

## 15.125 ARREST OR COURT ACTION AGAINST DEPARTMENT MEMBERS/SUSPENSION OF POLICE POWERS

### **Reference:**

Manual of Rules and Regulations, 2.17, 9.28, 12.01  
Procedure 12.020, Uniforms, Related Equipment, and Personal Grooming

### **Purpose:**

Ensure the rights of all Police Department members.

Prevent unnecessary financial loss to the member and the City.

Ensure the Department and the City Solicitor's Office receives proper and timely notification of court actions, arrests, or citations involving Department members.

Ensure legal representation, in appropriate cases.

Ensure affected Sections are notified when a police officer's powers are suspended.

### **Policy:**

Members will immediately report to their commanding officer any arrests or court actions instituted against them arising from the scope of their employment, or other legal actions that may affect their employment.

When a member of the Department is subject to a physical arrest for any offense occurring within the jurisdiction of the City of Cincinnati, the investigating supervisor must notify the Police Chief prior to transportation of the arrestee to a detention facility. In the absence of the Police Chief, an Assistant Police Chief must be notified.

### **Procedure:**

#### A. Civil Actions Against Department Members

1. Police Department members receiving notification of a civil court action instituted against them, except in matters arising outside the scope of their employment will:

- a. Notify the Police Chief on a Form 17CS, via the chain of command, prior to the end of the member's current tour of duty. A copy of the lawsuit and all other pertinent documents must be attached to the Form 17CS. Forward a copy of the Form 17CS and the original lawsuit with all attachments to the City Solicitor's Office and a copy of all documents to Planning Section via Interdepartmental Mail.
  - 1) If the member is off duty he must submit the form no later than his next tour of duty.
  - 2) If the member is on extended leave he will immediately notify his immediate supervisor.
    - a) The supervisor will obtain copies of court documents and complete and route the Form 17CS as required in Section A.1.a. to the Police Chief, the City Solicitor and Planning Section.
  - 3) Members will keep a copy of the lawsuit and all attachments.
  - 4) Members will consult with the City Solicitor's Office prior to signing any legal documents.
    - a) Members may sign a certified mail receipt acknowledging acceptance of the lawsuit.
- b. Include in the Form 17CS:
  - 1) A request for legal representation.
    - a) This does not preclude members from seeking private legal counsel of their choice.
  - 2) The name(s) of the plaintiff(s).
  - 3) The case number.
  - 4) The ETS (Employee Tracking Solution) tracking number from the precipitating incident, if applicable.

- 5) The court in which the suit was filed (e.g. Hamilton County Common Pleas Court, U.S. District Court).
- 6) The date of service the suit was accepted.
- 7) A phone number, working hours, district/section/unit of assignment and shift commander, through which the City Solicitor may contact you.

B. Criminal/Traffic Violations by Department Members

1. All members will immediately notify their district/section/unit commander if they are:
  - a. Physically arrested for any violation.
  - b. Cited for a criminal violation or a minor misdemeanor violation, excluding minor traffic violations.
  - c. Notified of or receive any operator's license suspension from the Bureau of Motor Vehicles.
2. The member will provide written notification on a Form 17 and forward it to the Police Chief, via the chain of command, the same day as received or upon return to duty.
  - a. The member will attach copies of all related documents.

C. Administrative Responsibilities in Civil Cases

1. The district/section/unit commander, or his designee, will hand deliver the original Form 17CS and a copy of the lawsuit with all attachments to the Police Chief's Office the same day as received.
2. The Police Chief will forward the Form 17CS and attachments to Planning Section the same day as received.
3. Planning Section will:
  - a. Ensure the City Solicitor's Office has received notification of the lawsuit.
  - b. Generate an "Add Civil Suit" case in ETS if precipitating incident has been entered into the ETS system.

- 1) If no initiating incident has been entered into ETS, create a new case folder in ETS for a civil lawsuit.

c. Maintain a file copy.

D. Administrative Responsibilities in Criminal/Traffic Cases

1. The district/section/unit commander will immediately notify the affected Assistant Police Chief who will determine the necessity of notifying other administrative personnel, including the Professional Standards Section, if necessary.

E. Legal Inquiries/Court Documents Directed to Department Members

1. Any Department member contacted by an attorney requesting comments, statements, or a deposition; or subject to any civil matter directly or indirectly related to their employment; or subject to any civil matter arising outside the scope of their employment will:
  - a. Provide notification as outlined in Section A. before any statement is given when:
    - 1) The matter may influence the member's daily job performance, or
    - 2) The matter may require the Department's or City Solicitor's Office involvement in any form, or
    - 3) The matter may adversely affect the member's standing within the Department, or
    - 4) Considered in total, the civil matter, or the consequences thereof, may be detrimental to, or have an impact upon, the Department, City, or any City employee.
2. Department members will not accept or sign for a certified letter, return receipt requested, from the Postal Service, addressed to another Department member.
  - a. The Postal Service employee will leave a notice that a certified letter is being held at the Post Office.
  - b. Forward the Postal Service notice to the member.

- 1) Make a blotter entry indicating the notice was forwarded.
    - c. If the member is on extended leave, his immediate supervisor will attempt to contact him, making a blotter entry indicating the results.
    - d. The only exception to Section E.2. is: A member will accept a certified letter, return receipt requested, addressed to the Police Chief or the Cincinnati Police Department (if no individual addressee is listed).
      - 1) The accepting member will contact a supervisor who will immediately have the letter hand delivered to the Police Chief's Office or the affected district/section/unit.
  3. Department members may accept legal service documents addressed to them personally.
    - a. Failure to accept legal service documents may result in the member's home address being disclosed in order for service to be completed.
- F. Notification Process of Suspension of Police Powers
1. Only the Police Chief or Acting Police Chief has the authority to order the suspension of a Department member's police powers.
    - a. Any supervisor is able to temporarily relieve a member from duty based on grounds of unfit for duty or misconduct. The Police Chief or Acting Police Chief will then determine whether or not to suspend the member's powers.
    - b. Once the suspension is ordered, any supervisor can execute the order to suspend a Department member's police powers.
  2. Personnel Management Unit will maintain a current database of all suspended Department personnel.
    - a. Upon the suspension of a Department member's police powers, the following information should be immediately forwarded to Personnel Management Unit:

- 1) Name and current assignment of officer whose powers are suspended
  - 2) Any change in officer's assignment or duties
  - 3) Beginning date of suspension
- b. Personnel Management Unit must be notified upon restoration of Department member's police powers.
  - c. Personnel Management Unit is responsible for making the necessary notifications regarding the suspension of a Department member's police powers.