders, if any. Particular attention should be given to persons photographing the fire, including media personnel, or persons who have been noticed at other fires, or who are acting abnormal at the fire scene.

C. Date and time the fire was discovered and reported.

D. Name of the insurance company insuring the property and the name of the insurance agent.

E. Officers conducting preliminary fire investigations should, whenever possible, note the cause of the fire and its point of origin in their report, as determined by a fire department investigator.

F. The name of the person requesting an ambulance when one is dispatched to the scene of a fire.

G. When possible, obtain the new location of displaced persons, address and telephone number.

H. Officers whenever possible, will interview and obtain written statements from:

1. The person(s) who discovered the fire.

2. The person(s) who reported the fire.

3. All persons present in the building at the time of the fire.

4. The owner and occupants of the property.

5. Any other witnesses.

## 1.9 EVIDENCE COLLECTION

A. Any officer may be assigned to gather evidence at a fire scene. A crime scene search of the fire ground shall be conducted in order to locate, collect and preserve any physical evidence. This

will be done with a fire department investigator assigned to determine the origin and cause of the fire. Such evidence may include, but is not limited to:

1. Ropes, string, or cord soaked in flammable liquid and used to spread the fire from one area to another.
2. Candles used to ignite incendiary devices.
3. Matches tied around combustible materials or attached to mechanical devices.
4. Accelerant containers and evidence of flammable or combustible liquids.
5. Rags, clothing or curtains soaked in oil or flammable liquids
6. Waste and paper in inappropriate locations or quantities.
7. Timing devices (e.g., clock radios, timers or other devices modified to delay the ignition of a fire).
8. Electrical equipment or appliances modified or placed to start a fire.
9. Absence of clothing, furniture, appliances, personal effects or pets in dwelling fires.
10. Absence of stock, fixtures, machinery, display cases, records or raw materials in industrial or commercial fires.
11. Uneven burning or localized heavy charring, or areas of intense heat from the fire.
12. Tampering or damage to fire protection systems (e.g. smoke and fire alarms, sprinkler systems, etc.).
13. Indications of forced entry or tampering with burglar alarm systems.

B. All evidence to be gathered at a fire scene will be photographed before it is moved. The photographs may be taken by an assigned officer, detective or by someone from the fire service.

C. All evidence gathered will be handled according to proper police procedures. All evidence will be labeled and secured in proper containers.

D. The police department is responsible for delivering all evidence to the appropriate laboratory for analysis.

E. The officer gathering evidence at a fire scene will make a rough sketch of the area showing the location of the evidence seized.

F. Initial reports will include ENIBRS offense and supplemental reports, evidence records, witness's statements and any specific requests for laboratory analysis.

**1.10 FOLLOW UP INVESTIGATION**

A. Any subsequent police investigation will be led by the police department with assistance from the fire department. Any information received by either agency as to witnesses, suspects or persons of interests should be provided to the appropriate law enforcement and fire department investigator assigned. The investigators will supply written reports to each other as per departmental guidelines. Interviews conducted as a result of the investigation should be completed by the assigned detective and fire investigator. If the detective determines that it would be more effective to have another detective assist in the interview rather than the fire investigator, the fire investigator shall be scheduled to observe the interview and provide input.

B. The Criminal Investigations Section will conduct follow up investigation of fires prescribed in General Order L-1, and any others as directed by the Chief of Police.

C. Detectives will interview the owner and/or occupant(s) when assigned a follow-up fire investigation. This interview shall be subsequent to any interviews done by patrol officers during their preliminary investigation. Detectives shall compare the results of the follow-up interview with statements taken by patrol officers, and any discrepancies must be examined.

D. Detectives will interview Insurance company representatives regarding any recent changes in the amount or types (e.g., business interruption clause, etc.) of insurance coverage.

E. Detectives will attempt to establish an arsonist's motive for setting a fire. Motives may include, but are not limited to:

1. Financial gain by the quick liquidation of a business enterprise, settlement of an estate, termination of a business partnership or collection of fire insurance benefits.

2. Hatred, revenge, spite, or jealousy.

3. An action to gain attention for a cause.

4. Concealment of another crime.

5. Mental illness such as pyromania.

F. Investigative reports will be reviewed by the case manager overseeing the investigation. Police and fire investigators will maintain constant communication during the investigation. If evidence supports prosecution, investigators from the police and fire departments will review the investigation with the appropriate prosecutor office.

**1.11 MEDIA RELEASE**

No media releases beyond the basic response information will be given by either agency until both the law enforcement and fire investigator are in agreement on the content of the information to be released. Once in agreement on the content, information may be released by either agency per department guidelines.

*NOTICE:* This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 4

| SUBJECT: BOMB THREATS AND SEARCHES | | |
|---|---|---|
| Date of Issue: 20JUN96 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 13JAN19 | **REVISED** |
| Accreditation Standards: KACP 17.4 | | |

**1.1 PURPOSE:** It is the purpose of this policy to provide officers with a protocol for dealing with threatened bombings to include response, deployment, search, evacuation, and assistance to specialized units.

**1.2 POLICY**: While most bomb threats are later determined to be hoaxes, they all present particularly serious response requirements for law enforcement agencies. It is the policy of the Ashland Police Department (APD) that each response to a bomb threat or emergency be conducted systemically, efficiently, and in a manner that gives primary consideration to the protection of human life.

**1.3 DEFINITIONS**:

A. **Bomb threat**: a bomb threat condition exists when an explosive device has been reported or is suspected to be at a given location.

B. **Bomb emergency**: a bomb emergency exists when a suspected or actual explosive device has been located or has been detonated.

**1.4 PROCEDURES**:

~~A. Regional Public Safety Communication Center (RPSCC) responsibilities:~~

~~1. RPSCC personnel who receive a bomb threat or warning from a caller, or is notified by another of a bomb threat, shall, to the degree possible,~~

~~a. complete Bomb Threat Checklist;~~

~~b. if possible and safe, keep the reporting party on line and alert all on duty RPSCC personnel;~~

~~c. keep line open;~~

~~d. activate police emergency dispatch tones and dispatch a primary and secondary police unit and the patrol supervisor; notify the Ashland Fire Department;~~

~~e. if no explosive device has been identified, instruct the caller to inform the person on scene who is in charge of the building. If this is the reporting party, have them meet with the officer at specific location with the receiver of the call and the Bomb Threat Checklist.~~

~~2.~~A. ~~1.~~ The nature of the threat shall determine the type of additional personnel or agencies to be notified. The ~~patrol~~ Field Operations supervisor or senior APD officer may notify the following:

1. the APD watch commander;

2. the ~~patrol~~ Field Operations division commander; and/or

3. the Ashland Fire Department and request deployment of their Hazmat unit in addition to fire suppression units.

B. Responding officers' responsibilities:

1. Responding units should be aware of the possibility that the bomb threat may be a false call to cover another criminal act at that location or another (i.e. robbery, theft, etc.) location.

2. The first officer on the scene shall establish the forward police command post and assume responsibility for incident commander pending the arrival of the patrol supervisor or officer of higher rank.

   a. meet with person on scene in charge of building and caller for interview,

   b. if evacuation is already in progress, assist by crowd/traffic control. Direct all persons to a safe assembly area at least 300 feet from building,

   c. meet with Incident Commander to brief, and,

   d. initiate preliminary report.

**1.5 INCIDENT COMMANDER RESPONSIBILITIES**

1. Respond and announce command of scene pursuant to General Order K-2. Critical Incident Command. Sec. 1.3 2nd A, B. **(KACP 17.4)**

   a. Search - After assessing the situation, (threat and manpower available), a search of affected area should be organized. Personnel familiar with the area to be searched should be integrated with Ashland police officers to provide the most effective search. On completion of the search area assigned, the team will report back to the command post with the results. In the event that a suspicious item is located, the team locating it will contact the other teams to report back to the command post.

   b. Search teams should be briefed as to their specific area of search, communications procedure and command post reporting location. All officers are equipped with portable radios which should be on for monitoring purposes and should limit any transmission to extreme emergency only. This is due to possible influence of Radio Frequency energy on electric blasting caps and that according to the Institute of Makers of Explosives, electric blasting caps may function if transmission is made within a minimum distance from the cap.

      Radio Transmitter = Minimum distance [1]

2. Special Assists.

   a. Alcohol Tobacco and Firearms
      Ashland Office: 606.329.8092

   b. Kentucky State Police:
      (Hazardous Devices Unit) 606.928.6412
      Headquarters: 502.695.6380

   c. 43rd EOD Ft. Knox, KY

3. When conducting any search without the assistance of bomb disposal personnel, officers should be particularly alert to the following items as indicators that there may be explosives at the location. Officers should be cautioned that the absence of the following does not assure that there is no bomb present:

   a. explosives - related pamphlets, periodicals and books;

[1] Franklin Institute of Research Laboratories Publication #20.

b. excessive amounts of galvanized or PVC pipe nipples and end caps especially if they have drill holes in the nipple or cap;

c. low-explosive powders or other incendiary mixtures;

d. fuses of any type to include homemade burning fuses;

e. electrical switches and electronic circuit boards; and,

f. electrical matches, blasting caps or similar indicators.

D. Evacuation:

1. The primary evacuation decision will generally rest with the person responsible for the control of the threatened premises unless a suspected or actual device is located in which case the incident commander will order evacuation.

E. Located explosive devices:

1. If an actual or suspected device is located, officers should:

a. not attempt to move or otherwise disturb the device(s);

b. declare the area a crime scene and proceed with immediate evacuation of the structure and/or the area to a point consistent with the threat but not less than 300 feet from the device(s);

c. define and secure the perimeter; and,

d. notify all emergency services personnel on scene.

2. The police incident commander is responsible for command of the crime scene and briefing of investigators and explosives specialist as appropriate. **(KACP 17.4)**

F. Post-explosion investigation:

1. provide scene security. Be aware that evidence will be spread over a large area. Expand the crime scene to the farthest point that fragments emanating from the blast come to rest.

2. **BE AWARE OF THE POSSIBILITY OF A SECONDARY DEVICE**;

3. provide crowd and traffic control; and,

4. notify other agencies as appropriate, and request additional support as needed.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ~~BOMB THREAT CHECKLIST~~

~~Exact time of call~~

~~Exact words of caller~~

~~QUESTIONS TO ASK~~

~~l. When is bomb going to explode?~~

~~2. Where is the bomb?~~

~~3. What does it look like?~~

~~4. What kind of bomb is it?~~

~~5. What will cause it to explode?~~

~~6. Did you place the bomb?~~

~~7. Why?~~

~~8. Where are you calling from?~~

~~9. What is your address?~~

~~10. What is your name?~~

~~CALLER'S VOICE (circle)~~

| | | | | |
|---|---|---|---|---|
| ~~Calm~~ | ~~Disguised~~ | ~~Nasal~~ | ~~Angry~~ | ~~Broken~~ |
| ~~Stutter~~ | ~~Slow~~ | ~~Sincere~~ | ~~Lisp~~ | ~~Rapid~~ |
| ~~Giggling~~ | ~~Deep~~ | ~~Crying~~ | ~~Squeaky~~ | ~~Excited~~ |
| ~~Stressed~~ | ~~Accent~~ | ~~Loud~~ | ~~Slurred~~ | ~~Normal~~ |

~~If voice is familiar, whom did it sound like?~~

~~Were there any background noises?~~

~~Remarks:~~

~~Person receiving call:~~

~~Telephone number call received at:~~

~~Date:~~

~~Report call immediately to:~~

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 5

| SUBJECT: PRELIMINARY DEATH INVESTIGATION | | |
|---|---|---|
| Date of Issue: 05SEP97 | Effective Date: 05SEP97 | |
| Revision Date: 10JUNE13 | Review Date: 10JUNE15 | **REVISED** |
| Accreditation Standards: KACP 17.4 | | |

**1.1 PURPOSE**: The purpose of this policy is to provide officers with guidelines for conducting preliminary investigations of deceased persons.

**1.2 POLICY**: Reported deaths of persons, other than those under the immediate care of a physician at a hospital or similar health care facility, shall be responded to by officers of the Ashland Police Department (APD) for investigation and for purposes of providing basic assistance to survivors. It is the responsibility of responding officers in cooperation with emergency medical responders, physicians, and the coroner, to establish the manner of death whether naturally, by accident, suicide, homicide, or unknown causes. In so doing, officers shall approach the investigation of any death not attended by a physician in a health care setting as a potential homicide, regardless of how it is reported, and shall follow procedures as detailed in this policy to assist in determining the cause and manner of death.

**1.3 KENTUCKY REVISED STATUTES:**

A. KRS 72.020 Duty of person, hospital, or institution finding or possessing dead body, duties of coroner, law enforcement officer, embalmer, funeral director, or ambulance service.

1. Any person, hospital, or institution, finding or having possession of the body of any person whose death occurred under any of the circumstances defined in subsections (1) through (12) of KRS 72.025 shall immediately notify the coroner, or his deputy, and a law enforcement agency, which shall report to the scene within a reasonable time. No person shall remove the body or remove anything from the body until directed to do so by the coroner or his deputy, and after the law enforcement agency is present or has failed, within a reasonable time, to respond.

2. The coroner shall take possession of any objects, medical specimens, or articles which, in his opinion, may be helpful in establishing the cause of death, and he can make or cause to be made such tests and examinations of said objects as may be necessary or useful in determining the cause of death. In the event that a criminal prosecution arises, all such objects and articles together with reports of any examinations made upon them, shall be retained by the coroner until their production in evidence is required by the prosecuting authority, unless otherwise directed by written order of the court in which such prosecution is pending.

3. Upon final disposition of each criminal prosecution under this section, the court shall by appropriate written order dispose of all objects retained under the provisions of this section.

4. If the law enforcement officer at the scene has probable cause to believe that one of the conditions in subsection (1) of this section exists and the coroner refuses to require a post-mortem examination, the officer shall immediately notify the county or commonwealth attorney who may proceed pursuant to KRS 72.445.

5. In all cases listed under KRS 72.025 in which a licensed embalmer, funeral director, or ambulance service is notified and is the first person at the scene of a death other than private citizens, he shall notify the coroner and if the death appears to fall within the categories established in subsections (1) through (12) of KRS 72.025, he shall notify a local law enforcement agency.

B. 72.025. Circumstances requiring post-mortem examination to be performed by coroner. Coroners shall require a post-mortem examination to be performed in the following circumstances:

1. When the death of a human being appears to be caused by homicide or violence;

2. When the death of a human being appears to be the result of suicide;

3. When the death of a human being appears to be the result of the presence of drugs or poisons in the body;

4. When the death of a human being appears to be the result of a motor vehicle accident and the operator of the motor vehicle left the scene of the accident or the body was found in or near a roadway or railroad;

5. When the death of a human being occurs while the person is in a state mental institution or mental hospital where there is no previous medical history to explain the death, or while the person is in police custody, a jail or penal institution, except pursuant to a sentence of death;

6. When the death of a human being occurs in a motor vehicle accident and when an external examination of the body does not reveal a lethal traumatic injury;

7. When the death of a human being appears to be the result of a fire or explosion;

8. When the death of a child appears to indicate child abuse prior to the death;

9. When the manner of death appears to be other than natural;

10. When human skeletonized remains are found;

11. When post-mortem decomposition of a human corpse exists to the extent that external examination of the corpse cannot rule out injury or where the circumstances of death cannot rule out the commission of a crime;

12. When the death of a human being appears to be the result of drowning;

13. When the death of an infant appears to be caused by sudden infant death syndrome in that the infant has no previous medical history to explain the death;

14. When the death of a human being occurs as a result of an accident;

15. When the death of a human being occurs under the age of forty (40) and there is no past medical history to explain the death;

16. When the death of a human being occurs at the work site and there is no apparent cause of death such as an injury or when industrial toxics may have contributed to the cause of death;

17. When the body is to be cremated and there is no past medical history to explain the death;

18. When the death of a human being is sudden and unexplained; and

19. When the death of a human being occurs and the decedent is not receiving treatment by a licensed physician and there is no ascertainable medical history to indicate the cause of death.

## 1.4 PROCEDURES

A. Initial Response

1. Deceased persons or persons near death may be encountered in response to a wide variety of calls for service. Officers who encounter such situations shall, in order of importance, based on the circumstances, perform the following:

   a. Identify and arrest any perpetrator(s) present.

   b. Ensure officer safety and the safety of others by safeguarding any weapons at the scene.

   c. Administer emergency first aid if necessary and/or summon emergency personnel.

      1). In cases involving unmistakable evidence of death (e.g., the presence of lividity or rigor mortis) emergency medical personnel need not be summoned.

      2). If the officer determines the person is dead, the factors surrounding that determination shall be entered into the officer's report.

      3). Officers shall resolve any doubt concerning the life or death of a subject by summoning appropriate medical assistance.

   d. Where emergency medical personnel are on the scene or have been summoned, provide such personnel with as much latitude as possible to deliver emergency medical services notwithstanding officers' responsibility to protect the crime or incident scene.

   e. Isolate and protect the crime scene from any intrusion by non-essential personnel including medical personnel and police officers not directly involved in the crime scene investigation.

   f. If the death is perceived to be a homicide or potential homicide or the result of accident or suicide, notify dispatch of the circumstances and request the response of a supervisor and any additional personnel needed.

   g. When encountering any situation included in KRS 72.025 subsections 1 through 12 the responding officer will observe and note on the **Ashland Police Department Death Scene Checklist** (copy attached) pertinent information/circumstances at the scene.

      1). Record the nature of any physical modifications to the crime scene as the result of intervention by emergency medical personnel or others.

      2). Record the identity of any persons who were present at or entered the crime scene.

      3). Identify witnesses and record basic information regarding the event. Ask witnesses to remain, if possible. If not possible, determine their identity and how they can be contacted by detectives.

      4). Identify and ensure that suspects do not leave. Responding officers may conduct basic, preliminary questioning of a suspect or witness at the scene, but should normally defer interviews to detectives.

   h. Ascertain if the deceased was under a physician's care for a potentially life-threatening health problem, and note the name, telephone number, and address of the physician.

   ~~i. In deaths apparently resulting from natural causes, determine, to the degree possible, the deceased's physical condition before death.~~

~~j.~~i. Do not release any information concerning the deceased to the press or the public without agency authorization and until the next-of-kin have been notified as established by policy of the APD.

B. Supervisor Responsibilities **(KACP 17.4)**

Responsibilities of the supervisor include but are not necessarily limited to the following:

1. Follow guidelines listed in General Order L 1, 1.3, D, l, and request any additional personnel to protect the scene or conduct the initial investigation as necessary.

2. Receive a verbal report from initial responding officers regarding pertinent conditions at the scene upon their arrival, circumstances surrounding the death, the presence of witnesses and/or suspects, and related details.

3. Ensure completion of the preliminary investigation, Death Scene Checklist (if applicable) and protection of the crime scene.

4. Alert the police chaplain on call and have him respond to the scene if needed.

5. Ensure that the coroner or deputy coroner is notified in a timely manner.

C. Assistance to Survivors

1. Providing basic support and crisis assistance to survivors is the responsibility of both responding officers and detectives. The nature of such assistance must be dictated by the circumstances, but officers should use the following as a guide in these instances.

   a. Officers should not leave the scene of a death where survivors are present until reasonably assured the survivors have adequate personal control and/or family or close friends readily available to provide support. In gauging the need for assistance, officers shall also consider the following:

      1). The emotional reactions and physical condition of the survivors;

      2). Availability of other adults in the home or immediate area;

      3). Responsibility of the survivors for infants or small children;

      4). Home environment, if apparent, (e.g. evidence of excessive alcohol use or drug use, lack of means of financial support, shortage of food, problem with shelter, etc.); and

      5). Availability of a support system (e.g. including friends, family, close neighbors, access to their clergy or an APD chaplain, means of transportation, etc.)

   b. Officers should remain alert to the need of survivors for emergency medical assistance, for example, in cases of physical or emotional collapse or related problems.

2. Officers should be aware of confusion on the part of the survivors. They should speak slowly and deliberately, and write down any pertinent information survivors may need. This may include such matters as the following;

   a. Disposing of the body;

   b. Locating personal effects;

c. Assisting in making notification to out of town relatives if necessary;

d. Providing notifying officers with names and phone numbers.

3. Officers should assess the physical and emotional well-being of survivors before departing. Officers should be reasonably assured survivors can take care of themselves and those for whom they may be responsible. In addition to concerns noted in item C-1 above, officers should be able to answer "yes" to the following types of questions:

a.. Are the survivor(s) thinking clearly? That is, do individuals

1. seem aware of your presence?

2. have some grasp of time and space?

3. demonstrate a progressive ability to express himself/herself? and/or

4. begin to demonstrate some grasp of the reality of the death?

b. Do the survivors have reasonable control over emotions, or do they display shock (no apparent emotion) furious hostility, or the desire to commit suicide?

c. Can survivors cope physically? For example, has a survivor fainted, displayed debilitating weakness, or emotional collapse, and do survivors have an adequate support system that can be relied upon?

4. Officers should not leave a lone survivor unattended until all reasonable efforts have been made to garner first-hand support from the survivor's family, clergy, crisis counselors, or other community social service agency.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police

# ASHLAND POLICE DEPARTMENT

Date: _____

Case Number: _____

Investigating Officer: _____

## DEATH SCENE CHECKLIST

(This form is to be used as a supplementary source sheet for readily available information and is not intended to replace conventional reports. This form is to be part of the case file.)

**Name of Deceased:**

First _____ Middle _____ Last _____

Address: _____

Age: _____

Telephone Number: _____

Marital Status: S M W D Separated Unknown

Social Security Number: _____

**Next-of-kin:**

Name: _____

Address: _____

Telephone Number: _____

Notified: Yes No Time: _____

Police Notified By: _____

Date: _____ Time: _____

Name: _____

Address: _____

Telephone Number: _____

**Deceased found:**
Date: Time:

Address: (if different from previous page)

Location: Apartment House Townhouse Other (describe)

Entrance by: Key Cutting Chain Forcing door Other (describe)

Type of lock on door:

Condition of other doors and windows: Open Closed Locked Unlocked

**Body found:**

Living Room Dining Room Bedroom Kitchen Attic Basement Other (describe)

Location in room:

Position of body: On back Face down Other:

**Condition of body:**

Fully clothed Partially clothed Unclothed

Preservation: Well preserved Decomposed

Estimated Rigor: Complete Head Arms Legs

Livor: Front Back Localized

Color:

Blood: Absent Present Location

Ligatures: Yes No

**Apparent wounds:** None Gunshot Stab Blunt force

Number:

Location: Head Neck Chest Abdomen Extremities

Hanging: Yes No Means:

**Weapon(s) present**: Gun (estimate caliber)

Type:

Serial Number:

Knife:

Other: (describe)

---

**Conditions of surroundings**:
Orderly Untidy Disarray
Odors: Decomposition Other:

---

**Evidence of last food preparation:**

Where:

Type:

---

**Dated Material**:

Mail:

Newspapers:

TV Guide:

---

**Last contact with deceased:**

Date:

Type of Contact:

Name of Contact:

---

**Evidence of robbery**: Yes No Not determined

---

**Identification of deceased:** Yes No
If yes, how accomplished:

If no, how is it to be accomplished:

---

**Evidence of drug/alcohol use**: (prescription and nonprescription) Yes No

If drugs/alcohol present, collect:

---

**Evidence of drug paraphernalia**: Yes No

Type:

---

**Evidence of sexual deviate practices**: Yes No

Type:

Evidence of sexual mutilation: Yes No

If yes, have Medical Examiner determine if it occurred before or after death.

---

**Evidence of bindings**: Yes No State location if "yes"

Type: Rope Duct Tape Fabric Other (specify)

---

**Was victim blindfolded**: Yes No

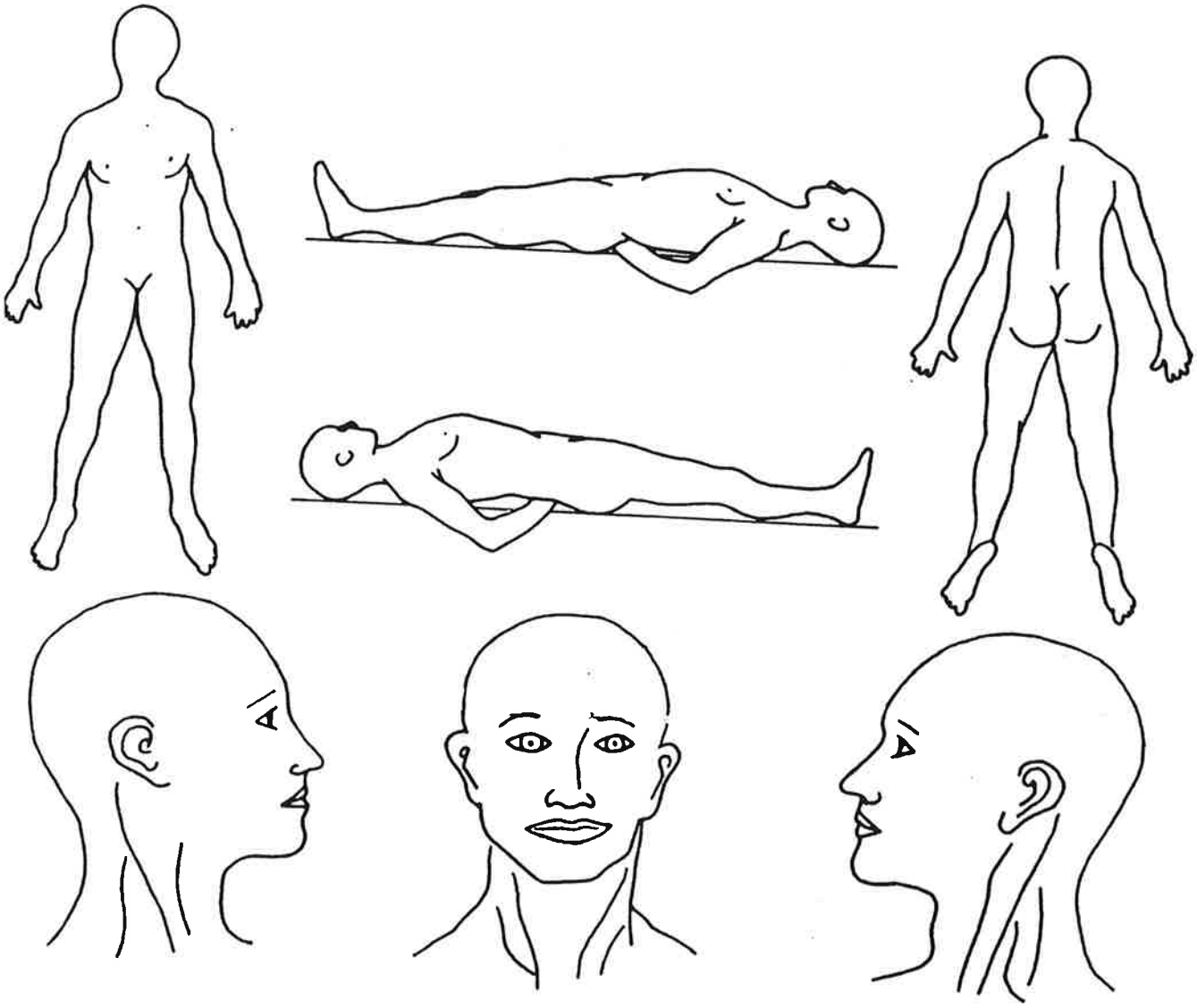
If yes, is knot tied in front or back of head:

Is there evidence suggesting deceased was moved to location it is currently in? (Kill site/dump site different)

---

**Unique or Unusual Circumstances – Specify –**

WOUND CHART



# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 6

| SUBJECT: POLYGRAPH EXAMINATIONS | | |
|---|---|---|
| Date of Issue: 01FEB99 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date13JAN19 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE**: To establish a clearly defined procedure for the proper employment of the polygraph.

**1.2 DEFINITION**: Each officer should have an understanding of the polygraph's capability and potential uses. In most individuals, the act of lying causes certain physiological changes to occur in the body. The polygraph is a scientific instrument that is designed to sense and record these variations. Depending upon the type of instrument being used, the functions measured may include such items as blood pressure, pulse rate, respiration, and electrogalvanic skin response; that is, the electrical conductivity of the skin, which varies with the degree of moisture present.

Persons undergoing polygraph examinations are asked a series of questions. Some of these questions are directly relevant to the crime or other matters under investigation. Other questions are so called "control" questions which are seemingly irrelevant but which are actually carefully designed to assist the polygraph operator in evaluating the subject's response during the examination. The physiological changes (or lack thereof) revealed by the polygraph instrument may then enable the examiner to determine whether the subject's responses are or are not truthful.

Although the polygraph technique is, overall, highly reliable when employed by a qualified examiner, the results of a polygraph examination are not necessarily conclusive. Police officers must remember that the polygraph is merely one of the tools available to law enforcement and should be regarded as an aid, but not used as a crutch or as an excuse for omitting or curtailing other investigative steps.

**1.3 INVESTIGATIVE PURPOSES**:

A. The value of the polygraph as an investigative aid should be fully understood by all law enforcement officers. For investigative purposes, the polygraph may be employed in a number of ways, including the following:

1. To verify, corroborate, or refute statements made by suspects in the case;

2. To narrow the scope of criminal investigations; and,

3. To obtain investigative leads.

B. There are other situations and circumstances in which use of the polygraph may be justified. For example, testing applicants for police officers and civilians to be assigned to the Police Department. Polygraph examinations may be used during internal affairs investigations in accordance with Ashland Police Department Rules and Regulations, Section 15.12.

**1.4 REQUESTING A POLYGRAPH EXAMINATION AS PART OF A CRIMINAL INVESTIGATION**:

A. If an officer feels that a polygraph examination is essential to a successful investigation, a request should be made to the team case manager.

B. Following a review of the case, and if the case manager determines that a polygraph test is warranted, the investigating officer shall call the Kentucky State Police (KSP) polygraph examiner assigned to this area to set up an appointment. The appointment should take into consideration when the case officer and the person to be tested will be available. The KSP polygraph examiner

can be reached by calling the KSP Polygraph Section, 502-782-2023 or 502-573-2100.

C. When the appointment is made the case officer will be responsible for meeting with the polygraph examiner to prepare for the examination. The examiner must have substantial knowledge of the circumstances surrounding the request in order to prepare appropriate questions. A failure by the requesting officer to make full pre-test disclosure to the examiner is almost certain to be counterproductive. The officer may include, for example, the following:

1. Information obtained in the investigation that establishes the justification for the use of the polygraph.

2. Copies of all pertinent reports, such as incident reports, reports of interviews, interrogations or the like.

3. Evidence developed during the course of the investigation. In addition to being informed of specific nature of the evidence that has been discovered in the case, the examiner should be advised as to which evidence is known to the subject and which information has been withheld from the subject. This will assist the examiner in framing the questions to be asked on the examination, and in evaluating the subject's responses.

4. Any briefing of the subject prior to testing should be left entirely in the hands of the polygraph examiner who is trained and experienced in providing an appropriate explanation of the test procedure. If asked about procedures involved in the testing, merely explain that the polygraph examiner will explain the process and answer questions.

5. Background information on the subject to be examined, to include criminal records, possible motivation for the act under inquiry and similar matters.

6. Any statements made by the subject, the complainant, and/or any witnesses. Any alibi likely to be asserted by the subject should be included with this information.

7. Newspaper articles or other general information concerning the case.

**1.5 FILING SUPPLEMENTAL REPORTS**:

A. All facets of this portion of the investigation shall be documented on appropriate E-NIBRS reports.

B. All reports and conclusions made by the examiner shall be reviewed and approved by the lieutenant and then filed with the case file in Support Services.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 8

| SUBJECT: INVESTIGATIONS OF INTERNET CRIMES AGAINST CHILDREN | | |
|---|---|---|
| Date of Issue: 17DEC07 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 13JAN19 | **REVIEWED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** The purpose of this policy is to establish responsibilities and guidelines regarding the Ashland Police Department's response to reports of the exploitation of children, and the possession and distribution of child pornography using computers.

**1.2 POLICY:** The Ashland Police Department (APD) shall adhere to strict guidelines with respect to investigations of computer related child exploitation. The standards adopted pursuant to this policy mirror those prescribed by the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Internet Crimes Against Children (ICAC) Task Forces, and ensure compliance with those protocols accepted by the Federal Bureau of Investigations (FBI), U.S. Customs, and the U.S. Postal Inspectors' Office.

**1.3 DEFINITIONS:**

A proactive investigation is designed to identify, investigate and prosecute offenders, which may or may not involve a specific target, and requires online interaction and a significant degree of pre-operative planning.

A reactive investigation involves the investigation and prosecution of a known target(s), and where the need to proceed with the investigation is urgent. It also includes a response within the community or area of jurisdiction to a specific complaint brought to your attention by another law enforcement agency, a reputable source of information such as the Cyber-Tipline at the National Center for Missing & Exploited Children or a large internet service provider such as America On-Line. Finally, we must also respond to complaints made by citizens, schools, libraries or businesses who believe illegal material has been transmitted or potentially dangerous situations, such as child lure attempts, have been communicated through the internet.

The term Internet Crimes Against Children includes both proactive and reactive investigative activities as outlined above.

An investigation is deemed to be urgent when there is a reasonable belief that the target presents an imminent threat to the well being of potential victims.

**1.4 PROCEDURES**:

A. Case Management

1. Workspace and Equipment

a) ICAC computers and software shall be reserved for the exclusive use by agency designated ICAC personnel. When possible, undercover computers, software, and online accounts shall be purchased covertly. No personally owned equipment shall be used in ICAC investigations and all software shall be properly acquired and licensed.

b) Absent exigent or unforeseen circumstances, all ICAC online investigations shall be conducted in police department workspace as designated by the agency.

2. Case Assignment and Prioritization

a) Cases may be initiated by referrals from the CyberTipline, internet service providers, or other law enforcement agencies, and by information gathered through subject interviews,

documented public sources, direct observations of suspicious behavior, public complaints, or by any other source acceptable under agency policies.

b) ICAC supervisors are responsible for determining investigative priorities and selecting cases for investigation. Assuming the information is deemed credible, that determination should begin with an assessment of victim risk and then consider other factors such as jurisdiction and known offender behavioral characteristics. The following prioritization scale was established by the ICAC Task Forces and will apply to the assignment of cases within the agency:

1) A child is at immediate risk of victimization;

2) A child is vulnerable to victimization by a known offender;

3) Known suspect is aggressively soliciting a child(ren);

4) Traders of images that appear to be home photography with domiciled children;

5) Aggressive, high-volume child pornography traders who either are commercial distributors, repeat offenders, or specialized in sadistic images;

6) Traders and solicitors involved in high-volume trafficking or belonging to an organized child pornography ring that operates as a criminal conspiracy;

7) Traders in previously known images; and,

8) Traders in digitally altered images.

3. Recordkeeping: ICAC investigative units shall be subject to the APD's incident reporting procedures and case supervision systems. Investigators will obtain a case number at the outset of each case and fully document their activities through the completion of initial and supplemental reports. Reports will be completed and reviewed by a supervisor in a timely fashion. As with any other type of investigation case management activities will occur in accordance with existing departmental policies and procedures. Closeout reports will indicate the manner in which a case has been resolved with copies forwarded to the prosecutor's office and/or the law enforcement agency continuing the investigation where applicable.

4. Undercover Investigations

a) Carefully managed undercover operations conducted by well-trained officers are among the most effective techniques available to law enforcement for addressing ICAC offenses. Undercover operations, when executed and documented properly, collect virtually unassailable evidence regarding a suspect's predilection to sexually exploit children. However, these investigations can trigger serious legal and ethical considerations because of concern that inappropriate government conduct may induce an otherwise innocent citizen into committing a crime.

b) All undercover investigations shall be conducted in a manner consistent with the principles of due process. Investigators shall avoid unlawful inducement of any individual not otherwise disposed to commit the offenses being investigated, and will not engage in conduct that is shocking or offensive to notions of fundamental fairness as described in applicable caselaw. See, for example, J*acobson v U.S.,* 503 U.S. 540 (1992); *U.S. v. Archer*, 486 F .2d (2nd Cir. 1973).

c) Accordingly, the following **minimum standards** apply to all undercover investigations:

1) Only sworn, on-duty investigative personnel shall conduct ICAC investigations in an undercover capacity. Private citizens shall not be asked to seek out investigative targets nor shall they be authorized to act as police agents in an online undercover capacity.

2) Employees shall not, under any circumstances, upload, transmit, or forward pornographic or sexually explicit images.

3) Other than photographs of law enforcement officers who have provided their informed written consent, no human images shall be uploaded, transmitted, or forwarded by ICAC Task Force personnel.

4) Other than authorized above, images considered for uploading shall be approved by a supervisor and reviewed by the local prosecutor. Images uploaded for investigative purposes shall be nonhuman and encrypted. Sexually suggestive titles shall not be used.

5) During online dialogue, undercover officers should allow the investigative target to set the tone, pace, and subject matter of the online conversation. Image uploading shall be initiated by the target.

5. Evidence Procedures

a) All undercover online activity shall be recorded and documented. Any deviations from this policy due to unusual circumstances shall be documented in the relevant case file and reviewed by an ICAC Task Force supervisor.

b) The storage, security, and destruction of investigative information shall be consistent with existing evidentiary policy and procedures. Access to investigative files and any evidence collected should be restricted to authorized personnel with a legitimate need to know.

c) Supervisors must ensure that qualified personnel who have received specific training in this field conduct forensic examinations of computers and related evidence.

6. Supervision

a) The Support Services commander or their designee ~~of the criminal investigations section~~ shall have the responsibility for management of all ICAC related investigations and activities. Existing agency supervisory systems and procedures shall apply, with specific emphasis on observation, documentation, and periodic evaluation of cases assigned to undercover investigators. Given the nature of these investigations, consistent and on-going supervision of these cases and investigative personnel assigned to the unit is essential.

b) At a minimum, management or supervisory practices shall include:

1) Review of daily ICAC Task Force investigative reports;

2) Periodic review of undercover session records;

3) Direct participation in formulating undercover investigative plans and establishing investigative priorities;

4) Development of work schedules including approval of specific overtime expenditures;

5) Assessment of equipment and training needs; and,

6) Review and approval of any fiscal matters.

7. Selection of ICAC Investigative Personnel

a) While existing agency personnel procedures apply, supervisors should evaluate prospective ICAC investigative candidates for work history that indicates prior investigative experience, court testimony skill, ability to handle sensitive information prudently and a genuine interest in the protection of children.

b.) Once assigned, supervisors should ensure that ICAC investigators are computer literate, knowledgeable regarding child exploitation issues, and are familiar with federal and state statutory and case law pertaining to ICAC investigations.

8. Prevention and Education Activities

a) Prevention and education activities are a critical component of the APD ICAC Program. Consequently supervisors and investigators are expected to develop and lead prevention programs to foster awareness and private practical, relevant guidance to children, parents, educators, librarians, and other individuals concerned about child safety issues.

b) Presentations to school staff, parents, and community groups are excellent ways to promote awareness. However, these presentations shall not depict identifiable victims nor shall they use pornographic or sexually explicit images. Presenters shall not discuss investigative techniques.

~~9. Media Releases~~

~~a) Copies of media releases related to this initiative should be forwarded through the ICAC supervisor consistent with department policy. Copies of radio or video segments and press clippings used to promote and sustain public support for ICAC activities should also be reviewed prior to dissemination.~~

~~b) Media releases relating to prosecutions, crime alerts or other matters concerning ICAC investigations should be coordinated (if applicable) with other involved federal, state, and local investigative agencies consistent with sound information management and media relations practices~~.

**NOTICE**: This General Order is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

BY ORDER OF

W. Todd Kelley, Chief of Police

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER L - 9

| SUBJECT: ~~COMPUTER FORENSICS~~ CYBER CRIMES INVESTIGATION POLICY | | |
|---|---|---|
| Date of Issue: 17APRIL13 | Effective Date: 13JAN17 | |
| Revision Date: 6JAN17 | Review Date: 13JAN19 | **REVISED** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To provide guidelines for performing investigative analysis of digital media including but not limited to computers, hard drives, cell phones, tablets, GPS devices, flash drives, CD/DVD's, ~~floppy drives~~, other external media/drives and audio/video recording devices, etc.

The Ashland Police Department will utilize ~~computer~~ digital forensics to enhance the investigative analysis of all computers and related media allowing for a more detailed investigative base through computer forensics and to preserve the integrity of seized computer evidence.

The Cyber Crimes Unit will encompass both digital forensics and cybercrime investigations. Digital forensics includes the recovery and investigation of material found in digital devices. Cyber Crimes involves a computer and a network where the offenses that are committed against individuals or groups of individuals with a criminal motive to intentionally harm the reputation of the victim or cause physical or mental harm, or loss, to the victim directly or indirectly, using modern telecommunication networks such as Internet (Chat rooms, emails, notice boards and groups) and mobile phones (SMS/MMS). Such crimes may threaten a nation's security and financial health.

**1.2 INVESTIGATIVE ANALYSIS**

A. Investigative analysis of computers and peripheral equipment includes, but is not limited to:

1. The use of computers to facilitate a crime such as embezzlement, forgery, fraud, extortion, or grand larceny.

2. The use of computers to commit a crime such as illegal duplication, or video and sound recording duplication.

3. Crimes committed utilizing the internet, on-line service or e-mail such as harassment, schemes to defraud, credit card theft, identity theft, crimes against children, stalking, or distribution of child pornography.

4. Any crime such as computer intrusion, computer tampering, theft of intellectual property, online sexual solicitation or dissemination of pornography to minor for the purpose of luring minors.

5. Crimes involving the use of wireless communication devices such as cell phones and other devices capable of wireless communication.

B. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will perform investigative analysis of all computers in any case where evidence or information pertinent to an investigation may be stored on a computer or other electronic media.

C. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will provide technical assistance and guidance for members of the Ashland Police Department in the proper safeguarding and collection of evidence stored in electronic form.

D. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will assist outside agencies in Investigating Computer Crime with the approval from the Chief of Police or a Division Commander. The outside agency will be responsible for providing materials required for the exam such as hard drives, disks for archiving, signed consent forms, and/or search warrant copies.

## 1.3 PHYSICAL SECURITY AND INVENTORY CONTROL IN COMPUTER FORENSICS LAB

A. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will typically be housed in the Criminal Investigations Section. This room is inside a secured Police Department building that has restricted access.

~~B. The Digital Crimes Unit will process digital evidence. To secure against unauthorized access, the room shall be secured at all times and only members of the Digital Crimes Unit will have access to the examination equipment.~~

~~C~~ B. All computer forensic equipment that is assigned to the ~~Digital Crimes Unit~~ Cyber Crimes Unit shall be stored inside the Criminal Investigations Section and Support Services Commander's office at all times when not being used for off-site analysis.

## 1.4 ELECTRONIC SECURITY IN COMPUTER FORENSICS LAB

A. Any computer system that is used to store evidence (defined as recovered files and/or "images" obtained from digital evidence sources that are relevant to any criminal case) shall not have an active Internet connection or connection to the Ashland Police Department Intranet while the system contains evidence files.

1. While the system contains evidence files, any modem connection will be physically disconnected by physically removing the network cable from the systems motherboard.

2. The systems connections may be reconnected only after the hard drives containing evidence files have been removed or deactivated from the forensic examination machine. This is due to the understanding that large amounts of data being located on machines require server size storage on systems that require routine software updates but can still protect the integrity of the files contained in them due to the operating software being updated and the actual evidence files not being altered.

3. Evidence file archive copies shall be kept physically separated from any computer system while not in use. Archive copies may not be kept inside any CD tray on any system. They may not be copied to any other computer system unless needed to restore an evidence image or case file.

4. When a case investigation has been completed, the archive copies of evidence files and the image files shall be retained in the Criminal Investigations Section. Once a case has been adjudicated the archive and image files will be forensically wiped.

## 1.5 DIGITAL EVIDENCE INTEGRITY

A. It is the responsibility of the case investigator to ensure that digital evidence submitted was properly seized. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will not process digital evidence seized outside the scope of the policy and procedures developed and utilized for criminal investigation.

1. When requested, the ~~Digital Crimes Unit~~ Cyber Crimes Unit will assist any case officer with the proper drafting and execution of search warrants or consensual searches for digital evidence to ensure that the evidence is properly seized.

2. The physical seizure of evidence from any crime scene can be conducted by any peace officer following the current guidelines for seizing electronic evidence. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will conduct training in the proper seizure procedures as requested as necessary. All standard procedures regarding evidence handling apply.

3. Any digital evidence and/or computers seized shall be transported to the ~~Digital Crimes Unit~~ Cyber Crimes Unit as soon as practical.

4. Ashland Police Department officers assigned to the ~~Digital Crimes Unit~~ Cyber Crimes Unit shall follow all proper procedures regarding the processing of digital evidence as taught by ~~the USSS National Computer Forensic Institute, National White Collar Crime Center courses, IACIS and/or vendor specific software training~~, their training agent or current best practice. ~~including but not limited to:~~

~~a. Proper MD5 or other accepted hashing of digital evidence to ensure image integrity as compared to its original form. The MD5 hash value shall be included in any final written report on the examination.~~

~~b. Storing all images of the suspect media on a partition or system that, prior to acquiring any images has been properly wiped using a media wiping utility.~~

~~c. Writing a final report that identifies the case number, identifies the media imaged, includes the MD5 hash values, and includes references to the files that were found to contain information of evidentiary value.~~

~~d. When requested, the digital evidence processing officer will provide a copy of the examination report that does not contain graphics or media to the case investigator on removable media for off-site analysis. The case investigator is responsible for the proper handling of any copies so provided.~~

~~e. The Digital Crimes Unit will not normally conduct an "investigation" of the digital media submitted for processing, unless a request has been approved by the Chief of Police or Commander of the Criminal Investigations Section. All data recovered shall be submitted to the case investigator for analysis.~~

~~g. The computer forensics examiner shall make all efforts to accomplish the following during the examination of the seized system and media:~~

~~1.) Ensure the original media and data are maintained in their original, unaltered state.~~

~~2.) Ensure no unauthorized writes are made to the media by viruses, the operating system, write-back applications, or by other inadvertent means.~~

~~3.) Recover and access deleted files, hidden data, password protected files, registry files, and encrypted files.~~

~~4.) Examine unallocated and slack space for relevant data.~~

~~5.) Provide a report of findings to the case Investigator.~~

~~6.) Maintain the integrity of the evidence files by following proper electronic evidence recovery and storage procedures.~~

5. It shall be the policy of the ~~Digital Crimes Unit~~ Cyber Crimes Unit that it will not make hard copies of any child pornography, unless specifically ~~requested~~ required to do so by the Prosecuting Attorney's Office. Upon request by a case officer to review the results of the forensic examination the officer will make an appointment with the forensic examiner. The case officer will be provided with a separate examination report which does not contain graphics or media, only descriptions of what the examiner saw. All such evidentiary files shall be turned over to the case officer on electronic media, such as ~~CD~~ DVD-R. The case agent shall then be responsible for ensuring that proper disposition of said evidence. ~~All such media and reports will be marked as *OBSCENE MATERIAL*.~~

6. The ~~Digital Crimes Unit's~~ Cyber Crimes Unit's resources and personnel may be requested to assist with administrative investigations and shall assist the Chief of Police as necessary. It

should be noted that any computer owned by the City of Ashland may be seized without a search warrant and examined freely, as users have no reasonable expectation of privacy. Participation in any such investigation will be kept confidential by the forensic examiner and handled with the same amount of professionalism expected in any non-administrative case.

**1.6 PERSONNEL ~~ABILITY~~ AVAILABILTY**

A. The ~~Digital Crimes Unit~~ Cyber Crimes Unit is available for 24 hour call out to respond to felony crime scenes and seize and/or process digital evidence when requested by a ~~Field Operations Watch~~ Division Commander.

~~1. A Watch Commander will contact the Field Operations Division Commander, who will in turn contact Commander of the Technical Services Division to determine the necessity of sending out a Computer Forensics Examiner trained in computer forensics.~~

~~2~~. 1. If adequate direction can be given over the phone, the field personnel may be directed to seize the equipment and turn it in as evidence to the property division.

~~3. The Digital Crimes Unit will pick up the evidence for processing when applicable~~.

**1.7 TRAINING**

A. Training is defined as successfully completing ~~the USSS National Computer Forensics Institute, National White Collar Crime Center's Basic Data Recovery and Analysis school and/or the AccessData Boot Camp.~~ courses offered to officers by various agencies and companies. Training can also include other nationally accredited computer forensics training programs, such as IACIS or the various computer crime courses available through the ~~Federal~~ Government.

B. The Ashland Police Department understands that electronic media and crimes committed utilizing electronic media or via wireless communication advance with the advent of new technologies. The Ashland Police Department is dedicated to continuing education within the area of digital media analysis allowing for advanced training via multiple agencies to include any training provided by nationally accredited training programs, such as IACIS, Guidance Software, AccessData or the various computer crime courses available through the ~~Federal~~ Government

C. The ~~Digital Crimes Unit~~ Cyber Crimes Unit will develop and deliver training for the department in emerging areas of high technology crime.

**1.8 REVIEWING CASES**

A. A ~~standalone~~ computer will be set up for case review by officers, prosecutors and defense attorneys in the Criminal Investigations Section. The computer will be set up in such a way that prohibits media being reviewed from being copied to other media.

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BY ORDER OF

W. Todd Kelley, Chief of Police

*Ashland Police Department Contact:*
*Lt. Ryan Conley*
*606-327-2020*
*ryanconley@ashlandkypd.org*

**Ashland Police Department**
**Cyber Crimes Unit**
**Computer Forensic Exam Request**

| | |
|---|---|
| Requesting Agency: Ashland Police | Requesting Agency Case Officer: |
| Requesting Agency Case #: | Victim identified? Name: |
| Requesting Agency Case Officer Contact Info: | Office Telephone: |
| Cell: | Email: |
| Report Date: | Request Date: |

Ashland Police Department Use Only

| | |
|---|---|
| Date received: | Approved for investigation: |
| Officer Assigned: | Date Assigned: |
| Assigned by: | Expedited?: |
| APD Case #: | Complete date: |

Was the computer seized by a computer forensic specialist?
If "NO", what was the state of the computer when seized?
If "NO", how was the power terminated?
If "NO", has anyone operated or examined the computer during or since the seizure?

Date the computer was originally seized?
Has the media already been imaged?
Are there extenuating circumstances requiring the examination to be expedited? No
If yes, explain:

| Required Documents Check List | |
|---|---|
| ☐ Entire Case Report | ☐ Evidence Reports identifying equipment of interest |
| ☐ Search authority (search warrant, subpoena, etc) | ☐ Attach Exam requested notes[i] |
| ☐ Attach Keywords lists[ii] | ☐ Set up meeting with forensic examiner[iii] |

Other information:

[i] (attach to this form) An outline of your expectations and the scope of the search. Some issues affecting the case/exam that should be considered include evaluating the need to access email (do you need to freeze or preserve any online accounts? DO IT IMMEDIATELY), how many users have access to or used the computer/email? Are there independent proofs linking the suspect to the computer or will this be a forensic concern?
[ii] (attach to this form) Keyword lists are used to target specific names, terms or numbers directly to determine if they exist on the system. "Hits" can then be evaluated as to their evidentiary potential. It is important to limit keywords to terms that tend to be unique and specific to the case. General terms should be avoided. Works like "kill", "body", and "account" are frequently used by the Operating System, services and applications, producing tens of thousands of hits. Also, common vender names such as "Visa", "Mastercard", "American Express", etc., are , by default, present on systems in large quantities making these search terms of little use. DO include ID and account numbers, victim, alias, and associate names. If possible provide a keyword list in digital form. This is especially important if the list is extensive.
[iii] This meeting will be to evaluate the needs of the case before the exam. Be prepared to discuss your expectations, scope of the search and how it impacts your case.

# ASHLAND POLICE DEPARTMENT

## GENERAL ORDER P - 1

| SUBJECT: PARKING ENFORCEMENT | | |
|---|---|---|
| Date of Issue: 06AUG90 | Effective Date: 15APR16 | |
| Revision Date: 01APR16 | Review Date: 15APR18 | **RE-ISSUE** |
| Accreditation Standards: | | |

**1.1 PURPOSE:** To establish a standard procedure for parking enforcement in the city of Ashland.

**1.2 DISCUSSION:** Parking enforcement is a balancing act to regulate parking while fostering a friendly, positive atmosphere.

**1.3 POLICY:** It shall be the responsibility of police personnel to regulate parking ordinances. This includes but is not limited to parking duration, loading zones, resident only, handicapped, fire lanes and parking prohibited enforcement. Primary parking enforcement in the Central Business District (CBD) and South Ashland Business District (SABD) shall be the responsibility of the Public Service Officer (PSO) assigned to the Technical Services Division, Staff Services Section. CBD/SABD enforcement will be from 9:00 a.m. to 5:00 p.m., Monday through Friday, except on certain days and legal holidays as follows: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day(s), and Christmas Day.

**1.4 DEFINITIONS:** The following definitions apply to this General Order:

A. Commercial vehicle - any vehicle marked with signage/decals on the exterior of the body of the vehicle which identifies an established business.

B. Private vehicle - all other vehicles that do not meet the definition of a commercial vehicle as defined.

C. Districts: A map detailing the Central Business District (CBD) is attached and approved by city ordinance. South Ashland Business District (SABD) encompasses 29th Street from Holt Street to Moore Street.

D. Enforcement officer - Public Service Officer (PSO), police officer, or firefighter enforcing a fire lane.

E. Loading Zone- a space designated for the loading or unloading of cargo or a passengers.

**1.5 PROCEDURE:**

A. Each PSO and police officer is reminded that parking is covered by city ordinance and certain sections of Kentucky Revised Statute. Enforcement officers will take appropriate action when a parking violation is observed.

B. A specific complaint of an alleged parking violation shall require the attention of a PSO or police officer to determine if a violation exists and, if so, to take appropriate action.

C. The CBD and SABD will be patrolled during days and times specified in section 1.3. A chalk mark will be placed on the left rear tire tread of each parked vehicle as close to the pavement as possible. After the allotted time, a vehicle remaining in the parking stall will be issued a city parking citation.

D. The department is testing and evaluating cloud storage options for body cameras. PSO's will utilize a body worn camera that will record contact with citizens during parking issues/disputes. Footage will be maintained at headquarters for training purposes and court, if necessary. The retention schedule will conform with the Kentucky Department for Libraries and Archives.

E. In a dispute, the PSO should not engage in heated debate with a violator. They should step away from the violator to maintain a safe distance in an effort to avoid a physical confrontation. The PSO

may call for a uniformed officer if a situation appears to be escalating out of control. PSO's will have OC spray that can be administered in accordance to general order F-1.

## 1.6 HANDICAPPED PARKING

A. Handicapped parking stalls shall be enforced 24 hours per day on public and private parking lots provided the parking stall is properly marked according to City ordinance and/or Kentucky revised statutes.

B. The operator of a vehicle parked in a designated handicap parking space that is not officially identified by a license plate or placard as a vehicle driven by or for the benefit of a handicapped person shall be issued a Kentucky uniform citation. Officers shall attempt to identify the operator of the vehicle parked in violation, investigate to determine the nature and circumstances of the violation, and issue the uniform citation to the violator, when possible. Officers shall make a reasonable effort to locate and identify the operator of an unoccupied vehicle parked in violation. Officers shall, when possible, wait a reasonable amount of time for the operator to return to the unoccupied vehicle, in order to identify the operator and issue the citation.

C. Pursuant to KRS 186.042, a vehicle with a handicap license plate or placard which is parked in any designated parking stall within the CBD or SABD, may remain an additional 2 hours in excess of the time limitation of the parking stall before a parking citation is issued. I.e.:(in a 15 minute stall, the vehicle is permitted to remain for 2 hours 15 minutes before receiving a parking citation).

D. Citation Policy: A Kentucky uniform citation shall be used for enforcement of vehicles *without* a handicap license plate or placard which is parked in a designated handicapped parking stall. A city parking citation will be used if the vehicle is parked over the time limitation. (Including the 2 hours).

## 1.7 COMMERCIAL LOADING ZONES

A. Locations - Commercial loading zones shall be established by an ordinance. Any parking space designated as a commercial loading zone shall display a standard sign clearly stating "Commercial Loading Zone Only". Parking in these spaces will not exceed 30 minutes.

B. Citation Policy - A parking citation may be issued on any vehicle remaining parked for more than thirty (30) minutes, or any vehicle the officer has observed to be a habitual or repeat violator. The officer shall mark the time the warning was issued and the time of issue of the citation.

## 1.8 FIRE LANES

A. The City of Ashland has many public facilities such as shopping malls, housing complexes, schools, athletic facilities, and other types of public gatherings where large groups of people congregate and motor vehicles are parked. In order to ensure the safety of all citizens, it is imperative that access to these locations can be readily and easily attained by fire and other emergency services personnel. The Fire Chief of the city of Ashland, under authority of Kentucky Revised Statutes 227.320, City of Ashland Ordinance, and Kentucky Fire Code F-313.0 Fire Lanes, has designated specific areas at these locations as fire lanes.

B. Enforcement

1. Each enforcement officer shall make an impartial and uniform effort to see that the provisions of KRS 227.320 and Kentucky Fire Code F-313 are complied with by using the least repressive measure.

2. When an enforcement officer encounters a vehicle parked in a legally designated fire lane and the vehicle is occupied by a licensed driver, the enforcement officer may issue a courtesy notice or parking citation.

3. When an enforcement officer encounters a vehicle parked in a legally designated fire lane and the driver cannot be readily contacted, the officer shall take action he/she deems appropriate, such as issuance of a parking citation.

4. When an enforcement officer encounters a fire lane violation(s) at a large public gathering, such as an athletic event, he/she shall make a reasonable effort, by means of a public address announcement or other method, to request that vehicles be moved out of the fire lanes before issuing citations.

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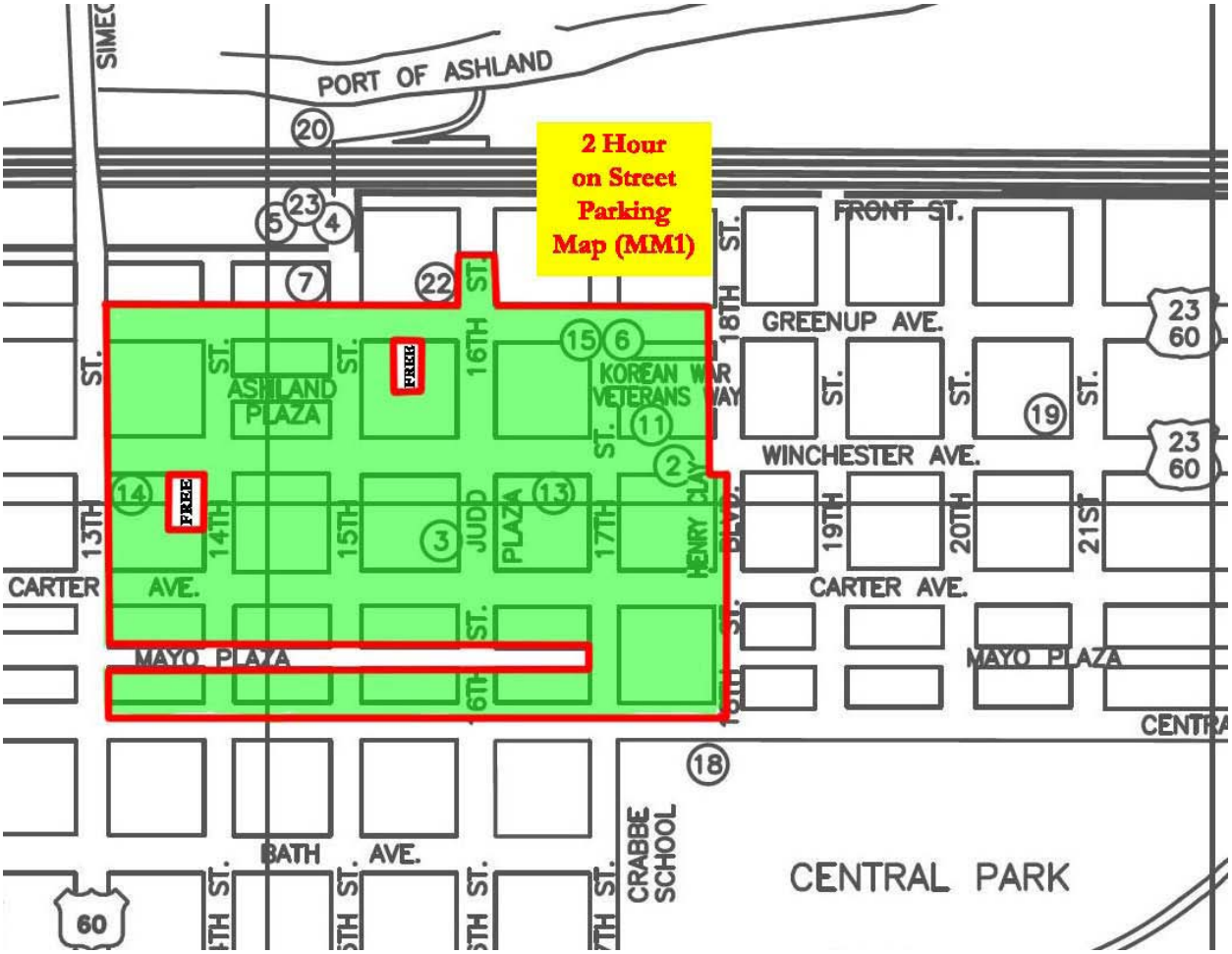
BY ORDER OF

Robert W. Ratliff

Robert W. Ratliff, Chief of Police


2 Hour
on Street
Parking
Map (MM1)
PORT OF ASHLAND
FRONT ST.
GREENUP AVE.
WINCHESTER AVE.
CARTER AVE.
MAYO PLAZA
ASHLAND PLAZA
KOREAN WAR VETERANS WAY
JUDD PLAZA
HENRY CLAY BLVD.
FREE
FREE
13TH
14TH
15TH
16TH
17TH
18TH
19TH
20TH
21ST
BATH AVE.
CRABBE SCHOOL
CENTRAL PARK
23
60
60

**ORDINANCE NO. 71, 2015**

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING CHUCK D. CHARLES, MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND ASHLAND CITY POLICE MEMBERS, FRATERNAL ORDER OF POLICE, ASHLAND LODGE #3.

* * * * * * * * * * * * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That Chuck D. Charles, Mayor, be and is hereby authorized and directed to execute an agreement between the City of Ashland, Kentucky and Ashland City Police Officers and Sergeants, Fraternal Order of Police, Ashland Lodge #3. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

MAYOR

ATTEST:

CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 25, 2015
READOPTED BY THE BOARD OF COMMISSIONERS: JUN 26 2015
PUBLISHED:

REQUESTED/SPONSORED BY: BENJAMIN BITTER, CITY MANAGER

\ORDINANCE\Agreement.Police Officers.FOP #3

Ashland

A Proud Past. A Bright Future.

WE ARE OUR BROTHER'S KEEPER

# COLLECTIVE BARGAINING AGREEMENT

BY AND BETWEEN

The City of Ashland, KY

AND

Fraternal Order of Police, Ashland Lodge #3

July 1st, 2015 – June 30th, 2018

# Agreement between the City of Ashland, Kentucky and the Fraternal Order of Police, Ashland Lodge #3 Effective July 1, 2015

**THIS AGREEMENT, entered into this day of , 2015, between the City of Ashland, Kentucky, a municipality of the second class, and Fraternal Order of Police, Ashland Lodge No. 3,**

**WHEREAS, it is the intent and purpose of this agreement to promote the general efficiency of the Police Department, to maintain harmonious relationships between the members of the Police Department and the City, and to encourage the morale and well-being of the members of the Ashland Police Department, and the safety and welfare of the citizens of the City of Ashland,**

**NOW THEREFORE, the parties do hereby mutually covenant and agree as follows:**

## ARTICLE ONE

**Lodge Recognition:**

The City of Ashland, Kentucky, hereinafter referred to as the "City", for the purpose of entering into this agreement, recognizes collectively the members of the Fraternal Order of Police, Ashland Lodge #3, who are active employees of the Ashland Police Department of Ashland, Kentucky, hereinafter referred to as the "Lodge" as the recognized bargaining representative for all Police Officers who have completed probation, and all Sergeants, hereinafter referred to as "Officers" inclusive, of the City of Ashland, Department of Police, hereinafter referred to as the "Department", with respect to those matters addressed in this Agreement. The Lodge shall represent all probationary Police Officers for salary, benefits, and grievance purposes. On all other matters the City of Ashland Personnel Rules and Regulations shall apply. Only Officers, as defined above, shall receive representation in the bargaining process with the City of Ashland. The City of Ashland shall only correspond and communicate on matters relating to this agreement or employment concerns, with active members of the Ashland Police Department or its legal counsel on departmental matters. Officers covered by this Agreement are entitled to any and all benefits approved by the Ashland Board of City Commissioners for other City employees.

Only FOP members who are active employees of the Ashland Police Department shall in any way participate in matters of concern under this collective bargaining agreement relating to all employment issues between Ashland police officers and the City of Ashland, including, but not limited to any disciplinary matter that may arise in the course of the agreement.

## ARTICLE TWO

**Bargaining Unit:**

This Agreement covers all Police Officers, and all Sergeants in the Department. This Agreement specifically does not include probationary Police Officers (except as defined in Article One), Public Service Officers (PSOs), non-sworn staff, or any rank of Lieutenant or above.

## ARTICLE THREE

**Rights and Responsibilities:**

The City reserves and retains all powers, authority, and prerogatives not expressly addressed or modified by this Agreement and all authority granted to it under law. The City shall not be deemed to be limited by the Agreement in the exercise of the regular and customary function of municipal management under law. The sources for resolution of all matters not covered by this Agreement shall be the current City of Ashland Personnel Rules.

## ARTICLE FOUR

**Legal and Severable:**

1. This Agreement shall be subject to the provisions, rights, limitations and requirements of the Constitution of the United States, the Constitution of the Commonwealth of Kentucky and all Federal and State Laws.
2. In the event, any provision of this Agreement shall be declared invalid or legally unenforceable; the remainder of this Agreement shall not be affected thereby, but shall continue in full force and effect.

## ARTICLE FIVE

**Lodge Security:**

The City and its Commanding Officers in the Department shall not discriminate against any Officer because said Officer is nor is not a member of the Fraternal Order of Police, or because of Lodge Membership activity. The Lodge and the City agree that both shall not discriminate against any Member of the Fraternal Order of Police on account of race, color, creed, sex, marital status, forebears, age, or national origin; nor shall the lodge discriminate against any City Official on account of race, color, creed, sex, marital status, forebears, age, or national origin. It is agreed hereto that all present Officers who are members of the bargaining unit shall exercise their own discretion as to whether or not they shall remain or become members of the Lodge. If a Lodge

Member benefits from the contract and quits the Lodge the dues for that Member shall continue to be deducted for the term of the current contract. The Lodge agrees that it will not intimidate or coerce employees into membership in the Lodge and that all Lodge initiation fees and membership dues will be uniform, reasonable and nondiscriminatory.

## ARTICLE SIX

**Deduction and Remittance of Lodge Dues:**

1. Upon written authorization of any Officer of the bargaining unit who is a Lodge member, the City shall deduct from the wages of such Officer, the monthly Lodge dues, as certified by the Secretary of the Lodge. All newly hired police Officers shall, at their discretion, during their orientation, complete and submit an authorization form to withhold FOP dues.
2. Each Officer who is a member of the Lodge and who elects to terminate his/her membership with the Lodge shall have deducted from his/her wages, Lodge dues, as a condition of his/her employment for the duration of this agreement. The City shall not collect dues from expelled members.
3. The City shall remit dues collected to the Lodge within fifteen days following the paycheck from which the dues were deducted. All dues deducted shall be shown on the Officer's paycheck stubs.
4. Notwithstanding the foregoing provisions of this Article or any authorization that may be signed, the City has no obligation or duty to withhold for any period in which the employee is not entitled to any/and or sufficient payment to cover the withholding, however the City may make retroactive deductions.

## ARTICLE SEVEN

**Scope of Negotiations:**

So long as the City recognizes the Lodge as the bargaining agent for Officers the City or its duly authorized agent or agents and the Lodge shall meet at reasonable times, including times in advance of the City's budget making process, to negotiate in good faith those matters addressed in this Agreement or related matters upon which they mutually agree. The City of Ashland has no obligation to recognize any bargaining agent for individual Officers. The Ashland Board of City Commissioners in exercise of its discretion may in the future choose not to continue such recognition; however, such recognition may not be terminated during the term of this agreement.

## ARTICLE EIGHT

**Procedures:**

1. For the purpose and term of this agreement the Lodge shall be the exclusive representative of all Officers of the Department, listed and defined in Article 1, in the bargaining unit and shall represent all Officers fairly.
2. The Lodge may designate up to five Officers who are active members of the Ashland Police Department and legal counsel as its representatives to engage in collective bargaining negotiations. The City may designate any individuals as its representatives to engage in collective bargaining negotiations; however, absent other direction the City Manager shall represent the City.
3. The terms of a proposed collective bargaining agreement shall be made public only after agreement is reached between representatives of the Lodge and representatives of the City. All negotiations between the parties shall be confidential until agreement is reached between the bargaining unit and the City. The terms of a proposed collective bargaining agreement shall be made available to all affected Lodge members and reasonable notice shall be given to the Officers of the Department who are Lodge members, before a ratification election. The collective bargaining agreement shall become effective only after ratification by a majority of the Ashland Officers who are Lodge members voting by secret ballot and subsequent approval by the Ashland Board of City Commissioners.
4. Terms of any Collective Bargaining Agreement may be enforced through the grievance process, and as permitted under Kentucky law by a civil action in Boyd County Circuit Court upon initiative of either party.
5. No Collective Bargaining Agreement shall be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the City's funds, spending, or budget, or would substantially impair or limit the performance of any statutory duty by the City.
6. The Lodge, its representatives, its members, or any Officer shall not negotiate or attempt to negotiate directly with a member of the Ashland Board of City Commissioners unless the member of the Board of City Commissioners is the designated representative of the City. Nothing in this paragraph precludes other normal conversation between the Members and the elected officials.

## ARTICLE NINE

**No Strike:**

No Officer shall engage in, and the Lodge and any of its members shall not sponsor, encourage, or

condone any strike, sick out, or "blue flu" involving the Fraternal Order of Police, Ashland Lodge #3, its members, against the City of Ashland. This Article refers to an actual action or failure of duty.

## ARTICLE TEN

**Notice and Service:**

Any notice required under the provisions of this Agreement shall be in writing, but service thereof shall be sufficient if mailed by restricted certified mail, return receipt requested, addressed to the last known address of the parties, unless otherwise provided in this Agreement. Refusal of restricted certified mail, by any party, shall be considered service. Prescribed time shall commence from the date of the receipt of the notice. Any party may, at any time, execute and deliver an acceptance of service instead of mailed notice.

## ARTICLE ELEVEN

**Lodge Business:**

The President, APD representative if an APD Officer is not the President, First Vice President, Treasurer and Secretary, of the Lodge, if an Ashland Officer, may be granted leave from duty, with pay, for the purpose of attending regular bi-monthly Lodge meetings, if such Lodge meeting is scheduled during the above Officers' regular duty time following determination in advance that such absence will not unduly affect the needs of the Department and subject to the emergency needs of the Department. Delegates, not to exceed five (5) may be granted leave from duty, with pay, for the purpose of attending two (2) meetings whether State or one (1) National Meeting, not to exceed more than a three- day period per meeting. Any command Officer declaring any emergency under this Article shall notify the Chief in writing of such action within twenty four (24) hours of the event. Time excused for Lodge meeting attendance shall not be considered hours worked for calculation of overtime. The Lodge President shall give reasonable advance notice of any such meeting. Any unreasonable denial or determination of emergency shall be subject to the grievance process. The City shall reserve three (3) paid working days to be used at the discretion of the Lodge President for him or his designee to attend or perform Lodge functions upon seven (7) calendar days written notice. Leave requested pursuant to this Article will be submitted via the chain of command to the Chief of Police for review and authorization.

1. A maximum number of five (5) representatives from the Lodge may be granted leave for the purpose of meeting on business relating to the City and the Lodge. Such meetings may be for the continuation of the collective bargaining process or matters of mutual interest, such as grievances. The meetings shall be conducted at a place agreeable to the parties. The on-duty personnel attending such meetings will receive normal straight rate of pay. Off-duty personnel will not be compensated by the City to attend such meetings. The names of the on-duty personnel attending such meetings must be submitted at least 24 hours before the meetings to the Chief of the Department.
2. When an F. O. P. Officer or bargaining agreement election is being held at the Lodge, any Officer staying over on an overtime shift shall be granted time to cast his/her ballot if he/she has not voted yet.

## ARTICLE TWELVE

**Entire Agreement:**

This Agreement constitutes the entire agreement between the City of Ashland, the Lodge, and members of the bargaining unit. The rules and regulations applied by the City of Ashland under its various ordinances and practices remain in effect unless specifically modified by this Agreement.

## ARTICLE THIRTEEN

**Seniority:**

1. Seniority shall be calculated from the first day of employment as a police Officer with the Ashland Police Department and shall continue until an Officer's voluntary termination, retirement, or discharge.
2. In the event more than one Officer is employed on the same day after February 1994, seniority will be granted the Officer with the highest combined points for test scores, interview score, and other employment prerequisites. Officers hired prior to February 1994 on the same day shall receive seniority based on alphabetical order of the Officer's last name.
3. In the event more than one Sergeant is promoted on the same day, seniority will be granted the Sergeant with the highest combined points for length of service, test scores and interview score consistent with Article 24 of this agreement.

## ARTICLE FOURTEEN

**Overtime:**

1. The City shall pay to the Officers covered by this Agreement, time and one-half of their regular rates of pay for all hours worked over forty (40) hours in a calendar week. With the exception of sick leave, time off with pay will be considered as hours worked for overtime pay purposes.
2. Any Officer covered by the Agreement who is called out or called back to duty shall receive pay at the time and one half pay rate, as follows.

   | | |
   |---|---|
   | 0.0 to 2.0 hours worked: | two (2) hours minimum pay |
   | Over 2.0 hours worked: | four (4) hours minimum pay |

3. Nothing in this Agreement shall require any minimum time for an Officer working overtime immediately before or after his/her scheduled time. Officers working immediately prior to or immediately after a tour of duty shall be compensated for that time in the normal manner for overtime pay. Nothing in this agreement shall prevent an Officer or sergeant from voluntarily working overtime immediately prior to or immediately after his/her shift assignment out of operational necessity.
4. Any Field Operations Officer covered by this Agreement who works thirteen (13) consecutive hours shall receive seven dollars and fifty cents ($7.50) meal allowance which will be paid on the paycheck for that pay period. Any other Officer working an eight (8) hour work schedule who works twelve (12) consecutive hours shall receive $7.50 meal allowance which will be paid on the paycheck for that pay period.
5. The City agrees to continue on a non-precedent setting basis the following overtime call-out procedures. An electronic notification system may be used for overtime call-outs. All overtime call-outs shall be by seniority.

   Field Operations

   a. Each team shall have a non-rotating overtime call-out roster. The Field Operations Division shall have an "A", "B", "C", and "D" Team overtime call-out rosters for the four Field Operations division work-teams. Officers assigned to the Technical Services

Division shall be listed on a fifth overtime call-out roster designated as "Technical Services Personnel" overtime call-out roster.

b. When it is necessary to fill team specific overtime, it shall be filled from an overtime call out list for that affected team. Rosters shall be ranked by and overtime filled by seniority/time in grade from a non-rotating list starting with the senior in grade down to the least senior.

c. Overtime in the Field Operations Division shall first be offered to the same work time Field Operations team that is scheduled off for the day of the needed overtime, then to the other team scheduled off. If the overtime is still not filled it will rotate to "Technical Services Personnel" overtime roster and then to the Sergeant overtime roster. When the time frame for needed overtime is less than 72 hours, a mass communication program (i.e. One Call Now) may be used to contact APD personnel. A message will be sent detailing the overtime and giving officers a four (4) hour time period to respond to the overtime request. At the end of the four (4) hour time period, the overtime will be given to the senior officer, as established by the overtime callout procedure previously outlined in this agreement, accepting the overtime. A second message will then be sent notifying officers of the person or persons receiving the overtime.

   When the timeframe for needed overtime is less than four (4) hours, a mass communication program may be used. A message will be sent out detailing the overtime. The first officer accepting the overtime will receive the overtime.

d. Overtime in the Technical Services Division of the Department shall be filled in a like manner if possible; first being filled from the affected cost-area/workgroup before going to another workgroup or section of the department. Due to the complexity of these Divisions/Sections, operational necessity may dictate where and to whom overtime is offered at the discretion of the Technical Services Division Commander or the Chief of Police. An exception to this policy is school functions where the School Resource Officer is requested by the school to be in attendance, or as required by Department policy. In this instance, it will be the intent of the City to provide the School Resource Officer as additional manpower and not as a substitution for manpower.

e. Command Officers shall be listed on a non-rotating overtime call-out roster with senior in rank down to the least senior for each Division of the Department. Overtime for Command Officers shall first be offered to all Command Officers within that division from the overtime roster, then to the remaining Division.

f. All other non-team/division specific overtime shall be filled from a separate overtime call out roster. A **Special Event** is defined as a City approved, pre-planned event that requires police services which go beyond normal daily assigned duties. Special events include, but are not limited to, downtown festivals, parades, concerts, 5/10k runs/walks, fund-raising events, dignitary protection, fairs, exhibits, celebrations and sporting events, etc. Generally, a special event is an event that requires preparation of a special order. This overtime call out roster shall consist of all members covered by this agreement. This roster shall be non-rotating, shall be ranked by and overtime filled by, seniority starting with the senior personnel down to the least senior personnel. Seniority will be determined by hire date regardless of grade. Needed overtime may be filled using a mass communication program (i.e. One Call Now) to contact APD personnel. A message will be sent detailing the overtime and giving officers a four (4) hour time period to respond to the overtime request. At the end of the four (4) hour time period, the overtime will be given to the senior officer, as established by the overtime callout procedure previously outlined in this agreement, accepting the overtime. A second message will then be sent notifying officers of the person or persons receiving the overtime.

g. Nothing restricts the City of Ashland from making efforts to limit the use of overtime whenever possible.

## ARTICLE FIFTEEN

**Court, Range, and Jury Duty Appearances:**

1. At a minimum, Officers shall be compensated for four hours for off-duty appearances before any judicial body arising out of their employment with the City. Compensation shall be calculated by the City of Ashland Finance Department per Kentucky Revised Statutes (KRS).
2. Any off-duty Officer attending a weapons qualification course conducted by the Ashland Police Department shall receive a minimum of two (2) hours compensatory time off or a minimum of two (2) hours overtime pay. Compensatory time off may be granted in lieu of overtime pay at the request of the Officer made following the range appearance and prior to the start of the next work shift. Compensatory time off shall be taken within the following thirty (30) day period at a time agreed to by the affected watch commander.
3. Officers attending judicial or range proceedings immediately before or immediately following a regularly scheduled tour of duty shall be compensated for that time only, at the normal

hourly overtime rate.

4. Any Officer required to serve on a jury during normal on-duty hours shall be compensated at the normal rate of pay while serving on jury duty; however jury time shall not count towards overtime and the Officer shall not receive compensation beyond eight (8) hours per day, nor forty (40) hours per week. Any amount paid to the Officer by the court may be retained by the Officer.

## ARTICLE SIXTEEN

**Holiday Pay:**

1. The following days are declared holidays for the purpose of this Agreement.
   a. The first day of January (New Year's Day)
   b. The third Monday of January (Dr. Martin Luther King Jr. Day)
   c. The first Sunday, on or after the first full moon, after the Vernal Equinox, (Easter Sunday)
   d. The last Monday in May (Memorial Day)
   e. The fourth day of July (Independence Day)
   f. The first Monday in September (Labor Day)
   g. The fourth Thursday in November (Thanksgiving Day)
   h. The Friday immediately after Thanksgiving (Thanksgiving Holiday)
   i. The twenty-fifth day of December (Christmas Day)
   j. The Officer's Birthday
2. Members under this Agreement shall receive double their regular rate of pay when working on any of the above holidays, with the exception of the Officer's Birthday.

## ARTICLE SEVENTEEN

**Sick Leave:**

Sick leave, with pay, shall be granted to all Officers covered under this Agreement at a rate of ninety-six (96) hours per year, accumulated at the rate of eight (8) hours per month (except those Officers annually assigned to a 12 -- hour shift). Sick leave, with pay, shall be granted to all Officers covered under this Agreement who are annually assigned to a 12 – hour shift at a rate of one hundred and forty-four (144) hours per year, accumulated at the rate of twelve (12) hours per month up to a maximum of nine hundred sixty (960) hours.

1. Such sick leave, with pay, shall be utilized by all Officers when they are unable to perform their duties because of non-job related sickness or injury or when they are quarantined, or when their absence from work is required due to sickness or injury to an immediate family member. For purposes of this Agreement, "immediate family" shall mean spouse, children, parents, grandparents, brothers, sisters, and immediate in-laws (same relation to spouse as defined for Officer). All foreseeable leave for such purposes shall require prior approval of the Police Chief. In the event of foreseeable sick leave the Police Chief may require a statement from a medical doctor or other professional medical authority containing information sufficient to address the need for sick leave and an estimate of the time of needed sick leave.
2. Any Officer reporting unavailability for work due to sickness or injury for more than three (3) consecutive working days shall present, prior to return to work, written verification of treatment. This written verification from a medical doctor or other professional medical authority shall contain information as to the circumstances surrounding an incident involving sick leave or diagnosis and release the Officer to return to work. The City reserves the right to require written verification of treatment for utilizing more than five (5) days sick leave in any twelve (12) consecutive months if there appears to be a pattern of abuse by the Officer. Only the City manager or police chief of the City of Ashland may require medical verification that shall not be unreasonably applied.
3. Sick leave may only be accrued up to a maximum of nine hundred sixty (960) hours. Officers shall not be compensated for any accumulated sick leave at the time of their retirement; however, for officers enrolled in CERS prior to January 1, 2014, up to six (6) months accrued but unused sick leave may be applied toward CERS retirement at the expense of the City. Officers enrolled in CERS after January 1, 2014, are not eligible for this benefit.
4. Sick leave taken shall be limited to the current amount accrued unless approved in advance by the City Manager.
5. Officers on extended sick leave for reason other than job-related illness or injury whose paid sick leave benefits have been exhausted, may apply any unused vacation leave in lieu of sick leave. Furthermore, any eligible Officer may be the beneficiary of the City's Vacation Donation Program subject to the rules then existing. An Officer placed on restrictions by qualified medical personnel may be allowed to work a temporary limited duty assignment with full pay for up to three months or until released to full duty. Temporary limited duty is not limited to duties inside the Police Department, but may be in any City position that can be performed within the limits set by qualified medical personnel. A temporary limited duty

assignment shall not effect a hazardous duty classification.

6. Officers injured in the line of duty and not able to return to duty shall be given up to five (5) days off with pay that is not deducted from their sick time. If an Officer is required to be off work longer than five days they shall receive his/her full rate of pay, but the City shall require that the Officer forfeit Worker's Compensation benefits to the City. The City also may deduct two sick hours per day from the Officer's accumulated sick time. After one year, or if the Officer uses all of his/her accumulated sick leave, the Officer shall be returned to standard Worker's Compensation Benefits. If an Officer is injured in the line of duty and is placed on temporary limited duty by qualified medical personnel, the City shall allow and may require the Officer to be placed on modified duty with full pay for up to six months or until released to full duty. Temporary limited duty is not limited to duties inside the Police Department, but may be in any City position that can be performed within the limits set by qualified medical personnel. A temporary limited duty assignment shall not effect a hazardous duty classification.

## ARTICLE EIGHTEEN

**Longevity Pay:**

1. After five years of continuous employment with the City, Officers shall be eligible to receive the authorized amount provided to all City employees on an annual basis.

## ARTICLE NINETEEN

**Uniform and Clothing Allowance:**

Each Officer, after being duly sworn, shall receive the following items as initial issue, paid for by the City:

a. One uniform hat with silver hat band and badge
b. Three uniform ties
c. Three uniform short sleeve shirts with shoulder patches
d. Three uniform long sleeve shirts with shoulder patches
e. Six uniform pants
f. One uniform winter jacket, with liner, shoulder patches and name band (Cloth)
g. One industry-standard armor vest with extra carrier
h. One Class "A" uniform consisting of jacket, shirt, and badge
i. One handcuff case
j. One pair of handcuffs

k. One radio holder

l. One magazine case

m. One key holder keeper

n. One rain suit

o. One rain cover for uniform hat

p. One name plate (Metal)

q. One collapsible police baton or asp with holder

r. One uniform pants belt

s. One gun belt

t. One safety holster

u. Four belt keepers

v. One pepper spray holder, so long as authorized by general orders.

w. One Department badge

x. One whistle chain

y. One whistle

z. Two "APD" collar brass

aa. One pair dress shoes, or one pair SESU shoes, not to exceed $70 City share

bb. One pair work shoes, not to exceed $70 City share

cc. One Special Events Summer Uniform w/o shoes (SESU)

dd. One flashlight with fast charger and holder

* Basic training uniform shirts selected depend upon season as designated by the DOCJT.

Newly hired Officers that graduate the Academy and did not receive a uniform allowance in the fiscal year of their graduation may be eligible for a one-time additional allowance of up to $200 to purchase supplies and small equipment that may be beneficial to the Department.

Requests pursuant to this Article will be submitted via the chain of command to the Chief of Police for review and authorization.

After initial issue, Officers shall be responsible for the maintenance and replacement, as necessary, of all the items in the above list, with the exception of the Body Armor, which shall be replaced by the City as recommended by an appropriate agency based upon industry standards, pending budgetary constraints.

Any equipment addition/changes brought about by this agreement shall be at the City's cost and Officers shall not be required to pay for the purchase of any equipment addition or change included in this Article, except if the Officer chooses to purchase both dress shoes and SESU shoes.

The City will set up credit/charge accounts for each Officer in the amount of eight hundred fifty

dollars ($850.00) annually at Gall's, or any other City-approved vendor. An Officer may use this account to purchase any uniform and/or equipment item required in this Article or for the performance of his/her duty. Officers may choose to waive the above mentioned account and instead may, with preauthorization, be reimbursed from their clothing allowance for the purchase of "business attire" once receipts of purchase during that year have been submitted to their immediate supervisor.

The City of Ashland shall provide Department issued standard duty weapons to all Officers. Six (6) magazines shall be included for these weapons. Weapons and magazines purchased by the City, upon retirement, resignation, or termination, shall be restored to the City and shall be considered City property. The repairs and replacement of all weapons shall be the responsibility of the City of Ashland. Any Officer serving at least twenty years and retiring from the City may, consistent with KRS 65.041, purchase their duty weapon.

Any departmental equipment damaged in the performance of duty shall be replaced at cost by the City upon formal written request of the individual Officer with approval from the appropriate duty supervisor. This shall not include those items damaged by normal wear and use. Personal prescription glasses or prescription sunglasses of two hundred dollars ($200) value or less, and personal wristwatches of one hundred dollars ($100) value or less, damaged in the performance of duty shall be replaced at cost by the City upon formal written request of the individual Officer with approval from the appropriate duty supervisor. This shall not include those items damaged by normal wear and use. The City will not replace personal non-prescription sunglasses. Damaged items shall be replaced as soon as reasonably possible unless otherwise agreed upon by the Officer. All uniforms and equipment needed for special duty activities, such as, Honor Guard, bike patrol, special response team, etc. shall be issued by the City. All up-keep, repairs, and replacement of uniforms and equipment shall be the responsibility of the City, as well as, cleaning of Honor Guard uniforms.

## ARTICLE TWENTY

**Salaries:**

The entry level base hourly rate for positions within the bargaining unit shall be as follows:

| | |
|---|---|
| OFFICER | $16.948 |
| SERGEANT | $23.075 |

If the City's Hourly Rate Schedule is revised, the entry level base hourly rate for positions within the

bargaining unit shall be revised incrementally at the same rate as other City positions.

The hourly rate for a newly-hired OFFICER who is in the training academy (DOCJT) to become a Police Officer shall be $1.00 less than the amount reflected above. After the graduation from the police academy and working a regular shift under the Field Training Officer (FTO) program the hourly rate for such employee shall be increased by $0.50. After the completion of the FTO program, the hourly rate for such employee shall be increased by an additional $0.50.

Effective July 1, 2015, and for the duration of this agreement, the annual salaries for employees within the bargaining unit shall be administered in the same manner as all other City employees. Both parties agree that the FOP should be an active participant in the review of the City's pay and classification study. Upon completion of the study, both parties agree to meet to further discuss covered members' pay scale. Until the review is completed and FOP positions are added to the pay and classification plan, the current pay scales apply subject to pay increases granted by the Board of Commissioners to all City employees.

An officer assigned as an FTO will receive an additional $1.50/hour during times that they serve as an FTO and are assigned a trainee.

The Sergeant assigned to Technical Services shall receive an additional incentive of $0.625 per hour upon execution of a waiver that said incentive will be removed when the Sergeant leaves the Technical Services assignment.

An Officer assigned to a Specialized Assignment as a CIS Detective, DARE Officer, Property Officer, SRO or Court Liaison Officer shall receive an additional incentive of $0.500 per hour upon execution of a waiver that said incentive will be removed when the Officer leaves the Specialized Assignment.

Officers/Sergeants who have completed at least one (1) year of service with the Ashland Police Department shall receive educational incentives as follows:

An Officer/Sergeant who has an Associate Degree from an accredited institution in Police Science or other related field approved by the City Manager shall receive $500 per year.

An Officer/Sergeant who has a Bachelors' Degree / Regent's Bachelors' of Arts Degree from an accredited institution in Police Science or other related field approved by the City Manager shall receive an additional $500 per year over the Associate Degree or a total of $1,000 per year.

An Officer/Sergeant who has a Masters' Degree from an accredited institution in Police Science or other related field approved by the City Manager shall receive an additional $500 per year over the Bachelors' Degree or a total of $1,500 per year.

An Officer/Sergeant completing any certifications through the Kentucky Law Enforcement Council's Career Development Program, as approved by the City Manager, shall receive $100 per certificate up to a maximum of $500 per year.

Consideration shall also be given for any future certifications offered by the Kentucky Law Enforcement Council (K.L.E.C.)

No educational incentives shall be paid for any certification in any Classification through the Kentucky Law Enforcement Council's Career Development Program if that certification is received due to Degree requirements.

The maximum total educational incentive whether through an accredited Degree Program, the Kentucky Law Enforcement Council's Career Development Program or a combination there of shall be no more than $1,500 per year.

An Officer who leaves the City prior to his/her initial three (3) year employment contract with the City shall pay back to the City any educational incentive paid to them by the City.

When a member of the Police Department bargaining unit works in a higher classification, he/she shall be paid at the minimum salary of the pay range, to which the higher classification is assigned or at least five percent above the Officer's current salary, whichever is higher. Such compensation shall be effective immediately.

## ARTICLE TWENTY-ONE

**Workday and Workweek:**

It is agreed by the parties that the current 12 hour work schedule was instituted with ongoing review being performed by the City to insure its successful implementation. In the event that the City in its sole discretion makes the determination that the work schedule is not to the benefit of the City and its citizens, then, with a 60 day notice, the current 12 hour work schedule will be terminated and both parties agree to meet to discuss an alternative schedule. The 12 hour work schedule may also be terminated by court or administrative agency action.

Officers shall be able to trade shifts, provided this trade creates no overtime to the City, and the shift supervisors involved grant approval which shall not be unreasonably withheld. The request shall be in writing and shall detail the agreement and be signed by both Officers trading shifts. In the event of an Officer failing to fulfill the elements of the trade, the Officer who accepted the shift shall be held accountable for working the shift and any absence shall be treated in the manner consistent with Departmental regulations.

## ARTICLE TWENTY-TWO

**Travel and Training:**

1. All Officers shall have travel and training expenses paid consistent with the procedures adopted for all other City employees except that:
   a. Officers shall receive allowance for meals at the per diem rate for travel outside Boyd County, Kentucky and shall not be required to provide receipts. Per Diem excludes any meals included in conference fees.
   b. The authorized meal per diem includes any tips.
   c. Officers are not authorized any claim for an allowance above the normal City meal per Diem.
   d. Officers may request and receive their per diem allowance for meals prior to leaving for training. The request must be submitted to the Finance Department five (5) days in advance.
2. When overnight out-of-town travel is required, lodging will be provided by the City of Ashland at the training/conference location or as determined by the Chief of Police or his designee. The standard room allowance shall not exceed the authorized amount established by city policy or the negotiated conference rate if one is available. This amount shall not be increased without prior written approval by the City Manager. When an Officer's spouse accompanies and rooms with the Officer, the cost of lodging will be borne by the City of Ashland. Employees will not be fully reimbursed for taking lodging at a location more expensive than the conference/meeting place's rate for lodging. Pay-per-view movies are not reimbursable.
3. An additional ten dollars ($10.00) per day may be granted for incidental expenditure such as gratuities except meal gratuities, personal use of telephone, etc. that are supported by appropriate receipts. The minimum use of copying and service charges are allowed.

## ARTICLE TWENTY-THREE

**Grievance Procedure:**

1.
   a. Any Officer who feels aggrieved by an act or decision by the City administration, supervisory personnel, or other City employee, has the right to pursue a grievance in accordance with the following procedure: The aggrieved Officer shall first discuss the grievance with the immediate supervisor with the objective of resolving the dissatisfaction informally at the lowest organization level, except that group grievances crossing supervisory lines shall be forwarded directly to the team commander or division head if the

grievance crosses shift lines, or the Police Chief if the grievance crosses division lines. The Officer's supervisor shall respond to the Officer concerns within five (5) business days unless agreed otherwise by the Officer.

b. If the grievance cannot be resolved in this informal manner, the aggrieved Officer may submit a completed Grievance Procedure Form detailing the grievance and proposed solution(s) to the Lodge Grievance Committee within five (5) working days after the Supervisor's response for the grievance or knowledge of the cause of the grievance; however, such knowledge must come to light within a ninety sixty (60) period of said cause. Working days shall be considered as Monday through Friday minus official City holidays.

c. The Lodge Grievance Committee shall determine if a grievance should be filed, and submit any grievance to be filed within ten (10) business days after receiving the grievance.

d. If the decision of the Watch Commander/Field Supervisor is not satisfactory, the Lodge may continue the grievance by submitting the completed Grievance Procedure Form to the division head within five (5) working days after receiving the shift/unit commander's response; the division head shall respond to the grievance within ten (10) working days.

e. If the decision of the Police Chief/Division Commander is not satisfactory, the Lodge may continue the grievance by submitting the completed Grievance Procedure Form to the City Manager within five (5) working days after receiving the Department Director's response; the City Manager shall respond to the grievance within ten (10) working days.

f. If the decision of the City Manager is not satisfactory, the Lodge may continue the grievance by submitting the completed Grievance Procedure Form to the Ashland Board of City Commissioners Grievance Committee within five (5) working days after receiving the City Manager's response. The Ashland Board of City Commissioners Grievance Committee may conduct an inquiry or take any actions necessary in arriving at a decision, and shall submit its recommendation on the grievance to the Ashland Board of City Commissioners within forty-five (45) calendar days after receiving the grievance. If the decision of the Board is not satisfactory, the Lodge may continue the grievance by notifying the Ashland Board of City Commissioners in writing within fourteen (14) working days after receiving the Board's response of the Grievance Committee's intent to submit the grievance for non-binding arbitration or mediation.

The arbitrator/mediator shall be selected and shall conduct the arbitration/mediation procedure in accordance with the rules established by the Federal Mediation and Conciliation Services. The parties shall mutually agree whether to refer the matter to mediation rather than

arbitration. Any related costs for the services shall be borne by the respective parties. The findings of the arbitrator may be appealed to the Boyd Circuit Court.

2. The Lodge Grievance Committee shall consist of five (5) Ashland Lodge No. 3 members who are in good standing, and are Ashland Police Department Officers. The names of the committee members shall be submitted to the Chief of the Department in writing.
3. The Definition of "Grievance", for the purpose of this Agreement, is: a matter involving interpretation, application, or compliance with the provisions of this Agreement; provided, however, that no grievance or its adjustment shall expand or modify this Agreement. Expansion or modification of this Agreement shall be made only by mutual Agreement of the parties in written form.
4. At any time the FOP or the City may request a meeting of its respective negotiators to discuss any interpretation, application, or compliance with the provisions of this Agreement.

## ARTICLE TWENTY-FOUR

**Promotions and Vacancies:**

1. A personnel vacancy will exist within the Department of Police on the date immediately after the date the position is vacated by retirement, promotion, demotion, termination, or resignation (the date such action is effective). A vacancy in the Sergeants' rank shall be filled consistent with procedures set forth in this Article. A vacancy in the Lieutenants' rank shall be filled consistent with procedures set forth by Ashland Police Department Rules and Regulations.
2. No person shall be eligible for consideration for appointment from a lower grade to a higher grade unless the person has met the established job classification standards for prerequisite requirements of the vacant position and has obtained the minimum experience as set forth in this Article.
3. "EXPERIENCE", as it relates to promotion within the Department of Police shall mean the following:

   Police Sergeant: Three (3) consecutive years of experience immediately preceding the date of appointment as an Officer with the Ashland Police Department. The City Manager may waive experience requirements if all eligible candidates for a specific rank fail to achieve the minimum requirements.
4. A candidate for promotion to the rank of Sergeant will become eligible to participate in the examination process if the Human Resources Director determines that the candidate could

reasonably become eligible for promotion within the estimated time that the eligibility list would continue. The candidate must meet the minimum number of years of experience required for advancement to the next higher rank. A candidate eligible to participate in the examination process who has not obtained the minimum number of years of experience required shall not be eligible for appointment until the candidate obtains the minimum number of years of experience required.

5. Each candidate for promotion to the rank of Sergeant shall have experience points added as follows:

   Police Sergeant: Each candidate for the rank of Sergeant shall be awarded one (1) experience point for each full year of service completed as an Officer with the Ashland Police Department up to a total of ten (10) years and one-half (1/2) experience point for each full year after ten (10) years of service as an Officer with the Ashland Police Department up to a total of twenty (20) years. A candidate for Sergeant may obtain a maximum of fifteen (15) experience points.

6. A candidate for promotion to Sergeant shall have one (1) point subtracted from the total number of promotional examination points earned for each day of disciplinary suspension from duty served during the two (2) years immediately prior to the date of the written examination. The Director of Human Resources shall research disciplinary suspension from duty. In the event a candidate for promotion receives a disciplinary suspension from duty on or after the date of the written examination and prior to the date the Board of Commissioners considers an appointment to a higher rank, the Director of Human Resources shall subtract disciplinary points from the candidate as set forth in the foregoing paragraph. The Director of Human Resources shall reduce the candidate's total score by the number of disciplinary points lost. The Director of Human Resources shall recalculate the candidate's reduced total score and reposition the candidate on the promotion roster.

7. Written examination for the rank of Sergeant shall consist of (2) two parts; Part 1, one hundred (100) questions on the subjects designed to demonstrate familiarity with the required knowledge for the rank sought. Part 2 will be an additional twenty-five (25) questions that will cover Ashland Police Department Rules and Regulations and General Orders. Applicants will be provided with a copy of the specific General Orders and Rules and Regulations from which the questions are taken. All questions shall be scored for one point each. 3.5 hours shall be the maximum time permitted to complete a written examination.

   - The general orders/rules and regulations portion of the written examination shall be

scored by one (1) person designated by the City Manager. Test scoring shall be completed on a date and time and at a location known to each candidate. As soon as scoring of the written examination for a particular classification is completed, the scorer shall post all scores by individual control numbers in a location available to each candidate.

8. A candidate for promotion to the rank of Sergeant must complete a written examination as set forth in this Article with a minimum score of seventy percent (70%) on Part 1 and seventy percent (70%) on Part 2 to be eligible for participation in the oral interview. In the event a question is challenged and the challenge is determined to be valid, the question will be thrown out and the candidate must then score seventy percent (70%) of the remaining questions.

   Each candidate shall be carefully screened on character, leadership skills, technical skills and professional experience by the City Manager or his designee, one (1) law enforcement official from an agency other than the Ashland Police Department, of equal or higher rank than the position being filled, and the City of Ashland Chief of Police or his designee. The law enforcement official must be an active-duty law enforcement official. A majority of the oral interview board may, after meticulous review of a candidate's fitness for promotion, determine that a clear and substantial reason exists to preclude a candidate from further consideration for promotion. In the event, a majority of the oral interview board finds just cause to reject a candidate for promotion, the candidate may not be considered until the promotion process begins anew.

   Only the candidate and members of the oral interview board may participate in the interview. The Director of Human Resources, or a designee, shall be present to serve as equal employment opportunity monitor. The oral interview shall count for a maximum of thirty (30) points.

   Each member of the oral interview board shall be provided each candidate's personnel file, Time and Pay Record and all personnel evaluation reports for the period of two (2) years immediately preceding the date of the written examination. No additional information shall be provided to any member of the oral interview board until after all interviews have been completed and oral interview scores recorded. The oral interview board will be permitted adequate time immediately prior to each interview to review personnel files, Time and Pay Records, and Personnel Evaluation Reports. Thirty (30) minutes will be allocated for each interview. At the conclusion of each interview, each member of the oral interview board will record his/her rating of the candidate. Candidates will be scheduled to appear before the oral

interview board in alphabetical order, if possible.

9. The total score obtained by each candidate for the rank of Sergeant shall be a composite score as follows: Total number of points the candidate achieved on the written examination; number of service experience points added; oral interview score; and less examination points subtracted as the result of disciplinary action. Eligible candidates for promotions who successfully complete the examination procedure shall be placed upon a promotion roster for consideration for appointment in the order of highest point score earned to the lowest point score earned. A promotion roster shall remain in force for twelve (12) months or until the City Manager, in his discretion, determines that a new promotion roster should be created. Thereafter the examination process begins anew. If a promotion is in effect for the rank of Sergeant, a promotion to fill a vacancy shall be from the appropriate promotion roster in force on the date a vacancy is determined to exist as set forth in this Article. The testing and examination process for Sergeant shall be made known to eligible candidates prior to the start of the process. Records of the process shall be maintained for the time period required by law. Each candidate may review his/her own individual examination results in so far as no agreements with outside testing companies provide otherwise.

10. The City Manager shall recommend to the Ashland Board of City Commissioners for promotion to the rank of Sergeant the eligible candidate who has achieved the highest composite grade. Should the Board of Commissioners reject the candidate recommended by the City Manager, the rejected candidate shall be removed from any further consideration and not again considered for promotion until the candidate completes a new examination process as set forth in this Article. The City Manager shall then recommend the next highest standing candidate to the Ashland Board of City Commissioners until a candidate satisfactory to a majority of the Board of City Commissioners is approved.

11. An appointment to the rank of Sergeant approved by the Ashland Board of City Commissioners is conditional upon the appointee submitting to a rigorous physical examination conducted by a physician selected by the City Manager. If the selected physician discovers a medical condition which cannot be surgically repaired and/or medically treated within ninety (90) days so that the appointee can perform the essential duties of the position, the appointment shall be rescinded and the City Manager shall then recommend the next highest standing applicant to the Board of City Commissioners. If the applicant later becomes physically qualified he could be considered for future promotion.

    If the candidate has undergone an annual physical within the last 12 months, and has been

declared fit for duty, another physical examination is not necessary.

12. As a condition for appointment to the rank of Sergeant, each person promoted shall execute a waiver to submit to random drug testing for illicit drugs, which will be in force as long as employed by the Ashland Police Department.
13. Candidates appointed to the rank of Sergeant shall serve a probationary period of twelve (12) months. Employee performance reports shall be completed monthly during the first quarter, and quarterly for the remainder of the probationary period to determine the candidate's suitability for career status. Candidates who do not complete the probationary period for performance will be returned to the rank held prior to promotion.

## ARTICLE TWENTY-FIVE

**Vacation Leave:**

1. Having served for a period of one (1) year, each Officer shall be entitled to 120 hours of paid vacation leave. All Officers, regardless of date of employment, after having served for a period of ten (10) years continuous service, shall be entitled to 160 hours of paid vacation leave. Officers having served for a period of twenty (20) years shall be entitled to 200 hours of paid vacation leave.
2. Vacation for the upcoming year shall be scheduled in the month of November. Each Division shall have a master vacation schedule. Each subordinate team/cost area/work group shall have an individual, separate vacation schedule. Vacation sign up shall be offered by seniority. No more than one Officer on the same subordinate team shall sign up for the same vacation days. Combination of vacation day/personal day cannot result in more than two Officers being off at the same time. There shall be no other restrictions to the availability of vacations for Field Operations Officers. Officers assigned as D.A.R.E. Officer, School Resource Officer, Crime Prevention, and Court Liaison Officers may be permitted, with authorization from the Chief of Police, to take concurrent vacation out of operational necessity at his discretion as the situation dictates.
3. Vacation for command staff in the Field Operations Division shall be offered by rank and seniority beginning with the lieutenants and then the sergeants. The Field Operations Division will consist of two platoons: one day and one night. One command Officer from each platoon may be on vacation concurrently. No more than one command Officer from either platoon may be on vacation leave during the same week. A request for variance from this policy may be submitted to the Field Operations Division Commander for consideration.

4. Vacation for Officers working (12) hour shift schedule shall be taken in 5 consecutive 8 hour days equaling 40 hours. Vacation shall be taken in a calendar week starting Sunday through Saturday. A request for variance from policy may be submitted to the Field Operations Commander for consideration. Compensation for vacation leave will be at the rate of 40 hours per week.

## ARTICLE TWENTY-SIX

**Bereavement (Funeral) Leave:**

Officers shall be granted up to three (3) days leave, without loss of pay, in case of death in the immediate family. For the purpose of this section, "Immediate Family" shall mean spouse, children, parents, grandparents, brothers, sisters and immediate in-laws (same relation to spouse as defined for employee). In addition to the above, the Chief of Police may grant up to three days leave for anyone not identified as immediate family upon a written request from an Officer~~/PSO~~. Additional time off shall be charged to vacation leave or leave without pay. All requests for funeral leave must be approved in advance by the Chief of the Department in order for the employee to receive time off with pay. The Chief of the Department may require verification of the need for funeral leave in order for the Officer to be compensated for the period of absence.

## ARTICLE TWENTY-SEVEN

**Family Medical Leave:**

Officers shall be granted family medical leave consistent with applicable federal law and consistent with procedures adopted by the City of Ashland.

## ARTICLE TWENTY-EIGHT

**Leave Without Pay:**

Leave without pay may be granted, provided it does not adversely affect the interests of the City. (See Article twenty-nine). An Officer on leave without pay who wishes to return to work before the end of the leave period must submit a written request to the Chief of the Department two weeks in advance of the date desired to return to work. The Officer may be permitted to return to work at the discretion of the Chief of the Department. Failure to return to work at the end of the approved leave shall be considered as absence without leave and may be grounds for disciplinary action. Vacation leave, sick leave, and credit toward service with the City shall not be earned while on leave

without pay, except that credit toward service with the City shall be earned while on extended military service. The Officer shall be responsible for all insurance costs during the period of absence. While on authorized leave without pay, any Officer who obtains employment elsewhere, either full-time or part-time, shall notify the Chief of the department in writing within three days of accepting such employment. Upon returning to work following leave without pay, an Officer shall be assigned to the same class or equivalent class occupied at the time the period of the absence was approved.

## ARTICLE TWENTY-NINE

**Special Leave:**

1. Upon the request of an Officer and approval by the Chief of the Department, the City Manager may authorize leave without pay for Officers in established positions for an amount of time not exceeding sixty (60) working days. Upon the recommendation of the City Manager, and approval of the Board of Commissioners, special leaves of absence with or without pay may be granted for Officers in established positions for any period or periods for purpose(s) deemed beneficial to City service.
2. Any Officer staying over on an overtime shift shall be granted time to cast his/her ballot if he/she has not voted yet. These Officers may receive up to one (1) hour leave from duty time to cast a vote in a primary, special, or general national or Commonwealth of Kentucky election

## ARTICLE THIRTY

**Personal Days (Holidays):**

1. Each Officer under this Agreement, who is assigned to the Field Operations Division, except any Officer who follows the City hall work schedule, shall be entitled to one (1) additional holiday (Personal Day), to be used as an individual vacation day for each holiday designated and authorized for all City employees by the Board of Commissioners. These Personal Days are to be taken during the calendar year in which it occurs in a manner consistent with existing Police Department General Orders, unless otherwise approved by the Chief of Police. A total of ten (10) holidays qualify under this Agreement. A holiday shall be the same amount of hours as the Officer's regular work day.
2. Combination of vacation day/personal day leave cannot result in more than two Officers being off at the same time. Personal day requests will be filled on a first request basis. For personnel working the 12 hour schedule in the Field Operations Division, up to three

(3) personal days may be taken consecutively. Personal days may be requested up to thirty (30) days in advance.

3. Officers may be scheduled off for a personal day with the condition that any required overtime scheduling for that shift is filled and such scheduling does not conflict with vacation scheduling.
4. At the time of vacation sign-up an Officer may request in writing to convert up to five (5) personal days to vacation days.

## ARTICLE THIRTY- ONE

**Work Schedule:**

1. The work day for Officers assigned to a Field Operations Division watch team will be a non-rotating 12 hour day. Members of the Collective Bargaining committee and Ashland Police Department command staff agree to meet as needed to discuss all aspects of this work schedule to determine if the work schedule is serving its intended purpose. The Field Operations Division shall consist of four (4) watch teams: two (2) day teams, (0700-1900 or 0600-1800) and two (2) night teams, (1900-0700 or 1800-0600). A work time of either 0700 to 1900 or 1900 to 0700 shall be offered for assignment by seniority from the most senior to the least senior at the choice of each Officer/sergeant. Once a time frame has been selected by an Officer/sergeant, the Chief of Police may, at his discretion, place those Officers on either of the time frame teams. The details of the non-rotating 12 hour work day will be outlined in Ashland Police Department General Order G-15. Adjustments to the general order will be made only after discussion between the parties.
2. An Officer may receive a ride to work from within the Ashland City limits from an on-duty Officer subject to the demands of duty that shall not be unreasonably applied. Requests for rides to work require a minimum of one (1) hour notice. Any Officer receiving a ride shall be considered as available for duty if needed by the City.

## ARTICLE THIRTY- TWO

**Physical Fitness Training:**

1. Each Officer is required to participate in the physical fitness program and achieve the goals that are established within that program. Therefore, each Officer employed after that date may be granted up to three (3) hours per week duty time for discretionary physical fitness training.
2. Discretionary physical fitness training shall be scheduled so that no overtime is incurred by the

participating Officer or any City employee. If duty interferes with the originally scheduled training time, the shift supervisor shall make all reasonable efforts to reschedule the training time during the same week.

3. Officers may take their physical fitness training anywhere in the City that is open to the public and can accommodate an anaerobic or aerobic workout upon approval in advance by their watch commander.
4. The physical fitness-training program is a wellness program and shall function according to rules established by Departmental orders.

## ARTICLE THIRTY-THREE

**Locker Room:**

Two (2) secure locker rooms shall be supplied for Police Officers, one (1) for male Officers and one (1) for female Officers. Each Officer shall be supplied with one (1) locker for personal locker room use. Each locker room shall have a lavatory, toilet and shower facilities.

## ARTICLE THIRTY-FOUR

**Weight Room:**

The City shall make a reasonable effort to provide that Officers have access to the use of a weight room during their assigned period of Physical Training. The existing facility located in the New Police Station, or an equivalent facility at a location with reasonable access, will be maintained by the City for use by all Police Officers, if reasonably possible.

## ARTICLE THIRTY-FIVE

**Insurance:**

Health and Dental Insurance: The City provides certain insurance to all Officers.

1. Health insurance: The Parties agree that medical coverage provided to members shall be the same as that coverage provided all other city employees.
2. Dental Insurance: The Parties agree that dental coverage provided to members shall be the same as that coverage provided all other city employees.
3. Participants in the health insurance plan who plan to terminate employment with the City are required to see the Human Resources Director regarding options for short-term continuous coverage.
4. Officers in a leave without pay status are responsible for the advance payment of insurance

premiums if coverage is desired. Officers on leave without pay status will not be denied health insurance coverage while on leave as long as advance payment of premiums continues.

5. Life Insurance: The Parties agree that life insurance coverage provided to members shall be the same as that coverage provided to all other city employees.
6. Worker's Compensation Insurance: The City pays total costs. The City of Ashland will make reasonable efforts to provide a limited or restricted duty assignment for any Officer injured on-duty and expected to return to full duty within a reasonable time period.
7. Unemployment Insurance: The City pays total costs.

## ARTICLE THIRTY-SIX

**Disciplinary Procedures:**

Disciplinary Procedures shall be in accordance with Federal Laws and Kentucky Revised Statutes.

## ARTICLE THIRTY-SEVEN

**Duration of Agreement**

1. With the exception of Article Thirty-One, Work Schedule, the duration of this Agreement shall extend from the first day of July 2015 until the 30th day of June 2018.
2. No part of this Agreement shall be changed without mutual written agreement between the City and the Lodge.
3. No term or condition contained herein extends beyond the termination date unless affirmative action is taken by the Ashland Board of City Commissioners and the Lodge to extend this Agreement. Either party may terminate this agreement with written notice to the other party at least sixty (60) days prior to the ending date of the agreement under paragraph (1) above.
4. This Agreement becomes effective upon its execution by the City of Ashland, Kentucky, and the Fraternal Order Police, Ashland Lodge #3.

CITY OF ASHLAND, KENTUCKY

BY:

Chuck Charles
Mayor

Susan Maddix
City Clerk

FRATERNAL ORDER OF POLICE
ASHLAND LODGE No. 3

BY:

Scott Menefee, Chair
Collective Bargaining Committee

Josh Steele
Collective Bargaining Committee

Jason Moore
Collective Bargaining Committee

Matt Davis
Collective Bargaining Committee

Jeremy Helms
Collective Bargaining Committee

# ASHLAND
# POLICE
# DEPARTMENT

# RULES AND
# REGULATIONS

It is often overlooked that no public officials in the entire range of government are given such wide discretion on matters dealing with the daily lives of citizens as are police officers. In the broad terms of public administration, I think it would be a safe assumption that the scope of discretion enlarges as we look upward in the hierarchy of government. In other words, the higher the rank, the greater is the discretion. But this is not true in police work. The policeman on the beat, or in the patrol car, makes more decisions and exercises broader discretion affecting the daily lives of people, every day and to a greater extent, in many respects, than a judge will ordinarily exercise in a week....

No law book, no lawyer, no judge can really tell the policeman on the beat how to exercise this discretion perfectly in every one of the thousands of different situations that can arise in the hour-to-hour work of the policeman. Yet we must recognize that we need not choose between no guidelines at all and perfect guidelines. There must be some guidance by way of basic concepts that will assist the officer in these circumstances.

Basically, as I suggested, it is a matter of common sense and sound judgment, and yet we know that one man's common sense may be another man's mistake. Hence this need for carefully devised basic standards to guide the exercise of this discretion and, second, for careful and comprehensive training of officers before they are thrust into situations that would often baffle the wisest judge.

Chief Justice Warren E. Burger
Addressing Police at the FBI
National Academy

# ASHLAND POLICE DEPARTMENT
# CODE OF ETHICS

As a LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception; the weak against oppression or intimidation; and the peaceful against violence or disorder; and to respect the constitutional rights of all persons to liberty, equality, and justice.

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

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

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

# CANONS OF POLICE ETHICS

## ARTICLE I
## Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

## ARTICLE II
## Limitations of Authority

The first duty of law enforcement officers, as upholders of the law, is to know its bounds upon them in enforcing it. Because they represent the legal will of the community, be it local, state or federal, they must be aware of the limitations and proscriptions which the people, through law, have placed upon them. They must recognize the genius of the American system of government which gives no person, groups of persons, or institutions, absolute power, and they must ensure that they, as prime defenders of that system, do not pervert its character.

## ARTICLE III
## Familiarity With the Law and With Responsibilities of Self and Other Public Officials

Law enforcement officers shall assiduously apply themselves to the study of the principles of the law which they are sworn to uphold. They shall make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear to them; they will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

## ARTICLE IV
## Utilization of Proper Means to Gain Proper Ends

Law enforcement officers shall be mindful of their responsibility to pay strict heed to the selection of means in discharging the duties of their office. Violations of law or disregard for public safety and property on the part of any officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

## ARTICLE V
## Cooperation With Public Officials in the Discharge of Their Authorized Duties

Law enforcement officers shall cooperate fully with other public officials in the discharge of authorized duty regardless of party affiliation or personal prejudice. They shall be meticulous, however, in assuring themselves of propriety under the law, of such actions and shall guard against the use of their office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, they shall seek authority from their superior officers, giving them a full report of the proposed service or action.

## ARTICLE VI
## Private Conduct

Law enforcement officers shall be mindful of their special identification by the public as upholders of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade. Rather, they will so conduct their private lives that the public will regard them as an example of stability, fidelity, and morality.

## ARTICLE VII
## Conduct Toward the Public

Law enforcement officers, mindful of their responsibility to the whole community shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. Law enforcement officers shall conduct their official life in a manner such as will inspire confidence and trust. Thus, they will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of them nor a right to command them. The officers will give service where they can, and require compliance with the law. They will do neither from personal preference or prejudice but rather as duly appointed officers of the law discharging their sworn obligation.

## ARTICLE VIII
## Conduct in Arresting and Dealing with Law Violators

Law enforcement officers shall use their powers of arrest strictly in accordance with the law and with due regard for the rights of the citizens concerned. Their office gives them no right to persecute the violator nor to mete out punishment for the offense. They shall, at all times, have a clear appreciation of their responsibility and limitations regarding detention of the violator; they shall conduct themselves in such a manner as to minimize the possibility of having to use force. To this end they shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of the law violators or in dealing with the law abiding.

## ARTICLE IX
## Gifts and Favors

Law enforcement officers, representing government, bear the heavy responsibility of maintaining, in their own conduct, the honor and integrity of all government institutions. They shall, therefore, guard against placing themselves in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, they shall be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing their judgment in the discharge of their duties.

## ARTICLE X
## Presentation of Evidence

Law enforcement officers shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. They shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing they will ignore social, political, and other social distinctions among the persons involved, strengthening the tradition of the reliability and integrity of the officer's word.

Law enforcement officers shall take special pains to increase their perception and skill of observation, mindful that in many situations theirs is the sole impartial testimony to the facts of a case.

## ARTICLE XI
## Attitude Toward Profession

Law enforcement officers shall recognize the discharge of their duties as a public trust and recognize their responsibility as public servants. By diligent study and sincere attention to self-improvement they shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. They shall appreciate the importance of responsibility of their office, hold police work to be an honorable profession rendering valuable service to their community and their country.

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# ASHLAND POLICE DEPARTMENT
# RULES AND REGULATIONS

## ARTICLE I
### *Administrative Authority*

Section 1.1 Purpose of the Police Department

The Police Department of the city of Ashland, Kentucky, shall be maintained for the purpose of preserving law and order in the City, and for such other functions as may come within the scope of such a department.

Section 1.2 Control of the Police Department

The City legislative body shall control the Police Department of the city of Ashland, Kentucky, together with all the property and paraphernalia belonging thereto and shall have the power to appoint police officers, except that the Chief of Police shall be appointed by the City Manager as prescribed in these Rules and Regulations.

Section 1.3 Authority of the Chief of Police

The Chief of Police shall be the executive head of the Police Department, and shall be directly responsible to the City Manager for the efficient functioning and satisfactory conduct of said Police Department, and shall directly control and coordinate the personnel and material resources of said Police Department as authorized by the City Manager and the City legislative body.

Section 1.4 Review of Department Policies and Procedures

The Chief of Police shall conduct staff meetings and inspections to evaluate and improve overall performance and efficiency of the Police Department. Periodically the Chief of Police shall review Police Department policies and procedures to determine if the functional responsibilities, goals and objectives of the department are being met.

Section 1.5 The Chief of Police Shall Issue Rules, Regulations, Orders and Directives

The Chief of Police, in order to achieve and maintain efficient functioning and satisfactory conduct of the Police Department, shall issue, or cause to be issued, such ordinances, rules, regulations, general orders, special orders and other directives as he deems necessary, obtaining approval of the City Manager and adoption by the Board of Commissioners when required.

Section 1.6 Rules and Regulations Hereby Issued

The Chief of Police hereby issues the Rules and Regulations contained herein and they shall collectively be known as the RULES AND REGULATIONS OF THE ASHLAND POLICE DEPARTMENT, said Rules and Regulations being first approved by the City Manager and adopted by the Board of Commissioners of the city of Ashland, Kentucky.

Section 1.7 Functional Responsibilities of the Police Department

The primary functional responsibilities of the Police Department are:

A. Maintenance of public order
B. Crime prevention and repression
C. Regulation of non-criminal conduct
D. Provision of services
E. Protection of personal liberties
F. Identification and apprehension of law violators
G. Preparation and presentation of evidence and testimony for appropriate courts of justice

Section 1.8 The Police Department Shall be Organized into Two Major Divisions and an Administrative Section

A. Field Operations Division
B. Technical Services Division
C. Administrative Section

Section 1.9 Functional Responsibilities of the Divisions

A. The Field Operations Division shall be commanded by a Major who shall be assisted by commanding officers as assigned by the Chief of Police. In the absence of the Major, a commanding officer of the Department shall be appointed by the Major prior to his absence or by the Chief of Police to act as temporary Division Commander.

   In addition to the obvious administrative tasks inherent in the duties of assigned Command Officers, command also entails necessary observation, direction and support of officers in the field. Officers will be assigned to work shifts as determined by the Chief of Police. The Field Operations Division shall be responsible for sustained and intensive pro-active patrol and shall assume the greatest responsibilities in the department's efforts to protect life and property, preserve the public peace and prevent crime and delinquency. The Field Operations Division shall also conduct preliminary criminal investigations as assigned. The majority of personnel and other resources shall be assigned to this division as it is unquestionably the backbone of the Police Department.

B. The Technical Services Division shall be commanded by a Major who shall be assisted by Command Officers as assigned by the Chief of Police. In the absence

of the Major, a Commanding Officer of the Department shall be appointed by the Major prior to his absence or by the Chief of Police to act as temporary Division Commander.

The Technical Services Division shall include a Criminal Investigations Section and a Support Services Section. These sections will be managed by assigned Command Officers.

The Criminal Investigations Section shall be responsible for investigating crimes as assigned, the collection and analysis of criminal intelligence and establishing and maintaining open lines of communication with other law enforcement agencies. This section shall accomplish its goals while strictly adhering to all legal and ethical limitations.

The Support Services Section shall be responsible for the Department's records keeping and identification functions. Records keeping shall include indexing, filing, tabulating, and maintaining all criminal and non-criminal reports, and shall be responsible for the completion of reports as requested by the Chief of Police. The Support Services Section is also responsible for parking enforcement.

Staffing for this section will include two officers who will also serve as Crime Prevention Officers, Drug Abuse Resistance Education (D.A.R.E.) and School Resource Officers, and civilian clerks as may be authorized by the City Manager. This section shall design, coordinate and present crime prevention programs to the community.

The Support Services Section shall be responsible for any and all property confiscated, received as evidence, found or recovered or otherwise coming into the possession of a member of the Department in performance of his duties, and for inventory control of all Department property. The member assigned as the Property Officer shall have the only access to the property room, except that another member in the Support Services Section shall be assigned by the Division Commander as Deputy Property Officer.

The Department's Information Center shall, as required, be staffed with personnel assigned to the Support Services Section. Members assigned to the Information Center shall complete tasks as assigned by Division Command Officers.

## Section 1.10 Definitions of Words and Phrases

The following words and phrases, when used herein, shall have the meaning ascribed to them, except in those instances where the context clearly indicates a different meaning:

*Administrative Investigation*: Administrative investigation shall be a term used to denote an investigation other than a criminal investigation.

*Beat*: A geographic area assigned to one or more members in a patrol vehicle(s) or to a member on foot patrol.

*Board of Commissioners*: Board of Commissioners shall refer to the Mayor and city commissioners, the legislative body of the city of Ashland.

*Department*: Department shall mean the Police Department of the city of Ashland, Kentucky.

*Channels*: Channels shall refer to the chain of command which exists in the normal operation of any organization.

*Chief of Police*: Chief of Police shall mean the executive head of the Police Department who shall be responsible to the City Manager for the operation of the Police Department and the conduct of all members of the Police Department.

*City Manager*: City Manager shall mean that person who is appointed by the Board of Commissioners to direct the administration of the city of Ashland and that person to whom the Chief of Police is directly responsible.

*Commanding Officer*: Commanding Officer shall be a generic term applied to every sworn member of the Police Department who has been promoted to a rank beyond Officer, regardless of division or assigned duty and the plural thereof shall mean every Command Officer collectively in the Ashland Police Department.

*Dispatcher*: Dispatcher shall mean that person whose duties require him or her to be assigned to the radio-telephone communications center as a non-sworn employee of the Boyd County Regional Public Safety Communications Center (RPSCC).

*General Order*: General Order shall mean written instructions by the Chief of Police that define policy and procedures for the indefinite future and for the Department as a whole or for subordinate elements within the department. General Order is usually related to a general circumstance or situation.

*Grade*: Grade shall refer to the various ranks within the Police Department.

*May*: The word, may, as used in this document, means permissive.

*Members*: Members, when used in these Rules and Regulations, shall refer to all persons employed by the Ashland Police Department, whether police trainees, sworn officers, public service officers, or clerks.

*Number, Gender*: The singular shall include the plural and the plural shall include the singular; the masculine shall include the feminine and neuter, as requisite.

*Officer*: Officer shall be a generic term applied to every sworn member of the Police Department who has not been promoted to the rank of Sergeant or higher, regardless of sex, section or assigned duty, and the plural thereof shall mean every Officer collectively in the Ashland Police Department.

*Officer in Charge*: Officer in charge shall mean that officer regardless of rank who is responsible for the operation of a division, section, team or unit, whether temporary or permanent.

*Off-duty*: Off-duty shall refer to that period of time during which an officer is free from specific routine duty.

*On-duty*: On-duty shall refer to that period of time during which an officer is actively engaged in the performance of his duties.

*Order:* A verbal or written command given by a superior that must be obeyed.

*Platoon:* A subdivision within the Field Operations Division comprised of two teams.

*Probationary Officer*: Probationary Officer shall be a generic term applied to every Officer within the Ashland Police Department who has not reached his/her first anniversary date of appointment.

*Public Service Officer*: Public Service Officer shall be a generic term applied to every non-sworn member of the Ashland Police Department whose duties are parapolice in nature, regardless of sex, division, or assigned duty and the plural thereof shall mean every Public Service Officer collectively in the Ashland Police Department.

*Report*: Report means a written record or summary of events prepared by a member of the Ashland Police Department and submitted to a Command Officer, central records, or office of the Chief of Police, said report relating to and recording the results of the investigation to which the member has been assigned.

*Section*: A primary subdivision of a division with a department-wide responsibility for providing a specialized function.

*Shall*: The word, shall, as used in these Rules and Regulations, means mandatory.

*Shift*: One of the several tours of duty consisting of an eight (8) or twelve (12) hour period of time.

*Special Duty*: Special duty means police service which by its nature requires an officer to be excused from the performance of his regular, routine duties.

*Special Order*: Special order means an instruction issued by the Chief of Police or other Command Officer to cover a special circumstance or situation.

*Superior Officer*: Superior Officer shall mean that officer next highest in rank or command.

*Team*: A subdivision of a platoon comprised of a number of personnel associated together in work or activity to provide delivery of general police services.

*Tenses*: The present tense includes the past and future tenses; and the future present.

*Time in Grade*: Time in grade refers to the length of time an individual has spent at a particular rank within the department.

*Unit*: A subdivision of a section usually small in size with personnel assigned to perform specialized activities.

# ARTICLE II
## *Command Structure*

Section 2.1 Order of Rank

The order of rank of officers as distinguished from titles and positions shall be:

A. *Chief of Police* - Commanding officer of the Police Department.

B. *Major* - Commanding officer of the Field Operations or Technical Services Division

C. *Lieutenant* - Commanding officer of a team, unit, section or other detail of duty as may be designated by the Chief of Police.

D. *Sergeant* - Commanding officer responsible for providing direct supervision of a team, unit, section or other detail or duty as designated by the Chief of Police.

E *Officer* - Patrol, investigative or administrative officer assigned to field operations or such other positions as the Chief of Police may order.

F. *Probationary Officer* - Newly appointed Officer of the Police Department assigned to field operations for experience and/or training and not having obtained the first anniversary of his/her date of appointment to the Department.

G. *Police Trainee* - This is a non-sworn, training-level classification in the City's police Service. Incumbents are hired from an entry-level eligibility list and are sent to the Department of Criminal Justice Training (DOCJT) for basic police academy training. During training, incumbents do not have police powers and are subject to the rules and regulations of the City of Ashland, the Ashland Police Department, and the DOCJT. Advancement to a sworn Probationary Police Officer position is contingent upon successful completion of the basic training academy and the final review of the Police Chief. Upon approval, the officer(s) will begin a one-year probationary period.

~~G~~H. *Civilian Employee* - Non-sworn employees of the Police Department who may provide clerical and administrative support, or any other type support not requiring a sworn officer, in the various divisions, units and sections of the Police Department. Public Service Officers, if any, may fall into this category.

Section 2.2 Equalization of Rank

Like ranks are established so as to provide for lateral transfer of personnel. Members may be transferred from one organizational component to another without loss of rank or members in one organizational component may be promoted, consistent with these Rules and Regulations, and assigned to another organizational component in accordance with requirements established by the Chief of Police.

Section 2.3 Succession of Command

In the absence or incapacitation of a designated Command Officer, the senior member in rank, or if equal rank, the senior officer in rank, shall assume command until relieved by a superior authority.

Section 2.4 Acting Authority

An officer who has been designated to serve in an acting capacity by proper authority or through incapacitation of a Command Officer shall have the authority and responsibility of the position, provided it is not inconsistent with these Rules and Regulations or other official orders.

Section 2.5 Seniority

Seniority shall be calculated from the first day of employment and shall continue until an officer's voluntary termination, retirement, or discharge.

In the event more than one officer is employed on the same day after February 1994, seniority will be granted the officer with the highest combined points for test scores, interview score, and other employment prerequisites.

~~Officers hired prior to February 1994 on the same day shall receive seniority based on alphabetical order of the officer's last name~~.

In the event more than one Sergeant is promoted on the same day, seniority will be granted the Sergeant with the highest total number of promotional points.

# ARTICLE III
## *Administrative Rules*

Section 3.1 Reporting Police Activities

Officers of the Ashland Police Department shall promptly notify their Commanding Officer of all arrests made, investigations conducted, and activities performed. All matters coming to the attention of officers of the department shall be reported accurately, factually, and fully, in accordance with procedures established in official orders.

Section 3.2 Duty to Report

A. All members have an affirmative duty to prevent and report violations of the rules which they become aware of. Failure to report a known violation is considered a serious dereliction of duty. It is the responsibility of members to protect the integrity of the Department in its service to the public and report known violations.

B. All members are required to report a violation of a law, rule, regulation, policy or procedure, general or special order. All such violations shall be reported in accordance with established policy, in writing, by the individual(s) having knowledge through his/her respective commanding officer within 24 hours. (Exception: may by-pass chain of command if command officer is the violator.)

C. If any member of the Department has a lawsuit filed against him/her by reason of an act allegedly performed while off duty, he/she will immediately deliver a copy of the complaint to the Chief of Police through the respective commanding officer together with a complete and accurate written report pertaining to the incident in question.

Section 3.3 Official Departmental Business

Members of the Ashland Police Department shall treat as confidential the official business of the department. They shall not communicate to anyone except authorized members of this department any matters concerning department operations, activities or performance of duty, except as required or approved by commanding officers or under due process of law. This shall not be construed so as to prevent dissemination of information to other bona fide law enforcement agencies on a "need to know" basis. Release of information to the news

media is provided for in these Rules and Regulations.

Members are prohibited from taking unauthorized photographs while on duty, with personal cameras including cell phone cameras and other types. This prohibition shall apply to photography of crime scenes, collision scenes, arrestees, citizens, other members or any matter that is other than authorized photography for official departmental purposes. Members are prohibited from using departmental camera equipment to take photos or video for any purpose other than official department purposes.

Section 3.4 Release of Information

No member of the department may release information from the department's criminal justice records system unless a legitimate request is filed. Release of information requires the expressed consent of a division commander or other properly designated person as specified by the commanding officer of the Technical Services Division.

Release of information to the news media shall require the approval of the watch commander. The release of information shall be only that information contained in the department's official "press release" form. A commanding officer may relate to the news media information other than that contained in the news release form only with the knowledge and expressed consent of a division commander. No member of the department shall relay information concerning the affairs of the department, another officer, or citizen except as established herein.

It shall be the policy of the department to cooperate fully with the news media in matters other than confidential investigations, but only in a manner established within this section.

Juvenile records shall not be open to public scrutiny pursuant to KRS 610.320 and 610.340. Juvenile records shall only be accessed by personnel involved in an investigation and/or on a need to know basis.

No member of the department shall distribute, transmit, disseminate, publish or post any photograph, video or audio recording taken or obtained by any member in the course of their duties, or depicting any departmental matter including but not limited to training, activities, and police related assignments without the authorization of the Chief of Police.

Section 3.5 Public Statements and Appearances

A. Members shall not publicly criticize or ridicule the Department or other City staff or elected officials, the Department's policies or other officers by speech, writing or other expression where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity.

B. Members shall not address public gatherings, appear on radio or television, prepare any articles for publication, as correspondents to a newspaper or periodical, release or divulge information, or any other matters of the department while holding themselves out as representing the Department in such matters without authorization of the Chief of Police or his designee.

C. Members are prohibited from posting, publishing or distributing any image of APD equipment, patch, badge, logo, uniforms or other identifying property without the permission of the Chief of Police. This prohibition shall include but is not limited to social networking sites such as Facebook, Myspace etc.

Section 3.6 Correspondence

All official Police Department correspondence requiring a reply shall be promptly and properly acknowledged. Intradepartmental correspondence shall be submitted through channels without delay with endorsements at each organizational level. This type correspondence shall be submitted in a form prescribed by general order. All Police Department correspondence with other departments within the city shall be on plain bond paper. Correspondence prepared for dissemination outside the department shall be on approved letterhead stationery. All correspondence shall conform to the format as established by general orders.

Section 3.7 Grievance Procedure

A. Any Officer or Sergeant covered by the FOP's agreement with the City who feels aggrieved by an act or decision by the City administration, supervisory personnel, or other City employee has the right to pursue a grievance in accordance with the procedure agreed to in the most current agreement.

B. APD Command Officers in the ranks of lieutenant and above shall follow guidelines established in Ordinance 10, 2009 and all amendments, per City policy.

Section 3.8 Interview with the Chief of Police

Any member of the Police Department may apply for an interview with the Chief of Police. Such application shall be submitted through channels to the Chief of Police stating the nature of the subject the member wishes to discuss. Whenever practical, such request shall be in writing. The Chief of Police may accept a direct application for interview when, in the best interest of the department, or in extreme or unusual situations, it is deemed advisable. Whenever a request is submitted for an interview with the Chief of Police, the Command Officer granting the request shall endorse said request and direct it to the Chief of Police through channels.

Section 3.9 Interview with the City Manager

Any member of the Police Department may apply for a personal interview with the City Manager. Such application shall be requested through official department channels to the City Manager, stating the nature of the subject to be discussed. When practical, such application shall be in writing. The City Manager may accept a direct application for an interview when in the best interest of the city, or in extreme or unusual circumstances, it is deemed advisable.

Section 3.10 Interview with Mayor

Any member of the Police department may apply for a personal interview with the Mayor. Such application shall be requested through official department channels to the Mayor, stating the nature of the subject to be discussed. When practical, such request will be in writing. The Mayor may accept a direct application for an interview when in the best interest of the City, or in extreme or unusual circumstances, it is deemed advisable.

Section 3.11 Interview with City Commissioner

Any member of the Police Department may apply for a personal interview with a city commissioner. Such application shall be requested through official department channels to the city commissioner, stating the nature of the subject to be discussed. When practical, such request will be in writing. The city commissioner may accept a direct application for an interview when in the best interest of the city, or in extreme or unusual circumstances, it is deemed advisable.

Section 3.12 Uniforms

The Police Department uniform shall be described in a general order and approved by the Chief of Police and City Manager. The initial uniform shall be issued as per contract. All officers, except those specifically excluded by the Chief of Police, shall wear the prescribed uniform when engaged in police activities. No other equipment, auxiliary equipment or uniform shall be worn, carried or used unless expressed permission is obtained from the Chief of Police.

Care and maintenance of uniforms and equipment, for which an annual clothing allowance is made to each officer, is the responsibility of the individual officer, and damaged or worn articles are to be replaced immediately. Any departmental equipment damaged in the performance of duty shall be replaced at cost by the City upon formal written request of the individual Officer with approval from the appropriate duty supervisor. This shall not include those items damaged by normal wear and use. Uniforms will be kept clean and pressed and related uniform equipment will be kept well-polished or shined. The only authorized departmental uniform shall be that as described by a general order. The departmental

badge will be worn with the uniform and the departmental identification card shall be carried and displayed while on-duty if officer is wearing other than the prescribed uniform.

All uniforms and equipment needed for special duty activities, such as, Honor Guard, bike patrol, special response team, etc. shall be issued by the City. All up-keep and replacement of uniforms and equipment shall be the responsibility of the City, as will cleaning of Honor Guard uniforms.

When members of the department are granted permission to work outside the department in a non-law enforcement function, the uniform shall not be worn. ~~unless expressed permission is obtained from the Chief of Police.~~ Should ~~that~~ permission be granted to work outside employment with a law enforcement function, the officer to whom it is granted shall wear the full uniform, including prescribed headgear. In such circumstances the officer shall be held responsible for damage to, or loss of, any portion of the uniform not in the performance of duty.

Members appearing in any court or before any judicial or legislative body on matters relating to department business shall wear the complete uniform or appropriate business attire.

Section 3.13 Personal Appearance

Except when acting under specific orders from a superior officer, each officer on duty shall maintain a neat, well-groomed appearance and shall style or keep his/her hair in accordance with the following guidelines:

A. Male Officer

1. Hair must be clean, neat and combed or styled. When on duty, hair shall not be longer than the top of the shirt collar at the back of the neck when standing with the head in a normal position. The bulk or length of the hair shall not interfere with the wearing of all standard headgear.

2. Wigs or hairpieces are permitted if they conform to the standards established in (1) above.

3. Sideburns shall be neatly trimmed, rectangular in shape and shall not extend below the earlobe.

4. No beards are acceptable and mustaches must not extend below the upper lip line. (Division commander may authorize facial hair for an officer as part of his official duties which may require undercover work.)

B. Female Officer: Same requirements and standards as the male officer except facial hair standards not applicable.

Section 3.14 Statements and Civil Litigation

A member shall not give statements concerning matters investigated by the department to litigants or their attorneys in civil cases without the knowledge and approval of his/her division commander. An order of a court of competent jurisdiction which directs the giving of such information does not require the approval of the division commander for compliance.

Section 3.15 Appearance in Civil Cases

Each member of the Ashland Police Department is prohibited from appearing as a witness in any civil litigation as a result of duty-related activities without approval of the Chief of Police unless in response to a subpoena or other court order. This section in no way prohibits a member from appearing as a plaintiff in a civil action or appearing as a witness in non-departmental matters.

Section 3.16 Injury or Death of a Department Employee

Notification of relatives or other designated persons in the event of employee injury sustained on duty shall be made according to the employee's ability to determine the matter and nature of such notification. The employee shall make the determination. Should the injured employee be incapacitated, such determination shall be the responsibility of the employee's division commander. The Chief of Police shall be immediately notified if employee's injury requires hospital treatment. In the event of an employee's death while on duty, the determination of the manner and nature of notification of relatives or other designated persons shall be the responsibility of the employee's division commander. In all employee deaths, the Chief of Police shall be notified immediately by the appropriate division commander via chain of command. The coroner shall also be notified by the division commander if the death occurs in Boyd County.

Section 3.17 Duty Status

An officer shall be considered on duty status when working during hours assigned by a Command Officer or when there is an emergency condition and police officer responsibility requires the officer to act. When not so engaged, an officer shall be considered off-duty.

Section 3.18 Reporting for Duty

Members of the department shall be punctual when reporting for duty. A place designated for such reporting shall be determined by the division commander. Command officers shall report for duty a sufficient period of time in advance of the start of the tour of duty so he may prepare to meet with his/her work group properly prepared.

Each member of the department is required to report not later than the scheduled starting time, prepared to perform assigned duties without delay.

If not notified at least thirty (30) minutes prior to the start of a shift that a member will be late reporting for duty, the Command Officer shall cause a report to be prepared and submitted, through channels, to the Chief of Police, indicating that a member was late and giving the time that a member did not report for duty and the corrective action taken, if any.

If a member fails to report for duty as directed and fails to notify the appropriate commanding officer, the involved member shall prepare and submit to his immediate supervisor a report detailing the circumstances causing the tardiness. The report shall contain the time and date member was scheduled for duty and the time he actually did report for duty. The Command Officer shall review said report and endorse it prior to submitting it through channels to the Chief of Police along with the corrective action taken, or to be taken, if any.

Should the failure to report involve a Command Officer, said Command Officer shall prepare a written report directed to his immediate supervisor, giving the reason(s) for his/her tardiness or failure to report for duty as directed. The report shall be made during the tour of duty in which the tardiness occurred, and the immediate supervisor shall forward it, through channels, to the Chief of Police.

Section 3.19 Absence from Duty

No member of this department shall be absent from duty without authorization. A member who is absent without authorization or who takes unauthorized leave shall be considered as absent without leave and pay loss shall not constitute a bar to subsequent disciplinary action.

Members, who for a bona fide reason of illness or injury resulting from either duty or non-duty causes, having notified his/her commanding officer or having caused the commanding officer to be notified of such illness or injury which precludes his/her working, shall be deemed excused from duty. Members who are on regular days off, approved holidays, vacation days, or are absent for training purposes or other authorized absences shall be deemed as properly absent from normal duty.

Section 3.20 Availability of Personnel

Each officer shall be accessible by telephone. Each officer shall promptly provide, through channels, to the Administrative Section, any change in his/her telephone number.

Each officer shall provide the Department with his/her address. Each officer shall promptly provide, through channels, to the Administrative Section, any change in his/her address.

Section 3.21 Audio Tape/Video Recording

While on-duty, employees are prohibited from audio tape recording or video tape recording other employees or City officials unless the employee/official to be taped/recorded has given his/her expressed permission, unless authorized by the Chief of Police or his designee, or the recording is part of an official APD investigation.

# ARTICLE IV
## *Written Orders and Directives*

Section 4.1 Official Orders

Directives, policies and procedures which, at the time of their promulgation, are intended to be of a permanent nature, shall be published over the signature of the Chief of Police. Such publications collectively shall be entitled General Orders and shall be of such design and form as approved by the Chief of Police. All directives, policies, and procedures issued in the form of general orders shall become a permanent order until superseded or rescinded.

The orders system of the Ashland Police Department will be as follows:

A. *Rules and Regulations* - A permanent policy of the department. Normally, will have department-wide impact and must be authorized by appropriate Board of Commissioners' action.

B. *General Order* - A policy with procedural details of a lasting duration subject to change by expiration, issuance of official directives, or replaced by a new general order.

C. *Special Order* - An order of a Command Officer or from the Chief of Police to cover a short period of time. Designed to include special procedures, operating orders, special details, etc.

D. *Personnel Order* - An order setting forth the promotion, demotion, transfer,

appointment or termination of any member of the department.

E. *Order* – a verbal or written command given by a superior that must be obeyed.

Section 4.2 Accountability for Adherence to Rules and Regulations

Each member of the department shall be held accountable for adhering to these Rules and Regulations. Each member shall be issued a complete set of said Rules and Regulations, and such issuance shall be recorded in the member's personnel file.

Section 4.3 Knowledge of Official Orders

All members of the department shall familiarize themselves with all department rules and regulations, general orders, special orders and directives. Lack of knowledge concerning rules, regulations or orders shall in no case constitute excusable grounds for disobedience or non-observance of said rules, regulations or orders.

Section 4.4 Review by City Manager and Legislative Body

All rules and regulations of the department must be submitted to the City Manager for approval and adopted by the Board of Commissioners prior to implementation.

## ARTICLE V
## *Care and Control of Property*

Section 5.1 Care and Use of Property

Every member of the department is individually responsible for the proper care and use of department property and equipment and is inventorially accountable for that which is issued to that member.

Any equipment damaged in the performance of duty shall be replaced at cost by the City upon formal written request of the individual officer with approval from the appropriate duty supervisor. This shall not include those items damaged by normal wear and tear.

When it is determined that a member is culpable for the loss or damage of department property, the member may be held personally liable for that property or equipment.

Section 5.2 Loss of Badge or Issued Equipment

It shall be deemed a neglect of duty on the part of any member to lose his/her badge(hat/shirt), credentials, or other part of issued equipment if said badge, credentials or

equipment is being improperly worn or otherwise cared for at the time of loss.

The loss of the member's badge (hat/shirt), credentials or other issued equipment and/or the failure to report such loss, through channels, to Chief of Police shall be grounds for disciplinary action.

Section 5.3 Servicing, Maintenance and Repair of Equipment

After use, property and equipment shall be properly serviced and returned to the provided place of storage so as to be ready for immediate re-use. Property and equipment, including motor vehicles, shall also be checked prior to use to assure all are in safe operating order.

Property and equipment requiring maintenance and/or repair that cannot be cared for by the member shall be immediately reported to the employee's supervisor on the form provided in accordance with directives and procedures of the department.

Section 5.4 Alteration of Property

Employees shall not alter or repair departmental equipment including vehicles, computers, uniforms, and weapons unless specifically authorized or in accordance with departmental procedures. Employees shall use departmental equipment only for its intended purpose in accordance with established departmental procedures, and will not abuse, damage, or lose departmental equipment. All equipment issued to employees shall be maintained in proper condition. Employees shall report damage to or loss of any departmental equipment according to departmental policy.

Section 5.5 Responsibility of Members

Individual members of the department are responsible for the proper reporting, handling and storage of all property seized, recovered or held as evidence, or any other property which comes into that member's possession while a member of the department.

Section 5.6 Custody of Property Taken by the Police Department

The Police Department shall take charge of property, within its jurisdiction, alleged to be or suspected of being the proceeds of crime, property taken from the person of a prisoner, lost or abandoned property, taken into the custody of any member of the Police Department or criminal court, and property taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves. The officer or court having custody of such property shall as soon as practicable deliver it into the custody of the Police Department.

Section 5.7 Description and Registration of Property

All property shall be particularly described and registered by the Police Department in a book or file kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom taken, with the general circumstances, the date of its receipt, the name of the officer recovering the property, the names of all claimants thereto, and any final disposition of the property. The Police Department shall advertise the property pursuant to KRS Chapter 424 for the information of the public as to the amount and disposition of the property.

Section 5.8 Custody of Property Desired as Evidence

If any property in the custody of the Police Department is desired as evidence in any criminal court, such property shall be delivered to any officer who presents an order to that effect from the court. Such property shall not be retained in the court, but shall be returned to the Police Department unless directed otherwise by the court.

Section 5.9 Disposition of Unclaimed Property

All property that remains in the custody of the Police Department, without any lawful claimant thereto, may be sold at public auction after having been advertised pursuant to KRS Chapter 424.

Section 5.10 Return of Property to Lawful Owner

It shall be the responsibility of every member of the department to return seized or recovered property to the lawful possessor or owner of said property at the earliest possible time. If property is needed for evidence in a criminal matter, it shall be the responsibility of the individual member(s) who seized the property to determine if alternate methods are available to establish a chain of evidence so that items to be used as evidence may be returned to the lawful possessor or owner at the earliest possible time. Prior to releasing the property to be used as evidence, official authorization of the appropriate prosecutor's office or court must be received by the member releasing the property.

Section 5.11 Property Management

Management of property under the control of the Police Department shall be the responsibility of the Technical Services Division. Procedures for property management shall be set forth in general order format so as to provide guidance for individual members responsible for property management. Such procedures shall include a provision for an annual audit of all property under the control of the Department.

# ARTICLE VI
## *Command Responsibilities*

Section 6.1 General Responsibilities of Command Officers

Command Officers shall be responsible for:

A. The efficient performance of duty, punctual attendance, appearance and discipline of all members within their command.

B. Supervising the work and reports of subordinates, providing such assistance and guidance as may be necessary for proper understanding and performance of duty.

C. Conducting meetings with all members of their command for the purpose of explaining these Rules and Regulations, general orders, special orders, personnel orders, correspondence, department procedures and policies, and matters of interest and importance as may be essential to the best interests of the department, the city of Ashland, and the community.

D. Preparing, submitting, and maintaining information on members of their command, including reports of misconduct, non-observance of Rules and Regulations, general orders, special orders and directives of the department, and violations of law and other improper performance of duties. Said reports shall contain a statement of disciplinary action taken or recommendations concerning disciplinary action.

E. Preparation, transmission and preservation of official reports, records and correspondence as authorized and required.

F. Proper use, care, maintenance, appearance, condition, inspection and inventory of department property issued to them and/or by them to members of their command. They shall not be liable for that property issued to an individual member for which said member is specifically responsible.

G. Promptly reporting, through channels, to the supervisor or superior officer, all unusual occurrences and conditions, serious incidents and incidents of departmental significance taking place during his/her tour of duty.

H. Prompt reporting and proper care, custody and disposition of all confiscated or recovered money or property.

I. Cooperation with all law enforcement agencies, public officials and other persons by

members of their command.

Section 6.2 Additional Standards of Conduct for Command Officers

Command officers hold positions of responsibility and must be held to a higher standard than the employees they supervise, they must always conduct themselves with diligence and in a manner above reproach. Command officers shall not engage in any of the following acts:

A. Aiding or cooperating with subordinate employees in the violation of work rules, policies, or directives.

B. Failing to discipline subordinates or to initiate formal disciplinary action against subordinates for known violation of work rules, policies, or directives.

C. Failing to treat all subordinates in a fair and non-discriminatory manner.

D. Failing to perform supervisory, managerial, or administrative duties competently.

E. Using the position of supervisor, manager, or administrator for inappropriate personal gain.

F. Sharing confidential information entrusted to the supervisor, manager, or administrator.

G. Requiring employees to do personal work unrelated to their jobs for the supervisor, manager, or administrator.

H. Failing to administer and support the policies, directives, or other requirements of the Department, or otherwise engaging in conduct which undermines the mission or the reputation of the Department.

# ARTICLE VII
## *Execution of Command*

Section 7.1 Issuance of Orders

A Command Officer shall execute authority by issuing such oral or written orders to the members of his/her command as may be necessary to best accomplish the work of the department, provided such orders are not in conflict with enacted legislation, rules and regulations, general orders, or other directives or orders as issued by a superior authority as established in the official policy of the department.

A. Command Officers shall issue clear, concise, and definite orders to his subordinates.

B. Command Officers shall be held responsible if he issues improper orders, vague orders, unlawful orders, or orders in violation of Departmental rules and regulations.

C. Command Officers are responsible for the proper execution of orders by subordinates. The fact that an order has been given is not an acceptable excuse when the order is not carried out by a subordinate. Command Officers shall take reasonable measures to ensure that the task is accomplished.

Section 7.2 Insubordination

All employees are expected to follow any work direction given by a Command Officer, as long as that direction is not immoral, unethical, unlawful or dangerous to the health and safety of employees or members of the public. It is not necessary for Command Officers to state the work direction as an order, or to threaten disciplinary action if the employee fails to comply. Employees shall not disobey or refuse to follow orders, policies, and/or directives from command officers, and shall be considered insubordinate if they do so. (Employees who feel that the direction or order is inappropriate or incorrect should do as directed and take the matter up with the appropriate command officers later; or file a grievance under the provisions of any applicable collective bargaining agreement.) The following acts or omissions are specifically prohibited:

A. Refusing to obey work directions or orders, policies, and procedures, whether oral or written, including flagrant disregard of the directions or orders of any Command Officer.

B. Failing to obey work directions or orders, policies and procedures, whether oral or written, including flagrant disregard of the directions or orders of any Command Officer.

C. Refusing to cooperate in an internal investigation, or impeding an internal investigation that might result in disciplinary action, whether the employee is a witness or the focus of that investigation. Refusing to cooperate includes providing false or misleading information to a command officer.

D. Violating any policies or procedures, whether city-wide, departmental, or divisional.

E. Engaging in any other acts that are insubordinate and that are not specifically listed herein.

Section 7.3 Employee Counseling

In the interest of good order and efficiency, each Command Officer may take immediate necessary action to correct and warn member(s) of his/her command when said member is found delinquent or neglects to fulfill assignments in an acceptable manner, and shall do so only in accordance with these Rules and Regulations, other department directives and orders, applicable city ordinances and KRS 95.450, Discipline of Members.

# ARTICLE VIII
## *Police Courtesy and Customs*

Section 8.1 Police Courtesy

All police agencies are quasi-military organizations within which the mutual practices of courtesy and discipline are essential to the efficiency of and mutual respect for that organization.

Members of this department shall display respect for the rank of superior officers. They shall not speak of, or act toward, any other member of this department in a disrespectful manner.

Professional conduct toward and courtesy to the public is required of all members of this department at all times. Any conduct to the contrary shall be subject to disciplinary action in accordance with KRS 95.450, applicable city ordinances, and these Rules and Regulations.

Each member shall be attentive, orderly and zealous in the discharge of his/her duties, exercising the utmost patience and discretion. Each member shall refrain from coarse, violent, profane or insolent language, but when circumstances require the member, will act with sufficient firmness and energy to discharge his/her duties and responsibilities.

Section 8.2 Police Customs

Officers shall maintain a military bearing at all times and shall avoid slouchy or slovenly attitudes of mind and body. Members shall not sleep on duty and shall, at all times, remain alert and attentive to duties. This shall apply to members in uniform at all times whether on duty or off duty.

Officers shall not read any newspaper, magazine or other printed periodical not immediately pertinent to their work while on any public street, in police cars or other public place except during a work relief break.

Officers shall not loiter in any cafe, restaurant, drive-in, service station or other place of business or place open to the public except for performance of their duties.

Section 8.3 Patriotic Courtesies

Officers of the department in uniform, under arms with hat donned whether indoors or outdoors shall come to attention and execute the military hand salute when the American flag is passing or the National Anthem is being played.

# ARTICLE IX
## *Personal Conduct*

Section 9.1 Individual Deportment

The conduct of members of the department shall be free of any impropriety. Personal behavior, on and off duty, shall be such that at no time will it bring discredit to the Ashland Police Department.

All employees should at all times conduct themselves in a polite and civil manner toward all City employees, elected officials, other members of the Department, and any member of the public with whom they may come in contact in the performance of their duties. Employees shall not abuse, verbally or physically, any City employee, elected official, other members of the Department, or a member of the public under any circumstances. Employees threatened with verbal or physical abuse or violence should report it to their supervisors or law enforcement authorities, rather than responding in a similar manner. All acts of abuse and violence are absolutely prohibited.

Section 9.2 Obedience to the Law

Members shall not knowingly violate any laws of the United States of America, the Commonwealth of Kentucky, any ordinance of the city of Ashland, or any order or directive of the Ashland Police Department.

Section 9.3 Performance

Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, and/or failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention. In addition to other indications of unsatisfactory performance, repeated poor evaluations or a

written record of repeated infractions of departmental directives could constitute unsatisfactory performance.

Section 9.4 Financial Obligations

Members shall manage their financial affairs in a legal and reputable manner.

Section 9.5 Character of Associates

Members of the Ashland Police Department are prohibited from any association with known convicted felons, persons suspected or convicted of offenses involving moral turpitude or any other person under investigation by any law enforcement agency.

Members shall not visit or frequent any home, business or place which is suspected of criminal activities, is under investigation by any law enforcement agency, or which, by association, would bring discredit or suspicion of improprieties to the member or to the department.

Prior knowledge of an associate's criminal record or on-going investigation shall be a prerequisite to disciplinary action under this section.

When involving immediate family members, the Chief of Police may grant exclusion to this section. Officers shall notify the Chief of Police and get prior approval.

Section 9.6 Dignity

Members on duty shall be dignified in appearance and conduct at all times. In times of stress or disaster, and despite trying conditions, they shall be expected to maintain their composure and perform their duties in a manner which inspires confidence and respect.

Section 9.7 Moral Conduct

Employees shall maintain a high level of moral conduct in their professional, personal, and business affairs which equates with the high ethical standards expected by the public of law enforcement agencies, and which will not impair their ability to perform as law enforcement officers.

Section 9.8 Loyalty

Members should strive for and attempt to maintain a personal sense of loyalty to the Department and to the city of Ashland which is consistent with the Canons of Police Ethics.

Members shall not engage in or convey false, vicious, or malicious rumors detrimental to Department or other City personnel or elected officials.

Section 9.9 Courage

Members shall carry out their duties with courage and determination and shall remain firm and steadfast in the face of opposition and danger.

Section 9.10 Use of Tobacco

While conducting departmental business, members shall use discretion in the use of tobacco. The use of smokeless tobacco is permitted in department vehicles provided it is not detrimental to safety, good conduct, appearance, and procedure. The use of tobacco is prohibited by officers engaged in point traffic control or while in contact with public on official business. Smoking in departmental vehicles is prohibited.

Section 9.11 Use of Intoxicating Substances

Members shall not drink any type of alcoholic beverage while on duty, unless special permission is provided, through channels, by the Chief of Police and then only as necessary to procure evidence not otherwise obtainable. Members shall not use intoxicants while off duty to the extent that evidence of such consumption is apparent to the public or to fellow officers when said member reports to his regularly assigned duty.

Members shall not report for duty while under the influence of any intoxicant, or take while on duty any intoxicant, including over the counter drugs and prescription drugs and other drugs, legal or illegal, that would impair the member’s ability and inhibit performance of his duties.

Members shall not carry or purchase alcoholic beverages while on duty or in a City vehicle, except for official purpose.

Section 9.12 Political and Religious Beliefs

The right of members of this department to entertain personal political and religious beliefs is held to be sacred and inviolate.

No member shall engage in any political activity while on duty, nor shall he use his office to his own or anyone else's benefit should he engage in any political activity while off duty. He shall engage in political activity only to the extent allowed by KRS 95.470.

Members shall not speak lightly or slightingly of any other person's nationality, political beliefs or religion.

No member of this department shall be, shall have been or shall become a member of any organization which advocates the forceful overthrow of the United States Government, or any other organization cited as being subversive or un-American by the United States Attorney General.

No member of this department shall be, shall have been or shall become a member of any other organization such as the Ku Klux Klan which advocates the violation of any person's personal liberties or civil rights.

# ARTICLE X
## *Divisional Conduct*

Section 10.1 Solicitation or Acceptance of Gifts or Gratuities

No member or group of members of the department shall solicit or accept either directly or indirectly any gifts, rewards, gratuities or other benefits from any person or business which may be in a position to benefit from such action, unless specifically and individually authorized by the Chief of Police.

Section 10.2 Soliciting for Personal Advancement

Members shall not request nor utilize the aid of any person, group or organization outside the department except as provided by these Rules and Regulations for the betterment of his position within the Department or secure restoration to rank, position or assignment from which he has been removed.

Such prohibition shall not preclude the employment of legal counsel by the member to secure restoration of rank, position or employment from which he has been removed.

This section does not pertain to membership in any recognized employee representative group.

Section 10.3 Soliciting Transportation

No member of the department shall solicit or accept free transportation or any common carrier for himself or any other person except as authorized by statute.

Section 10.4 Permission to Leave the Commonwealth

No member shall leave the Commonwealth of Kentucky in the performance of these duties without expressed authorization of his immediate supervisor.

Section 10.5 Charges Against Prisoners

No officer shall recommend or request reduction or dismissal of any criminal or traffic charge which has been filed against any person who has been arrested, or enter into an agreement with the prisoner or his counselor regarding the charge or charges for which a prisoner may be detained or prosecuted, without the consent of the County Attorney, Commonwealth Attorney, if applicable, and the member's immediate supervisor.

Section 10.6 Official Integrity

No member shall manufacture, falsify, withhold or dispose of evidence or information from his commanding officer or other superior officer who has a need to know of the evidence or information without the expressed permission of the Chief of Police.

A. No member shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with an investigation, assignment or inquiry.

B. No member shall knowingly sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or Department hearing, whether or not under oath.

C. Members are required to report completely, honestly and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or other matter of concern to the Department.

D. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation or where the officer is engaged in an approved undercover role where such misrepresentation is not inconsistent with law or accepted professional practice.

E. Lying and untruthfulness in the context, and as described in this section is a serious disciplinary offense which may result in termination.

# ARTICLE XI
## *Operational Rules*

Section 11.1 Work Schedules

Should it become necessary to change the scheduled working hours or days as set forth by F.O.P. Agreement or Departmental Personnel Order, to accommodate a scheduled event or function, the Department will make a reasonable effort to notify those affected Officers forty-eight (48) hours in advance.

Section 11.2 Reporting Serious Crimes and Incidents

On receipt of information regarding crimes of violence, fires, explosions, fatal accidents, suicide, known or threatened violence or incidents, strikes or labor disturbances, election disputes, and other unusual or any other incidents involving the department, the city or the public, the recipient officer shall notify his/her Commanding Officer by the most expedient means of communication. Command Officers, upon receipt of such notification, shall, through channels, promptly communicate the same to the Chief of Police.

Section 11.3 Use of Cellular Phones/Equipment and Technology Utilizing Phone Lines

~~A. Cellular technology is provided to Command Officers to facilitate communications. Use of cellular telephones should be held to a minimum. Long distance or roaming charges not associated with City business shall not be incurred. Equipment and technology utilizing the Department's telephone lines are provided to assist members of the Department in performing their assigned tasks. Personal use of such equipment and technology shall be held to a minimum.~~

~~B. The APD shall not be liable for the loss or damage of personal cellular phones or pagers brought into the workplace.~~

~~C. Employees shall exercise discretion while using personal cellular phones during normal duty hours. Cellular phones may be used during non-work time such as breaks or lunch periods or in the event of a personal emergency, but shall not be used during work time, while operating a motor vehicle, or in any tactical situation.~~

~~D. It is the employee's responsibility to inform family members and friends of the Department's policy.~~

A. City-Owned Cellular Phone\Allowance

1. It is the policy of the City of Ashland to provide cellular telephones for designated personnel as a means of efficient communication to improve productivity, enhance customer service and the delivery of governmental services.

   The City provides two (2) options:

a. Option 1 – a taxable allowance for cellular telephone service.

b. Option 2 – a city-owned cellular telephone for business use only.

Both options meet Internal Revenue Service (IRS) regulations regarding business versus personal use of cellular telephones. All requests for cellular telephone services require written City Manager approval.

2. City-Owned Cellular Telephone/Employee Responsibilities

a. No personal calls are allowed on City-owned cellular telephones

b. Insure the physical security of the cellular telephone. Lost, misplaced and stolen cellular telephones should be reported to the department head immediately upon discovering the device is missing.

c. Keep cellular telephone conversations as brief as possible.

d. All equipment purchased by the City remains the property of the City. When an employee terminates employment, all equipment must be returned to the City.

e. Review and acknowledge receipt and understanding of this policy in writing.

3. Responsibility of the City of Ashland

a. Each department head shall regularly monitor the cellular telephone usage and charges for each employee issued a City-owned cellular telephone.

b. Furthermore, the Finance Department shall report any unusual usage or trend to the responsible department head and the City Manager.

c. Each department head is responsible for taking remedial and/or corrective action to enforce this policy and City regulations.

d. Each department head will ensure that any additional telephones, service plan changes, etc. have written City Manager endorsement before forwarding to the Finance Department.

4. Employee Liability

a. Inadvertent or emergency personal calls must be reimbursed to the City of Ashland at the current applicable rate.

b. City employees shall be personally liable for any unapproved usage above the standard plan approved by the department head and the City Manager. Personal liability will be reported to the department head.

5. The Finance Department shall bill unapproved usage when notified.

a. City employees shall pay for unapproved usage within fourteen (14) calendar days of invoice date.

b. City employees must sign a statement stating, "I certify all calls on the statement were made for business related to the City of Ashland."

a. Note that misuse of the phone, using it in ways inconsistent with City policy or local, state or federal laws, can result in immediate cancellation of the City-owned cellular telephone and/or disciplinary action.

B. Personal Cellular Phone

The city shall not be liable for the loss or damage of personal cellular phones or brought into the workplace.

1. Employees shall exercise discretion while using personal cellular phones during normal dutyhours**.**

**DISCLAIMER: while officers can use their personal cell phones for duty related activities or receive text related information from RPSCC, there is no requirement to do so. If used, it is of the officer's own accord and the Police Department/City of Ashland is not responsible for their account or any reimbursement(s).**

2. Cellular phones for personal business may be used during non-work time such as breaks or lunch periods, but shall not be used during work time, except in emergency situations.

3. It is the employee's responsibility to inform family members and friends of the city's policy.

4. Safety and Use of Cellular Telephones (personal or city-owned)

All City of Ashland employees shall consider safety first when driving. Use of a cell phone for texting while operating a vehicle is prohibited. Use of a cell phone (except hands-free) while operating a vehicle is prohibited. Safety recommendations for operating a cellular telephone include:

a. Stop at a safe location before operating a cellular telephone.

b. Ask a passenger to dial and receive a call.

c. When driving, using programmed numbers or voice activated dialing.

d. Do not use cellular telephones if there are hazardous road or traffic conditions.

e. Do not do multiple tasks when driving, such as note taking while on a telephone call.

Section 11.4 Response to Calls for Police Service

Members shall give immediate attention to citizens' requests for service or assistance, whether in person or by telephone. Member assigned to information center shall handle with dispatch those matters requiring the assistance of department personnel.

Section 11.5 Referral of Calls for Police Assistance

A call for police service, emergency or otherwise, from outside the city of Ashland shall be accepted and the information referred promptly and accurately to the appropriate agency of the area in which the requested service is to be performed. The dispatcher will receive the name and rank of the person accepting the referral, the time of the referral, and shall attempt to convey the acceptance of such responsibility to the party who called for assistance.

Section 11.6 Location of Vehicles and Members on Duty

It shall be the responsibility of the Command Officer to know at all times the location, nature, and progress of all assignments and activities being performed by his/her subordinate officers.

Section 11.7 Radio Contact With Vehicles

It shall be the duty of each officer to maintain radio contact with dispatchers as required in

these Rules and Regulations. Upon exiting a vehicle officers shall report their activity and location via radio to dispatch.

Section 11.8 Conformation to FCC Regulations

All messages transmitted by radio shall conform to the Rules and Regulations of the Federal Communications Commission and established procedures of this department.

Section 11.9 Conformation to LINK/NCIC Regulations

All messages transmitted by mobile data terminals (M.D.T.) shall conform to the Rules and Regulations of the LINK/NCIC and established procedures of this department.

# ARTICLE XII
## *Arrest and Care of Prisoners and Their Property*

Section 12.1 Power of Arrest

Each officer of the Ashland Police Department, on or off duty, shall use power of arrest strictly in accordance with the law and due regard for the rights of citizens. Officers shall perform all functions concerning arrest in compliance with the rules and regulations, general orders, special orders, directives and guidelines of the Ashland Police Department, city ordinances and state statutes.

No officer shall use his/her personal vehicle to pursue or attempt to apprehend violators. Officers are encouraged to carry sidearms and identification when off duty, but shall not be held accountable for lack of police action in any situation when they are not carrying them.

This section is not written to prevent police action by an off duty officer, but is written to establish guidelines for the safety and well-being of officers and the public at all times.

Section 12.2 Reporting Arrest

Each officer, on duty or off, shall promptly notify the duty supervisor of all arrests he makes and shall submit proper arrest records thereof in accordance with established department procedures.

Section 12.3 Reporting ~~Use of Force~~ Response to Resistance

The rule of minimal force shall prevail. Officers shall exert only such force as is reasonably necessary to effect a lawful arrest and to maintain effective custody of the party or parties arrested. (See General Orders.)

Section 12.4 Control and Treatment of Prisoners

Officers shall be responsible for the treatment and control of persons in their custody. Cuts, bruises or other apparent injuries suffered by a person arrested and/or in the officer's custody shall be reported in writing to his/her Command Officer, and medical attention given, if needed, prior to incarceration.

Section 12.5 Control and Care of Prisoner's Property

Officers shall be responsible for the reasonable care of all property that prisoners have on their person or in their immediate possession at the time of arrest.

Section 12.6 Prisoner Rights

A prisoner shall be given the opportunity to use the telephone or accorded other means, if reasonable, within a reasonable time, to notify his/her immediate relative and/or to obtain legal counsel following his/her arrest. Lawyer-prisoner interviews shall be permitted without undue delay, provided no expense is incurred by the department.

Section 12.7 Release, Bail and Counsel of Prisoners

No member shall cause or effect the release of any prisoner from custody, or furnish bail or bond, or recommend or employ counsel for any prisoner, except as may be specifically and individually authorized by the Chief of Police. This does not mean a member cannot furnish bail or employ counsel for a family member.

# ARTICLE XIII
## *Rules Governing Transportation Equipment*

Section 13.1 Authorized Use of Department Vehicles and Equipment

Vehicles and equipment of the Ashland Police Department shall be operated by members who are regularly or specifically authorized to do so. Non-members may be authorized to operate department vehicles for the purpose of carrying out official functions of the department only in cases of emergencies. Department vehicles shall be used only in the performance of official city business.

Mechanics employed by the city of Ashland and representatives of legitimate automobile agencies are permitted to drive Police Department vehicles for test or evaluation purposes at the request of the Police Department.

## Section 13.2 Operation of Department Vehicles and Equipment

Department vehicles and equipment shall be operated in a safe, courteous and cautious manner in conformance with the law and established procedures consistent with the particular function for which the vehicles are being utilized. Members are required to park department vehicles in a legal manner unless exigent circumstances prevent it. In such cases, the vehicle shall be parked legally as soon as circumstances permit.

## Section 13.3 Transporting Persons in Department Vehicles

Except when necessary in the performance of duties or in emergencies, persons not connected with the Police Department shall not be passengers in a department vehicle without prior approval of the Division Commander or the Chief of Police.

## Section 13.4 Use of Personal Vehicles

No member of the department shall use his/her personal vehicle for any purpose or business connected with the department unless authorized by his/her Division Commander.

## Section 13.5 Unattended Department Vehicles

Unattended department vehicles shall be locked at all times unless an emergency would make such action impractical. At no time shall the ignition key be left in any unattended vehicle except when key is permanently attached. Unattended vehicles shall not be left with the engine running except in an emergency.

## Section 13.6 Reporting Accidents

KRS 189.635 provides guidance for reporting accidents and specifies that any fatal or nonfatal personal injury traffic crash, or a traffic crash resulting in any visible property damage exceeding $500 must be investigated by a law enforcement officer.

When a member who is operating a City owned vehicle or equipment is involved in an accident which results in property damage or bodily injury, the member shall promptly report the incident to his/her immediate supervisor in a manner and form prescribed. The supervisor shall immediately notify the Chief of Police through channels of such an accident.

Command Officers shall investigate all such accidents and will submit forthwith their findings and recommendations to the Chief of Police through proper channels.

In no instance shall a member of this department officially investigate an accident in which the department vehicle he was driving is involved. An investigation shall be conducted at the scene of the accident by an officer of higher rank or by an officer designated by the Chief of Police.

Section 13.7 Loss or Suspension of Driving Privileges

Any member whose driving license is suspended or revoked shall immediately notify his/her supervisor of the suspension/revocation.

# ARTICLE XIV
## *Weapons Regulations*

Section 14.1 Carrying Concealed Deadly Weapons

Officers may carry concealed deadly weapons, on or off-duty, as established by KRS 527.020 ~~and City Ordinance No. 19, 1973,§ 1~~, and amendments or changes thereto. While officers are traveling outside the Commonwealth they shall comply with the United States 108th Congress H.R. 218 and all amendments. This is known as the Law Enforcement Officers Safety Act.

Section 14.2 Use of Weapons

No officer shall use or handle weapons in a careless or imprudent manner. Each officer shall use weapon(s) in accordance with law and departmental general orders.

# ARTICLE XV
## *Disciplinary Proceedings*

Section 15.1 Statement of Action

The appointment to and continuance as a member of the Police Department of any employee shall depend solely upon his/her ability and willingness to enforce the law and comply with the rules and regulations of the Department.

The duties performed by this department are vital to the safety and well being of this community. Because of the importance of these duties, it is essential that the Department set and maintain high standards of conduct among its personnel. Misconduct by members will not be tolerated because it weakens the Department's effectiveness, eroding public trust, and can endanger members of the public or members of this department.

Section 15.2 Authority of the Chief of Police to Discipline Members of the Police Department

The orders of the Chief of Police shall unequivocally be obeyed, and may be appealed only upon written complaint to the City Manager or the chief executive of the city. It shall be the duty of the Chief of Police to plan the work of the department and his further duty to report in writing to the City Manager or the chief executive of the city any failure, neglect, or refusal on the part of any employee of the said department to use his best endeavors to curb law violators, and it shall thereupon be the duty of the City Manager or the Mayor to prefer charges against such employee in the manner prescribed herein.

Section 15.3 Unbecoming Conduct and Associations

A. All circumstances which arise cannot be completely covered in the Department's Rules and Regulations. Therefore, members will conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming will include, but not necessarily be limited to, that which brings the Department into disrepute or reflects discredit upon the individual as a member of the Department, or that which impairs the operation or efficiently of the Department.

B. Members shall avoid associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment or who have a reputation in the community or the department for involvement in criminal behavior, except as is necessary in the performance of official duties or where unavoidable because of personal family relationships.

C. Members shall not frequent any location or establishment wherein the laws of the United States, the Commonwealth of Kentucky, or the city of Ashland are violated except in the performance of duty or while acting under proper and specific orders from a superior officer or supervisor.

D. Members shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior officer or supervisor.

E. Members shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Members will not participate in any incident which impairs the ability to perform or causes the Department to be brought into disrepute and ridicule.

F. Members shall resolve all personal disputes in a peaceful and lawful manner by resorting only to legal processes, civil or criminal.

Section 15.4 Neglect of Duty

A. All members are required and expected to give suitable attention to the performance of duty. Examples of such failure include, but are not necessarily limited to:

   1. Failure to take appropriate action on the occasion of a criminal offense, disorder or other act or condition deserving police attention.

   2. Absence without leave or failure to report to duty at the time and place designated.

   3. Failure to perform assigned duties, meet work standards, or comply with performance improvement plans.

   4. Engaging in any other conduct that interferes with or prevents the prompt and acceptable completion of assigned job duties.

B. Failure to work diligently or with a bearing not consistent with the professional image of the Department is prohibited. This includes, but is not necessarily limited to:

   1. Failure to respond immediately when dispatched to a request for service.

   2. Failure to return promptly to service after completing a call for service.

   3. Failure to complete reports required, or completing reports in such a manner that they are materially and substantially incorrect, misleading, or unfit for the purpose which the report is intended.

   4. Failure to care for and accurately account for Department equipment entrusted to them.

Section 15.5 Penalties

Each employee of the Police Department shall hold his/her respective positions only so long as the employee is able and willing to enforce the law and during good behavior. Each member shall be subject to fine, demotion, removal from preferred position, suspension, or dismissal for causes hereinafter provided in these Rules and Regulations.

Section 15.6 Disciplinary Procedure

The Police Department shall adhere to a policy of progressive discipline. This requires that all disciplinary matters from written reprimand through dismissal be carefully documented with a copy going to the employee's work file and a copy forwarded to the city of Ashland Human Resources Director for inclusion in city personnel files. Every effort shall be made to match the disciplinary action to the incident at hand.

Section 15.7 Types of Disciplinary Action

Following is a summary of the type of disciplinary action that may be taken and the person authorized to implement same:

A. *Counseling* - Chief of Police, Division Commander or his designee, or immediate supervisor.

B. *Verbal Warnings* - Chief of Police, Division Commander or his designee, or immediate supervisor.

C. *Written Warnings* - Chief of Police, Division Commander or his designee.

D. *Send home pending review* - Chief of Police, Division Commander or his designee.

E. *Temporary suspension* - One (1) to thirty (30) days - Mayor or Chief of Police.

F. *Suspension* - Over thirty (30) days - Chief of Police with consent of Mayor and authorized by the Board of Commissioners.

G. *Fine and/or Suspension* - Over thirty (30) days - Mayor as authorized by Board of Commissioners.

H. *Discharge during probationary period* - Chief of Police with consent of City Manager and Board of Commissioners.

I. *Dismissal* - Chief of Police, with written recommendation by the City Manager and authorized by the Board of Commissioners.

Documentation of actions will be reported on the City of Ashland Documentation of Employee Action Form.

Section 15.8 Return of Acting or Temporary Employee to Former Grade

An "acting" or temporary employee of any grade may be returned to his/her former grade by the city legislative body upon recommendation of the City Manager or the chief executive of the city at any time without the filing of charges and without the right to trial.

Section 15.9 Allegations and Complaints Involving Departmental Members

Each complaint against a member of the department shall be handled in accordance with Kentucky Revised Statutes.

Section 15.10 Supervisory Responsibility

Supervisors shall ~~dispose~~ report any ~~of~~ incidents involving ~~minor or~~ all levels of derelictions of duty or complaints. ~~of a minor nature.~~ **All incidents shall be reported through channels to the Chief of Police.~~, detailing the action(s) taken and the reason for the action~~.** Supervisors will not administer any disciplinary action unless it's pursuant to KRS. 15.520.

Section 15.11 Acknowledging Receipt of Complaint

When a complaint or allegation is received against a member of the department, it shall be forwarded through channels to the Chief of Police. The Chief of Police or his designee shall acknowledge receipt of the complaint or allegation by directing correspondence to the complainant at his last known address.

Section 15.12 Investigation of Complaints or Allegations

Division Commander or his designee shall be responsible for conducting a thorough objective investigation into complaints or allegations made against members of their command. The purpose of this investigation is to determine if the accused member was in violation of department rules and regulations, general orders, special orders or established policy directives, or to verify the member was in compliance and was performing within the high standards established for the department. The Division Commander or his designee responsible for the investigation may use a polygraph exam where appropriate as an investigative tool to assist in determining or corroborating the facts of the allegations. Failure to submit to a polygraph shall constitute insubordination and shall result in disciplinary action up to and including termination. A report detailing the investigation and including recommendations shall be forwarded through channels to the Chief of Police within the prescribed length of time.

Section 15.13 Refusal to Accept Discipline or Punishment

Any member of the Police Department who shall refuse to accept any discipline or punishment imposed by the city legislative body, after a disciplinary hearing as above set out, except in cases where an appeal is taken, shall be guilty of insubordination, and such member thus offending shall be tried upon a charge of insubordination and, if found guilty

by the city legislative body after a trial is held in accordance with the provisions hereinabove set out, shall be discharged and dismissed from said service, provided, however, that the provisions of this section shall not in any way be deemed to limit the offense of insubordination to the acts denounced by this section.

Section 15.14 Disposition of Fines

All fines collected from employees of the Police Department as provided in these Rules and Regulations shall be placed in the Policeman's and Fire Fighters' Retirement Fund of the city of Ashland, Kentucky.

Section 15.15 Demotion

When an employee in the Police Department is demoted by the city legislative body from one grade to a lower grade, the member shall have the same status as a member appointed or promoted to such lower grade.

Section 15.16 Conduct of Relieved or Suspended Member

A member relieved or suspended from duty shall have no police authority; however, the member shall be liable for any violations of these Rules and Regulations, general orders and special orders as defined in Section 1.10 of these Rules and Regulations, and policy directives of the Police Department including those which specifically apply to police function while on or off duty.

During the time the member is suspended, the member shall not be permitted to wear the uniform of the department nor will the member frequent the department's facilities unless specifically authorized to do so by the Chief of Police.

An employee on disciplinary suspension shall receive no pay during this period of suspension unless such employee is acquitted upon trial and the pay be allowed the member by the city legislative body upon a hearing of the charges.

Section 15.17 Surrender of Department Property

Except as otherwise directed by higher authority, the member sent home pending review, temporarily suspended, or suspended from duty, shall immediately surrender the police badge, identification cards and departmentally issued firearm, to the superior officer relieving the member.

Following suspension by the Chief of Police, the member may be required to surrender to his/her Commanding Officer or other designated officer, all City owned property which he

has been issued.

Section 15.18 Restoration to Duty

A member who has been relieved or suspended from duty shall not be restored to duty without the direct authorization of the Chief of Police.

Section 15.19 Due Process

In order to establish a minimum system of professional conduct of the police officers of the city of Ashland, the following standards of conduct are stated as the intention of the Board of Commissioners to deal fairly and set administrative due process rights for police officers of the city of Ashland and at the same time provide a means for redress by the citizens of the city of Ashland for wrongs allegedly done to them by police officers.

A. Any complaint taken from any individual alleging misconduct on the part of any police officer, as defined herein, shall be taken under oath in the form of an affidavit, signed, and sworn to by the complainant and duly notarized.

B. No threats, promises, or coercions shall be used at any time against any police officer while he is a suspect in a criminal or departmental matter. Suspension from duty with or without pay, or reassignment to other than an officer's regular duties during such period shall not be deemed coercion.

C. No police officer shall be subjected to interrogation in a departmental matter involving alleged misconduct on his/her part until forty-eight (48) hours have expired from the time the request for interrogation is made to the accused officer in writing; however, such police officer may be required to submit a written report of the alleged incident no later than the end of the tour of duty in which the incident is alleged to have occurred.

D. The Chief of Police, or his designee, may require any member to submit to a polygraph examination as part of any departmental investigation. Refusal to submit to polygraph examination shall be deemed insubordination subject to disciplinary action up to and including termination.

E. If a police officer is under arrest, or likely to be arrested, or a suspect in any criminal investigation, he or she shall be afforded the same constitutional due process rights that are afforded to any civilian, including, but not limited to the right to remain silent, the right to counsel, and shall be notified of those rights before questioning commences. Nothing in this section shall prevent the suspension with or without pay or reassignment of such police officer pending disposition of such charges.

F. Any charge involving violation of any local unit of government rule or regulation shall be made in writing with sufficient specificity so as to fully inform the police officer the nature and circumstances of the alleged violation in order that he or she may be able to properly defend himself or herself. Said charge shall be served on the police officer in writing.

G. When a police officer has been charged with a violation of departmental rules or regulations, no public statements shall be made concerning the alleged violation by any person or persons employed by the city of the police officer so charged until final disposition of the charges.

H. No police officer as a condition of continued employment by the city of Ashland shall be compelled to speak or testify or to be questioned by any person or body of a non-governmental nature.

I. When a hearing is to be conducted by any appointing authority, legislative body, or other body as designated by the Kentucky Revised Statutes, the following administrative due process rights shall be recognized and these shall be the minimum rights afforded any police officer charged:

1. The accused police officer shall have been given at least seventy-two (72) hours notice of any hearing.

2. Copies of any sworn statements or affidavits to be considered by the hearing authority shall be furnished to the police officer no less than twenty-four (24) hours prior to the time of hearing.

3. If the hearing is based upon a complaint of an individual, the individual shall be notified to appear at the time and place of the hearing by certified mail, return receipt requested.

4. If the return receipt as hereinabove referred to has been returned unsigned, or the individual does not appear, except where due to circumstances beyond the member's control he cannot appear at the time and place of the hearing, any charge made by that individual shall not be considered by the hearing authority and shall be dismissed with prejudice.

5. The accused police officer shall have the right and opportunity to obtain and have counsel present, and to be represented by the counsel.

6. The accused police officer shall be allowed to have presented, witnesses and any documentary evidence the police officer wishes to provide to the hearing

authority, and shall have the right to cross-examination of any and all witnesses called by the charging party.

7. Any police officer who is not given a hearing as provided by this section within sixty (60) days of any charge being filed, said charge then shall be dismissed with prejudice and not be considered by the hearing authority.

Any police officer who shall be found guilty by any hearing authority of any charge, may bring an action in the Boyd County Circuit Court to contest the action of that hearing authority.

The judgment of the circuit court shall be subject to appeal to the Court of Appeals. The procedure to appeal to the Court of Appeals shall be the same as in a civil action. As the provision of this section relates to a minimum system or professional conduct, nothing herein shall be construed as limiting or in any way affecting any rights previously afforded to police officers of the city by statute, ordinance, or working agreement.

# ARTICLE XVI
## *Promotions/Special Assignments*

Section 16.1 Purpose

The purpose of this Article is to establish procedures for the selection of qualified candidate(s) for appointment to ranks higher than Officer in the Department of Police and for selection of officers in special assignments other than patrol.

Section 16.2 Vacancy

A personnel vacancy will exist within the Department of Police on the date immediately after the date the position is vacated. A vacancy in any rank higher than Officer shall be filled consistent with departmental procedures or as per contract.

Section 16.3 Experience

No person shall be eligible for consideration for appointment from a lower grade to a higher grade unless the person is certified as a Kentucky police officer under the provisions of KRS 15.382 and 15.402, has met the established job classification standards for prerequisite requirements of the vacant position, and has obtained the minimum experience as set forth in this Article. "Experience", as it relates to promotion within the Department of Police shall mean the following:

*Police Sergeant: Three (3) consecutive years experience immediately preceding the date of appointment as an officer with the Ashland Police Department.*

*Police Lieutenant: Five (5) consecutive years experience in police work with the Ashland Police Department; two (2) years immediately preceding the date of appointment in the rank of Sergeant.*

*Police Major: Seven (7) consecutive years experience in police work with the Ashland Police Department; two (2) years immediately preceding the date of appointment in the rank of Lieutenant.*

*Experience Requirements May Be Waived: The City Manager may waive experience requirements if an eligible candidate for a specific rank fails to achieve the minimum requirements.*

Section 16.4 Eligibility for Participation in Promotional Process

A candidate for promotion to the rank of Sergeant or Lieutenant will become eligible to participate in the examination process if the Human Resources Director determines that the candidate could reasonably become eligible for promotion within the estimated time that the eligibility list would continue. The candidate must meet the minimum number of years of experience required for advancement to the next higher rank. A candidate eligible to participate in the examination process, who has not obtained the minimum number of years of experience required, shall not be eligible for appointment until the candidate obtains the minimum number of years experience required.

Section 16.5 Experience Points

Each candidate for promotion to the rank of Sergeant or Lieutenant shall have experience points added as follows:

*Police Sergeant: Each candidate for the rank of Sergeant shall be awarded one (1) experience point for each full year of service completed as an officer with the Ashland Police Department up to a total of ten (10) years, and one-half (1/2) experience point for each full year completed as an officer with the Ashland Police Department, beyond the ten years, up to a maximum of twenty (20) years. A candidate for Sergeant may obtain a maximum of fifteen (15) experience points.*

*Police Lieutenant: Each candidate for the rank of Lieutenant shall be awarded one (1) experience point for each full year completed as a Sergeant with the Ashland Police Department up to ten (10) years. A candidate for Lieutenant may obtain a maximum of ten (10) experience points.*

Section 16.6 Disciplinary Action - Loss of Examination Points

A candidate for promotion to Sergeant shall have one (1) point subtracted from the total number of promotional examination points earned for each day of disciplinary suspension from duty served during the two (2) years immediately prior to the date of the written examination. The Director of Human Resources shall research disciplinary suspension from duty. In the event a candidate for promotion receives a disciplinary suspension from duty on or after the date of the written examination and prior to the date the Board of Commissioners considers an appointment to a higher rank, the Director of Human Resources shall subtract disciplinary points from the candidate as set forth in the foregoing paragraph. The Director of Human Resources shall reduce the candidate's total score by the number of disciplinary points lost. The Director of Human Resources shall recalculate the candidate's reduced total score and reposition the candidate on the promotion roster.

Section 16.7 Written Examination

Written examinations for the rank of Sergeant and Lieutenant shall consist of one hundred twenty-five (125) questions on subjects designed to demonstrate familiarity with the required knowledge for the rank sought. A written examination shall be scored one (1) point per question. Each candidate shall be awarded a written examination score which is equal to the number of correct answers provided by the candidate. Written examinations for the rank Sergeant and Lieutenant shall be structured as follows:

> *Police Sergeant: The written examination for the rank of Sergeant shall consist of two (2) parts; Part 1, one hundred (100) questions on the subjects designed to demonstrate familiarity with the required knowledge for the rank sought. Part 2 will be an additional twenty-five (25) questions that will cover Ashland Police Department Rules and Regulations and General Orders consistent with the provisions of the agreement between the City of Ashland and the Fraternal Order of Police Lodge #3.*
>
> *Police Lieutenant: The written examination for the rank of Lieutenant shall consist of two (2) parts; Part 1, one hundred (100) questions on the subjects designed to demonstrate familiarity with the required knowledge for the rank sought. Part 2 will be an additional twenty-five (25) questions that will cover Ashland Police Department Rules and Regulations and General Orders.*
>
> A written examination shall be scored by one (1) person designated by the City Manager. Test scoring shall be completed on a date and time and at a location known to each candidate. As soon as scoring of the written examination for a particular classification is completed, the scorer shall post all scores by individual

control numbers in a location available to each candidate.

Section 16.8 Oral Interview

A candidate for promotion to the rank of Sergeant ~~or Lieutenant~~ must complete a written examination ~~as set forth in this Article~~ with a minimum of seventy (70) correct answers on Part 1 of the exam and (18) correct answers on Part 2 of the exam to be eligible for participation in the oral interview.

A candidate for promotion to the rank of Lieutenant must complete a written examination with a minimum score of seventy percent (70%) on Part 1 of the exam and a minimum score of seventy percent (70%) on Part 2 of the exam to be eligible for participation in the oral interview.

Each candidate shall be carefully screened on character, leadership skills, technical skills and professional experience by the City Manager or his designee, one (1) law enforcement official of equal or higher rank than the position being filled, and one (1) person from private enterprise who is presently functioning in an upper management position or as a personnel director. The law enforcement official must be an active duty law enforcement official.
The oral interview board may, after meticulous review of a candidate's fitness for promotion, determine that a clear and substantial reason exists to preclude a candidate from further consideration for promotion. In the event the oral interview board finds just cause to reject a candidate for promotion, the candidate may not be considered until the promotion process begins anew.

Only the candidate and members of the oral interview board may participate in the interview. The city of Ashland Human Resources Director or her designee shall be present to serve as equal employment opportunity monitor. The oral interview shall count for a maximum of thirty (30) points.

Each member of the oral interview board shall be provided each candidate's personnel file, 'Time and Pay Record' and all personnel evaluation reports for the two (2) years immediately preceding the date of the written examination. No additional information shall be provided to any member of the oral interview board until after all interviews have been completed and oral interview scores recorded.

The oral interview board will be permitted adequate time immediately prior to each interview to review personnel file, 'Time and Pay Record' and personnel evaluation reports. Thirty (30) minutes will be allocated for each interview. At the conclusion of each interview, each member of the oral interview board will record their rating of the candidate.

Candidates will be scheduled to appear before the oral interview board in alphabetical

order, if possible.

Section 16.9 Examination Scoring

The total score obtained by each candidate for the rank of Sergeant or Lieutenant shall be a composite score as follows: Total number of questions candidate answered correctly on written examination; number of service experience points added; oral interview score; and less examination points subtracted as the result of disciplinary action.

Section 16.10 Promotion Rosters

Effective January 7, 2008, a promotion process shall be started the first Monday in January of each year for the position of Sergeant and Lieutenant. A promotion roster shall remain in force from the date the promotion process is completed until a new promotion process is completed the following year. After a vacancy exists in the rank of Sergeant or Lieutenant, this position shall immediately be filled from the active promotion roster consistent with section 16.12 of these regulations. The testing and examination process for Sergeant and Lieutenant shall be made known to eligible candidates prior to the start of the process. Records of the process shall be maintained for the time period required by law. Each candidate may review their own individual examination results in so far as no agreements with outside testing companies provide otherwise.

Eligible candidate(s) for promotion who successfully complete the examination procedure shall be placed upon a promotion roster for consideration for appointment in the order of highest point score earned to lowest point score earned.

If a promotion roster is in effect for the rank of Sergeant or Lieutenant, a promotion to fill a vacancy shall be from the appropriate promotion roster in force on the date a vacancy is determined to exist as set forth in this Article.

Section 16.11 Police Major Examination

After a vacancy has been determined to exist as provided in this Article, and within a reasonable time after the closing for receiving applications for the position, the Chief of Police shall cause all eligible candidates to be examined. The examination process shall include personal interviews in addition to a review of the applicant's qualifications. The Chief of Police may utilize a written test and/or the assistance of professional consulting and evaluation services in his discretion. The method of examination shall be known to eligible candidates prior to utilization, and records of the examination process shall be maintained. Each candidate may review his/her individual examination results.

The Chief of Police, following the foregoing examination and ranking process shall

therefrom select a candidate for promotion to major from the three highest ranking applicants.

Section 16.12 City Manager Recommendation to the Board of City Commissioners
The City Manager shall recommend to the Board of City Commissioners for promotion to the rank of Sergeant the eligible candidate who has achieved the highest composite grade.

The Police Chief, following the evaluation and ranking process, shall therefrom recommend a candidate for promotion to Lieutenant or Major from the three highest ranking candidates to the City Manager. After review of that recommendation, the City Manager shall then forward a recommendation to the Board of City Commissioners for contingent approval.

Should the Board of City Commissioners reject the candidate recommended by the City Manager, the rejected candidate shall be removed from any further consideration and not again considered for promotion until the candidate completes an examination process.

The City Manager upon recommendation of the Police Chief shall then recommend another eligible candidate to the Board of City Commissioners until a candidate satisfactory to a majority of the Board of City Commissioners is appointed.
Section 16.13 Medical Examination

An appointment to the rank of Sergeant or Lieutenant approved by the Ashland Board of City Commissioners is conditional upon the appointee submitting to a rigorous physical examination conducted by a physician selected by the City Manager. If the selected physician discovers a medical condition which cannot be surgically repaired and/or medically treated within ninety (90) days so that the appointee can perform the essential duties of the position, the appointment shall be rescinded and the City Manager shall then recommend <u>to the rank of Sergeant</u> the next highest standing applicant to the Board of City Commissioners. If the applicant later becomes physically qualified he could be considered for future promotion. If the candidate has undergone an annual physical within the last 12 months, and has been declared fit for duty, another physical examination is not necessary.

An appointment to the rank of Major approved by the Board of City Commissioners is conditional upon the appointee submitting to and passing a rigorous physical examination conducted by a physician selected by the City Manager. If the selected physician discovers a medical condition which cannot be surgically repaired and/or medically treated within ninety (90) days so that the appointee can perform the essential duties of the position, the appointment shall be rescinded and the City Manager shall then recommend <u>to the rank of Lieutenant</u> the next highest standing applicant to the Board of City Commissioners. If the applicant later becomes physically qualified he could be considered for future promotion. If the candidate has undergone an annual physical within the last 12 months, and has been declared fit for duty, another physical examination is not necessary.

Section 16.14 Probationary Period

Candidates appointed to the rank of Sergeant, Lieutenant, or Major shall serve a probationary period of twelve (12) months. Employee performance reports shall be completed monthly during the first quarter, and quarterly for the remainder of the probationary period to determine the candidate's suitability for career status. Candidates who do not complete the probationary period for performance reasons will be returned to the rank held prior to promotion pursuant to K.R.S. Chapter 95.762.

Section 16.15 Appointment of Chief of Police

The following procedure shall be followed for the selection of Chief of Police:

A. After the vacancy has been advertised and within a reasonable time after the closing date for receiving applications for the position of Chief of Police the City Manager shall review and select the best-qualified applicants and evaluate the total professional and personal capabilities of those selected applicants. The evaluation process shall include personal interviews in addition to review of applicants' qualifications. The City Manager may also utilize written examinations and/or the assistance of professional consulting and evaluation services in the evaluation process. The method of evaluation shall be known to applicants prior to utilization of same by the City Manager, and records shall be maintained of the evaluation process. Each applicant may review his individual evaluation results. The City Manager shall make provisions to rank those applicants who have undergone the professional process.

B. There shall be no maximum age limitation placed on the position of Chief of Police except as provided by state or federal laws.

C. The City Manager, following the foregoing evaluation and the ranking process shall therefrom, appoint a Chief of Police from the three highest ranking applicants.

D. The appointment as Chief of Police is conditional upon the appointee submitting to a rigorous physical examination by a licensed physician chosen by the City Manager and appointment as Chief of Police shall be contingent upon the results of said physical examination's review and approval by the City Manager. In the event that the results of the physical examination prove unacceptable to the City Manager the selection shall be rescinded and the City Manager shall make a new appointment from the remaining two highest ranking applicants and the physical examination as herein contained shall be repeated until a successful appointment has been made.

E. As a precondition for appointment as Chief of Police, each candidate shall execute a waiver to submit to random drug testing for illicit drugs which will be in force as long as employed by the city of Ashland.

F. The appointment of Chief of Police is contingent upon confirmation by the Board of Commissioners.

Section 16.16 Temporary Filling of Vacancies

The City Manager shall have the power and authority to appoint a qualified person to fill any vacancy within the Police Department temporarily, until a permanent appointment or promotion can be made by the Board of City Commissioners or the City Manager as the case may be.

Administrative policy shall be that temporary or acting appointments are limited to a two month, or approximately 60 days, duration for each employee. Each time an appointment is made to a higher position, the Department will attempt to ensure rotation of the assignment among those individuals interested and who appear to be qualified by commendable performance on their current job assignment. Requests for exception to this time limit shall be submitted in writing, along with appropriate documentation, to the City Manager.

Any employee serving in a stepped up position for ten working days or more will receive a written evaluation of his/her performance which is solely concerned with the temporary position.

Section 16.17 Special Assignments

The department utilizes police officers in several special assignments in addition to patrol. Examples of these assignments are detective, property officer, D.A.R.E. officer, school resource officer, crime prevention officer (duties may be combined with D.A.R.E./SRO, and court liaison/follow up officer. These assignments are not permanent in nature. Officers assigned to these positions are assigned at the discretion of the Chief of Police and are subject to reassignment due to factors such as the wishes of the officer, performance in the assignment, promotion of the officer, disciplinary action, legitimate needs of the department, recommendations of command staff or for other reasons at the discretion of the Chief of Police.

The process utilized to fill vacancies in special assignment positions shall be as follows:

- Written notice of all vacancies shall be provided to all eligible personnel.

- All eligible personnel will have the opportunity to apply for the open position, in writing, and will have the opportunity to attach documents listing experience and qualifications for the open position, as well as any other pertinent information.

- All eligible personnel will be considered for the open position based upon relevant factors including experience, qualifications, past job performance, past evaluations, past disciplinary action, recommendations from supervisors, needs of the department and suitability for the position.

- Recommendations will be made by the involved command staff and the assignment will be made at the discretion of the Chief of Police.

Section 16.18 Training Requirements

A. Basic Academy Training: Each officer having responsibility for the enforcement of the criminal laws in general, will graduate from a basic training program certified by the Kentucky Law Enforcement Council (KLEC) prior to the exercise of such authority, except when accompanied by and under the direct supervision of a certified officer who is serving as a field training officer. Equivalent training will be accepted, however, the agency must demonstrate that the training is equal to or exceeds KLEC standards. Officers grandfathered by 503 KAR 1:110 who were hired prior to July 1, 1972 shall be considered to meet the basic requirements of the basic training program required above.

B. First-Level Supervisors: Every employee appointed or promoted to a first-level supervisory position successfully completes at least 40 hours of supervisory training which has been approved by the KLEC prior to or within one year of such appointment or promotion. Equivalent training will be accepted, however, the agency must demonstrate that the training is equal to or exceeds KLEC standards.

C. Mid-Management Positions: Every employee appointed or promoted to a mid-level management position successfully completes at least 40 hours of management training which has been approved by the KLEC prior to or within one year of such appointment or promotion. Equivalent training will be accepted, however, the agency must demonstrate that the training is equal to or exceeds KLEC standards.

D. Annual Training: Every regular officer having responsibility for the enforcement of the criminal laws in general annually completes at least 40 hours of certified inservice training. Equivalent training will be accepted, however, the agency must demonstrate that the training is equal to or exceeds KLEC standards.

# ARTICLE XVII
## *Departure Procedure*

Section 17.1 Procedure on Separation

When an employee separates from the department for any reason, he/she shall return any and all property issued to said employee. Said property shall include all items issued to that employee which is enumerated on the employee's property record, but the title to which remained with the city of Ashland.

The Chief of Police may conduct a separation interview with the departing employee.

Section 17.2 Issuance of Final Check

The final check covering wages and benefits due the departing employee shall be computed by the Finance Department of the city. Said check shall be released at the next regular payday or 14 days whichever occurs last.

# ARTICLE XVIII
## *Knowledge of Rules and Regulations*

Section 18.1 Rules and Regulations Shall Be Furnished

Printed copies of these Rules and Regulations shall be furnished to every member of the Police Department and they shall be required to study and familiarize themselves therewith and to answer questions testing their knowledge of and familiarity with these Rules and Regulations when required by the Chief of Police or other superior officer.

Section 18.2 Increasing Knowledge By Training

The Chief of Police shall from time to time call meetings of the members of said department and conduct training classes for the instruction of said members in their duties, including training in first aid, the law pertaining to the duties, rights and responsibilities of police officers, and such other subjects as may be pertinent and desirable, and to this end shall have the authority to invite persons skilled and trained in said subjects to address the members at such meetings to enlighten them as to the subject matter presented.