

Standard Operating Procedures
For the
Oldham County Police Department



Colonel D. Michael Griffin
Chief of Police

FOREWARD

The success of any police department depends upon the support and cooperation it receives from the people of the community it seeks to serve. It is of primary importance that we, the officers of the Oldham County Police Department, strive to maintain the respect and confidence of the citizens of Oldham County and the public at large.

In support of this idea, the goals of the Oldham County Police Department are:

1. To enforce the law in a fair and impartial manner, recognizing the legal limitations of police authority and the constitutional rights of all persons.
2. To provide courteous, efficient and professional service of the highest degree on a twenty-four hour a day basis.
3. To constantly seek to upgrade the professional status of the Oldham County Police Department and the entire law enforcement profession.

The achievement of these goals and the continuation of public confidence, respect and support are directly dependent upon the proper performance of duty by all members of this department. The contents of this manual have been developed to direct you in the performance of your duty. Adherence to these regulations will eliminate the need for disciplinary action. By aspiring to the highest standards of law enforcement, we will insure acceptance by citizens Oldham County, as a truly professional police department.

D. Michael Griffin
Chief of Police

Values

The Oldham County Police Department has been entrusted with the duties and responsibilities to preserve protect and defend people and property and maintain social order. This public trust mandates that all members exemplify the highest standard of conduct both on and off duty.

Mission Statement

- Maintain the highest standards of professional excellence.
- Deter criminal activity and seek, detect, and arrest offenders of the law.
- Enhance traffic safety, deter motor vehicle crashes, and enforce the Kentucky Motor Vehicle licensing and Regulation Statues.
- Maximize compliance with state laws and administrative rules.
- Provide support services to people within Oldham County.
- Provide 24-hour services to people in Oldham County.
- Provide the expertise and resources to educate the public in life safety, crime prevention, and drug resistance.

OLDHAM COUNTY POLICE MANUAL

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Effective Date January 1, 2000
Review Date October 26, 2000

POLICY

All officers of the Oldham County Police Department shall comply with the Kentucky Revised Statute 70.540, which is made part of this manual by reference.

70.540 County police force authorized; jurisdiction; appointment; qualifications; term; oath; officers

The county judge/executive of the respective counties shall have and are hereby given the power, jurisdiction and authority to establish, appoint and maintain a county police force within their respective counties, all of the members and officers of which shall have and are hereby given jurisdiction coextensive with the whole county for which they are appointed. Such police force may consist of a chief and such member, rank and grade subordinate to the chief and such clerical and skilled employees, as the county judge/executive shall deem proper. All of the members and employees of the county police force shall be appointed by the county judge/executive and shall serve for a term of one (1) year from the date of their respective appointments, unless sooner removed by the county judge/executive for neglect of duty or improper conduct. All members of the force shall be citizens of the United States not less than twenty-one (21) years of age and residents of the Commonwealth of Kentucky. None but discreet and sober persons shall be appointed to any position on said county police force. Each of the members of the said county police force shall take an oath, before the county judge/executive of their county, to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, that the chief officer of the county police force of any county may be designated, in the discretion of the county judge/executive of said county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, as the county judge/executive of such county may deem proper or adequate.

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Review Date October 31, 2000

POLICY:

The Chief of Police shall organize the Oldham County Police Department in the manner he deems necessary to most efficiently fulfill the responsibilities placed upon officers of the agency; and those other responsibilities assigned pursuant to any other Legislative Acts, Administrative Regulations and/or Executive Orders.

MISSION/PURPOSE STATEMENTS:

The following statements summarize the responsibilities and functions of the various organizational components established by the Chief of Police.

CHIEF OF POLICE:

The Chief of Police shall serve as the Chief Executive Officer of the County Police Department and shall perform such functions and duties as prescribed by law, Administrative Regulations, Executive Orders, and directives from the County Judge Executive.

Assistant Chief of Police:

Shall report directly to the Chief of Police and be responsible for the management and coordination of functions and areas of responsibility assigned by the Chief of Police.

County Attorney: and his staff shall be responsible for providing counsel pertaining to lawsuits against the agency, worker compensation actions; reviewing deeds, leases, and accident claims; reviewing legislation for its impact on the agency.

Administrative Division: shall be accountable to the Chief of Police and shall be responsible for the coordination and management of the activities designed to support the police function of the department in the areas of the Professional Standards, Fiscal Affairs, Personnel, and Public Affairs Branches,

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Effective Date January 1, 2000
Review Date October 31, 2000

and the Employee Assistance Program.

Criminal Justice Training: shall be responsible for administering three basic types of training programs for the agency: Cadet Training, Career Training and Specialized Training; and for the development, administration, monitoring and periodic reevaluation of these programs.

Fiscal Court: shall be responsible for all agency budget-related functions, fund transfers, account monitoring, purchase approvals, and for conducting special projects related to the budget.

Lieutenant: shall be responsible for the administrative process related to agency personnel activities; retaining all personnel files and payroll records; and issuing all personnel orders related to promotions, transfers, resignations, travel and disciplinary actions.

Public Affairs Branch: shall provide technical assistance to the Officers throughout the county, and shall be responsible for the Crime Prevention functions. The Public Affairs Officer shall function as liaison between the department and the media.

Employee Assistance Program: shall provide personal services to agency employees and their families including stress counseling, spiritual guidance and referral services.

Operations Division: shall be accountable to the Assistant Chief of Police and shall direct the enforcement of criminal and traffic laws, investigate all reported complaints and criminal law violations and perform other functions deemed necessary for the protection of all citizens in the County.

Investigation Command: shall detect, investigate, and apprehend individuals who violate laws pertaining to white collar crime, organized crime, fraud and corruption in business and government; maintain liaison relationships with other law enforcement agencies

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Effective Date January 1, 2000
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at local, state and federal levels.

Special Operations: shall provide specialized support and assistance to other OCPD and local law enforcement components. The support service areas include the Special Response Team and Hazardous Material/Devices.

Records Section: shall be responsible for receiving, performing analysis and maintaining records of traffic accidents law activities, criminal cases and statistics, criminal history and identification documents.

Supply Officer: shall be responsible for the acquisition, disposal, storage, maintenance and distribution of equipment and supplies necessary for the efficient operation of the agency and for maintaining such records as are necessary to accomplish this objective.

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POLICY

A commanding officer is any member of the Oldham County Police designated by the Chief of Police to exercise command authority over any Section of the Oldham County Police. A supervisor is any officer who has been specifically designated by an officer of superior rank to exercise supervisory authority, or any officer who holds the rank of sergeant or above.

PROCEDURE

Exceptions to this procedure may be waived when positions require certain expertise in the specific area.

Commanding officers shall have the authority to issue such oral or written orders to members of their commands as may be necessary. These orders shall in no way be in conflict with the rules or regulations of the Oldham County Police or orders of higher authority.

RESPONSIBILITIES

Commanding officers shall be responsible for the following:

1. The general police conditions within the jurisdiction of their commands and for the proper efficient enforcement of all laws which members of their commands have the authority and responsibilities.
2. The efficient performance of their duties and the punctual attendance, appearance, good order, efficiency and discipline of all members of their command.
3. Properly preparing, submitting, filing and preserving official reports, records and correspondence originating within or received by their command.
4. The observance of rules, regulations, policies and procedures of the Oldham County Police by all members of their command.

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5. The good order, care and condition of all County Police property, uniforms and equipment that may be issued to them or to members of their immediate command.
6. Supervising the work of their subordinates and extending to them such aid and consideration as may be necessary for their proper understanding and the efficient performance of duties.
7. Bringing to the attention of all members of their command all official communications or directives and to require the members' understanding and observance.
8. Making written suggestions, through channels, for improvements of the agency and the positive support of policies and programs of the agency.
9. Submitting performance ratings of members of their command.
10. Conducting periodic meetings when necessary with members of their command for the purpose of explaining County Police policies and procedures and discussing official matters of interest and importance essential to the best interest of the agency.
11. Properly reporting to the Chief of Police, through channels, on cases of misconduct or neglect of duty on the part of any members of the command or any unusual occurrences or conditions within their duty areas which may require the exercise of higher command authority.
12. Properly carrying out such other duties as may be required.
13. Providing for the delegation of authority in their absence.

Shift Commanders shall remain in command until relieved by a higher-ranking officer. The mere presence of a higher-ranking officer on the scene does not automatically relieve the officer in charge; however, the higher-ranking officer has the authority to

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Effective Date January 1, 2000
Review Date January 1, 2000

POLICY

The Oldham County Police Merit Board, pursuant to KRS 78.400 - 78.990, is appointed to hear charges against any officer of the Oldham County Police Department.

MEMBERSHIP

The Merit Board shall consist of a panel of four (04) citizens of Oldham County. The members of this Board shall be appointed by the County Judge Executive. Merit Board shall be appointed each year. No person shall serve more than four consecutive terms.

A member of the Merit Board may be disqualified from serving if he:

1. Is directly involved with the case being considered;
2. Is incapable by reason of illness of rendering effective service.

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take command as necessary. The Shift Commander usually has a better knowledge of the situation, personnel, geography, etc., and the higher-ranking officer may choose to assist, support and act as liaison through the chain of command to higher authority.

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Effective Date January 1, 2000
Review Date January 1, 2000

POLICY

The Oldham County Police Merit Board will review and monitor the promotional process to promote fairness and accuracy in establishing promotional lists, and to make recommendations to the Chief of Police for improvements of the system.

APPOINTMENTS AND COMPOSITION

The Oldham County Police Merit Board shall consist of a minimum of four members who have permanent status. The Oldham County Police shall appoint two officers.

DUTIES

The Board shall meet at such times and places as designated by the Chairman to review any or all phases and components of the promotional system and to make recommendations to the Chief for system improvement and revitalization. In addition, a voting member shall be present when compilation of component grades are performed to assure fair and equitable scoring for all participants and to certify to the Chief of Police the accuracy of each promotional list which is compiled.

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Effective Date January 1, 2000
Review Date January 16, 2001

POLICY

The Oldham County Police receive funds in the form of grants, contracts, and agreements for particular programs or specific projects. The guidelines on how these programs or projects will be administered requires an additional effort on the part of the agency to prepare, administer, monitor, evaluate, and to close out each grant.

The administration of a grant is a concerted effort on the part of many people in the agency having various levels of involvement throughout the entire grant process. Formal procedures, as well as formal and informal lines of communication, involve personnel in all divisions; therefore, it is imperative that grant personnel and staff persons interact for the overall good of the agency. It is the intent of this policy to formalize the functions in the grant process and to define the responsibilities of key persons in this process.

The term "grant", for the purposes of this policy, shall include all grants, contracts and agreements wherein federal, private or state monies are requested/received and for which programmatic and/or fiscal reports are required.

AUTHORIZED OFFICIAL

Pursuant to federal and state guidelines, the Chief of Police has the ultimate responsibility and accountability for grants awarded to the agency. Therefore, the Chief of Police, or a designee, is the only person in the agency who is authorized to enter into contract with another agency.

PROJECT DIRECTORS

The project director is directly responsible to the funding agency for the programmatic and fiscal administration of the grant and for ensuring that all grant requirements are completed timely and accurately. The project director shall be responsible for the following functions:

- 1) the completion of the grant application and all adjustments thereto;
- 2) Prepare responses to deficiency letters;

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Effective Date January 1, 2000
Review Date January 16, 2001

- 3) Complete responses to special conditions;
- 4) Maintain program and financial activity records and continually monitor the program;
- 5) Prepare required programmatic and final reports;
- 6) Approve all expenditures of grant.

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Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

Accidents involving County Police vehicles shall be investigated with the same degree of impartiality and thoroughness as accidents involving members of the general public.

The Chief and Assistant Chief shall: review traffic accidents involving County Police vehicles; recommend additional driver's training for personnel; suggest alteration of the "Safe Driving Award" programs; and recommend disciplinary sanctions for personnel due to involvement in assessable accidents.

COMPOSITION OF THE BOARD

The Board shall be appointed by the Chief of Police and shall consist of three (3) members. Two (2) members shall be patrol level officers and the third member shall be an accident reconstructionist.

DUTIES

The Fleet Safety Board shall be responsible for drafting policies, procedures, and criteria used to review traffic accidents in which County Police vehicles are involved; and for evaluating the driving records of officers.

The Board shall be responsible for periodically reviewing the criteria used to determine eligibility for the "Safe Driving Award" programs, and recommending any changes which may be necessary to maintain the integrity of these awards.

The Board shall make recommendations to the Chief of Police regarding the need for additional driver's training or medical examinations for an officer involved in assessable accidents.

INVESTIGATIONS PRESENTED TO THE FLEET SAFETY BOARD

Accidents involving County Police vehicles shall be investigated pursuant to KRS 189.635 and AM-G-4. The investigating officer of these reports shall not give an opinion in the investigative report as to whether the accident was assessable or non-assessable. The responsibility for classifying accidents involving

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Effective Date January 1, 2000

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County Police vehicles rests with the Board.

An accident reconstructionist shall review, reconstruct, and supplement accidents involving County Police vehicles which result in injury to any person or substantial property damage.

An accident reconstructionist shall be utilized to investigate all accidents involving County Police vehicles in which death or serious physical injury occurs in any person.

INVOLVEMENT IN ASSESSABLE ACCIDENTS

Accidents involving County Police vehicles which are classified "Assessable" by the Fleet Safety Board shall result in the following actions:

Personnel involved in assessable accidents shall be issued a suitable, used replacement vehicle. Repaired vehicles may remain assigned to the affected employee. A new vehicle shall not be issued to an employee as replacement due to an assessable accident.

Personnel involved in three (3) assessable accidents within a 100,000 mile period or five (5) assessable accidents in a 200,000 mile period shall be automatically enrolled in the Remedial Defensive Driver Training Program administered by the Department of Criminal Justice Academy.

The Board shall make a recommendation to the Chief of Police based on the circumstances of the accident and the employee's driving record. Personnel involved in an assessable accident within the first 40,000 miles after completing the Remedial Defensive Driver Training Program may be subject to disciplinary sanctions pursuant to AM-E-1. Subsequent assessable accidents occurring within 40,000 miles of this accident are subject to disciplinary action as described in this policy.

Assessable accidents occurring more than 40,000 miles after an officer's successful completion of a Remedial Defensive Driver Training program may not be subject to disciplinary sanctions as outlined in (3)(a) of this section.

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Effective Date January 1, 2000

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REAL PROPERTY POLICY

The Oldham County Police shall insure tangible and intangible property of this agency to safeguard against the possible loss of such property.

PROCEDURE

There is established a Property Insurance Committee within the Oldham County Police consisting of the Director of the Services Division as chairman and at least three other persons to annually assess the insurance needs for the County Police property. The members of the Property Insurance Committee will be chosen by the Chief of Police. The committee will meet at the direction of the Chief of Police.

The Assistant Chief of Police shall contact the Department of Insurance at least thirty days prior to July 1 of each year concerning the insurance needs of this agency during the upcoming fiscal year.

The Property Insurance Committee shall set limits of insurance on agency property by considering purchase price, construction costs, replacement costs, age of property and any other criteria deemed necessary.

LIFE INSURANCE POLICY

The purpose of the County Police Insurance Committee is to act on all insurance matters referred to it by the Chief of Police for either action or recommendation. In addition, this Committee shall serve in an advisory capacity in reference to any new insurance proposals, or on plans presently in effect for which the Oldham County Police makes payroll deductions.

MEMBERSHIP

The Chief of Police shall appoint members of this Committee, one of which he shall name as chairman.

This Committee shall maintain records of all proceedings and transactions handled by it.

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POLICY

The Chief of Police may appoint special committees to consider specific issues which may arise within the agency or to undertake special projects of the agency of a limited duration.

PROCEDURE

These committees shall be appointed by special order under the signature of the Chief of Police.

DURATION

Any special orders appointing Ad Hoc Committees or Task Groups to consider specific issues or to perform special projects shall expire upon completion of such assignment or one year from the effective date of the special order - whichever occurs first.

The Chief of Police may extend the duration of any Ad Hoc Committee that he deems necessary.

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Effective Date January 1, 2000

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POLICY

The Oldham County Police shall provide a reasonable and direct route of communications for all personnel to submit and promote their ideas, methods, problems, and procedures toward improvement of the Oldham County Police and its operations. Whenever possible, the agency will solicit, evaluate, and initiate any action on proposals and suggestions from County Police personnel.

PERSONNEL

1. Suggestions may be submitted in memorandum form.
2. If submitted under these guidelines, the completed form shall be forwarded through intermediate commands to the Chief of Police. Commanding officers shall attach and forward any recommendations with the completed form.
3. Personnel submitting suggestions shall receive an acknowledgment from the Chief of Police upon receipt of the suggestion and shall be advised of action taken.

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Effective Date January 1, 2000
Review Date December 20, 2000

POLICY

The Detective Section shall be charged with the responsibility of reviewing the involvement of Oldham County Police personnel in critical incidents and reporting its findings to the Chief of Police. These findings shall be used solely for additional training and/or procedural changes that can reduce the danger to the individual officer(s) or others in said incidents. Further, these findings shall be listed in the form of recommendations by memorandum to the Chief of Police as to needed changes in training, policy and/or procedures.

PROCEDURES

The following situations shall be considered for review. These situations are not all-inclusive, as each unique incident will be judged on its individual impact.

1. Shooting(s) - Every incident in which an employee is involved in a shooting (except investigations of non-police shootings).
 - a. Any shooting by an employee on or off duty (except training and sporting events).
 - b. Any accidental firearm discharges by an agency employee.
 - c. Any instance of intentionally fired warning shots.
 - d. Any discharge of firearms directed against officers of the County Police.
2. Assaults - Any assault resulting in serious physical injury or death to an employee of the County Police. Also, included are assaults against non-police citizens by officers of the County Police.
2. Kidnapping - Any instance where an officer of the County Police is held hostage or kidnapped.
3. Hostage Situations - all.
4. Barricaded Persons - all.
5. Special Response Team (SRT) actions.
6. Any other incident deemed worthy of consideration that has been reported through the chain of command.

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Effective Date January 1, 2000

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POLICY

The Oldham County Police shall compensate its employees for court appearance time based at a rate of forty-five dollars and no cents (\$45.00). If the employee appears on the same day on two (2) different cases and the starting time is four (4) hours apart, he may receive credit for both court appearances. Court Pay Program compensation amounts shall be fixed each fiscal year, commensurate with the availability of county funding.

PURPOSE

The purpose of this policy is to establish guidelines for administering a Court Pay Program for those County Police employees required to attend court on a scheduled off-duty day or required to respond to court from an off-duty status.

DEFINITIONS

Court: Any session of District, Circuit or Appellate Court in the State or Federal Judicial System, as well as any administrative hearing or civil court action.

Witness Fee: Any payment received for appearing in court to provide testimony or evidence.

Employee: Any person classified as a full-time employee of the Oldham county Police Department.

PAYMENT OF COURT PAY

Any employee of the County Police may receive Court Pay if meeting the following conditions:

1. The court appearance is the result of the employee working in his/her official capacity as an employee of the County Police, and
2. The court appearance occurs on the employee's regularly scheduled off-duty day or when the employee is required to respond to court from an off-duty status.

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RESTRICTIONS AND LIMITATIONS

For the purposes of this policy, Court Pay can only be claimed for one court appearance per day per employee. Court Pay is to be limited to a total of Forty-five dollars and no cents (\$45.00) per day for all County Police employees.

Court Pay cannot be claimed if the employee is paid a witness fee or otherwise compensated for his/her time in court.

DOCUMENTATION

Any employee whose work time is recorded on the time card shall notify the Assistant Chief of Police at the end of their work shift, via radio dispatch, of any court appearance time claimed that day. Time entries onto the duty shift log shall note the number of hours claimed as court appearance time.

OFF-DUTY COURT PAY VOUCHER

Any employee entitled to Court Pay shall advise the radio dispatcher that he was on 10-8 for court duty and when he has completed court duty.

SUPERVISORY OVERVIEW

The Assistant Chief of Police shall monitor court-related activities to ensure the efficient use of court time pay. Scheduling shall not be adjusted in order to receive court appearance pay.

The Assistant Chief of Police, or his/her designees, should work closely with court officials in an effort to reduce court appearances and to minimize the amount of time wasted in court due to inefficient scheduling or wasteful utilization of Commonwealth witnesses.

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POLICY

KRS 171.450 and 171.680 mandate that each agency will furnish the Department for Libraries and Archives with a current Records Retention Schedule and Record Description and Analysis Form on each record maintained by the agency.

PROCEDURE

The Assistant Chief of Police shall audit their respective records yearly, as set out in the Records Retention Schedule. They shall then advise the Administrative Officer of the County Police on or before the first Monday in January of each year of the status of their records.

Consideration shall be given to those records that are new, obsolete, and any and all changes with regard to records under their control.

Oldham County Police Department

Effective Date January 1, 2000

Review Date January 8, 2001

POLICY

Written orders and correspondence published by the Oldham County Police shall follow established guidelines as outlined below.

It shall be the responsibility of each Supervisor to see that the exact number of copies necessary are made and distributed to those under their command.

GENERAL ORDERS

Establishment of or changes in policy or procedures which are general in application and of a permanent nature shall be published as General Order over the signature of the Chief of Police. All General Orders are to be included in the Manual.

SPECIAL ORDERS

The establishment of boards, committees, and orders which are of a specific and temporary nature shall be published as Special Orders over the signature of the Chief of Police, and shall be distributed to persons concerned.

PERSONNEL ORDERS

Orders affecting individual members of the County Police shall be published as Personnel Orders by the Agency Clerk with the authority of the Chief of Police. A copy of the original signed Personnel Order shall be forwarded to the individual involved and anyone else the Personnel Officer deems appropriate.

MEMORANDA

Intra-County Police correspondence not provided for by Special Orders, General Orders, etc., which concerns only members of the County Police shall be published as memoranda over the signature of the originating officer.

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Effective Date January 1, 2000

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BULLETINS

Broad dissemination of information of interest to the organization and other information which is not of such a nature as to be classified as General Orders or Special Orders shall be published in the form of Bulletins bearing the signature of the Assistant Chief of Police or other designated persons.

ORDERS, BULLETINS, AND BOARD DECISIONS

Copies of Special Orders shall be distributed to all appropriate personnel and placed in the rear of the officer's manual. A copy of each order, bulletin, or board decision shall be posted temporarily on the bulletin board when issued unless an order or bulletin has been qualified as confidential, in which case it shall not be so posted. The commanding officer shall also review the contents of such orders, bulletins, or board decisions with members of the command. All members of the County Police shall be required to familiarize themselves with the contents of all orders, bulletins, and board decisions, and under no circumstances shall a lack of knowledge be considered as an excuse for nonobservance thereof.

ACKNOWLEDGMENT OF CORRESPONDENCE

All correspondence shall be promptly acknowledged by the commanding officer of the section or unit in which it is received. When a delay in replying to correspondence is necessary in order that essential information may be obtained, receipt of the letter shall be acknowledged immediately and followed by a subsequent letter of reply when the information is obtained. Letters pertaining strictly to routine activities of the section or unit in which they are received may be answered directly unless questions of County Police policies are involved. In the latter case, the letters are to be referred to the Assistant Chief of Police for reply as are all other letters which do not pertain to the routine activities of the section or unit in which they are received.

1. The Chief of Police may refer correspondence to a commanding officer to be handled.

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2. Correspondence concerning factual information relating to County Police operations, policies and procedures that falls within present policy may be disseminated by the various shift commanders to interested parties. The Chief of Police shall sign information concerning proposed policy and personnel changes.
3. Correspondence addressed to individuals other than members of the County Police shall be typewritten and prepared on the existing County Police letterhead stationery in business letterform.
4. Correspondence within the County Police shall be prepared in the prescribed manner using the "To," "From," and "Subject" style of composition. Each communication shall pertain to one subject only and shall be promptly sent, through channels, to the person to whom it is addressed unless otherwise directed. Officers receiving this correspondence as a result of their position in the chain of command shall endorse it by their initials and shall approve or disapprove the subject matter. In case of disapproval, the reasons should be added to the original correspondence. Under no circumstances, shall anyone fail to properly route correspondence to the individual addressed thereon.

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POLICY

The agency shall comply fully with KRS 61.870 et. seq., otherwise known as the "Open Records Law." The Assistant Chief of Police shall serve as the official custodian of all agency records. All requests for the review or copying of other agency records shall be referred to the official custodian of all agency records.

In order to insure the privacy of citizens of the Commonwealth, it is henceforth the policy of this agency that, wherever permissible pursuant to the Open Records Act, the names of individuals who have given confidential information to this agency or names of individuals who have been subjects of investigations of this agency which have not resulted in arrest or prosecution, shall be excised from copies of reports disseminated pursuant to public request. In addition, all information which may lead to the revelation of the identity of such persons is to be excised.

PROCEDURE

The Oldham County Police Department main office shall display a copy of the rules and regulations pertaining to access to agency records in a location accessible to the public.

Documentation of transactions wherein copies of agency records are distributed to the public shall be submitted according to the following procedures:

- (1) On the Monthly Copying Receipt Report form, an entry shall be made indicating the date, type of record copy purchased, number of pages, total funds received and whether cash or check. Entries may be hand printed if done legibly.

RELEASE OF INFORMATION FROM CRIMINAL INVESTIGATIONS

The release of information contained in criminal cases shall be made uniform throughout the agency by using a form letter designed for that purpose. Such informational releases shall be restricted to legitimate inquiries by the respective victims and/or their insurance companies following written request for verification

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that a particular occurrence is under investigation. Suspect, juvenile offender and confidential informant names will not be provided.

Upon receipt of a request for such information, the department clerk shall research the case report file to determine if the investigation in question was conducted. The information necessary to reasonably answer the inquiry shall be added by the clerk to the form letter provided and then mailed to the requesting party.

REQUESTS FOR ACCIDENT REPORTS

Accident reports are subject to public inspection under the provisions of the Kentucky Open Records Law. Even so, the reports may contain certain items of information which are exempt from the provisions of the open records law and subject to public inspection only upon order of a court of competent jurisdiction. The most common examples are identification information relating to a charge of a public offense against a juvenile, information of an evidentiary or investigative nature which is intended for use in a prospective law enforcement action, and preliminary statements from witnesses. These examples do not constitute an exhaustive list of excludable material, and if you are in doubt as to whether a report should be released you should contact the official custodian.

If a request for all accident reports within a given time frame or within a particular geographic area is made, the request should be denied on grounds that such non-specific requests are unduly burdensome in that they would require prior examination of each report to ascertain whether it contains exempt materials.

Any requesting party who is denied access must be provided with a written explanation of the denial which must include reference to the specific statutory exclusion. This explanation must be given by the official custodian, so if you believe that a particular request should be denied in whole or in part, or if you are doubtful as to the application of the open records law to the request, you should require the requesting party to make written application to inspect the record, and to direct such written application to the official custodian.

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POLICY

The procedures and responsibilities concerning the creation, revision, recision, and control of all Oldham County Police forms shall be maintained at the office.

Final action on recommendations for authorization of new forms or the abolishment of existing forms is the responsibility of the Chief of Police.

The Assistant Chief of Police shall be responsible for maintaining a catalog of authorized forms. The Assistant Chief of Police is responsible for:

1. Assisting divisions, sections and units in the development and implementation of new forms and procedures.
2. Providing for and maintaining a form numbering system.
3. Reviewing and analyzing as to the purpose and use of all existing forms and new or revised forms.
4. Standardizing and simplifying forms in design and format.
5. Reviewing procedures and instructions as they relate to the effectiveness of the form.
6. Authorizing all requests for reproduction of new, revised or internally reprinted forms.

PROCEDURE

Any employee of the County Police desiring to recommend the adoption of a new form, or a revision to or the abolishment of a form, shall submit such recommendations in memorandum form, through channels, to the Assistant Chief of Police.

All recommendations regarding a suggested new form or a revision shall include a rough sketch of the form to be designed or revised, as well as instructions and proposed procedures for use of the form.

The Assistant Chief of Police shall review all recommendations regarding adopting, revising or abolishing forms. Once the review is completed, the recommendation shall be forwarded to the Chief of Police. The Chief of Police shall review and take final action on any new form or the abolishment of any existing forms.

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The Chief of Police shall notify the Assistant Chief of Police and any other appropriate officers of any action taken in order to assure that the catalog of authorized forms is current and complete and to assure that appropriate production and distribution of new or revised forms is accomplished expeditiously.

The Assistant Chief of Police shall be responsible for notifying Supervisors of the Oldham County Police concerning the creation, revision or recision of any Oldham County Police form so that the Records Retention Schedule may be updated as necessary. This shall not relieve Supervisors of responsibility for complying with AM-C-1.

County Police forms required for use shall be requisitioned from the Supply Officer through normal supply procedures. The Supply Officer is responsible for:

- (1) Stocking an adequate supply of County Police forms.
- (2) Distributing County Police forms upon request.
- (3) Maintaining requisition records on commercially printed forms.
- (4) Forwarding a copy of each form printed commercially to the Assistant Chief of Police.

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POLICY

Petty cash funds shall be maintained at the office in an amount not to exceed \$1,000.00 to provide payment for purchases. Such funds may also be established in section or unit offices with the approval of the Chief of Police. This fund should be utilized for the appropriate purchases.

Purchases and obligations may be incurred against the petty cash fund within the following categories:

1. Postage.
2. Freight and express charges.
3. Governmental publications.
4. Local market prices of supplies, materials, services or fees not to exceed \$50.00 per transaction.

Petty cash funds shall not be used for any expense relating to travel.

PROCEDURE

1. The Administrative Clerk shall be designated as petty cash fund custodian within the appropriate organizational component.
2. The custodian shall be responsible for obtaining receipts or invoices for each transaction, for preparing a reconciliation of the petty cash fund, and for forwarding such documentation to Chief of Police.

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Review Date January 25, 2001

POLICY

The general files shall be secured by a locking device when clerical or supervisory staff are not actively engaged in functions directly related to these files.

PROCEDURE

The general files shall be placed in the file cabinets sequentially as listed. Each file cabinet shall be labeled "General File." The underlined description refers to master heading dividers, letter size. The subheading dividers shall be made by using manila folders, letter size, properly labeled.

Agency files specified in this Order shall be retained in accordance to the following schedule:

- Rule 1 These files shall be retained for one (1) year.
 At the end of each month, the preceding year's
 corresponding month shall be deleted from the file.
- Rule 2 These files shall be retained for two (2) years. At the
 end of each month, the corresponding month two years
 preceding shall be deleted from the file.
- Rule 3 These files are permanent files and shall not be deleted
 unless superseded, revised, or canceled by proper
 authority.
- Rule 4 These files may be purged at the discretion of the
 Lieutenant.

GENERAL FILE

Memoranda shall be filed in a folder sequentially by date in a manila folder by month. Monthly, an index shall be typed of the memoranda contained in the folder by date and subject and placed in the front of the folder. A copy of the OAS computer memoranda index may be placed in the folder. The index(es) shall be affixed inside the folder by a two-prong fastener. Rule 4.

Correspondence shall be filed in a folder sequentially by date with all associated replies to that correspondence attached. Rule 4.

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Time Sheets shall be filed in a folder sequentially by date. Rule 4.

Legal Bulletins shall be filed in a folder sequentially by date. Bulletins shall be copied and distributed to sworn personnel. Rule 4.

Departmental and Supervisor Meeting Attendance Records shall be filed in the appropriate folder as sequentially by date. The attendance record shall be signed by all attending officers and the agenda or supervisory meeting notes shall be attached. Rule 4.

Petty Cash Fund expenditures shall be filed in a folder sequentially by date. Reconcile the fund as needed and on June 30 of each year.

Open Records Receipt reports shall be filed in a folder sequentially by date. A copy of the receipt report and those funds shall be forwarded to Fiscal Court monthly. A receipt, from Fiscal Court, shall be returned to the post/section and attached to the receipt report and filed. Rule 2.

Officer Inspections shall be filed in alphabetical order and by rank. Inspections shall be performed at least quarterly. Inspections performed on an officer between quarterly inspections shall be attached to the preceding quarterly inspection.

Automotive information folders shall be filed alphabetically by rank. Each folder shall include: issue slips, and copies of accidents, estimates and reports. Information shall be filed from front to back.

Wrecker Service Qualifications shall be filed alphabetically by county. Rule 3.

ADDITIONAL FILES (to be filed at the discretion of the Assistant Chief of Police).

Personnel Information Cards shall be typed or legibly printed and updated annually. Rule 3.

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Informant Card file shall be completed in entirety and stored in a secure place. Rule 4.

CASE REPORT FILES

All case files shall be locked, with only authorized personnel having access. A copy of the case report information shall be provided to the investigating officer upon request.

Open case files shall be arranged in any sequence at the discretion of the commander. Cases transferred to another officer shall be placed in the affected officer's case file and the change recorded on the case number log.

Closed case files shall be filed by case number for those closed cases of the current year. Others shall be filed at the discretion of the commander. Cases closed as a result of a lapse of time and low solvability factors shall be closed by stamping "INACTIVE" in yellow ink on the file folder. The original remains with the case file. Only the designated case review officer shall close cases in this manner. Closed cases shall be forwarded to the Records Section for storage at Archives two (2) years after the original date of investigation, but may be retained longer at the discretion of the commander. Closed cases may be retrieved by requesting them through the Records Section of the Oldham County Police Department.

LINK/NCIC cases shall be filed in a separate file cabinet in numerical order when the investigation of a case produces a low solvability factor and evidence disposition is completed, but articles or wanted persons remain in the LINK/NCIC files.

Case number log for the current year shall be kept in the front of the open case files. Previous year case number logs shall be filed separately by year at the discretion of the commander.

EVIDENCE OR RECOVERED PROPERTY REPORT (KSP-41)

In order to maintain evidence accountability and to expedite review of individual officer's KSP-41 files, one (1) KSP-41 "active" shall be maintained in front of each officer's case report file. All KSP-41 reports associated with that officer, with the exception of recovered vehicles, shall be located within

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these files or within the associated case report as indicated below.

Active KSP-41's:

White copy (case report). Attach to evidence/recovered property or to the outside of the package in which it is placed (see OM-B-19). A clear see-through packing label or white envelope may be used for this purpose.

Yellow copy (case report). File in officer's case report file.

Pink copy (case report). File in officer's Active KSP-41 file.

White copy (case report): When final disposition is made of the evidence/recovered property, the white copy goes to the officer's case file

Yellow copy (case report): When final disposition is made of the evidence/recovered property remove from officer's case report file and destroy.

Pink copy (case report): When final disposition is made of the evidence/recovered property remove from officer's KSP-41 active file and destroy.

A Recovered Vehicle File shall be maintained and located in the General File. A KSP-41 or an OCP 59 shall be prepared on all seized, recovered, or abandoned vehicles coming under the control of the County Police. The Recovered Vehicle File shall be divided into "Active" and "Inactive" sections:

The "Active" file shall contain the pink copy of the KSP-41 an OCP 59 filed by the make of vehicle and the last three digits of the VIN. The white copy shall remain with the property.

When the recovered vehicle is released, the "Inactive" file shall contain the white copy of the KSP-41 or the OCP 59 which is dated and properly signed by the registered owner or authorized agent of the vehicle. The white copy shall then be attached to the pink copy of the KSP-41 or OCP 59 and filed. The "Inactive" Recovered Vehicle File KSP-41's and OCP 59's shall be maintained according to Rule 1. In stolen vehicle cases, the white copy of the KSP-41 or the OCP 59, properly signed by the registered owner or his/her

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authorized agent, shall be placed in the associated case report file.

Wrecker operators shall not be considered the registered owner or authorized agent when releasing vehicles under any section of this policy.

If the owner of a recovered vehicle has not been notified in person or by telephone, a certified letter will be sent to the owner's last known address. The certified letter will be sent on the first business day following the day the KSP-41 or OCP 59 is received. In addition, an Impounded Vehicle Follow-up Form shall be completed if the owner has not been notified, or if the vehicle is the subject of a criminal investigation. This form will be completed by the officer who causes the vehicle to be impounded. The commander will designate a supervisor to maintain an Impounded Vehicle Follow-up Form file. This officer will review these forms on a continuing basis to determine that owners are notified in a timely manner and that vehicles are not allowed to remain in storage or on impound lots at OCPD expense unnecessarily. When the vehicle is released, the Impounded Vehicle Follow-up Form shall be signed by the appropriate supervisor and filed with attachments in the Impounded Vehicle Inactive File. These attachments may include: the white and pink copies of the KSP-41, a copy of the certified notification letter, any returned letters, the Impounded Vehicle Follow-up Form, and other associated documents. A copy of the notification letter and any returned undelivered notification letter(s) should be attached to the pink copy of the KSP-41 or OCP 59, and documented on the pink copy.

The supervisor or his designee shall recheck all unclaimed recovered vehicles for stolen through LINK/NCIC System every ten (10) days until it can be confirmed if the vehicles are stolen.

Accident Report file folders shall be divided by date and county in monthly folders filed sequentially by month.

Files shall be kept for the current year one year and deleted from the file.

RADIO ROOM FILES

All state message teletypes may be destroyed immediately upon receipt or transmission with the exception of messages related to a case report. Active and canceled messages related to case

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reports shall be copied and filed with the appropriate case report. Rule 4.

The file shall be purged by a dispatcher when property or wanted person entry is canceled from the computer.

Teletype copies of entries and cancellations are to be placed in appropriate case report. When canceled, filed with the associated case, or placed in an inactive file in the radio room.

The public work drawer of the Office Automation System shall contain the following file folders:

GEN ORD Contains General Orders

SPEC ORD Contains Special Orders

PERS ORD Contains Personnel Orders

The group work drawer of the Office Automation System shall, if applicable, contain the following file folders

MEMO MMY Shall contain Intra-Department memoranda by month/year.

CORR MMY Shall contain correspondence to individuals outside the department by month/year.

BULLETINS Shall contain "Legal" bulletins.

PETTY CASH Shall contain information concerning the petty cash fund.

COPY RCPTS Shall contain information concerning the open records receipt reports.

PO LOG Shall contain the log of local purchase

CASE AMMY Shall contain open case reports.

CASE IMMY Shall contain closed case reports filed by month/year of closure.

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CASE NCIC Shall contain LINK/NCIC case reports.

MISC MMY Shall contain miscellaneous documents by month/year.

The establishment of these folders does not preclude the establishment of any other folders that the commander deem necessary.

In addition to filing documents in the correct drawer and folder, it is necessary to have consistent document names throughout the system. This will enable anyone in a group to quickly find a document which has been properly filed. Document names may be up to nine characters long. Documents shall be named according to the following convention:

The Other Documents: XXPPITNNN where XX is a two character documents type, PP is Group Location ID Number, (see index below). It is the typists initials and the remaining 3 spaces can be used at the user's discretion keeping in mind the need to name all documents unique names.

<u>DOCUMENT TYPE</u>	<u>CODE</u>	<u>DOCUMENT TYPE</u>	<u>CODE</u>
General Orders	GO	Special Orders	SO
Personnel Orders	PO	Memoranda	MM
Bulletins	BU	Petty Cash	PC
Automotive	AU	LPO Logs	LP
Copy Receipts	CR	Miscellaneous	MS
Correspondence	CO		

Case reports will be named and filed in the computer system in the following manner:

Case Reports: CYNNNNN where C is a constant. YY is the year that the case was opened, and NNNN is the case number.

Work shall be filed in the Group drawer in either the folder CASE AMMY, CASE IMMY, or CASE NCIC depending on case status.

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When entering the case for the first time you will enter the following information in the document summary page:

Author: Unit number of investigating officer.
Title: Violation Code.
Comments: Entered in the following order, 1st suspect or accused, 2nd victim, and 3rd will be key words as applicable to the case.

All files kept on the OAS computer system shall be maintained according to the applicable rules of the current filing procedures, except the CASE IMMY folder which shall be maintained in the OAS Computer System at the Post/Section for one year. Closed case reports shall be filed in the CASE IMMY folder in the month the case is closed. It shall be the responsibility of the post/Section commander or his designee to have the CASE IMMY files deleted from the computer that are closed over one year.

The filing procedures established for the OAS Computer System do not eliminate the current "Hard Copy" files. However, duplication of documents filed may be eliminated. If a document is filed in the computer system, it is not necessary to file another copy in the filing cabinet. The only exception is the CASE AMMY folder. A "hard copy" of all case reports shall be in the appropriate case file. A "hard copy" of the memoranda computer index will be required to be filed monthly in the applicable file. To help facilitate the filing procedures, the electronic mail should be utilized.

Oldham County Police Department

Effective Date January 1, 2000
Review Date October 26, 2000

POLICY

The agency shall account for vending and concession receipts in a manner that is in full compliance with the Department of Finance regulations identifying such receipts as state income.

PROCEDURES

1. All vending and concession arrangements must have prior approval from the Assistant Chief of Police as to their compliance with existing regulations.
2. On the Monthly Concessions Report form, an entry shall be made of each purchase transaction indicating the date, vendor's name, what is received and the amount, total funds expended and check number. Entries may be printed if done legibly.
3. At the end of each month a computer generated report will be submitted to the Fiscal Court Treasurer which contains check number, vendor name and amount of profits earned along with checks made payable to the Oldham County Police Department.
4. Enter the charge for the cashier's check at the bottom of the Monthly Concessions Report showing the balance of funds which will be received by Fiscal Affairs.
5. Place cashier's check, other checks received and the Monthly Concessions Report in a Confidential Messenger Envelope of appropriate size, and forward to the Fiscal Affairs Branch.
6. The Assistant Chief of Police shall review the Monthly Concessions Report along with the clerk who has maintained the funds and reports. Both shall sign the report before forwarding it to Fiscal Affairs attesting to its accuracy.
7. A copy of the receipt report shall be kept on file until the post or section receives a receipt from Oldham County

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Effective Date January 1, 2000
Review Date October 26, 2000

Fiscal Court acknowledging the receiving of the collected funds.

8. After the receipt from Oldham County Fiscal Court Treasurer is received the copy of the report shall be destroyed. The receipt shall be kept on file and maintained for two years.

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Effective Date January 1, 2000
Review Date October 26, 2000

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3. At the end of each month a computer generated report will be submitted to the Fiscal Court Treasurer which contains check number, vendor name and amount of profits earned along with checks made payable to the Oldham County Police Department.
4. Enter the charge for the cashier's check at the bottom of the Monthly Concessions Report showing the balance of funds which will be received by Fiscal Affairs.
5. Place cashier's check, other checks received and the Monthly Concessions Report in a Confidential Messenger Envelope of appropriate size, and forward to the Fiscal Affairs Branch.
6. The Assistant Chief of Police shall review the Monthly Concessions Report along with the clerk who has maintained the funds and reports. Both shall sign the report before forwarding it to Fiscal Affairs attesting to its accuracy.
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Fiscal Court acknowledging the receiving of the collected funds.

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Effective Date January 1, 2000
Review Date March 19, 2001

POLICY

The Oldham County Police Department will review and revise its contingency plan annually, during the month of January. The format will be standardized in accordance with the provisions of this section.

PROCEDURE

The contingency plan shall be divided into eight sections as follows:

1. Section I Personnel & Equipment
2. Section II Procedures
3. Section III Other Support Personnel
4. Section IV Support Facilities
5. Section V Support Information
6. Section VI Potential Disaster Sites & Procedures
7. Section VII Informational Resources
8. Section VIII Miscellaneous Information

A sample of the types of information which shall be listed under each heading is provided. These examples are only guidelines. Specific information under these headings will vary from post to post.

SAMPLE

TABLE OF CONTENTS

Introduction (list separately; do not include

K.R.S. Chapter 39 these headings under a section)

	<u>PAGE</u>
Section I <u>Personnel & Equipment</u>	
A. Manpower	I-A-1
B. Equipment	I-B-1

Section II Procedures

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- A. Basic Plan II-A-1
- B. Department Response II-B-1
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Section III Other Support Personnel

- A. Other Police Agencies III-A-1
- B. Rescue Squads III-B-1
- C. Ambulance Service III-C-1
- D. Fire Departments III-D-1
- E. Wrecker Services III-E-1
- F. Military III-F-1
- G. Civil Defense III-G-1

Section IV Support Facilities

- A. Jails IV-A-1
- B. Hospitals IV-B-1
- C. Schools IV-C-1
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Section V Support Information

- A. County Officials V-A-1
- B. News Sources V-B-1
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Section VI Potential Disaster Sites & Procedures

- A. Emergency Operation VI-A-1
- B. Industrial VI-C-1
- C. Natural VI-D-1
- D. Schools VI-E-1
- E. Nuclear VI-F-1

Section VII Informational Resources

- A. County Maps VII-A-1
- B. School Blueprints VII-B-1
- C. Industrial Blueprints VII-C-1

Section VIII Miscellaneous Information

- A. Motels VIII-A-1
- B. Restaurants VIII-B-1

The numbering of each section and the chapters under the section

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will be as in the following examples:

1. Section I, Chapter A, Page 1 - I-A-1
2. Section IV, Chapter C, Page 5 - IV-C-5

The numbering system is similar to the indexing of the Oldham County Police Manual. Each new chapter will begin with page 1. If, in updating a single page within a chapter, it is necessary to replace it with more than one page, then each replacement page will be numbered with the original page number followed by (a), (b), etc. For example, if Section III, Chapter B, Page 3 is to be replaced by two new pages, they would be numbered III-B-3(a) and III-B-3(b).

Oldham County Police Department

Effective Date March 2, 2001

Review Date March 16, 2001

POLICY

To identify the responsibilities of the Property Room Officer and to set guidelines for the administration and control of the Property Room.

PROCEDURE

1. Responsibilities and Authority of the Property Room Officer.

- a. Maintenance, preservation and good order of items entered into the property room.
- b. Acceptance of only those items of evidence or property that have been properly packaged and accompanied by supporting documents that have been completed in full. Any items of evidence or property submitted outside guidelines of this policy shall be returned to the submitting officer, through said officer's command/supervisory officer, with deficiencies noted.
- c. Removal of evidence or property from evidence lockers.
- d. Auditing of the contents of the property room during January and July of each calendar year, creating a Court Order for the transfer or destruction of evidence and property that is no longer essential.
- e. Destruction or transfer of property as indicated by Court Order or appropriate authority.
 - (1) Destruction of property or evidence shall be witnessed by a Command Officer of the Department.
- f. Transporting, or coordinating the transportation of evidence to and from forensic laboratories or other facilities for the purposes of testing, transfer of control or destruction.
- g. Monthly review of property released to Department personnel to ensure the expedient return of property or disposition documents to the property room.

This review shall include

- (1) An audit of all property released from the Property Room to ensure all was returned or supporting documents are on file identifying the items final disposition.

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Effective Date March 2, 2001

Review Date March 16, 2001

(2) The Property Room Officer shall notify the command/supervisory officer of employee's failure to return property or documentation of disposition, as soon as practical.

h. Security and Integrity of the Property Room. These duties shall include:

(1) Protection and security of all keys, locks, and combinations for entrance into and confines within the property room.

2. Responsibilities of Officers Entering or Removing Property.

- a. All property and evidence shall be stored in the Department's Property Room until such time that it is needed for court, transported to the laboratory returned to the owner, or other legitimate purpose.
- b. Evidence shall be packaged according to the Evidence Collection and Preservation Policy prior to being submitted to the Property Room. Property, e.g., lost and found items, shall be submitted to the Property Room with documentation identifying the submitting officer's name, date, time and location found, and owner, if known.
- c. Officers shall submit a completed Evidence Request / Disposition Form to the Property Room Officer when requesting the release of property or evidence.

3. Administration and Control of the Property Room.

- a. The property room and administration of same is the responsibility of the Chief of Police or his designee.
- b. The property room shall be a secured portion of Oldham County Police Department. To ensure the integrity and security of this room, only two persons shall have custody of entry keys, the Property Room Officer and one designated alternative Property Room Officer.
- c. Evidence, recovered and found property of high values e.g. money and certain jewelry, shall be secured in safe or locked file cabinet, located in the property room.
- d. Evidence, recovered and found property consisting of weapons (firearms and edged weapons) and controlled substances, shall be secured within a safe locked cabinets or lockers within the property room.
- e. No person, sworn or civilian, shall enter the property room without the presence of the Property Room Officer or designated alternative Property

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Effective Date March 2, 2001

Review Date March 16, 2001

Room Officer. All non-property personnel shall sign an ingress / egress log to include the date, time in, time out purpose, and property personnel escort. This log shall be maintained within the property room.

- f. An unannounced audit of the property room shall be performed twice a year by a Command Officer with additional audits performed at the discretion of Chief of Police. The Command Officer assigned to perform the semi-yearly audit shall be chosen randomly by the Chief of Police.

(1) The audit of the Property Room shall consist of the following:

(a) Random reviews of the items present in the Property Room to ensure they are properly logged into the computer.

(b) A random review of active items in the computer to determine they are appropriately placed in the Property Room.

(c) Overall neatness and orderliness of the Property Room.

- g. Property/evidence shall be released to Department personnel only when a request is made on the Evidence Request/Disposition Form and forwarded to the Property Room Officer. Said property shall be released:

(1) In person.

- h. Property/evidence shall only be released to outside individuals or agencies after receiving authorization for the release, including the Officer's signature and date on the Evidence Request/Disposition Form. This request must include the person(s) to receive the property and the purpose of release (i.e. return to owner, release to other jurisdiction). Property not claimed within 30 days of notification by the officer shall be deemed abandoned.

- i. When property/evidence is released, the recipient shall have their name entered in the Evidence Computer as well as signing a computer-generated printout acknowledging receipt of said evidence/property. The signed computer generated form shall be maintained within the property room in an appropriate file.



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Effective Date November 19, 2003

Review Date November 19, 2003



POLICY

KRS 171.450 and 171.680 mandate that each agency will furnish the Department for Libraries and Archives with a current Records Retention Schedule and Record Description and Analysis Form on each record maintained by the agency.

PROCEDURE

The Oldham County Police Merit Board shall audit their respective records yearly, as set out in the Records Retention Schedule below. They shall then advise the Administrative Officer of the County Police on or before the first Monday in January of each year of the status of their records.

Consideration shall be given to those records that are new, obsolete, and any and all changes with regard to records under their control.

Record Title and Description	Retail at Agency (Years)	Disposition Instructions
Official Minutes - These are minutes of the Merit Board.	Permanent	Retain
Index to Official Minutes	Permanent	Retain
Proclamations (This series documents special recognitions of police officers. If action is taken by the Merit Board the information will be in the official minutes).	Permanent	Retain
Annual Report (This record series documents the activities and progress of the Merit Board on an annual basis).	Permanent	Retain
Meetings and Agendas		Destroy
Official Correspondence (This record series documents the major activities, functions, events and programs established by the Merit Board).	Permanent	Retain



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General Correspondence (General correspondence is not crucial to the preservation of the administrative history of the Merit Board. It is non-policy in nature and without permanent value).	1 year	Destroy
Policy and Procedures (Manuals or Memorandums which provide an official operating policy and documents the administrative history of the Merit Board).	Permanent	Retain
Open Records Register (This record series documents requests for information by the public, press and other parties which is available through Opens Record Law. May include the date of request, requesting party name, brief description of information wanted, disposition and disposition date).	5 years	Destroy
Citizen Complaints/Petitions (This series documents complaints filed by citizens).	2 years	Destroy
Disciplinary Records (This series documents class "A" violations).	10 years	Destroy
Disciplinary Records (This series documents class "B" and class "C" violations).	5 years	Destroy
Press Releases	1 year	Destroy
Duplicate "Copy of Record" (These are duplicates of the "Copy of Record" and are passed to the Merit Board for information purposes).	1 year	Destroy
Budget Draft/Proposal (a.k.a. Close Estimate or Working Budget. Includes information from the previous years' expenses and estimated expenses for the current fiscal year.).	1 year	Destroy
Annual Approved Budget	Permanent	Retain
Purchase Order/Requisition	3 years	Destroy



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Contracts and Agreements	15 years	Destroy
Personnel File (To include the application, employment and education verification, employee orientation, job classification and payment records, performance evaluations, awards given, disciplinary actions, personnel change forms, resignation, retirement information, compiled vacation and sick leave reports, attendance reports, exit interview and checklist, and correspondence. This record series is used as the master file to document the employment history of the individual and should be maintained by the Oldham County Police Department Records Section). KRS 61.678(k)(3)	70 years from date first employed	Destroy
Personnel Medical File (May include physical exams for jobs within the Oldham County Police Department and drug testing/screening and other medical histories pertinent to employment and is to be maintained by the Oldham County Police Department Records Section).	70 years from date first employed	Destroy
Personnel Training (Includes the employee grades, certificates of completion, requests for training, approval of training, and mandatory training guidelines. These documents are also used for the promotion process and are to be stored at	Permanent	Permanent
Hiring Procedures File (Should include the name of the person applying, address, social security number, previous employer information, test scores, and any other hiring information). KRS 61.878(k)(3)	3 years	Destroy
Applications of Persons Not Hired KRS 61.878(k)(3)	2 years	Destroy
Merit Service Exam File (Should include the list of applicants, applications, resume, test, test results, and eligibility list). KRS 61.878(k)(3)	3 years	Destroy



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Position Classification Documents File (Should include job classifications, qualifications for job classifications, minimum requirements, educational requirements, type of testing needed, and any required or requested certification requested).	70 years from date first employed	Destroy
Department Policies and Procedures (Should include document guidelines, regulations and laws by which the Oldham County Police Department operates and what procedures are used to carry those procedures out).	Permanent	Permanent
Annual Report (Should include the Oldham County Police Department organizational chart, staff, bureau sections, uniform crime chart, part one crime statistics, traffic statistics, promotions and retirements).	Permanent	Permanent
Orders (General, Special and Training Bulletin)	Permanent	Permanent

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Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

The rules and regulations contained in this chapter of the Oldham County Police Manual shall be known as the County Police Merit System and are promulgated by the Chief of Police to carry out the provisions of 78.440 to 78.480 and 78.990 of the Kentucky Revised Statutes.

PURPOSE

The purpose of these rules and regulations is to maintain the highest possible level of morale and motivation of officers of the agency and to gain the maximum utilization of the agency's human resources in order to provide better services to the citizens of the Commonwealth. They are also necessary to establish a system of personnel administration based on merit principles and scientific methods for the recruitment, examination, appointment, promotion, transfer, layoff, removal, discipline, welfare and other incidents related to the employment of officers of the agency.

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APPLICANT - Any individual who submits an application for employment as an officer.

APPLICATION DATE - The date that an application is received and formally accepted by a Oldham County Police Officer.

CADET TRAINING SCHOOL - The formal course of study prescribed for police officers by the agency at the Department of Criminal Justice.

CLASS "C" PATROLMAN - The job title given to all prospective officer employees at the time of their appointment. The title is retained until successful completion of the cadet officer training school, and until the oath of office is administered.

CHIEF OF POLICE - The Chief Executive Officer of the Oldham County Police.

DEMOTION - A change in rank from one position to a lower position having a lower minimum salary and less responsibility.

DEPARTMENT - The Department of the Oldham County Police.

EMPLOYMENT REGISTER - The official list of eligible applicants from which cadet officers are selected.

OFFICER - Any member of the Oldham County Police who possesses the powers of a peace officer and is employed under the provisions of KRS Chapter 18.

PERSONNEL BOARD - The County Police Personnel Board as provided for in KRS 78.400.

PROBATIONARY OFFICERS BOARD - The board of officers who, at the end of the probationary period, interview the probationer, examine his performance and then make a recommendation to the Chief of Police regarding retention.

PROBATIONARY PERIOD - The first twelve months of service following completion of the cadet training school. During this period, the employee is observed, evaluated, and a final determination is made regarding his status.

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PROMOTION - A change in rank from a lower position to a higher position having a higher minimum salary and carrying greater responsibility.

PROMOTIONAL CANDIDATE - An officer who is eligible to compete for promotion to a higher rank and announces his intentions to participate in the promotional process.

RANKING OFFICER - The officer with the highest rank or, if more than one officer of the highest rank are present, the senior member or the one who has been designated by higher authority.

REEMPLOYMENT - The reappointment of a person to the position of Police Officer who previously held such a position for any period of time.

COUNTY POLICE MERIT SYSTEM - The Acts of the Legislature found in Chapter 78 of the Kentucky Revised Statutes and policy and procedures in the Administrative and Operations Manual of the Oldham County Police.

STATUS - The acquisition of tenure after satisfactory completion of the probationary period, with all the rights and privileges granted under the Oldham County Police Merit System.

TRANSFER - The moving of an employee from one duty assignment to another.

TRIAL BOARD - The board which is created in KRS 78.400 and which hears charges against officers in the manner and under the procedures set forth in Chapter 78 of the Kentucky Revised Statutes and the Administrative and Operations Manual.

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Effective Date January 1, 2000
Review Date January 1, 2000

POLICY

The Oldham County Police is an equal employment opportunity employer and shall not discriminate or allow any form of harassment against employees or job applicants on the basis of race, religion, color, sex age, national origin, or disability except where a bona fide occupational qualification applies. No form of discrimination or harassment on the basis of race, religion, color, sex, age, national origin, or disability shall be tolerated except where a bona fide occupational qualification applies.

GENERAL PROVISIONS

The department shall have an Equal Employment Opportunity Program (EEO) available to both civilian and sworn employees. The Chief of Police shall designate an equal Employment Opportunity Coordinator. Any employee having a problem or complaint relating to equal employment opportunity should contact the coordinator for assistance and advise pursuant to the following procedure.

PROCEDURES

Any employee or applicant believing they have a complaint relating to equal employment opportunity may contact one or more of the following: the agency EEO Coordinator or an agency supervisor for processing through the agency chain of command. Employees or applicants should register the complaint within three (3) to five (5) days of the occurrence of the action associated with the complaint. The EEO Coordinator shall advise the complainant of all options available and attempt to affect a mutual resolution if possible within twenty (20) days or less from the date the complaint is made. Complaints received may be treated in confidential manner, if the complainant so requests.

Any complainant dissatisfied with a tendered resolution shall be informed that they may make a complaint to the Oldham County Merit Board, the Human Rights Commission or the Equal Employment Opportunity Commission.

Any form of interference, coercion, restraint or reprisal involving an employee registering an equal employment opportunity complaint shall be prohibited.

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POSTING

Copies of this order shall be prominently displayed at the department.

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Effective Date January 1, 2000
Review Date October 31, 2000

RULES OF ORDER

Meetings of the Board may be informal, subject to such rules of order as may be promulgated by the chairman.

MEETINGS

Meetings of the Board shall be held at the time and place as shall be specified by the call of the Chief of Police.

NUMBER OF APPEALS LIMITED

Any applicant who is disapproved by the Board may appeal one time. If the applicant is disapproved a second time, he shall have no recourse unless he submits new evidence and the Board, after receiving such evidence, believes further consideration is warranted.

LIMITATION OF THE BOARD'S DUTIES

The duties of the Board are limited to the pre-employment/reemployment phases of the selection process.

Duties

It shall be the duty of the Board to:

1. Represent the public interest in maintenance and improvement of high standards for individuals selected for appointment as officers with the Oldham County Police.
2. Make, alter, and amend rules consistent with the letter and spirit of Chapter 70 of the Kentucky Revised Statutes.
3. Approve, or disapprove, or defer for employment applicants as they are presented to the Board.
4. Hear appeals from applicants who have been disqualified or disapproved.

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Actions Taken

The Board shall act upon applications in the order that such applications are submitted. The Board may take the following actions:

1. The Board may approve an applicant for employment, in which case the applicant's name shall be placed upon the eligibility register in the manner prescribed by the Chief of Police and approved by the Board.
2. The Board may disapprove an applicant for employment. Applicants who are disapproved shall not be allowed to reapply until the register for which they initially applied has expired or if it will expire prior to the completion of action by the agency and the Board upon the subsequent application.
3. The Board may defer action on an application for a period not to exceed three years. The application shall remain active during the period of deferral unless the applicant expressly withdraws the application.

MINUTES

The Board shall select an officer of the County Police to act as secretary. The secretary shall prepare written minutes after each meeting.



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Review Date January 11, 2005

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1.1 ESTABLISHMENT OF THE OLDHAM COUNTY POLICE MERIT BOARD

1. 1.1 DEFINITIONS FOR KRS 78.400 TO 78.480 AND 78.990

As used in KRS 78.400 to 78.480 and 78.990, unless the context otherwise requires the following words and terms shall have the following meaning:

1. "Board" means the county police force merit board or boards hereinafter created.
2. "Chief" means the chief of the county police forces affected by KRS 78.400 to 78.480 and 78.990.
3. "Assistant Chief" means the next in command to the chiefs of the county police forces affected by KRS 78.400 to 78.480 and 78.990.
4. "Secretary" means the executive secretary and examiner employed by the county police force merit board or boards hereinafter created.
5. "Officer" means any members of the county police forces affected by KRS 78.400 to 78.480 and 78.990 including chiefs and assistant chiefs and all commissioned or none commissioned patrolman, corporals, sergeants, lieutenants and captains.
6. "Employee" means all other employees of the county police forces affected by KRS 78.400 to 78.480 and 78.990.

1:1.2 KENTUCKY REVISED STATUTES 78.400 TO 78.460 AND 78.990 AUTHORIZING CREATION OF A COUNTY POLICE MERIT SYSTEM

78.405. Powers of counties to create police force merit system-appropriations. - (1) Any county of the Commonwealth of Kentucky may, by order of its fiscal court, duly made and entered of record, create a county police force merit system, and for that purpose, establish a county police force merit board, whose duties it shall be to classify and examine applicants seeking employment as officers or employees of the police force of the said county, and in addition thereto to promulgate rules and regulations not inconsistent with KRS 78.400 to 78.480 and 78.990 governing the classification, qualification, examination, appointment, probation, promotion, demotion, fine, suspension and other disciplinary action within the said county police force of all personnel for the county police force or forces affected and covered by KRS 78.400 to 78.460 and 78.990, and in addition thereto, to hold such hearings, public and executive, and impose such penalties upon the personnel affected by KRS 78.400 to 78.460 and 78.990.



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(2) Fiscal courts affected hereby shall make appropriations of money for the reasonable and necessary expenses of the said board.

78.410 COUNTY POLICE FORCE MERIT BOARDS

(1) The County Judge/Executive, subject to the approval of the Fiscal Court of the county, shall appoint four (4) persons, who shall constitute the County Police Force Merit Board of such county, who shall serve without compensation, and the County Judge/Executive shall be a member ex-officio of said board for determination. Each board appointee shall be at least thirty (30) years of age, a resident of the county affected, and not related by either blood or marriage to either the county judge/executive or any member of the fiscal court of the said county. The first members of any said board shall be appointed within the thirty-day period following the effective date of an order duly made and entered by a fiscal court creating a county police force merit system and merit board, and one (1) member of the board shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one for a term of three (3) years, and one (1) for a term of four (4) years. Thereafter, all appointments shall be for four (4) years except that appointments to fill vacancies within the respective terms. Any board member may be removed by resolution of the fiscal court of the county for neglect, incapacity, malfeasance or malfeasance on the part of said board members. No appointed board member shall hold any other public office, elective or appointive during his term as a member of the board, and shall not receive any money, gift or consideration of any type from any person directly or indirectly for or on account of any recommendation, proposal or suggestion bearing upon the business of the board or the county police force. Not more than two (2) members shall be adherents of the same political party.

2. Each appointee, before entering upon the discharge of his duties, shall qualify by subscribing, taking and filing an oath of office as required by law.

3. The members of the county police department shall elect for a two (2) year term two (2) patrolmen of the county police department with a minimum of five (5) years service or more who shall serve as members of the county police force merit board for the purpose of deciding discipline cases only, and who may vote on such cases.

These members shall be elected during the month of July, 1978. In case of a vacancy, a new election shall be held within sixty (60) days of the date when the vacancy occurs and the person elected shall fill the remainder of the unexpired term.

78.415 MEETINGS - MINUTES - SECRETARY



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(1) The board shall meet at least once each calendar month and minutes of the business of each meeting shall be kept.

(2) The board shall employ a secretary who shall also conduct all examinations, prepare eligibility lists and keep all records and minutes of the board's business and perform such other duties in connection with the business of the board as may be required by the board. The secretary may be employed on a part-time basis and said secretary shall receive such compensation as may be recommended by the board and approved by the fiscal court. All orders and minutes of the board shall be signed by the chairman thereof, who shall be elected by the board members and the minutes shall be countersigned by the secretary.

(3) All records and minutes of the board shall be considered public records.

78.420 Chairman, Vice-chairman - Administrative regulations - voting, quorum.

(1) Upon appointment and qualification of the members of the board, they shall meet within the (30) days following the creation of the board and elect their chairman and vice-chairman and adopt such rules and regulations and bylaws not inconsistent with KRS 78.400 to 78.480 and 78.990 for the proper conduct of their offices. In all matters requiring a vote, a majority of the board members present and voting shall determine any question, provided that at least three (3) board members be present to constitute a quorum.

(2) In cases of discipline, four (4) members of the board must be present to constitute a quorum, one (1) of which must be a police officer as defined in subsection (3) of KRS 78.410.

78.425. Personnel included in merit system. -

(1) All police officers of whatever rank and title, and all employees of every county police force affected by KRS 78.400 to 78.460 and 78.990 are covered by the provision hereof, except probationary officers and employees. All such covered officers and employees of every county police force on active duty or service as of the effective date of a duly made and entered order of the fiscal court of the said county creating a county police merit system and board, shall be deemed fit and qualified to continue their respective duties of employment on or for their respective county police force without examination or further qualification, except and unless the chief of police of any county police force shall within sixty (60) days after the establishment of the board certify to the said board that any officer or employee is physically unfit to continue his or her duties.

(2) Where a merit system is established which covers a county fire department, the provisions of subsection (1) shall apply to the county fire department as they apply to the county police force.

(3) All personnel covered by the provisions (a) of KRS 78.400 to 78.460, or (b) KRS 67.323, 67.325 and this section, or both, except probationary officers and employees, shall be deemed to be



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permanent employees subject to their ability to satisfactorily perform their respective duties and further subject to their good behavior.

(4) Probationary officers and employees shall not be included in the merit system until such time as they satisfactorily complete their initial probationary periods established by the governing merit board. Officers and employees serving promotional probationary periods, however, shall not be deemed excluded from the merit system during such promotional probationary periods.

78.428 POLICE OFFICERS EXCLUDED FROM CLASSIFIED SERVICE

(1) The provisions of KRS 78.400, 78.405 and 78.425 shall not apply to the chief of police, assistant chief, and any officers above the rank of captain of county police forces in counties having a population of 600,000 or more. Said officers shall be appointed by the County Judge/Executive and shall not be considered covered officers, except as proved in subsection (2) of this section.

(2) Any employee covered by the provisions of KRS 78.400 to 78.460 who shall accept an appointment and qualify as chief of police or assistant chief of police shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of said respective positions. Should any such chief or assistant chief of police cease to serve as such, there shall be restored to him the same classification and rank which he held prior to said appointment. Any person not covered by the provisions of KRS 78.400 to 78.480 when appointed to the position of chief of police or assistant chief of police shall not be deemed to be part of the classified service and shall not be returned to any classification or rank in the classified service when he ceases to serve in such capacity.

78.430. COUNTY JUDGE TO CERTIFY INFORMATION CONCERNING PERSONNEL

(1) Within ten (10) days after the creation of any board under KRS 78.400 to 78.460, the county judge shall certify to the board the names, rank, rate of pay, the seniority of every officer and employee on the police force as of the effective date of the fiscal court order creating the board.

78.435. POLITICAL ACTIVITIES FORBIDDEN

(1) No officer or employee covered by the provisions of KRS 78.400 to 78.460 shall directly or indirectly solicit or receive or be in any manner whatever concerned in receiving, soliciting or publicizing any assessment, gift, subscription or contribution to or for any political party or candidate for public office.



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(2) No person shall use or promise to use his personal influence or official authority to secure any appointment or promotion to any position of employment covered by the provisions of KRS 78.400 to 78.460, as a reward or return for personal or partisan political service. No candidate applying for original appointment or promotion to any position of employment covered by KRS 78.400 to 78.460 shall be suspended, laid off, demoted, promoted, fined, disciplined or threatened, or in any way changed in rank, duty or compensation for withholding or neglecting to pay or make any contribution of any sort, or character, either in money, goods or services or anything of value for any political purpose whatsoever.

(3) No examination question in any examination held by the board shall relate to any political or religious opinion, belief, affiliation or service and no appointment, promotion, demotion, suspension, fine or removal shall be brought about, effected, affected or influenced by such opinions, belief, affiliations or services.

(4) No officer or employee covered by KRS 78.400 to 78.460 shall foster, promote, or be concerned with any actions involving political or religious controversies or prejudices while in uniform.

(5) Nothing contained in KRS 78.400 to 78.460 shall be so construed as to abridge the rights of any officer or employee with respect to his or her personal opinions or beliefs or right to vote.

78.440. Board to promulgate rules governing certain subjects - Publications - Qualifications - Requirements for promotion -

(1) Every county police force merit system board created hereunder shall make, promulgate, and when necessary, amend rules for the qualifications, original appointment, probation, promotion, demotion, transfer, layoff, reinstatement, suspension, fine, and removal of the officers and employees covered by KRS 78.400 to 78.460. No rule or regulation made, promulgated, or amended by any county police force merit system board shall be inconsistent with the express provisions of this chapter. The board shall publish its rules and any amendments by supplying a certified copy to the county Judge/Executive, the fiscal court, and the chief, and by posting a copy conspicuously in the office or place where the headquarters of the county police is maintained. The rules and amendments shall be published in the manner prescribed within three (3) days after the adoption thereof.

(2) The rules in addition to other matters shall specifically provide for and cover the following:

(a) 1. Physical, mental, educational, citizenship, and age requirements for new employees and officers.

(b) Physical, mental, educational, citizenship, and age requirements for new employees and officers and seniority



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requirements for promotion from lower to higher rank or classification.

(4) A grade "A" patrolman shall have three (3) years of service as a grade "A" patrolman before he may be eligible for the promotion to the rank of sergeant. If there are fewer than fifty (50) police officers on the police force, the merit board may waive this service requirement.

(b) Open competitive written, oral, and physical tests to determine the relative fitness of all candidates and examinations for original appointment and for promotion.

(5) Public notices of examinations provided in subparagraph 1 of paragraph (b) and subparagraph 2 of paragraph (a) of this subsection.

(c) Temporary appointments in case of emergency.

(d) Organization and meetings of the board.

(e) Procedure and conduct of public hearings.

(6) No county police force merit system board shall adopt a rule requiring the retirement of officers or employees prior to the first day of the month following the officer or employee's fifty-eighth (58th) birthday on a voluntary basis.

(7) The board shall employ a chief examiner who shall be professionally qualified and experienced in the field of testing and who shall formulate, give, grade, and administer all written tests as required by the board. The chief examiner shall report to the board the results of all tests given by him and he shall be solely responsible to the board. The chief examiner shall select a panel of (3) members to conduct an oral examination of the applicants for promotion. The panel shall consist of three

(8) persons of a supervisory capacity from an outside agency or agencies in the same field and of the same rank to which the applicant is aspiring. The chief examiner shall compile the grades of all applicants in strict compliance with procedures and percentages as set out below and shall deliver, in a sealed envelope, the scores of all applicants for promotion to the chairman of the board. The chief examiner shall not reveal to anyone the results of said tests other than in the manner set forth herein. If there are fewer than fifty (50) applicants for testing, the merit board may waive the requirements of this subsection and substitute other appropriate testing methods as determined by the board, but no testing method or the grading shall depart from or be inconsistent with the procedures and percentages set out below which shall be strictly followed in determining an applicant's eligibility for promotion.

(9) Physical fitness for promotion shall be presumed unless certified to the contrary by the chief of police who shall supply the board with medical records of the disability.

(10) At least (90) days' notice shall be given before the promotional examination is conducted.

(11) The grading of promotional tests shall be as follows: sixty percent (60%) for written examination; thirty percent (30%) for oral examination; one percent (1%) such employee or officer shall be given the right within ten for each year in seniority in grade, not to exceed ten percent (10%). Seniority points shall be awarded for each year of service after five (5) full years of service. The results of the written and oral examinations shall



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be added to the seniority points available to each applicant in determining the applicant's final evaluated rating.

78.445 - DISCIPLINARY ACTION BY CHIEF.

(1) Any officer or employee may be removed, suspended, laid off, reduced in grade, or fined by the chief for any cause which will promote the efficiency of the service, but before any such action is taken by the chief against any officer or employee, the chief shall furnish the officer or employee concerned with a written statement of the reasons why the described action is taken. The officer or employee may be reduced, removed, suspended, laid off, reduced in grade, or fined, shall be allowed a period of ten (10) days within which he may file written answer to the charges and reasons which shall be made a part of the official records of the police department. No trial or examination of witness shall be required in any such case except in the discretion of the chief. The chief shall likewise furnish a copy of the written charges and reasons for his action to the board.

(2) Any citizens who makes written charges of misconduct, under oath, concerning the actions of any police officer hereunder shall present the charges to the chief of police, who shall investigate said charges. The chief of police shall determine what action, if any, shall be taken against the officer, subject to the limitations set out in this chapter. The citizen may appeal the determination of the chief of police to the board.

78.450 DISCIPLINARY ACTION BY THE BOARD

(1) The board shall also have the right to remove, reduce, suspend, lay off, fine or discipline any officer or employee covered by the provisions hereof on written charges of misconduct preferred on its own initiative or the initiative of any citizen, but only after reasonable notice to the accused and after a complete public hearing at which the officer or employee accused shall have the right to be present and represented by counsel and confronted by all of the witnesses preferring the charges against him. Every such employee or officer shall be given the right within (10) days after charges are initiated by the board or a private citizen and before the public hearing prescribed herein, to file written answer to the charges preferred against him.

(2) After full public hearing by the board, the board may retire in executive session to discuss the evidence introduced at the hearing and to make its determination and conclusion. In no case shall the board in executive session receive any further evidence or communication from any source whatsoever prior to reaching its determination and conclusion.

(3) Before the board shall remove, reduce, suspend, lay off, fine or discipline any officer or employee covered by the



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provisions hereof, the charges against said officer must be presented to the officer in writing and shall be specific as to the nature of the charge or charges, giving specific, detailed information so as to allow said officer to be able to properly defend himself.

78.455. Action of Chief or Board final- Exceptions - Appeals to Courts. -- In all cases provided for in KRS 78.445 and 78.450, the action of the chief or of the board shall be final except in the following cases:

(1) Every action in the nature of a dismissal, suspension, reduction, or fine made by the chief, shall be subject by the board at the request of any officer or employee affected by KRS 78.400 to 78.460, and the board shall give notice and hold a public hearing. After the public hearing, the board shall retire in executive session to discuss the evidence introduced at the hearing and make its determination and conclusion. While in executive session, the board shall not receive any further evidence or communication from any source prior to reaching its determination and conclusion. The board, while in executive session, may request and receive legal advice from board counsel on specific legal issues which may arise during deliberations. If a majority of the members of the board are of the opinion that the action of the chief is unjustified or unsupported by proper evidence, the order of the chief may be set aside and revoked by the board and the board may impose the penalty or punishment it may deem necessary and appropriate, if any.

(2) (a) Every action in the nature of a dismissal, suspension, reduction, or fine made by the board shall be final, except that any person aggrieved thereby may, within twenty (20) days after the rendition of the action, appeal to the Circuit Court of the county in which the board meets. The board shall be named respondent as the county police force merit board, and service shall be had on the chairman thereof. The appeal taken to the Circuit Court shall be docketed by the clerk as a civil action and shall be tried anew, as if no action had been rendered by the board.

(b) 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 civil action.

78.460 BOARD HEARINGS TO CONFORM TO DUE PROCESS OF LAW - BOARD MAY ISSUE SUBPOENAS AND COMPEL ATTENDANCE OF WITNESS

Procedural due process shall be afforded to all police officers by the board. The board shall afford any officer, promptly and in writing, of any charges brought against said officer by the board. The officer shall be given a prompt hearing by the board, shall have an opportunity to confront his accusers and the privilege of presenting the board with evidence. The Board shall have the power to issue subpoenas attested in the name of its chairman, to compel the attendance of witnesses, and so far as practicable, conduct said hearing within the Kentucky Rules of



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Civil Procedure. Any officer who is not given a hearing within sixty (60) days of any charge so placed shall be reinstated in full.

78.470 COLLECTIVE BARGAINING AUTHORIZED - Strikes prohibited. -In any county in the Commonwealth of Kentucky, which has a population of 300,000 or more, and which has adopted the merit system, the county employees in the classified service as police may organize, form, join or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through representatives of their own free choice. Such employees shall also have the right to refrain from any or all such activities. Strikes by said members of any such collective bargaining unit shall be prohibited at any time.

78.480 PROPER SUBJECTS FOR BARGAINING.

In any county in the Commonwealth of Kentucky, which has a population of 300,000 or more, and which has adopted the merit system for its police force, the fiscal court may contract with representatives of the police employed by said county with respect to wages, hours, terms and conditions of employment, including execution of a written contract incorporating any agreement reached between the fiscal court and representatives of the police. The fiscal court shall not be required to bargain over matters of inherent managerial policy.

78.990 PENALTIES - Any person who shall knowingly violate any of the provisions of KRS 78.400 to 78.460 shall be guilty of a misdemeanor and shall upon conviction be punished by a fine of not less than fifty (50) nor more than one thousand dollars (\$1,000) or by imprisonment for a term not to exceed six (6) months or by both such fine and imprisonment and if such person be an applicant for any employment covered hereby, he shall be excluded from such examination for a period of three (3) years thereafter and if the name of such person be on any eligible list of the said board, his name shall be removed forthwith therefrom and be ineligible for any such appointment to public office or employment for a period of three (3) years thereafter.

MERIT BOARD REGULATIONS ESTABLISHED

1:1.3 The Oldham County Police Force Merit Board hereby establishes rules and regulations to be known as the Oldham County Police Merit Board Rules and Regulations.

RIGHT TO AMEND OR REVOKE

1:1.4 In accordance with KRS 78.405 (1) the right to amend, add to, or revoke, any of these regulations is reserved to the Oldham County Police Force Merit Board.



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PREVIOUS ORDERS

1:1.5 All rules, regulations, procedures and orders previously issued, contrary to those embodied in this manual are hereby revoked.

1.2 THE NUMBERING SYSTEM

1:2.1 CHAPTER AND SECTION DESIGNATION

Each chapter, section and subsection shall be designated by title and Arabic numeral. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 CHAPTER AND SECTION SEQUENCE

The number preceding the colon shall enumerate the chapter while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 SUBSECTION SEQUENCE

The number placed to the right of the decimal point shall designate the subsection.

1:2.4 SERIES NUMBERING

Numbers listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 FLEXIBILITY OF SYSTEM

This system shall provide a simple and quick method of referral to material in this manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1.3 THE MERIT BOARD RULES AND REGULATIONS MANUAL

1:3.1 DISTRIBUTION OF THE MANUAL

One copy of the Merit Board Rules and Regulations Manual shall be distributed to each police officer and to certain civilian employees of the police department. Also, for reference purposes, copies shall be distributed to the County Judge, Fiscal Court, and the Merit Board, and one shall be conspicuously posted at Oldham County Police Headquarters.

1:3.2 RESPONSIBILITY FOR MAINTENANCE

All members and employees who are assigned a Rules and Regulations manual shall be responsible for its maintenance and care. All manuals shall be kept current and supplementary pages, concerning additions, revision or amendments, shall be promptly and properly inserted.

1:3.3 FAMILIARIZATION*

Each police officer and each civilian employee is duty bound to thoroughly familiarize himself with the provisions of the Police



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Merit Board Manual. Failure to comply shall be considered neglect of duty.

* This manual does not give raise to any rights or responsibilities, any rights must come from KRS statutes and case law.

1:3.4 IGNORANCE OF CONTENTS OF MANUAL

In the event neglect of duty is charged against a member for failure to observe the rules and regulations, department procedures or orders, ignorance of any provision of this manual, or any department procedure or order will not be accepted as an excuse.

1:4 DEFINITION OF TERMS

The terminology listed in this section has been defined to provide the uniformity in usage and to clarify meaning when these terms are used.

1:4.1 BOARD - The Oldham County Police Force Merit Board

1:4.2 CLASSIFIED SERVICE - All employees of the Oldham County Police Department except Chief, Assistant Chief and officer above the rank of Captain as specifically excluded by the KRS. For purposes of clarification, the Chief, Assistant Chief and any other officer above the rank of Captain serving in that capacity as of the date of the creation of the Oldham County police Force Merit Board shall remain at that rank and "classified service" shall apply after the date the Oldham County Police Force Merit Board was created.

1:4.3 CLASS - Refers to the four main divisions of the Classified Service: Permanent, temporary, emergency or transitory.

1:4.4 PERMANENT POSITION - Any classified position to which an employee has been regularly appointed.

1:4.5 TEMPORARY POSITION - Any classified position filled by temporary appointment without competition pending the establishment of an eligible list, such appointment not to exceed 120 days, and not to be extended.

1:4.6 EMERGENCY POSITION - Any classified position which requires the services of an incumbent for a period not to exceed 60 calendar days, and not to be extended. An emergency position is to be determined by the Merit Board.

1:4.7 TRANSITORY POSITION - Any classified position which requires the services of an incumbent only during certain parts of the year such a position being intermittent or broken in its natures.

1:4.8 COMPENSATION - Refers to the compensation paid to officers and classified employees of the Oldham County Police



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Force, such compensation to be recommended to the Oldham County Fiscal Court by the Chief of Police.

1:4.9 TITLE - Used to designate an authorized employment and shall be as nearly as possible descriptive of the duties. The title adopted for each classified position shall be used in all records and payrolls.

1:4.10 DUTIES - Work requirements of each position and extent of supervision or responsibility.

1:4.11 QUALIFICATIONS - Education, experience and/or training requirements which determine the eligibility of an applicant for initial appointment or promotion.

1:4.12 ELIGIBLE LIST - The names of persons who meet the necessary qualifications as determined by adequate and non-discriminatory tests or other suitable measurement devices. The names shall be arranged on a list by order of merit, certified by the Merit Board, for consideration of the County Judge.

1:4.13 CERTIFICATION - Shall mean those candidates on the eligible list submitted to the County Judge, found qualified and eligible for employment or promotion by the Merit Board.

1:4.14 APPLICANT - A person applying for initial appointment as an officer or employee of the police force.

1:4.15 CANDIDATE - A person on the eligible list.

1:4.16 ANNUAL VACATION - Vacation period granted to all members annually.

1:4.17 BUREAU - A unit immediately subordinate to a division.

1:4.18 CHAIN OF COMMAND - The unbroken line of authority extending from the chief of police through a single subordinate at each level of command down to the level of execution and vice versa.

1:4.19 COMMANDING OFFICER - Any officer or anyone designated by the chief.

1:4.20 DAYS OFF - Those days, determined by the chief of police, on which a given member is excused from duty.

1:4.21 DEPARTMENT - The Oldham County Police Department.

1:4.22 DETAIL - A temporary assignment of personnel for a specialized activity.

1:4.23 DETECTIVE - A police officer assigned to conduct criminal investigation while in civilian clothing.



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1:4.24 DIVISION - A functional unit having jurisdiction wide coverage of whose commanding officer reports directly to the chief of police.

1:4.25 EMPLOYEE - Civilian employee of the department.

1:4.26 GENDER - Use of the masculine gender herein shall also include, where applicable, the female gender.

1:4.27 GENERAL ORDERS - Written directives issued by the chief of police. General orders remain in full force and effect until amended, superseded, or canceled by the chief of police. Department general orders establish policy, procedure or regulations governing matters which effect the entire department or two or more subordinate units. They are the most authoritative directive issued in the department and may be used to amend, supersede, or cancel any other order.

1:4.28 HEADQUARTERS - The police buildings that house the headquarters staff and the members of this department.

1:4.29 INCOMPETENCE - Incapable of satisfactory performance of police duties.

1:4.30 INSUBORDINATION - Failure or deliberate refusal of any member or employee to obey a lawful order by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence. Disrespectful, mutinous, insolent, or abusive language directed toward a supervising officer.

1:4.31 - LAWFUL ORDER - Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the court of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

1:4.32 MAY/SHOULD - As herein words may or should shall mean that the action indicated is permitted.

1:4.33 MEMBER - Any duly appointed police officer of the department.

1:4.34 MEMORANDA - Information bulletins which are primarily designed to inform and secondarily to direct issues at departmental and divisional level. Such memoranda are not official orders but express the thinking of the issuing authority on the subject under consideration.

1:4.35 MILITARY LEAVE - The period of time during which an officer is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by law.

1:4.36 NEGLECT OF DUTY - Failure to give suitable attention to the performance of duty. Examples include but are not limited



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to: Failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention: absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during a tour of duty; failure to perform duties or comply with provision prescribed in the Police Manual; failure to conform to the department operating procedures.

1:4.37 OFF DUTY - The status of a member during the period he is free from the performance of specified duties. Also may be known as day off, or annual leave.

1:4.38 OFFICIAL CHANNELS - Through the hands of the superior officers in the chain of command.

1:4.39 ON DUTY - The status of a member during the period of the day when he is actively engaged in the performance of his duties. Technically a police officer is subject to call at all times.

1:4.40 ORDER - Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty.

1:4.41 PERSONNEL ORDER - Appointment, assignment, or any other status change of personnel within the department accomplished by department personnel orders issued by the chief of police.

1:4.42 POLICE MANUAL - Reference guide specifying the rules and regulations governing the Oldham County Police Force and the conduct of personnel and the operation of the police department as well as specifying department policies and procedures. Department orders will be incorporated into the Police Manual after a provisional period of operation. This manual is issued by authority of the chief of police and carries the weight of a general order.

1:4.43 PROCEDURE - The official method of dealing with any given situation prescribed by chief's order or procedural guide.

1:4.44 RULES AND REGULATIONS - Department legislation consisting of detailed directives binding members and employees of all ranks in terms of authority, responsibility, and conduct.

1:4.45 SECTION - A functional unit subordinate to a bureau or under the immediate direction of the chief of police. It may be commanded by any rank, depending on its size and the natures and importance of its function.

1:4.46 SENIORITY - Seniority in the department is established first by rank and second by time served in rank whether on a regular, assigned, or temporary basis. Where conflict occurs because of identical service or dates of appointment, the member with the highest position on the Merit System eligibility list from which the appointments were made is deemed to be the senior.



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In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.

1:4.47 SHALL/WILL - The words shall and will as used herein shall indicate that the action required is mandatory.

1:4.48 SHIFT - An eight hour tour of duty.

1:4.49 SHIFT COMMANDER - A supervisory officer of a shift in the Patrol Division.

1:4.50 SICK LEAVE - The period of time during which an officer is excused from active duty by reason of illness or injury.

1:4.51 SPECIAL DUTY - Police service, the nature of which requires that the member be excused from the performance of his regular duties.

1:4.52 SPECIAL ORDERS - Written directives issued by the chief of police. They specify instruction governing particular situations. Special orders are automatically canceled when their objectives are achieved.

1:4.53 SUPERIOR OFFICER - Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

1:4.54 SUPERVISORY OFFICER - Member of the department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

1:4.55 TENSE OF WORDS - The words used in the present tense include the future.

1:4.56 TOUR OF DUTY - The number of days of work on a given shift during which an individual member is on duty.

1:4.57 TRAINING BULLETIN - Bulletins published and designed to keep officers of the department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official department policy on the subject matter under consideration in the absence of other instruction to the contrary.

1:5. APPOINTMENT OF MERIT BOARD OFFICERS

1:5.1 OFFICERS AND THEIR ELECTION

The Board, when appointed by the County Judge, or upon the appointment of a new member, shall proceed to the election of a



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Chairman and a Vice Chairman who shall continue in office until a subsequent reorganization becomes necessary. The Chairman and Vice Chairman shall not be members of the same political party. The Chairman of the Board, or in his absence, the Vice Chairman shall sign the minutes of the Official Acts of the Board, requisitions for supplies and equipment needed by the Board for its official business, preside at meetings and hearings of the Board and represent the Board as necessary.

The Board shall elect its officers annually at the regular meeting in October and at any other time there is a vacancy in one of the offices. The officers shall serve terms of one (1) year, or in the event of an election to fill an officer's unexpired term, for the duration of that term. The officers may be reelected to these offices.

1:5.2 SECRETARY EXAMINER

The Board shall appoint a Secretary and Examiner, who may be the same person, and shall recommend to the Fiscal Court, the amount of his compensation. The Secretary and Examiner under the supervision of the Board shall be responsible for the preparation and conducting of all examination, the appointment of any special examiners and the certification of eligible candidates. The Secretary Examiner shall be responsible for the keeping of records and of the preparation of regulations prescribing the detailed procedure to be followed in the administration of these rules and in carrying on the routine business of the Board. All orders and minutes of the board shall be signed by the chairman thereof, who shall be elected by the board members and the minutes shall be countersigned by the Secretary Examiner. All records and minutes of the board shall be considered public records.

1:5.3 COUNTY JUDGE/EXECUTIVE

The County Judge/Executive serves as an ex-officio member of the Board and is entitled to vote only in instances where a tie vote has occurred.

1:5.4 POLICE OFFICERS AND ELECTION TO BOARD

In reference to house Bill 570 KRS 78.410 (3) "The members of the county police department shall elect for a two (2) year term two (2) patrolmen of the county police department with a minimum of two (2) years service who shall serve as members of the county police force merit board for the purpose of deciding discipline cases only and who shall be elected during the month of July of the even numbered years. The first election shall be held in July 1992 and every two years thereafter. These two (2) members must be below the rank of sergeant. In the case of a vacancy, a new election shall be held within sixty (60) days of the date



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when the vacancy occurs and the person elected shall fill the remainder of the unexpired term.

The office of the Attorney General refers to "patrolmen" rather than police officers generally or officers of rank other than patrolmen, the county police officers elected to hold the positions on the county police force merit board mentioned in the statute must come from that group of county police officers holding the rank of patrolmen.

All voting will be done by secret ballot only. The secretary shall provide the method and procedure of election to insure confident-confidentiality of each vote. The two patrolmen receiving the greatest number of votes shall be declared elected. In the event there are no clear winners or a multiple tie exists, additional balloting will be conducted until two (2) patrolmen are elected. After one additional balloting is conducted and a tie still exists, a "flip of the coin" method may be used to decide winner. The counting of the ballots and decision of winners will be witnessed by at least two (2) officers and the secretary. The results of the election will be posted on the police bulletin board of the County Police Department and a copy will be sent to the chairperson of the County Police Merit Board.

1:6 MERIT BOARD MEETINGS AND ORDER OF BUSINESS

1:6.1 MEETINGS

Meetings of the Board shall be held once each month, and at such other times as may be warranted by the business of the Board. Meetings shall be guided in its conduct by the KRS Merit Board Rules, Roberts Rules of Order and Rulings of the Presiding Officer.

1:6.2 ORDER OF BUSINESS

The following shall be the order of business and procedure at the regular meetings of the Board.

1. Call to order
2. Approval of minutes
3. Reading of communications
4. Report of Secretary/Examiner
5. Old business
6. New business Next meeting date
7. Adjourn

1:6.3 SPECIAL MEETINGS

Special meetings of the Board may be called by either the chairperson or by a majority of the members of the Board. Public notice of the special meeting shall be given at least twenty-four (24) hours prior to the time of the special meeting. The notice of a special meeting shall state the date, time and place of the



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meeting, and what business will be considered. No other business except that stated in the notice shall be considered except by consent of a majority of the members present.

1:6.4 QUORUMS

None-discipline related meetings.

At least three (3) Board members, excluding the two members of the Oldham County Police Department and the County Judge/Executive must be present at meetings of the Board to constitute a quorum.

Discipline-related meetings.

In cases of discipline, four (4) members of the Board must be present to constitute a quorum, one of whom must be a Police Officer, and that police officer must be one of the members of the Oldham County Police Merit Board.

Business may not be conducted at a meeting unless there is a quorum of the members of the Board present.

VOTING

A majority of the Board members present and voting shall determine any question, provided that a quorum is present.

1:6.5 MINUTES

The Secretary shall be responsible for preparing the minutes of all meetings of the Board. The minutes shall be submitted for approval at the next regular meeting of the Board. The minutes shall be signed by the Secretary and the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson. The minutes shall include copies of all materials considered by Board members at the meeting. The minutes shall be open to public inspection immediately following the meeting of the Board at which they are approved.

1:6.6 EXECUTIVE SESSIONS

The Board may retire into Executive Session at any time, subject to the provisions of the KRS, upon motion duly made and approved by a majority of members present, stating the purpose for the special meeting. Any action taken in regard to the matters discussed in the Executive Session must be taken in an open public session of the Board.

1:6.7 REPORTS TO THE BOARD

The Chief shall notify the Secretary in writing of all appointments, reclassifications, disciplinary actions, separations, vacancies and the creation and/or abolition of positions in the Classified Service. The Secretary shall report



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in writing to the Board at each monthly meeting on such matters occurring in the classified service since the Board's last regular meeting.

1:6.8 RECORDS AND FILES

Unless otherwise provided for, all records and minutes of Board activities shall be considered public records.

1:7 CLASSIFIED SERVICE VACANCIES

1:7.1 VACANCIES IN THE CLASSIFIED SERVICE

The Chief of Police shall determine when a vacancy in the Classified Service occurs through dismissal, resignation, death, necessary growth, or other cause. He should notify the County Judge/Executive of such vacancy; who shall determine that such vacancy may be filled.

1:7.2 REQUESTS TO FILL VACANCIES

The County Judge/Executive shall make requisitions to the Merit Board for certification of eligible applicants to fill vacancies.

1:8 APPLICATIONS

1:8.1 APPLICATION TO BE GIVEN TO THE MERIT BOARD

Applicants must fill out application forms provided by the Merit Board, and print in ink, in their own handwriting, the forms prescribed and furnished by the Board, and signed by the applicant. Each of said applicants shall give all information requested and shall fill out fully all blanks contained in the said form.

1:8.2 DOCUMENTATION

Each applicant shall furnish such certificates or other evidence as may be required by the Board, as to age, citizenship, character, education, residence, fitness for the position applied for and previous or present employment.

1:9 GENERAL QUALIFICATIONS OF APPLICANTS

1:9.1 RESIDENCE - Each applicant for employment in the Classified Service must be a citizen of the United States and reside in the Commonwealth of Kentucky KRS 15.335.1979 Interim Supplement.

1:9.2 OATH OF OFFICE

All new police officers, before their appointment to duty and prior to their promotion to higher ranks shall be required to uphold the "Rules and Regulations" of the Merit Board

1:9.3 AGE LIMITS - Applicants for positions as Police Officers in the Classified Service shall be not less than 21 years of age. The twenty-first birthday is taken as the minimum. Age limit for



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civilian employees shall be set by the Board prior to each examination.

1:9.4 LITERACY - Each applicant must show proof that he/she is able to read, write and speak the English language well and intelligently.

1:9.5 MORAL CHARACTER - Each applicant shall be of good moral character and shall not have been convicted of any criminal offense involving moral turpitude, or any felony.

1:9.6 PHYSICAL REQUIREMENTS - Each applicant shall be physically qualified to perform the essential functions of the position with or without reasonable accommodation. Each entrance level applicant must submit to a physical agility test and drug screen as determined by the Merit Board which is provided to the applicant at no charge.

1: 9.7 CHARACTER INVESTIGATION

No applicant shall be admitted to a Classified Service unless his background has been comprehensively investigated. Trained investigators shall include the Chief and his designated representatives who will be responsible for the investigations to be made. They shall examine school, credit, and criminal records; interview persons used as references and other persons in the applicant's neighborhood; and interview past and present employers. The interview process should extend to other communities as well, if the applicant has lived elsewhere. To assist in the check of criminal records, fingerprints of each applicant may be obtained and forwarded to the appropriate local, state and federal agencies. Prior convictions, work habits, prejudices, emotional stability, among other characteristics, should be determined to ascertain whether the applicant is fit to perform police work.

1:9.8 PSYCHOLOGICAL REQUIREMENTS

Each applicant shall be examined for personality defects. Prior to final appointment, psychological tests and/or interviews administered by trained professionals, as determined by the Oldham County Police Merit Board, shall be administered to determine emotional stability and is provided to the applicant at no charge.

1:9.9 PROBATIONARY PERIOD

Any person or persons appointed to the Oldham County Police Force will be on probation for a period of one year before their employment is made a permanent position. The period of probation shall be used for a systematic evaluation and correction of deficiencies. Continuation in the police service is dependent upon the conduct of the probationer and his/her fitness to perform his/her duties during the probationary period. During the period of probation, a performance report from the Chief of Police shall be forwarded each month to the office of the Board. Said probationary period may be extended for another six (6) months in the case of minor infractions.



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1:9.10 DRIVER'S LICENSE

All members and employees operating department motor vehicles shall possess a valid Kentucky driver's license. Whenever a driver's license is revoked, suspended, or otherwise lost, that person shall immediately notify his/her supervisor, giving full particulars.

1:9.11 EDUCATION

Applicants shall have completed and be able to substantiate at least a high school education or G.E.D. equivalency before the application can be accepted.

1:9.12 TRAINING

Each recruit or Patrolman "C" applicant for employment must, during the probationary period, complete at least a sixteen week basic training course conducted or approved by the Kentucky Law Enforcement Council. Each calendar year after the probationary period he/she must successfully complete a forty hour in service training course conducted or approved by the Kentucky Law Enforcement Council as required by the Police Pay Incentive Bill.

1:10 FILING APPLICATIONS

1:10.1 ACTUAL FILING

When an application is presented to the Merit Board, it should be scanned to see that all questions are properly answered. Should any material inaccuracies be detected, the applicant shall be directed to correct them before filing. All applications should be signed and dated upon receipt.

1:10.2 WITHDRAWAL OF APPLICATIONS

Applications once filed with the Board, or any letters or papers attached thereto, cannot be withdrawn or removed from the office of the Board, except by orders of the Board, nor shall information contained in the applications or papers attached thereto be open to the public.

1:10.3 REJECTION OF APPLICANTS

Proof in writing supported by affidavit, produced at any time to the Board, of bad character, dissolute habits or dismissal for cause from any public service shall be deemed sufficient cause to exclude an applicant from examination or for removal of a candidate from the eligible roster. In addition, the Board shall reject any application for the following reasons:

1. The applicant lacks the minimum qualifications necessary for appointment as stated in Section 1:9.
2. The applicant has intentionally made a false statement in his application with regard to any material facts.
3. The applicant was removed for cause from a previous classified position.



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4. The applicant, after proper notification, did not present himself at the time and place designated for an examination or appointments as appropriate.

1:11 EXAMINATIONS

1:11.1 NOTICE OF EXAMINATIONS

All notices of competitive entrance examinations to be held by the Board shall be given by one advertisement in at least one newspaper of general circulation in Oldham County. This advertisement shall be placed not less than ten days prior to the date the examination is to be held. A notice of examination shall be posted, in both the Oldham County Courthouse and Oldham County Police Department, setting forth the time, place, filing deadline and other facts pertinent to the examination. Announcement of promotional examination shall be made at least ninety days prior to a promotional examination. Examinations shall be open, competitive, and non-discriminatory and shall be under the direction of the Board. Prior to the date set for the examination, the Secretary shall carefully check each application on file and shall notify each applicant at least one week prior to the date set for the examination of the date, time and location of the examination.

1:11.2 CHARACTER OF EXAMINATIONS (Applicant)

At the hour set for the examination, the examiner in charge will furnish each applicant the necessary papers to be used. Each set of papers shall consist of (1) the examination paper, and (2) an identification slip. The identification slip and examination paper shall bear identical numbers.

No examination paper or papers will show applicant's name or bear any kind of identification mark, except the identifying number.

Before examinations are started the numbered identification slip will be torn from each applicant's examination paper and the applicant shall write his/her name on the said numbered identification slip and in the presence of all applicants all identification slips shall then be sealed and immediately delivered to a board member. The same procedure shall apply to the examination papers when they have been completed. The envelope containing these numbers shall not be opened until after all examination papers have been graded by the Board or same person or persons under the Board's direction or control. The envelope containing the identification slips shall then be opened in the presence of the Board and the identity of the applicant's test papers established.

1:11.3 ORAL EXAMINATIONS

The Board shall require oral examinations of all applicants, both for original appointment or for promotion, and shall determine the weight to be applied to the oral examination as per KRS 78.440.



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1:11.4 EXAMINATION RESULTS

All examinations shall be rated on the basis of 100 percent except those which pertain to physical agility or character investigations. Each applicant, regardless of his average shall be notified of his test results. Only those applicants making a minimum 70% grade on the written examination shall be considered for posting of the candidates name on the eligible register by order of standing. Should two applicants in the same examination make identical average percentages, the Board should use other evaluations in order to properly determine the order of standing.

1:11.5 PROMOTIONAL EXAMINATIONS

Public notice shall be given at least ninety days before a promotional examination is conducted and must state application filing deadline.

Promotional examinations shall consist of written examinations, oral examinations and the consideration of seniority, which shall be valued as follows:

1. 60% Written examination.
2. 30% Oral examination.
3. 1% For each year seniority in grade up to a maximum of 10 points.
4. 10% - 1/12 of 1% for each full month of service in grade after five (5) full years of service.

The Secretary/Examiner or Chief Examiner shall select a panel, of at least three members, to conduct oral examinations of the candidates for promotion. The panel shall consist of three (3) persons of a supervisory capacity from an outside agency or agencies in the same field and of the same rank to which the applicant is aspiring. If there are fewer than fifty (50) applicants, the Board may waive the requirements of this section.

Physical fitness for promotion is presumed unless certified to the contrary by the Chief, who shall supply the Board with evidence rebutting the presumption of physical fitness.

1:11.6 PROMOTIONAL ELIGIBILITY LISTS

Promotional eligibility lists contain the names of permanent employees in the Classified Service who have completed all numerically-rated promotional examinations and who are eligible for promotion to positions assigned to the class covered by the list.

The names of all persons who have obtained a score which is equal to or exceeds the passing-point score in an examination shall be placed on the eligibility list for the class for which they were examined. In the event that two or more persons achieve the same final earned rating, the names shall be placed on the eligibility list in the order of rating earned in that part of the examination which was given the greatest value.



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Promotional eligibility lists shall be effective until exhausted or for a period of one year unless otherwise directed by the Board.

1:11.7 SPECIAL EXAMINATIONS

No applicants shall be granted a special examination.

1:11.8 TESTS TO BE HELD AS ADVERTISED

All examinations shall normally be held upon the dates fixed by the Board in its published notices.

1:11.9 POSTPONEMENT AND CANCELLATION

The Board shall have the right, (1) to postpone any examination because of an inadequate number of applications, because of the non-attendance of special examiner, or for other sufficient cause; or (2) to cancel any examination, the holding of which becomes unnecessary because of a change in the personnel requirements.

1:11.10 INSPECTION OF PAPERS BY APPLICANT

Any applicant in an examination, whether or not he/she has passed, may personally inspect his/her examination papers after the results have been announced, or at the next meeting of the Board following the examination. Should a manifest error affecting the grading of a paper be discovered at such meeting, a candidate affected may be given that position on the list to which his/her correct average percentage entitles him/her.

1:12 ELIGIBILITY LIST (Applicants)

1:12.1 ELIGIBILITY LISTS

When grades of applicants have been determined following all examinations and have been entered in the eligibility register, by order of standing, the same shall become the list from which appointments shall be made.

The Secretary's records shall show:

1. The name of the candidates by order of standing in examinations.
2. The candidate's address.
3. The percentage made.
4. The date of examination.
5. The identification number of the candidate's examination papers.
6. Such other information, including physical agility, psychological, background investigation results as may be necessary in keeping a thorough record of the candidate's application.

1:12.2 ELIGIBILITY LIST, DURATION

When an eligibility list is made up for any grade of a certain position it shall remain in force not longer than one year. The board reserves the right to cancel the list at any time, lengthen, or shorten duration, except when an eligibility list is to be maintained by the Police Chief for laid-off employees.



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They are to be placed on top of this list for rehiring within a period of two, (2) years.

The laid off employees, in good standing, will be considered for returning to active duty by reverse procedure; i.e., last laid off, first returned. The employee will return at the same level as when laid off. (SEE 2.6)

The Board reserves the right to cancel the eligibility list at any time, lengthen or shorten its duration.

1:12.3 CHANGE OF ADDRESS

In the event a candidate's name has been placed on an eligibility list and he/she changes his address, he/she shall notify the Board at once, giving the address at which he/she lives.

1:12.4 NOTIFICATIONS OF APPOINTMENTS

The Chief of Police shall notify the Merit Board in writing within 10 day of all newly appointed officers.

1:13 CERTIFYING APPLICANTS

1:13.1 CERTIFICATION PROCEDURE

Certification of eligible applicants to fill vacancies in a classified service shall be made by the Merit Board and forwarded to the County Judge/Executive.

1:13.2 CERTIFYING PREVIOUS CLASSIFIED EMPLOYEES

Those persons leaving the police service must make application for original appointment.

1:13.3 CERTIFYING VETERANS WITH PREVIOUS CLASSIFIED SERVICE

Classified employees who volunteer their services or who are drafted by the Federal Government for the Army, Navy, Marine Corps, Air Force, or any other agency of the National Government necessary for the National Defense program of the nation, shall be deemed to be on indefinite leaves of absence for the duration of the emergency and upon the termination of their services with the Federal Government or Federal agency they shall be reinstated without competitive examination to the positions which they held at the time of the commencement of such indefinite leaves of absence; provided, that such employees make application to the Board for such reinstatement within 60 days after the termination of their services with the Federal Government or Federal Agency; and further provided that the Board shall find such applicants for reinstatement physically capable of performing the duties to which they are to be assigned upon such reinstatement.

Nothing in this section shall be construed as granting a leave of absence to a Classified employee who resigns from the Classified Service in order to take private employment whether such employment be in the nature of National Defense or not.



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1:14 ADOPTION - RULES AND REGULATIONS

The foregoing Rules and Regulations are in service for a period greater than two years, wishing to be reinstated, must make application for original appointment.

1:14:1 Other Rules and Regulations

All other rules and regulations not otherwise provided for herein shall be governed by the provisions of KRS 78.400 through and including 78.480; the Rules and Regulations of the Oldham County Police Force; the Oldham County Police Force Bill of Rights; and the Oldham County Police Force's Standards of Operations and Procedures.

Adopted this 7th day of
October, 1992.



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Effective Date January 1, 2000
Review Date November 19, 2003

POLICY

Any member who resigns, except he who resigns while departmental offenses are pending against him may ask for re-employment by submitting a written application to the Chief of Police. The Chief of Police, upon receipt of any application, shall present the request to the County Police Merit Board. If they so recommend, the Chief of Police may order that the officer be re-employed, provided that the officer is physically fit and would, in the opinion of the Chief of Police, be a credit to the Oldham County Police.

PROCEDURES

Legal and Physical Requirements Applicants for re-employment must meet the physical qualifications specified by the Oldham County Police Merit Board and the Bureau of Training

Application

Requests for re-employment/reinstatement shall be made utilizing the standard Oldham County Police application form.

Background Investigation

Applicants for re-employment shall submit to a follow-up background investigation for the period since their last service with the department.

Psychological Evaluation

Applicants for re-employment shall submit to a psychological evaluation by a psychologist selected by the department.



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Effective Date January 1, 2000
Review Date November 19, 2003

Physical Examination

Applicants for re-employment may be required to submit to a physical examination as directed by the Chief of Police at his discretion.

Merit Board

The Oldham County Police Merit Board shall review those applications and may approve or deny applications for re-employment.

The basis for the Board's action will include past work history, background investigations and other supporting documents and the recommendation of the Chief of Police.

Fringe Benefits

Officers who are re-employed shall contact the Kentucky Retirement Systems and determine those funds, if any, necessary to re-establish their retirement benefit, plus interest and to re-establish their service credit for retirement.

Training

Training, or that amount necessary, shall be at the discretion of the Chief of Police and Department of Criminal Justice Training. Generally, officers who are re-employed during a twenty-four (24) month period following their last date of previous service shall be assigned according to departmental needs. An officer re-employed after a twelve (12) month service lapse may be directed to attend recruit training at the discretion of the Chief of Police and subsequently be assigned in accordance with established procedures.



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Probationary Period

Officers who are re-employed shall serve a probationary period of twelve (12) months from their date of re-employment. The probationary period shall be completed before the re-employed officer is eligible for any promotion.

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POLICY

The probationary period shall be an essential part of the staffing process and shall be utilized for the most effective adjustment of new officers and for the retention only of those officers whose performance meet the required standards of performance and professionalism of this agency.

DURATION

As prescribed by Oldham County Police regulations, the probationary period shall be twelve months and shall begin the day of graduation from the Academy. There shall be no extension of the probationary period.

CONDITIONS PRELIMINARY TO PERMANENT STATUS

Supervisors of probationary officers shall submit, in writing, evaluation reports on a monthly basis and a final recommendation as to whether each officer should be retained or terminated prior to the end of the probationary period.

All probationary officers shall be required to complete a comprehensive written examination consisting of objective as well as essay questions covering the following areas:

1. The Penal Code.
2. Laws of Arrest, Search and Seizure.
3. Criminal Investigation/Evidence Collection.
4. Traffic Law.
5. Oldham County Police Organizational Structure, Policies and Procedures.
6. Accident Investigation.

The results of the written examination shall be used to monitor the progress of probationary officers as well as point out areas where remedial work may be required.

A Probationary Board consisting of three officers appointed by the Chief of Police shall review all administrative records and evaluations according to section AM-B-13 and make written recommendations to the Chief of Police regarding whether the employee should or should not be given permanent status. The

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Chief of Police shall either approve or disapprove the Board's recommendations and so advise the probationary officer.

SEPARATION DURING THE PROBATIONARY PERIOD

If at any time during the probationary period the Chief of Police determines that the services of an employee are unsatisfactory, the employee may be separated from his position with or without cause and without the right of an appeal or hearing. The Chief of Police shall notify the employee of the reasons for the separation.



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POLICY

Promotions shall be based upon merit and shall be made in accordance with the terms and conditions established by Oldham County Police regulations. Positions of supervision and leadership must be filled with individuals who possess and demonstrate the characteristics necessary for the position. The department shall employ the use of rating criteria and instrument(s) capable of recognizing individuals possessing these leadership characteristics. The measuring instrument shall be objective, fair and equitable to both the candidate and the department.

PROMOTIONAL PROCEDURES

The promotional process shall be competitive and nondiscriminatory as set out in Merit Board regulations. Promotion eligibility shall consist of three elements - a written examination (60% of the total score), an appearance before an oral interview board (30% of the total score), and a compilation of years of service, after 5 years, (10% of the total score) for the previous years.

Eligibility to compete for promotion to the permanent ranks of Sergeant, Lieutenant, and Captain shall be determined in accordance with the provisions of Department regulations.

Time in grade requirements must be met before an officer is considered to be an "eligible applicant." Officers must achieve their time in grade on the date the eligibility register becomes effective. The officer's academy graduation anniversary date shall be used for comparison to the promotional register, in order to determine eligibility.

Promotional eligibility registers shall have a one year life from the effective date.



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WRITTEN EXAMINATION

Written examinations shall be drafted and produced by a person(s) designated by the Chief of Police whose qualifications reasonably indicate the capacity to develop a competitive written test on practical and conceptual issues of law enforcement.

Source materials upon which written examinations for each of the permanent ranks are based shall be selected by the Police Merit Board. All persons competing for such promotions shall be notified of the exact list of source material at least three (3) months prior to the administration of the written examination. The written examination shall be administered to all persons competing for each rank at the same time and shall be scored immediately upon completion of the examination. Each person shall receive his numerical examination score as soon as it is calculated. Officers may maintain their examination scores for a period of two (2) years unless the source material upon which such examinations are based is changed by more than 30 percent.

Notice of intention to carry forward a previous written examination score must be received in writing by the Merit Board by the close of business on the day preceding the administration of the current year's written examination.

ORAL INTERVIEW BOARD

Oral interview boards shall be designated to interview each officer competing for promotion.

The oral interview shall be scored at the location as soon as completed. The score shall then be made available to the interviewee. The scoring shall be done in an area secluded from the interviewee to protect the confidentiality of the interviewed.

Guidelines shall be developed by the Merit Board to ensure that each officer competing for promotion is examined on the same material.



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PERSONNEL PERFORMANCE EVALUATION

Personnel performance evaluations shall be made pursuant to guidelines approved by the Chief of Police. Such guidelines shall ensure to the greatest extent possible equitable evaluation of all officers regardless of each officer's duty assignment or rank.

TYPE OF INSTRUMENT

Mixed Standards Rating Scale.

PROCEDURE

The Department shall be responsible for the maintenance of the evaluation instrument and the production thereof, and the procedure associated with the implementation of the system.

Each officer desiring to be a candidate for promotion shall be evaluated during the promotional cycle. The evaluation period shall be based on the previous year.

1. Raters.

Each candidate shall be evaluated by three (3) raters chosen by the Chief of Police. All candidates up to the rank of Lieutenant shall be evaluated by three (3) raters chosen by the Chief of Police. Lieutenants competing for Captain shall be rated by the Chief of Police.

2. Evaluation Administrators.

Promotional evaluations shall be administered by personnel selected by the Chief of Police or his designee. Administrators will receive the evaluation forms and instruments from the Chief of Police.

3. Scoring.

Completed evaluations will be returned to the Merit

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Board for scoring. The three (3) ratings will be merged together, producing one (1) evaluation rating. The evaluations will reflect a raw point total per rating characteristic. These raw points will be mathematically converted to equate with the requirements of KRS 70.540 making up 30% of the total promotional cycle components.

Evaluations which possess inconsistencies (errors in logic) which surpass the maximum threshold allowed shall be declared invalid and another evaluation conducted.

4. Responsibilities of Commanders.

- a. Identify personnel within command who desire to be a candidate for promotion. Provide notification to the Personnel Branch of those personnel who are candidates.
- b. Selection of two supervisors to conduct the ratings.
- c. Schedule appointments with the Evaluation Administrator for the purpose of conducting evaluations.
- d. Receive and review feedback reports developed by the Personnel Branch. Commanding officers must affirm their concurrence or disapproval of the ratings. Commanders concurring with the feedback report shall conduct a feedback interview with the candidate. Commanders who do not concur with the feedback report shall notify the Personnel Branch, and a request shall be made to cause a re-evaluation of the affected candidate.
- e. Affirmed evaluations shall be forwarded to the Merit Board for final tabulation and publication.

5. Appeals.

After a feedback review with their commanding officer, candidates who object to or disagree with the rating they have received may appeal the rating to the Merit Board. Appeals shall be in written form and shall clearly articulate the basis for appeal.



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The Chief of Police may cause a re-evaluation of the assessment dimension(s) appealed by the candidate. The highest score shall become the final score.

Appeals shall be submitted within five (5) working days following the feedback interview.

The Merit Board shall possess full authority to render the final decision affecting the appeal. The Division Director, at his discretion, may refer the appeal to the Promotional Review Committee for its advice or recommendation. Any member of the Promotional Review Committee who is a candidate during the promotional cycle when the appeal is filed shall be excused from the committee for the purpose of reviewing or assisting with an appeal.

Appeals shall be adjudicated within five (5) working days after receipt.

In cases of re-evaluation or appeals, the last (most recent) evaluation shall stand as the official evaluation.

GENERAL PROVISIONS

1. Upon final tabulation of all three phases of the promotional process, the scores shall be tabulated in tenths with all hundredths of points being dropped. Rounding to the nearest tenth shall not be permitted, but instead the hundredths points shall be dropped from the final promotional score. If two or more officers with equal seniority have a tied score for a particular promotion, the tie shall be broken by a flip of a coin in the presence of the Chief of Police and the officers concerned.
2. Officers eligible to compete for a promotion may elect not to compete by submitting a memorandum, through channels, to the Merit Board at any phase of the promotional process. Such notices shall be deemed



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revocable for the balance of the promotional process underway.

3. All promotions shall be made in consecutive order beginning with the highest numerical ranking to fill an interim vacancy, as required by KRS 70.540, but any officer who desires to expressly waive this statutory right may do so without being removed from the promotional list. In such cases, the promotion shall be offered to the next officer on the list.
4. An officer may decline twice and waive his right to promotion each time, but a third offer of promotion must be accepted or the officer will be removed from the promotional list.
5. No officer shall offer to or accept from any other officer any benefit with the intent to influence any decision by any officer regarding the acceptance or declination of any promotional assignment.

SUPERVISORY PROBATIONARY PERIOD

Officers promoted to a permanent supervisory rank shall serve a promotional probationary period of six (6) months. During the probationary period, an employee may request reversion to his/her previous rank. Involuntary demotion shall be effected in accordance with the provisions of KRS 70.540. During the probationary period, the officer shall retain all rights and privileges granted to other permanent officers of the department.

PROMOTION TO NONPERMANENT RANK

All ranks above the grade of Captain are temporary and shall not be subject to the provisions for selection and promotion as required herein. All officers in such temporary positions shall serve at the pleasure of the Chief of Police and shall revert to their previous permanent rank upon the termination of their temporary appointment.



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DEMOTION

If for personal or other reasons an officer requests in writing that he be assigned to a position of a lower class, the Chief of Police may make such a voluntary demotion.

Involuntary demotions shall be effected in accord with the provisions of KRS 70.540.

PAYMENT FOR PROMOTION RECEPTIONS

Receptions for promotions shall be held at the Oldham County Police Department with the expenditures restricted to \$100 per reception. The expenses for promotional receptions shall be paid by local purchase order signed by either the Chief of Police, or authorized designee.

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POLICY

The Chief of Police may transfer any Oldham County Police Employee from one work assignment to another at any time.

TRANSFER REQUEST LOG

The County Police shall maintain a transfer request log.

Any employee who desires to request a transfer may do so by forwarding a request in the prescribed format to the Chief of Police, through channels. All requests for transfer shall contain the employee's rank, present assignment, length of time in present assignment, length of time in rank, and the assignment, which is requested. Employees requesting transfer to more than one duty assignment shall prioritize their requests. The Chief of Police shall record the officer's requests in the order of priority. Any supervisor may make comments and/or recommendations on requests but every request shall be forwarded to the Chief of Police expeditiously.

The final decision on all transfers shall be the responsibility of the Chief of Police.

The Chief of Police shall acknowledge receipt of the transfer request by memorandum to the employee requesting transfer with a copy to the officer's immediate supervisor. The Chief of Police shall then cause the transfer request to be properly recorded on the transfer request log.

Each transfer request log shall expire and be purged of all requests on June 1 of each year. Employees shall be required to renew transfer requests after a transfer request log has been purged. Any request received after May 20 of any year shall be considered a new year request and shall be placed on the new log. Transfer requests may be withdrawn at any time by written request to the Assistant Chief of Police, through channels. The Chief of Police may change the work assignment of any employee when the assignment results in an employee being assigned as a subordinate to the employee's mother, father, sister, brother, son, daughter or any person related by blood or affinity with a similarly close association.

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PROMOTION TO A PERMANENT RANK

Newly commissioned officers shall remain at the initial assignment for a minimum period of two (2) years before being eligible for a transfer. The Chief of Police may, however, change an officer's assignment before completion of the two (2) year period if he determines such a change in assignment to be required by the needs of the agency or to prevent an extreme hardship to the officer.

This policy does not prohibit an officer from requesting a transfer through the proper channels. These requests shall be forwarded to the Chief of Police in the same manner as all other requests.

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POLICY

It is the obligation of each employee of the Oldham County Police to monitor records of their hours worked, and their accumulated sick, vacation and compensatory time, and to bring any discrepancies noted to the attention of the Assistant Chief of Police.

PROCESS FOR MONITORING

Once monthly a computer printout of the sick, vacation and compensatory leave time accrued to the account of each agency employee will be made available for employee review and concurrence.

In addition, each employee of the agency may review the time reported for themselves at any time within sixty days after the last workday of a pay period. If any employee disagrees with any time report entry, upon proper proof of error, a correction will be made.

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RESIGNATIONS

Any officer who intends to resign must notify the Chief of Police at least two (2) weeks prior to the effective date of the resignation. The notification must be signed, dated and forwarded through proper channels in memorandum form. A notification of resignation may be withdrawn at any time prior to close of business on the day that it is to be effective. The withdrawal shall be signed and in writing and must be received by the Chief of Police prior to close of business on the day that the resignation is to be effective.

In cases where an officer fails to provide proper notice of resignation, no withdrawal of the resignation shall be permitted. Nothing other than routine separation documents may be added to the personnel file of an officer after the effective date of his resignation.

RESIGNATION UNDER CHARGES

Any member who resigns after charges have been preferred against him and before his case is heard shall be considered as having resigned in the face of such charges and shall not be considered for re-employment at any subsequent date.

REDUCTION OF FORCE

When insufficient funds require a reduction in expenditures, the officer or officers junior in point of service shall be first discharged.

RETIREMENT

Any officer who plans to retire shall notify the Chief of Police at least two weeks prior to the effective date of retirement. The notification must be in memorandum form, be signed, dated and forwarded through proper channels and received by the Chief of Police two weeks prior to the effective date of the request. A notification of retirement may be withdrawn at any time prior to close of business on the day that it is to be effective. The withdrawal shall be signed and in writing and must be received by

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the Chief of Police prior to close of business on the day that the retirement is to be effective.

In cases involving mandatory retirement, the Assistant Chief of Police shall, in the absence of appropriate notification from the officer, process personnel actions to effect the officer's retirement. It shall be the responsibility of the officer to notify the County Police Retirement System prior to retiring.

When an officer is retired, he is considered as separated without prejudice and does not have the right to appeal.

ACCOUNTING PROCEDURES

Records of retirement accounts of individual officers are maintained by the staff of the Kentucky Retirement Systems. Questions regarding such account records or retirement eligibility should be directed to the Kentucky Retirement Systems Office.

Final administrative determinations regarding issues related to the County Police Retirement System are the responsibility of the Kentucky Retirement Systems' Board of Directors.

Periodic publications that detail special provisions of the County Police Retirement Systems are available through the Kentucky Retirement System Office.

RETIREMENT CERTIFICATE

Any employee retiring from the Oldham County Police that is vested in the Kentucky Employees Retirement System or the County Police Retirement System may receive a retirement certificate.

RETIREMENT BADGE AND IDENTIFICATION CARD

Upon retirement, each officer shall receive an identification card and retirement badge. The identification card shall clearly denote that the officer is a retired member of the Oldham County Police. Both the badge and the card shall remain the property of the Oldham County Police. The property shall not be inventoried, but shall be surrendered to the Chief of Police at his request.

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Lost or destroyed cards may be replaced at the direction of the Chief of Police or his designee. These badges and cards shall not be used in any way to infer that the person is a current sworn member of this agency. The badge and card may be given to no one except a family member without the authorization of the Chief of Police or his designee. A copy of this order shall be given to the officer at the time of issuance of the retirement badge and card. Only those retiring officers agreeing to these provisions shall receive the retirement badge and card.

PAYMENT FOR RETIREMENT RECEPTIONS

Commanding officers may, with prior approval from the Chief of Police, spend up to \$100 for receptions marking normal retirement for each employee. This \$100 amount shall encompass the entire expenditure of the agency for each retirement. Any funds expended over the \$100 amount shall be authorized by memorandum from the Chief of Police.

The expenses for receptions shall be paid by local purchase order signed by the Commanding Officer.

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POLICY

Oldham County Police members are on an hourly work day, work week schedule. Unless absolutely necessary, members shall not exceed their work schedule. The work week is confined to 0001 Sunday through 2400 (midnight) the following Saturday. All sworn personnel (KRS 70.540) are on an 8 hour work day - a 40 hour work week.

SCHEDULING AND TIMEKEEPING PROCEDURE

Each officer shall be subject to the work schedule determined by the commanding officer to be necessary for the efficient performance and operation of the organizational component to which he is assigned.

Personnel who are on an 8 1/2 hour daily work schedule shall be given a one hour lunch break away from the work assignments during the third, fourth, or fifth hours worked. Officers who are on an 8 hour daily work schedule shall be given a 30 minute lunch break during the third, fourth, or fifth hours worked.

ANNUAL LEAVE

Each officer shall be allowed annual leave with pay at the following rate:

<u>Years Of Service</u>	<u>Hours Accrued Per Year</u>
0 - 1	00.0 Hours
1 - 10	80.0 Hours
11 - 15	120.0 Hours
16 & Over	one day per year, max 160.0 Hours

An officer must have worked more than half of the days in a month to qualify for annual leave. Employees shall accrue leave at the end of the month rather than the 15th or after having worked more than half of the working days in a month. Time will be credited the first day of the following month.

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Forty hours (40) of annual leave may be accumulated and carried forward from one calendar year to the next.

Annual Leave in excess of the above amounts may not be carried forward from one calendar year to the next calendar year. Any excess annual leave as of the pay period ending December 31 of each year will automatically be lost.

Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the officer and within the discretion of the Chief of Police, be charged against annual leave.

Accumulated annual leave shall be granted by the commanding officer in accordance with operating requirements and, insofar as practicable, in accordance with the officer's request.

Officers are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

Annual leave shall accrue only when an officer is working or on authorized leave with pay. Annual leave shall not accrue when an officer is on educational leave with pay.

Before an officer may be placed on leave of absence without pay in excess of thirty working days, he must have used or have been paid for any accumulated annual leave.

An officer shall be paid in a lump sum for accumulated annual leave in accordance with the following scale:

<u>Years Of Service</u>	<u>Maximum Amount</u>
0 - 4	30 Work Days
5 - 9	37 Work Days
10 - 14	45 Work Days
15 - 19	52 Work Days
20 & Over	60 Work Days

When separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty working days, the effective date of the separation shall be the last working day. A

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supplemental pay voucher shall be submitted on accumulated annual leave.

An officer who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the Chief of Police, be paid in a lump sum for accumulated annual leave not to exceed the scale indicated above.

Upon the death of an officer, his estate shall be entitled to pay from the unused portion of the officer's accumulated annual leave not to exceed the scale indicated above.

SICK LEAVE

Sick leave shall be earned at a rate of one day for each calendar month of service, so long as the officer is working or on authorized leave with pay and may accumulate in an unlimited amount.

An officer may take sick leave with pay whenever he or she:

1. Receives any medical, dental, or optical examination or treatment;
2. Is disabled by illness or injury;
3. Is pregnant or convalescing from childbirth;
4. Is required to care for a sick or injured member of his immediate family for a reasonable period of time.
5. Would jeopardize the health of others because of exposure to a contagious disease;
6. Has lost by death an eligible immediate family member. The immediate family consists of an employee's spouse, child, step-child, parent, parent-in-law, step-parent, grandparent, grandparent-in-law, brother, step-brother, sister, step-sister, grandchild, legal guardian (present and former) and any member of an employee's household. Sick leave taken because of this reason shall not exceed three (3) days.

Whenever an officer takes more than three (3) consecutive days of sick leave, he or she shall submit a memorandum to the commanding officer explaining why the sick leave is being taken and providing a statement from the treating physician as verification.

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The Chief of Police may order an officer to take sick leave whenever it appears that the officer is physically or psychologically unfit for duty.

Absence for part of a day that is charged to sick leave shall be charged in hours or one-half hours.

Officers shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of 30 days.

Former officers who are reinstated or re-employed may have their accumulated and unused sick leave balances revived upon appointment and placed to their credit.

In cases of absences due to illness or injury for which worker's compensation benefits are received, sick leave may be utilized to the extent of the difference between such benefits and the officer's regular salary.

Any officer who is injured during the performance of a job-related hazardous duty, or becomes ill as a direct result thereof, may recuperate without loss of any accumulated sick leave. The Chief of Police may assign such an officer to limited duties or order a return to full duty whenever medical evidence is received that such a return to duty is warranted.

Along with the SF-1, Employer's First Report of Injury, or within three (3) days after the injury, the officer shall submit to the Chief of Police, through channels, a request to recuperate without loss of accumulated sick leave. If the officer is unable to submit the request, his immediate supervisor shall submit the request. This request must contain enough details concerning the injury to determine whether it was, in fact, a hazardous duty injury. After a determination of hazardous duty injury by the Chief of Police, the officer may recuperate without loss of sick leave.

Before returning to work, the officer must submit a certification that he is fit to perform his job duties, along with a statement from his physician to the same effect. If the officer does not fully recover, he shall be assigned, by the Chief of Police, to any

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job within the department that he is physically capable of performing. This shall include clerical or other duties not involving direct law enforcement activities.

No officer on sick leave as a result of a temporary disability not incurred in the performance of a hazardous duty is to be assigned any form of modified or limited duty.

The Chief of Police shall grant sick leave without pay for so long as an officer is disabled by illness or injury, for a period not to exceed one year of total continuous leave without pay. An officer granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave. All other accumulated sick leave must be taken before an officer may be placed on sick leave without pay.

SICK LEAVE SHARING

An employee with a sick leave balance in excess of seventy-five (75) hours may donate any or all such excess to an employee with a documented medical emergency who has exhausted all annual leave, sick leave and compensatory leave.

Such voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the Chief of Police.

The donating employee must retain a sick leave balance of not less than seventy-five (75) hours, and shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for any consideration or in any manner other than that authorized by this regulation.

A full-time, or part time, status employee with a medical emergency who has exhausted all annual leave, sick leave, and compensatory leave may make application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made in behalf of the employee by a personal representative of the employee in the event of the employee's incapacity to make application on his own behalf.

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Application shall be made to the Oldham County Police Department on a form prescribed by the Chief of Police of Personnel.

The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of his position for ten (10) or more consecutive working days.

The appointing authority of the applicant to receive donated sick leave may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.

At the end of each pay period while an employee is on donated leave, the employee's appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay, and shall notify the donor's appointing authority to reduce the donor's leave balance by that amount.

No employee on donated sick leave shall be credited with leave in an amount in excess of the time of the documented medical emergency.

No person shall through his office of employment use any promise, exchange, or influence to require an employee to donate excess sick leave to any other employee.

For purposes of this regulation medical emergency shall mean an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty for ten (10) or more consecutive working days.

A part-time employee with status may qualify for donated leave only to the extent of hours for which he would normally be scheduled to work.

This regulation applies to classified, unclassified, and sworn personnel. The sick leave sharing forms may be obtained from the OCP Personnel Branch.

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COMPENSATORY LEAVE AND OVERTIME

The Chief of Police and the Assistant Chief of Police may accumulate compensatory time in accordance with agency needs and requirements and, insofar as practicable. The Chief of Police and the Assistant Chief of Police shall be allowed to accrue up to 500 hours of compensatory leave.

Generally, upon separation from county service, employees shall be paid for all unused compensatory leave up to a maximum of 300 hours at the regular hourly rate of pay. Former employees who are reinstated, re-employed, or probational appointed and who are credited for unused compensatory leave upon separation shall have the compensatory leave balance revived and placed to their credit upon re-entry into county service.

In situations where extraordinary and/or emergency services are required of the County Police, employees directed by the agency to work overtime may be authorized payment for such hours worked upon the concurrence of a supervisor. These overtime payments will be made to those officers working in such situations when the officer has worked forty (40) hours of regular duty and will be unable to take the time off during his/her pay period.

MILITARY LEAVE

Any officer who is 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 their 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 ten (10) working days. The leave of absence shall include adequate time for traveling to and from the training location.

Periods in excess of the ten (10) working day period with pay shall

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be granted, but shall be charged as annual leave, compensatory leave, or leave without pay.

Officers shall submit a memorandum to their supervisor requesting military leave as soon as is reasonably possible. The memorandum shall include the dates of anticipated leave including required travel time. A copy of the military orders shall be submitted either before or after leave. The Assistant Chief of Police shall place a copy of the memorandum and orders to the officer's personnel file.

Officers shall, upon request, be granted a leave of absence without pay to enter active military duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving a leave of absence to enter active military duty.

RESTORATION FROM MILITARY LEAVE

The Chief of Police shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, and 61.379 unless they conflict with the provisions KRS 70.540 of the Kentucky Revised Statutes.

VOTING LEAVE

The Chief of Police shall allow all officers ample time to vote. Such absence shall not be charged against leave.

SPECIAL LEAVE OF ABSENCE

In addition to leaves as above provided, the Chief of Police may grant leave without pay for a period or periods not to exceed thirty working days in any calendar year.

The Chief of Police, with approval of the County Judge Executive, may grant leave of absence for a period not to exceed twelve months

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for the following purposes, with or without pay:

1. For assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the officer and which will benefit the county service.
2. For purposes other than above that are deemed to be in the best interests of the county.

The Chief of Police, with approval of the County Judge Executive, may grant an employee entering active military duty a leave of absence without pay for a period of such duty.

ABSENCE WITHOUT LEAVE

An officer who is absent from work without approval shall report the reason to his supervisor immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action and will serve to interrupt continuous service.

RECORDS AND REPORTS (see AM-D-10)

The Assistant Chief of Police shall install and maintain a leave record showing for each employee:

1. Annual leave earned, used, and unused.
2. Sick leave earned, used, and unused.
3. Special leave or any other leave with or without pay.

Such records shall be documentary evidence to support and justify authorized leave of absence with pay.

DUAL EMPLOYMENT

No officer may hold another county position except upon

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recommendation of the Chief of Police and the written approval of the County Judge Executive.

COURT AND JUROR LEAVE

An officer shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay, for that amount of time necessary to comply with subpoenas by any court or administrative agency or body of the federal, state, or county government or any political subdivision thereof, to serve as a juror or a witness except in cases where the officer himself or a member of his family is a party plaintiff. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the officer shall return to work.

WITNESS FEES

When an officer receives witness fees for attending court or hearings during his scheduled working hours or travels in a county-owned vehicle, or is reimbursed for expenses, the officer shall remit such fees to the Assistant Chief of Police. The Assistant Chief of Police shall remit such fees to the Oldham County Treasurer to be credited to a revolving fund to be used by the department.

When an officer receives witness fees for attending court or hearings during his regular days off, or takes vacation or compensatory time to attend court or hearings and is not reimbursed by the Department for expenses, the officer may retain all fees received.

FAMILY LEAVE

Pursuant to 101 KAR 2:100, Section 3, employees who have completed twelve (12) months of service and worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family leave without pay per year. Unused family leave shall not be carried over from year to year. A week of family leave

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is the amount of time an employee normally works each week.

1. If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family leave shall be used for calculating the employee's normal work week.
2. If there has been a permanent or long-term change in the employee's schedule (for reasons other than family leave), the hours worked under the new schedule shall be used for calculating the employee's normal work week.

Family leave shall be granted by the Chief of Police upon receipt of a completed application from the employee. The completed application which shall include the request form and medical certification provided by the Department. The Chief of Police shall require the employee to utilize accumulated sick, annual and compensatory leave prior to granting unpaid family leave, except that the employee may request to retain ten (10) days of paid sick leave. The amount of available family leave shall be reduced by the amount of paid leave used. The employee shall make the application for this leave request as far in advance of the start of the leave as possible. Family leave shall be granted:

1. For the birth or adoption of a child of the employee, or placement with the employee of a foster child under an agreement with an agency of the Commonwealth. The Chief of Police may require a couple in the employ of an agency to limit the total amount of family leave to twelve (12) weeks where leave is sought in connection with the birth, adoption or placement of a child;
2. For the care of such children within one (1) year of the birth or adoption of a child of the employee, or placement with the employee of a foster child;
3. For the care of the employee's spouse, parent, child (including biological, adopted, step or foster), or other family member of similarly close blood or legal relationship (who has resided with the employee for not less than thirty (30) days prior to application), if the spouse, child, parent or family member has a serious health condition. A child includes one who is over eighteen (18) years of age and who is incapable of self-care because of a mental or physical disability. A serious health condition is a condition which

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requires inpatient care or continuing treatment by a health provider which renders the employee incapable of performing the duties of the employee's position. Where inpatient care is not involved, the expected absence from work, or from school, or incapacity in performing other daily activities of a family member shall be for a period of more than three (3) days.

4. For a serious health condition of the employee that makes the employee temporarily unable to perform the essential functions of his position.

CERTIFICATION FOR FAMILY LEAVE

The Chief of Police shall require an employee granted family leave for a serious health condition to submit a certification from a health care provider that includes a statement that the employee is needed to care for a family member, or, that the employee's presence would be beneficial to the family member. An employee requesting intermittent leave or leave on a reduced leave schedule due to the serious health condition of the employee or family member shall be required to submit a certification from a licensed health care provider that such leave is medically necessary, with a projection of the expected duration and schedule of such leave. A "health care provider" includes: doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner and nurse midwife, or certified Christian Science practitioner.

If an employee submits a completed certification, additional information from the health care provider shall not be requested. If there is reason to doubt the validity of a medical certification, the Chief of Police may require the employee to obtain a second opinion, at agency expense, from a second health care provider designated by the agency. This health care provider shall not be employed on a regular basis by the agency.

If the opinions of the employee and the agency designated health care provider differ, the Chief of Police may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and

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binding. If the agency does not act in good faith to attempt to reach an agreement on the third health care provider, the agency shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider. The Chief of Police may require recertification of the need for family leave every thirty (30) working days.

If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill family member or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the Chief of Police may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

LIFE AND HEALTH INSURANCE BENEFITS UNDER FAMILY LEAVE

Employees eligible for county contributions for life insurance and health benefits shall have worked, been on paid leave, or been on family leave during the previous month, subject to the following conditions:

1. Any combination of work days, paid leave and/or family leave used by the employee within a month shall entitle the employee to county-paid contributions for life insurance and health benefits in the following month;
2. When an employee is unable to work, and elects to use family leave to qualify for county contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively;
3. When an employee is unable to work, and elects to use family leave as the sole qualification for the county contributions for life insurance and health benefits, he shall utilize his family leave days consecutively.
4. An employee who has exhausted paid leave and family leave shall not qualify for county contributions for life insurance and health benefits unless he works for more than half of the work days in a month. If the employee is unable to work for

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more than half of the work days in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the county contributions and the employee contributions for such benefits.

5. An employee who uses family leave as the sole qualification for the county contributions for life insurance and health benefits and who fails to return to work for thirty (30) calendar days after the family leave is exhausted, shall reimburse Oldham County for county contributions paid on behalf of the employee. The employee shall not be required to reimburse the Oldham County if the reason the employee does not return is due to:
 - a. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family leave under this regulation.
 - b. Other circumstances beyond the employee's control.

6. An employee, on family leave, shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits. If the employee does not make the contributions within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverage as were provided when the leave commenced, effective with the employee's return to work.

RETENTION OF POSITION

At the conclusion of the family leave, an employee shall be retained in the same position that the employee held before going on leave. The employee shall be returned to the same shift or equivalent schedule. If special qualifications are required for a

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position and said qualifications have lapsed during the employee's leave, the employee may be reassigned to different duties and given a reasonable opportunity to fulfill the requirements after returning to work.

FAMILY LEAVE

Effective August 5, 1993, every employee in county service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family leave without pay. On the first day of January of each year thereafter every employee in county service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family leave without pay. Unused family leave shall not be carried over from year to year.

A week of family leave is the amount of time an employee normally works each week.

1. If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family leave shall be used for calculating the employee's normal work week.
2. If there has been a permanent or long-term change in the employee's schedule (for reasons other than family leave), the hours worked under the new schedule shall be used for calculating the employee's normal workweek.

WORK SCHEDULE ROTATION

1. Patrol Officers will rotate their off days in the following manner:
 - A. Monday, Tuesday.
 - B. Tuesday, Wednesday.
 - C. Wednesday, Thursday.
 - D. Thursday, Friday.
 - E. Friday, Saturday, Sunday.
 - F. Saturday, Sunday, Monday.

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This allows all patrol personnel to have every fifth and sixth weekend off.

2. Sergeants will rotate their off days at the discretion of the Lieutenant who is responsible for scheduling all department personnel.
3. Lieutenants and above will be scheduled weekends off.

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ENTRANCE SALARY

The salary of any cadet patrolman shall be at the level agreed upon by the Chief of Police. Upon graduation from the Police Academy, the officer's salary shall be advanced to Patrolman Class "C" salary scale.

INCREMENT ANNIVERSARY DATES

Increment anniversary dates will be established:

1. When an officer is first commissioned, the increment anniversary date shall be the hire date.
2. When an officer is going on leave without pay, it shall result in a postponement of the officer's receiving an increment one full month for each full or partial month the officer is on leave.
3. An officer's increment date may be changed as long as the change does not prolong the increment date for more than twelve (12) months from the last increment date. If an officer's increment date is changed for administrative purposes, all officers with the same increment date that were in the same cadet class shall be changed accordingly.

Increment anniversary dates shall not change when:

1. An officer's position class receives a new or difference salary range.
2. An officer receives a salary adjustment as a result of the officer's position being reallocated, reclassified, or promoted.
3. An officer receives a demotion to a position of a lower class or the position receives a lower classification.
4. An officer is approved for detail to special duty.
5. An officer receives a salary adjustment based on the fact that the officer had not received the maximum number of salary adjustments permitted.

SALARY ADJUSTMENTS

An officer who has not received the maximum number of salary advancements permitted by the time limits set forth may be given additional salary advancements at the beginning of any month

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provided his salary is not advanced to a step of the salary range higher than he would have reached had he received all salary advancements permitted.

MAXIMUM SALARY

No officer shall have his salary advanced to a point above the maximum of the salary range applicable to the class of his position.

CHANGE IN SALARY RANGE

Whenever a new or different salary range is made applicable to a class or position, officers employed in positions of that class at the effective date of the adjustment shall have their salary placed at the minimum salary step of the new range. An adjustment may be made to the salary step of the new range corresponding to that step which the employee held under the range formerly applicable to his class or position. In fixing salaries on an adjustment, the Chief of Police shall afford equitable treatment to all officers affected by the adjustment. Salary adjustments resulting from different salary ranges being made applicable to a class or position shall not affect an officer's normal anniversary increment date.

PROMOTION AND DETAIL TO SPECIAL DUTY SALARY INCREASE

The salary of an officer who is promoted or detailed to special duty shall be advanced to the same salary step of the higher class as his salary step prior to the promotion or detail to special duty.

RECLASSIFICATION SALARY INCREASE

An officer who is advanced to a higher pay grade through a reclassification of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

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REVERSION FROM DETAIL TO SPECIAL DUTY AND DEMOTION SALARY

REDUCTION

Any officers who receive salary increases as the result of being promoted to any ranks above the rank of Captain, shall, upon transfer from these positions revert to the salary commensurate with their permanent County Police rank and tenure.

Nothing in this policy shall be used to deny any salary advancements to which any officers would have been entitled had they remained in permanent County Police rank, or promoted to a rank above the rank of Captain.

AM-D-13 shall be amended as follows:

COURT PAY

An employee shall be paid a lump sum of \$45.00 per court appearance when required to testify in court during a period of time when the officer is not regularly scheduled to work.

If the employee appears in court on two (2) different cases on the same day and the starting time of the courts are four (4) hours apart, and each court appearance is outside the scheduled work hours, the employee shall receive credit for two (2) court appearances.

No work schedule shall be changed in order to collect court pay under the provisions of this section.

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POLICY

Whenever any member of the Oldham County Police receives an injury which arises out of and in the course of employment, any necessary medical or hospital treatment is compensable under the Worker's Compensation Law.

PROCEDURE

Whenever expenses are incurred as a result of an on-duty injury, the member should clearly advise the person or organization furnishing treatment or services that the injury is covered by Worker's Compensation and is not covered by group hospitalization insurance. Bills for emergency room treatment, doctor's services, X-rays, prescriptions, etc., should be forwarded directly to the Workman's Compensation Office as soon after they are incurred as possible.

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Review Date October 27, 2000

POLICY

When employees, either civilian or sworn, leave the agency, they are potentially eligible to receive unemployment benefits for which the agency must bear the entire cost.

PROCEDURE

Supervisors are to require that all departing employees prepare a resignation which gives the reason for the employee's departure. In cases of termination, proper documentation shall be provided.

Moreover, any claim forms received from resigned or terminated employees through the Cabinet for Human Resources, Department for Social Insurance, and Division of unemployment Insurance shall immediately be forwarded to the Assistant Chief of Police Office for response.

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POLICY

The Oldham County Police shall reimburse employees for authorized expenses incurred while on travel status. All reimbursements shall comply with KAR 200 and travel regulations established by the Finance and Administration Cabinet.

AUTHORIZATION

Travel in Kentucky and within the other forty-nine (49) states and the District of Columbia and Canada must be authorized by the agency head or a designated representative. Any employee requesting out-of-state travel status shall explain the necessity of the travel and obtain approval from the Chief of Police or his designee.

Any request for an exception to these regulations, including extraordinary work related employee expenses and special details, shall be submitted through the Assistant Chief of Police for approval. All requests for exceptions shall be submitted at least ten (10) working days prior to travel status to allow approval prior to the expenditure of funds. All requests for out-of-state travel should be forwarded through channels to the Chief of Police's Office at least ten (10) working days prior to travel to allow sufficient time for authorization.

LODGING

Employees on travel status shall be reimbursed the actual cost of lodging, if the lodging is determined to be the most economical. The lodging receipt shall be attached to the expense voucher for reimbursement. Employees shall not receive reimbursement for lodging that exceeds the single occupancy rate. Employees may receive reimbursement for the actual cost of multiple occupancy (i.e., occupancy by others not on travel status), only if the lodging rate is the same for single as it is for multiple occupancy. Proof of these rates shall be attached to or noted on the lodging receipt by a representative of the motel, hotel, etc., (i.e., pre-printed lodging rates from the motel, motel representatives signed statement to the rates, etc.).

Cost for lodging within forty (40) miles of the claimant's official work station or home will not be reimbursed.

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SUBSISTENCE

Eligibility for subsistence breakfast and lunch in Kentucky while on travel status requires overnight absence at a destination 40 miles from both the employee's work station and home during the authorized mealtime. Employees shall attach their lodging receipts or other credible documentation to the travel voucher sufficient for an audit. Subsistence for dinner in Kentucky and breakfast, lunch, and dinner outside the state do not require overnight lodging during authorized mealtimes. Employees on travel status who do not claim lodging may still claim meal expenses. The employee's reason for not requiring lodging shall be noted on the voucher.

For travel in Kentucky and the United States, except "High Rate" areas listed by the Secretary of the Finance and Administration Cabinet, subsistence reimbursement to cover meals, taxes and tips shall not exceed:

BREAKFAST **\$5.00**

(Employee must be on travel status the entire period between 6:30 a.m. to 9:00 a.m. to claim reimbursement for breakfast.)

LUNCH **\$10.00**

(Employee must be on travel status the entire period between 11:00 a.m. to 2:00 p.m. to claim reimbursement for lunch.)

DINNER **\$15.00**

(Employee must be on travel status the entire period between 5:00 p.m. to 9:00 p.m. to claim reimbursement for dinner.)

For travel to high-rate areas, subsistence reimbursement shall not exceed:

BREAKFAST **\$7.00**

LUNCH **\$15.00**

DINNER **\$20.00**

HIGH RATE LOCATIONS

Alaska
Anaheim, CA

Entire State
Corporate limits

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Atlanta, GA	Corporate limits (including Atlanta Airport)
Atlantic City, NJ	Corporate limits
Baltimore, MD	Corporate limits
Boston, MA	Corporate limits including Cambridge)
Charlotte, NC	Corporate limits
Chicago, IL	Cook County
Cleveland, OH	Corporate limits
Dallas, TX	Corporate limits
Denver, CO	Corporate limits
Detroit, MI	Corporate limits
Ft. Worth, TX	Corporate limits
Gatlinburg/Pigeon Forge, TN	Corporate limits
Hawaiian Islands	All islands
Hilton Head, SC	
Houston, TX	Corporate limits
Jacksonville, FL	Corporate limits
Kansas City, MO	Corporate limits
Las Vegas, NV	Corporate limits
Los Angeles, CA	Corporate limits
Miami, FL	City limits
Miami Beach, FL	Corporate limits
Milwaukee, WI	Corporate limits
Minneapolis, MN	Corporate limits
New Orleans, LA	Corporate limits
New York, NY	Boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island
Newark, NJ	Corporate limits & airport
Oakland, CA	Corporate limits
Orlando, FL	Corporate limits
Philadelphia, PA	City limits
Phoenix/Scottsdale, AZ	Corporate limits
Pittsburgh, PA	Corporate limits
Portland, OR	Corporate limits
St. Louis, MO	Corporate limits
St. Paul, MN	Corporate limits
St. Petersburg, FL	Corporate limits
San Diego, CA	Corporate limits
San Francisco, CA	Corporate limits
San Jose, CA	Corporate limits
Seattle, WA	Corporate limits
Tampa, FL	Corporate limits
Washington, DC	Corporate limits of Washington,

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D.C. ;

The cities of Alexandria, Falls Church of Arlington, Loudown, and Fairfax in Virginia; and the counties of Montgomery and Prince George in Maryland.

WORK STATION

1. The official work station of employees assigned to an office is the street address where the office is located.
2. The official work station of field employees shall be established by the agency head, based solely on the best interest of Oldham County, not an employee's convenience.
3. If any employee is permanently re-assigned or stationed at a new place two (2) months, the new place immediately becomes that employee's official work station concerning travel expense.
4. When an officer is promoted to an assignment outside their current work station, he is eligible for travel expenses for the first 30 consecutive calendar days. A copy of the personnel order effecting the promotion shall be attached to the Travel Voucher.

TRANSPORTATION

1. Privately-owned vehicles: Mileage claims for use of privately-owned vehicles may be disallowed if a County vehicle was available and feasible. No reimbursement shall be paid for travel between residence and work station.
2. Special Transportation: The cost of hiring cars or other special conveyances in lieu of ordinary transportation will be allowed only with acceptable justification. A memorandum requesting and justifying reimbursement for any car rental shall be attached to the travel voucher and shall be submitted through channels to the Chief of Police.

ACCOMMODATIONS

1. State Parks. A state agency or institution using State Park facilities may pay for rooms and meals by inter-account bill, within the limits of this

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regulation, (i.e., the cost of each meal shall be within the individual limits per meal reimbursement or with the remainder of the cost to be borne by the employee).

2. Group Lodging, by contract. County agencies and institutions may contract with hotels, motels, and other establishments for four (4) or more employees to use a room or rooms on official business. Group lodging contracts shall be submitted prior to the beginning of travel status. Group rates must be requested. The contract may also apply to meals and gratuities. The contract rates and the costs of rooms and meals per person shall not exceed limits set by this regulation under "Reimbursement Rates." The agency shall certify that no employee is claiming individual reimbursement or subsistence for the same costs.

REIMBURSEMENT RATES

1. A county officer or an employee assigned to attend a function of an organization not under the County Officer's control may be reimbursed for actual meal cost charged by the organization, instead of subsistence.
2. Privately-owned vehicles. Reimbursement for official use of a privately-owned vehicle shall be twenty-two (22) cents per mile, and payment shall not exceed airplane coach fare.
3. Parking and tolls. Actual parking, bridge and toll charges are reimbursable. Toll receipts are not required for in-state travel by two (2) axle vehicles.
4. Registration fees. Registration fees required in official travel for admittance to meetings will be allowed. All registration fees for training must be approved by the Chief of Police. If the employee pays for the fee, reimbursement shall be through travel voucher.
5. Meals provided by registration fees or sponsor. If the registration fee or a sponsor (person and organization) pays for or otherwise provides meals or other provisions for the attendee (county employee), then claims for reimbursement shall be reduced accordingly.

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6. Telephone expenses. Telephone and telegraph costs for necessary official business will be allowed. These expenses shall be verified by personal telephone bills, hotel bills, or similar verifiable proof.
7. Other. Where justified, other necessary miscellaneous expenses of official travel may be allowed by the Chief of Police or his designee.
8. With pre-printed receipts for items over two dollars (\$2), the actual and necessary cost of official business travel (including lodging, meals, related taxes, gratuities and commercial transportation) may be reimbursed.

TRAVEL EXPENSE VOUCHER

1. The voucher shall include the expense of only one (1) person except where an employee pays the expenses for a ward of Oldham County or other person for whom the claimant is officially responsible. Such person's name and status or official relationship to the claimant's agency must be listed on the voucher.
2. A travel voucher shall ordinarily cover one (1) month or one (1) major trip. The purpose of each trip shall be shown on the voucher. If monthly expenses total less than ten dollars (\$10), a voucher may cover as much as six (6) months within the same fiscal year.
3. Each travel expense voucher shall show the claimant's social security number. The travel voucher may be either typed or legibly prepared in ink. All receipts shall be stapled to the back at the upper left corner.
4. Computing mileage. Mileage for in-state travel will be based on the Transportation Cabinet official mileage map. Out-of-state mileage will be based on Rand McNally mileage maps. If point of origin is the claimant's residence, mileage will be paid between residence and travel destination or between work station and travel destination, whichever is shorter, except that computing mileage between home and work station will not be paid.

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5. Vicinity travel. Vicinity travel and authorized travel within claimant's work station shall be listed on separate lines on the expense voucher. The reason for the travel shall be included on the travel voucher to supply justification for reimbursement.
6. Receipts. Except for mileage and subsistence, claimants shall furnish for each expenditure over two dollars (\$2) the pre-printed, receipted bill from the hotel, motel, restaurant or other establishment. The receipt must establish the amount, date, location and essential character of the expenditure. Credit card receipts are not acceptable in fulfilling these requirements.

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POLICY

In order to ensure availability for emergency duty, to prevent conflicts of interest, and to maintain a professional image, limitations must be placed upon the outside employment activities of officers. No officer shall engage in any outside employment activity except as authorized by the Chief of Police pursuant to the following rules.

DEFINITION

In the context of this General Order, the term "outside employment" means any work or service performed for compensation for any person, agency, organization or entity other than the Oldham County Police Department.

OUTSIDE EMPLOYMENT NOT REQUIRING APPROVAL

Officers are permitted without approval to buy, sell, hold, manage, lease and rent their own personal and real property, assets and investments whether in sole ownership or jointly with others. However, personal involvement in such activities shall not be engaged in by officers to the extent that they become the officer's principal vocation or interfere with the officer's work assignment or ability to promptly respond to a call for emergency service when off-duty.

Officers are also permitted without approval to do volunteer work for charitable, benevolent or fraternal organizations without compensation and to do gratuitous work for their own family which would constitute engaging in outside employment activity if done for another for compensation.

Officers are permitted without approval to teach at any accredited educational institution. Officers also are permitted to receive compensation for advisory or consultative services, but only in cases and situations in which neither the Oldham County Police Department or any prosecutorial agency is involved at the time.

PROHIBITED OUTSIDE EMPLOYMENT ACTIVITIES

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The following outside employment activities are prohibited because: (1) they constitute actual or reasonably foreseeable conflicts of interest, or (2) are prohibited by statute, or (3) are detrimental to the reputation and good name of the Oldham County Police Department by presenting an unprofessional image.

1. Any activity for any business or enterprise that is subject to enforcement or inspection on a regular basis by the Oldham County Police. This includes, but is not limited to, pawnshops, liquor stores and taverns, and dealerships in firearms or motor vehicles.
2. Any activity as an officer or employee of any city or other municipality.
3. Any activity relating to any commercial transaction with the Commonwealth of Kentucky or any unit of local government, unless proceeded by public notice and competitive bidding.
4. Any activity where any condition or characteristic of the employment requires the officer to perform or be responsible for the performance of any duty or function required by law to be performed by a public officer.
5. Any activity where the duties of a peace officer are performed as a primary condition of employment, where an essential qualification for employment is peace officer status, or where the primary purpose of the activity is law enforcement. This requirement should not be interpreted as an absolute bar to employment as a security guard, security consultant or private investigator, but such employment shall not be approved except under the following conditions:
 - a. No county-owned vehicle, uniform, or equipment may be displayed or used, except the badge, identification card and off-duty weapon when necessary to effect an arrest;
 - b. The employer or the officer shall be required to maintain sufficient workers compensation insurance and liability insurance so as to indemnify the County and provide for the defense of the officer if he is sued for any act or omission occurring on the employer's premises or elsewhere while engaged in the employment.

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6. Any activity involving direct sales or fund solicitations where the officer initiates contact with the person being solicited.
7. Any activity for an employer with a reputation for criminal behavior.
8. Any activity requiring participation, directly or indirectly, in any labor dispute during off-duty hours.
9. Any activity, other than those described above, which would:
 - a. Cause the officer to be unavailable for emergency duty or unable to take appropriate law enforcement action upon observing a violation of law;
 - b. Require special scheduling considerations;
 - c. Impair the efficiency of the officer or the Oldham County Police or cause damage to the reputation and good name of the officer or the Oldham County Police.
 - d. Result in an actual or reasonably foreseeable conflict of interest between the officer's duty to enforce the law and the economic interests of his employer.

PROCEDURE FOR REQUEST TO ENGAGE IN OUTSIDE EMPLOYMENT

Prior to engaging in any form of outside employment, an officer must submit a request to the Assistant Chief of Police through channels, and receive written approval from the Chief of Police.

1. The request must describe with particularity the nature of the requested outside employment, and provide the name, address and telephone number of the employer.
2. The request must be specific as to the tasks to be performed for the outside employer, the number of hours per week to be worked and the projected schedule.
3. Any recommendation by a superior officer to deny the request must be supported by a specific explanation.

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4. The request, together with all recommendations and the response by the Chief of Police, shall be filed in the officer's personnel file.
5. Any officer whose appeal is denied may appeal the denial and shall be entitled to a hearing before a hearing officer appointed by the Chief of Police. The hearing shall be conducted pursuant to the same procedure as is set forth in General Order AM-E-1 for disciplinary cases before the Board of Appeals.
6. Approval for outside employment shall remain in effect unless revoked by the Chief of Police. Revocation of a request previously granted shall require a specific explanation and shall be subject to appeal in the same manner as a denial.

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POLICY

A personnel file shall be maintained on each individual officer at the Oldham County Police Department. Where possible, reports, letters, or other documents shall be condensed in such a manner that all valuable information shall be recorded and unnecessary correspondence, forwarding memoranda, replies, routing sheets, or other documents that are of little or no value eliminated.

CONTENTS TO BE MAINTAINED

1. Application and copies of personal documents.
2. Both favorable and unfavorable communications (with any affirming or disclaiming viewpoints).
3. College transcripts.
4. Individual incident reports (where justified).
5. Request for personnel-position action forms (P-1).
6. A file of commendations.
7. Any other information deemed appropriate.

Documents unfavorable to a member shall not be placed in the member's personnel file without his knowledge.

REVIEW OF PERSONNEL FILE

Employees who desire to review their personnel file shall submit a completed request form to the Assistant Chief of Police. The employee may then review his personnel file under supervision of a member of the personnel office staff during regular office hours. The personnel office staff shall make a notation within the employee's personnel file of the time and date the employee reviewed the file and whether copies of any portion of the content were requested or provided. Subsequent requests for copies will be granted only upon the payment of copying costs.

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REVIEW OF INTERNAL AFFAIRS FILE

Employees who desire to review a case file of which they are the subject and which is maintained by the Internal Affairs Section, shall submit a completed request form to the Assistant Chief of Police. The employee may then review the file under supervision of a member of the internal affairs office staff during regular office hours. The internal affairs office staff shall maintain a record of the time and date any person other than a staff member reviews the file and whether copies of any portion of the contents were requested or provided. Subsequent requests for copies will be granted only upon the payment of copying costs.

Access to files by subject employees shall be limited to those cases in which the investigation has been completed and a final determination has been made.

Any case file which is maintained by the Internal Affairs Section which was assigned to a case officer or other than an officer assigned to the Internal Affairs Section, shall be accessible to that case officer when necessary for additional investigation or review without prior approval as required by this policy.

PURGING OF DISCIPLINARY ACTIONS FROM PERSONNEL FILES

All active KRS 70.540 personnel shall have their personnel file purged of all disciplinary action documentation that is over five (5) years old, except any request for personnel-position action from (P-1) affecting the disciplinary action. This shall include, but is not limited to, any memorandum, supporting documents, or index reference. The Internal Affairs Commander or his designee shall review all documents purged by the Assistant Chief of Police and then destroy the documents if it is in fact a disciplinary action. The Assistant Chief of Police shall initiate a procedure for continually purging any disciplinary documentation from the personnel file or the file that contains the personnel order effecting any disciplinary action that is over five (5) years old. Any record or indexes relating to disciplinary actions, except records of disciplinary actions or complaints for Class A violations, shall not be retained by any Commander for a period of more than five (5) years.

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POLICY

An officer involved in civil or criminal litigation as a defendant shall, as soon as possible after becoming aware of his status as a defendant, notify the Chief of Police, through channels, by memorandum and attach a copy of the complaint, warrant or summons.

PROCEDURE

The officer's memorandum shall set forth in detail the events which form the basis for the legal action or it shall set forth the reasons why the officer does not wish to relate such events. The memorandum shall also contain a request that the defense of the action be maintained in one of the following ways:

- (1) That the Attorney General provide for the defense pursuant to KRS 12.211.
- (2) That the Governor or the Justice Cabinet employ counsel to provide for the defense pursuant to the provisions of KRS 12.210.
- (3) That the Oldham County Police Legal Fund pay the attorney fees and related expenses of private counsel employed by the officer, if the officer is a member of the fund.

When possible, the Chief of Police shall notify the involved officer in writing of the impending release of records pursuant to the provisions of the Open Records Law or a court order or subpoena. In all cases, involved officers shall be notified as to the identity of records released by the Chief of Police who are related to litigation involving the officer.

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POLICY

It is the policy of the Oldham County Police to ensure that no unauthorized access, dissemination, or disclosure of confidential information is allowed by agency personnel.

The Oldham County Police, upon the employment of all civilian employees, shall cause an Information Non-Disclosure Agreement Form, OCP-135, to be presented and signed by the employee in order to communicate to users and custodians of information of their responsibility in keeping certain specific information confidential.

PROCEDURE

A signed Information Non-Disclosure Agreement Form, OCP-135, shall be completed by all Oldham County Police civilian employees within 30 days after the effective date of this policy. All civilian employees hired after the above effective date shall sign the OCP-135 upon their employment with this department. The OCP-135 will be filed in the employee's personnel file at the Oldham County Police Department. It shall be the responsibility of the Assistant Chief of Police to ensure that all civilian employees under their supervision comply with the aforementioned procedure.

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POLICY

A performance evaluation is the measurement of the police employee's on-the-job performance of assigned duties by the police employee's supervisor. The department's performance evaluation system is intended to provide an objective measure of member performance and to assist in employee development.

Performance evaluations are used by both the supervisor and the police employee as a positive means of improving individual performance and detecting deficiencies and improving it. Performance evaluations are also used to recognize the individual's strengths.

An evaluation system serves both supervision and the employee. Performance evaluations should be viewed by the supervisor as well as by the police employee as a positive means of improving individual performance. Performance deficiencies should be detected and proper means taken to correct them. Performance evaluations should not be considered as a punitive measure, nor should police employees feel threatened by performance evaluations.

PROCEDURES

1. The performance evaluation system shall include the following:
 - A. Measurement definitions: The rating process is described on the instruction form, and includes a rating scale.
 - B. Procedure for use of forms: The evaluation process is described on the instruction form.
2. The following performance evaluations are conducted within the department.
 - A. Annual Review - A review of each employee shall be done in August of each calendar year.
 - B. Monthly Review - Any probationary officer.

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- C. Daily Review - A review by Field Training Officers on all new police officers.
3. An employee's performance gives information concerning suitability for assignment, training needs, ability for acquiring more responsibilities, and effectiveness in the assigned position. Evaluations of performance are conducted according to the following procedure:
- A. Police employees are to be rated by their immediate supervisor.
 - B. Each performance evaluation is documented on the department's evaluation form.
 - C. Evaluations are to cover a specific period.
 - D. Evaluations are to be based only on the performance during the rating period.
 - E. Each employee is given the opportunity to sign the completed report. The employee's signature does not imply agreement or disagreement with the content, but receipt of receiving a copy of the report.
 - F. Each form is to be reviewed and signed by the employee's immediate supervisor, the Assistant Chief and then the Chief of Police.
 - G. The evaluations are to be kept as part of the employee's permanent personnel file.
4. Rater Training: Evaluations reflect observations and perceptions by rating personnel, and are, therefore, inherently subjective. Therefore, whenever a new supervisor becomes responsible for the evaluation of another employee, he/she shall receive appropriate and sufficient training on the departmental performance evaluation system, measurement definitions, procedures for use of forms, and rater responsibilities. Supervisors shall receive training on the importance of impartial ratings, the rater's role in the performance evaluation system, and how to counsel and guide employees.
5. Rater Responsibilities: The rater is responsible for careful, fair evaluation of the police employee's performance for the entire period covered by the evaluation. The rating should be substantiated by

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facts, careful observation, and notes from any previous informal reviews. The supervisor shall discuss the evaluation with the police employee.

6. Utilization - General Description

A. Evaluators are referred to the instructions of the evaluation form (OCP 97) and the following:

- a. All comments are to be typed or in ink.
- b. Any corrections or changes made after the police employee that is being evaluated must initial the interview.
- c. All signatures must be in ink.

B. Raters should be prepared to fully substantiate a rating in the excellent or unsatisfactory category and give specific reasons for the rating through a narrative comment.

7. The Appraisal Interview.

A. Supervisors shall begin every rating with employee counseling on the following:

1. Position tasks, duties, and responsibilities;
2. Level of performance expected; and
3. Evaluation rating criteria.

B. Performance appraisal interviews are conducted by the evaluating supervisor to:

1. Explain the evaluation;
2. Solicit oral or written comments by the police employee; and
3. Give the police employee the opportunity to sign the completed evaluation report.

8. Unsatisfactory Performance

A. Police employees shall be advised in writing whenever his/her performance is deemed to be unsatisfactory. The written notification will include the following

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items and must be preceded by an interview between the immediate supervisor and the involved member.

1. The job performance that is deficient, and
 2. Actions that should be taken to improve his/her performance.
9. Written notification of unsatisfactory performance must be tendered to the member and allow the member enough time to take appropriate corrective action. The supervisor must be prepared to substantiate ratings at the unsatisfactory level.
10. Written notification of unsatisfactory performance is submitted to the Chief for approval and filed in the police employee's personnel file.
11. Review And Appeals
- A. Employees are rated by his/hers immediate supervisor. Each performance evaluation is reviewed and initialed by the rater's supervisor. Reviews are intended to ensure fairness, uniformity, and validity and shall be accomplished according to:
 1. The fairness and impartiality of ratings given.
 2. The rater's participation in counseling and guidance for rated employees.
 3. The ability to carry out his/her role in the performance evaluation system.
12. Evaluation reports express the judgment of the rater and are not subject to full grievance process. However, police employees may request additional review by the Chief of Police and may offer their own statistical or opinion information. The decision of the Chief of Police in any such arbitration is final.
13. The performance appraisal system is to be inspected by the Assistant Chief of Police annually. Objectives of the inspection are to:

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- A. Study suggestions for modifications or improvements in the process.
- B. Review the number of contested evaluations and the reasons.
- C. Assess instances of unsatisfactory performance ratings and the reasons for them.

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POLICY

Oldham County Police civilian members are on an hourly workday, work week schedule. Unless absolutely necessary, members shall not exceed their work schedule. The civilian workweek is confined to 06:00 Monday through 18:00 the following Friday. All non-sworn personnel are on a 7.5 hour workday - a 37.5 hour work week.

SCHEDULING AND TIMEKEEPING PROCEDURE

Each civilian employee shall be subject to the work schedule determined by a commanding officer to be necessary for the efficient performance and operation of the organizational component to which he/she is assigned.

Civilian personnel shall receive two fifteen-minute (15) breaks away from their work assignments during the second, third, fourth, or fifth hour worked. Civilian personnel shall be given a thirty-minute (30) lunch break away from their work assignments during the third, fourth, or fifth hours worked. Civilian employees may elect to waive their fifteen-minute breaks and combine them with their lunch break, allowing them a one-hour lunch break.

TIME CARDS

During any break, which a civilian employee takes, he/she shall punch their time card, which is located in the record section of the Administration building. Employees may punch their time card no more than five minutes prior to the start of their shift. Each employee shall punch their own time card. At the end of the 37.5 hour work week, the employee will be compensated at a time and one half rate of pay. Failure to follow this procedure shall be considered a class "C" violation.

The Administrative Clerk shall collect the time cards at the end of each week and total their times and submit them to the Assistant Chief of Police at the end of each overtime period.

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ANNUAL LEAVE

Each civilian employee shall be allowed annual leave with pay at the following rate:

<u>Years Of Service</u>	<u>Hours Accrued Per Year</u>
0 - 1	00.0 Hours
1 - 10	80.0 Hours
11 - 15	120.0 Hours
16 & Over	plus one day per year max 160 Hours

An employee must have worked more than half of the days in a month to qualify for annual leave. Employees shall accrue leave at the end of the month rather than the 15th or after having worked more than half of the working days in a month. Time will be credited the first day of the following month.

Forty hours (40) of annual leave may be accumulated and carried forward from one calendar year to the next.

Annual Leave in excess of the above amounts may not be carried forward from one calendar year to the next calendar year. Any excess annual leave as of the pay period ending December 31 of each year will automatically be lost.

Absence on account of sickness, injury, or disability in excess of that hereinafter authorized for such purposes may, at the request of the employee and within the discretion of the Chief of Police, be charged against annual leave.

Accumulated annual leave shall be granted by the commanding officer in accordance with operating requirements and, insofar as practicable, in accordance with the employee's request.

Civilian employees are charged with annual leave for absence only on days upon which they would otherwise work and receive pay.

Annual leave shall accrue only when an employee is working or on authorized leave with pay. Annual leave shall not accrue when an employee is on educational leave with pay.

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Before an employee may be placed on leave of absence without pay in excess of thirty working days, he/she must have used or have been paid for any accumulated annual leave.

An employee shall be paid in a lump sum for accumulated annual leave in accordance with the following scale:

<u>Years Of Service</u>	<u>Maximum Amount</u>
0 - 4	30 Work Days
5 - 9	37 Work Days
10 - 14	45 Work Days
15 - 19	52 Work Days
20 & Over	60 Work Days

When separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty working days, the effective date of the separation shall be the last working day. A supplemental pay voucher shall be submitted on accumulated annual leave.

A civilian employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the Chief of Police, be paid in a lump sum for accumulated annual leave not to exceed the scale indicated above.

Upon the death of an employee, his/her estate shall be entitled to pay from the unused portion of the officer's accumulated annual leave not to exceed the scale indicated above.

SICK LEAVE

Sick leave shall be earned at a rate of one day for each calendar month of service, so long as the employee is working or on authorized leave with pay and may accumulate in an unlimited amount.

A civilian employee may take sick leave with pay whenever he or she:

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1. Receives any medical, dental, or optical examination or treatment;
2. Is disabled by illness or injury;
3. Is pregnant or convalescing from childbirth;
4. Is required to care for a sick or injured member of his immediate family for a reasonable period of time.
5. Would jeopardize the health of others because of exposure to a contagious disease;
6. Has lost by death an eligible immediate family member. The immediate family consists of an employee's spouse, child, step-child, parent, parent-in-law, step-parent, grandparent, grandparent-in-law, brother, step-brother, sister, step-sister, grandchild, legal guardian (present and former) and any member of an employee's household. Sick leave taken because of this reason shall not exceed three (3) days.

Whenever a civilian employee takes more than three (3) consecutive days of sick leave, he or she shall submit a memorandum to the commanding officer explaining why the sick leave is being taken and providing a statement from the treating physician as verification.

The Chief of Police or Assistant Chief of Police may order a civilian employee to take sick leave whenever it appears that the employee is physically or psychologically unfit for duty.

Absence for part of a day that is charged to sick leave shall be charged in hours or one-half hours.

Civilian employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of 30 days.

In cases of absences due to illness or injury for which worker's compensation benefits are received, sick leave may be utilized to the extent of the difference between such benefits and the employee's regular salary.

Any civilian employee who is injured during the performance of a job-related hazardous duty, or becomes ill as a direct result thereof, may recuperate without loss of any accumulated sick leave. The Chief of Police or Assistant Chief of Police may assign such employees to limited duties or order a return to full duty whenever

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medical evidence is received that such a return to duty is warranted.

Before returning to work, the employee must submit a certification that he/she is fit to perform his/her job duties, along with a statement from his/her physician to the same effect.

The Chief of Police shall grant sick leave without pay for so long as a employee is disabled by illness or injury, for a period not to exceed one year of total continuous leave without pay. A civilian employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave. All other accumulated sick leave must be taken before a employee may be placed on sick leave without pay.

SICK LEAVE SHARING

An employee with a sick leave balance in excess of seventy-five (75) hours may donate any or all such excess to an employee with a documented medical emergency who has exhausted all annual leave, sick leave and compensatory leave.

Such voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the Chief of Police or Assistant Chief of Police.

The donating employee must retain a sick leave balance of not less than seventy-five (75) hours, and shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for any consideration or in any manner other than that authorized by this regulation.

A full-time, or part time, status employee with a medical emergency who has exhausted all annual leave, sick leave, and compensatory leave may make application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made in behalf of the employee by a personal representative of the employee in the event of the employee's incapacity to make application on his own behalf.

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Application shall be made to the Oldham County Police Department on a form prescribed by the Assistant Chief of Police.

The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of his/her position for ten (10) or more consecutive working days.

The appointing authority of the applicant to receive donated sick leave may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.

At the end of each pay period while an employee is on donated leave, the employee's appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay, and shall notify the donor's appointing authority to reduce the donor's leave balance by that amount.

No employee on donated sick leave shall be credited with leave in an amount in excess of the time of the documented medical emergency.

No person shall through his/her office of employment use any promise, exchange, or influence to require an employee to donate excess sick leave to any other employee.

For purposes of this regulation medical emergency shall mean an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty for ten (10) or more consecutive working days.

A part-time employee with status may qualify for donated leave only to the extent of hours for which he would normally be scheduled to work.

This regulation applies to classified, unclassified, and sworn personnel. The sick leave sharing forms may be obtained from the OCP Forms Book.

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COMPENSATORY LEAVE AND OVERTIME

In situations where extraordinary and/or emergency services are required of the County Police, employees directed by the agency to work overtime may be authorized payment for such hours worked upon the concurrence of a supervisor. These overtime payments will be made to those civilian employee working in such situations when the employee has worked thirty-seven and one half (37.5) hours of regular duty and will be unable to take the time off during his/her pay period.

MILITARY LEAVE

Any civilian employee who is 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 their 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 ten (10) working days. The leave of absence shall include adequate time for traveling to and from the training location. Periods in excess of the ten (10) working day period with pay shall be granted, but shall be charged as annual leave, compensatory leave, or leave without pay.

Civilian employees shall submit a memorandum to the Assistant Chief of Police requesting military leave as soon as is reasonably possible. The memorandum shall include the dates of anticipated leave including required travel time. A copy of the military orders shall be submitted either before or after leave. The Assistant Chief of Police shall place a copy of the memorandum and orders to the officer's personnel file.

Civilian employees shall, upon request, be granted a leave of absence without pay to enter active military duty not to exceed six (6) years. All accumulated annual and compensatory leave may be

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paid in a lump sum, at the request of the employee, upon receiving a leave of absence to enter active military duty.

RESTORATION FROM MILITARY LEAVE

The Chief of Police shall comply with the provisions of KRS 61.371, 61.373, 61.375, 61.377, and 61.379 unless they conflict with the provisions KRS 70.540 of the Kentucky Revised Statutes.

VOTING LEAVE

The Chief of Police shall allow all civilian employees ample time to vote. Such absence shall not be charged against leave.

SPECIAL LEAVE OF ABSENCE

In addition to leaves as above provided, the Chief of Police or the Assistant Chief of Police may grant leave without pay for a period or periods not to exceed thirty working days in any calendar year.

The Chief of Police, with approval of the County Judge Executive, may grant leave of absence for a period not to exceed twelve months for the following purposes, with or without pay:

1. For assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit the county service.
2. For purposes other than above that is deemed to be in the best interests of the county.

The Chief of Police, with approval of the County Judge Executive, may grant an employee entering active military duty a leave of absence without pay for a period of such duty.

ABSENCE WITHOUT LEAVE

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A civilian employee who is absent from work without approval shall report the reason to the Assistant Chief of Police immediately. Unauthorized and/or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action and will serve to interrupt continuous service.

RECORDS AND REPORTS (see AM-D-10)

The Assistant Chief of Police shall install and maintain a leave record showing for each employee:

1. Annual leave earned, used, and unused.
2. Sick leave earned, used, and unused.
3. Special leave or any other leave with or without pay.

Such records shall be documentary evidence to support and justify authorized leave of absence with pay.

DUAL EMPLOYMENT

No civilian employee may hold another county position except upon recommendation of the Chief of Police and the written approval of the County Judge Executive.

COURT AND JUROR LEAVE

A civilian employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay, for that amount of time necessary to comply with subpoenas by any court or administrative agency or body of the federal, state, or county government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party plaintiff. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

WITNESS FEES

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When a civilian employee receives witness fees for attending court or hearings during his scheduled working hours or travels in a county-owned vehicle, or is reimbursed for expenses, the employee shall remit such fees to the Assistant Chief of Police. The Assistant Chief of Police shall remit such fees to the Oldham County Treasurer to be credited to a revolving fund to be used by the department.

When a civilian employee receives witness fees for attending court or hearings during his regular days off, or takes vacation or compensatory time to attend court or hearings and is not reimbursed by the Department for expenses, the employee may retain all fees received.

FAMILY LEAVE

Pursuant to 101 KAR 2:100, Section 3, employees who have completed twelve (12) months of service and worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family leave without pay per year. Unused family leave shall not be carried over from year to year. A week of family leave is the amount of time an employee normally works each week.

1. If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family leave shall be used for calculating the employee's normal work week.
2. If there has been a permanent or long-term change in the employee's schedule (for reasons other than family leave), the hours worked under the new schedule shall be used for calculating the employee's normal work week.

Family leave shall be granted by the Chief of Police upon receipt of a completed application from the employee on the completed application, which shall include the request form and medical certification provided by the Department. The Chief of Police shall require the employee to utilize accumulated sick, annual and compensatory leave prior to granting unpaid family leave, except that the employee may request to retain ten (10) days of paid sick leave. The amount of available family leave shall be reduced by the amount of paid leave used. The employee shall make the

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application for this leave request as far in advance of the start of the leave as possible. Family leave shall be granted:

1. For the birth or adoption of a child of the employee, or placement with the employee of a foster child under an agreement with an agency of the Commonwealth. The Chief of Police may require a couple in the employ of an agency to limit the total amount of family leave to twelve (12) weeks where leave is sought in connection with the birth, adoption or placement of a child;
2. For the care of such children within one (1) year of the birth or adoption of a child of the employee, or placement with the employee of a foster child;
3. For the care of the employee's spouse, parent, child (including biological, adopted, step or foster), or other family member of similarly close blood or legal relationship (who has resided with the employee for not less than thirty (30) days prior to application), if the spouse, child, parent or family member has a serious health condition. A child includes one who is over eighteen (18) years of age and who is incapable of self-care because of a mental or physical disability. A serious health condition is a condition which requires inpatient care or continuing treatment by a health provider which renders the employee incapable of performing the duties of the employee's position. Where inpatient care is not involved, the expected absence from work, or from school, or incapacity in performing other daily activities of a family member shall be for a period of more than three (3) days.
4. For a serious health condition of the employee that makes the employee temporarily unable to perform the essential functions of his position.

CERTIFICATION FOR FAMILY LEAVE

The Chief of Police shall require an employee granted family leave for a serious health condition to submit a certification from a health care provider that includes a statement that the employee is needed to care for a family member, or, that the employee's presence would be beneficial to the family member. An employee

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requesting intermittent leave or leave on a reduced leave schedule due to the serious health condition of the employee or family member shall be required to submit a certification from a licensed health care provider that such leave is medically necessary, with a projection of the expected duration and schedule of such leave. A "health care provider" includes: doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner and nurse midwife, or certified Christian Science practitioner.

If an employee submits a completed certification, additional information from the health care provider shall not be requested. If there is reason to doubt the validity of a medical certification, the Chief of Police may require the employee to obtain a second opinion, at agency expense, from a second health care provider designated by the agency. This health care provider shall not be employed on a regular basis by the agency.

If the opinions of the employee and the agency designated health care provider differ, the Chief of Police may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and binding. If the agency does not act in good faith to attempt to reach an agreement on the third health care provider, the agency shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider. The Chief of Police may require recertification of the need for family leave every thirty (30) working days.

If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill family member or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the Chief of Police may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

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LIFE AND HEALTH INSURANCE BENEFITS UNDER FAMILY LEAVE

Employees eligible for county contributions for life insurance and health benefits shall have worked, been on paid leave, or been on family leave during the previous month, subject to the following conditions:

1. Any combination of work days, paid leave and/or family leave used by the employee within a month shall entitle the employee to county-paid contributions for life insurance and health benefits in the following month;
2. When an employee is unable to work, and elects to use family leave to qualify for county contribution for life insurance and health benefits, he shall utilize his paid leave days consecutively;
3. When an employee is unable to work, and elects to use family leave as the sole qualification for the county contributions for life insurance and health benefits, he shall utilize his family leave days consecutively.
4. An employee who has exhausted paid leave and family leave shall not qualify for county contributions for life insurance and health benefits unless he works for more than half of the work days in a month. If the employee is unable to work for more than half of the work days in a month, the employee may continue his group health and life insurance benefits for the following month by paying the total cost of the county contributions and the employee contributions for such benefits.
5. An employee who uses family leave as the sole qualification for the county contributions for life insurance and health benefits and who fails to return to work for thirty (30) calendar days after the family leave is exhausted, shall reimburse Oldham County for county contributions paid on behalf of the employee. The employee shall not be required to reimburse the Oldham County if the reason the employee does not return is due to:
 - a. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family leave under this regulation.
 - b. Other circumstances beyond the employee's control.

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6. An employee, on family leave, shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits. If the employee does not make the contributions within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverage as were provided when the leave commenced, effective with the employee's return to work.

RETENTION OF POSITION

At the conclusion of the family leave, an employee shall be retained in the same position that the employee held before going on leave. The employee shall be returned to the same shift or equivalent schedule. If special qualifications are required for a position and said qualifications have lapsed during the employee's leave, the employee may be reassigned to different duties and given a reasonable opportunity to fulfill the requirements after returning to work.

FAMILY LEAVE

Effective August 5, 1993, every employee in county service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family leave without pay. On the first day of January of each year thereafter every employee in county service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family leave without pay. Unused family leave shall not be carried over from year to year.

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A week of family leave is the amount of time an employee normally works each week.

1. If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family leave shall be used for calculating the employee's normal work week.
2. If there has been a permanent or long-term change in the employee's schedule (for reasons other than family leave), the hours worked under the new schedule shall be used for calculating the employee's normal workweek.



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POLICY

The Oldham County Police shall utilize discipline to ensure that the conduct of officers conforms to the Code of Ethics and the Standards of Conduct as set forth in the Oldham County Police Manual. No officer shall be disciplined but for a proven violation of the Standards of Conduct. All disciplinary proceedings shall be fair and impartial. The Oldham County Police shall strive to protect its officers from false accusations, but shall not hesitate to punish proven misconduct.

The Oldham County Police hereby recognizes that positive discipline such as encouragement, recognition, training and counseling are to be continually exercised and considered a primary duty of all commanding officers. Discipline also may take the forms of reprimand, suspension from duty with or without pay, reduction in pay grade or rank, or removal.

In the context of this regulation, a commanding officer is any officer who has been designated by the Chief of Police to exercise command authority over any division, branch, or section of the Oldham County Police. A supervisor is any officer who has been specifically designated by an officer of superior rank to exercise supervisory authority or any officer who holds the rank of sergeant or above.

Scope of regulation - This regulation sets forth the administrative procedure to be followed by the Oldham County Police in imposing disciplinary action against Oldham County Police officers. The regulation applies only to those officers appointed pursuant to KRS 70.540.

Time limitations - Disciplinary action must be initiated within one year after the date of the act of misconduct, except that disciplinary action for any act of misconduct hereinafter classified as a class "A" violation may be initiated at any time. Disciplinary action is deemed to be initiated when a complaint is received and recorded by the Oldham County Police Department or when the officer suspected of wrongdoing is notified that he is under investigation, whichever occurs first.

Records relating to disciplinary actions shall be retained by the Oldham County Police Department for a period of five



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(5) years from the date of the disciplinary action and then destroyed with all index references deleted, except for records of disciplinary actions or complaints for class "A" violations, which are to be retained permanently.

Criminal charges - Any officer who is arrested or indicted for any offense classified as a felony shall be suspended from duty by his commanding officer and shall not exercise any of the powers of a peace officer for the duration of said suspension.

The suspension shall be with pay unless the Chief of Police, acting pursuant to KRS 15.520, determines that it shall be without pay. The Chief of Police may assign the officer to clerical or administrative duties during the period of suspension. The suspension shall remain in effect until the court of jurisdiction has made a final determination of the criminal charge, or until the Chief of Police determines that a return to full duty status is appropriate under the circumstances. Nothing contained herein shall preclude the department from proceeding with disciplinary action prior to a final disposition of the criminal charge.

Any officer who is arrested, summoned or cited for any offense classified as a misdemeanor or violation may be suspended from duty by his commanding officer if, in the exercise of his discretion, the commanding officer believes that such a suspension from duty is in the best interests of the department or the officer. The officer under suspension shall not possess or attempt to exercise any of the powers of a peace officer for the duration of the suspension. The suspension shall be with pay unless the Chief of Police, acting pursuant to KRS 15.520, determines that it shall be without pay. The commanding officer may assign the officer to administrative or clerical duties during the period of suspension. The suspension may be rescinded at any time by the commanding officer, when in his discretion he determines that the purpose for the suspension has been served. Nothing contained herein shall preclude the department from initiating disciplinary action prior to a final disposition of the charge.

Administrative Leave - Any supervisor may place on administrative leave from duty, any subordinate officer

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when such leave is necessary for the preservation of public order, the protection of the physical safety of an individual, or to prevent or as a result of any violation of law by the officer. An officer who is on administrative leave shall surrender his badge, identification card and all issued weapons to the supervisor who affects the suspension. An officer on administrative leave is relieved from duty and shall not exercise the powers of a peace officer until a determination of status is made by the Chief of Police or in appropriate cases by the trial board. Administrative leave shall be with pay unless the Chief of Police determines, pursuant to KRS 78.445 - 78.455 that it shall be without pay.

Any supervisor who places a subordinate officer on administrative leave shall notify the Chief of Police, through the chain of command, as soon as possible, of the action taken and the material circumstances surrounding the action. This notification shall be followed with all due speed by a written report to the Chief of Police who shall describe with specificity the reasons for the leave. A copy of this report shall be forwarded directly to the Assistant Chief of Police and to the officer who was placed on administrative leave.

Complaints against officers - All written complaints shall be forwarded to the Assistant Chief of Police for review and classification according to degree of seriousness. Those complaints, which, if true, would constitute a class "A" violation, shall be investigated by the Assistant Chief of Police or his designee. All other complaints may be referred to the appropriate commanding officer for investigation. Persons making written complaints shall be advised by letter of the receipt of the complaint. The officer who is complained against shall be provided with a copy of the complaint. A copy of the complaint notification to the officer for all classes of investigations shall be sent by Assistant Chief of Police and to the officer's supervisor. Complaints, which contain more than one allegation shall be classified according to the most serious violation alleged and shall not be severed for purposes of investigation.

Verbal complaints may be recorded and transcribed for signing by the complainant. Unsigned complaints are not to

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be made a matter of record unless good cause exists to believe the complaint to be true and the alleged misconduct constitutes a class "A" violation. Persons who make verbal complaints shall be informed of this policy. This does not preclude any commanding officer from making an inquiry into any alleged misconduct to determine if the commanding officer should file a written complaint. Any officer who has knowledge of or observes a violation of the Standards of Conduct by another officer may initiate disciplinary action through the filing of a written complaint. Such a complaint is to be processed in the same manner as an external complaint from a citizen. Supervisors who initiate disciplinary action against subordinates shall do so by the filing of a complaint.

All disciplinary inquiries against civilian personnel shall be administered pursuant to Kentucky Revised Statutes Chapter 18 and 18A. All recommendations for disciplinary action against civilian personnel shall be forwarded to the Chief of Police through the normal chain of command.

Notice of complaint - Any officer who has had a written complaint made against him shall be provided with a copy of the complaint by the Assistant Chief of Police with all due speed. The Assistant Chief of Police may waive this requirement only if he has reasonable grounds to believe that the officer will attempt to obstruct the investigation. Whenever the Assistant Chief of Police waives notice of the complaint, he shall set forth his reasons in writing to the Chief of Police.

After receiving notice of a written complaint, the officer who has been complained against shall have the opportunity to make written response, but shall not be required to do so.

Internal investigations of complaints - The Assistant Chief of Police or his designee shall be responsible for the investigation of all complaints which if true would establish a class "A" violation. All other complaints may be referred to the appropriate commanding officer for investigation. A case number shall be assigned by Oldham County Central Dispatch on each complaint investigated or referred for investigation. A log shall be maintained by the investigator showing the name of the complainant, the

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name of the officer who is the subject of the complaint, the case number, the date received, the section commander to which the complaint has been assigned, and the disposition.

Officers under investigation are required to answer all questions specifically directed and narrowly related to the performance of official duty. Any officer who refuses to answer any question specifically directed and narrowly related to the performance of official duty on grounds that the answer would tend to incriminate him shall be advised that he may be disciplined for refusing to answer a question that is specifically directed and narrowly related to the performance of duty, and the case shall then be referred to the County Attorney for review and advice prior to any additional questioning or investigation.

The officer conducting an internal investigation may interview any other officer or employee of the Oldham County Police on any matter related to the investigation, and that officer or employee must answer truthfully any question relating to the subject matter of the investigation of which he has knowledge. If the officer or employee refuses to answer on grounds of privilege or that the answer would tend to incriminate him, the case shall be referred to the Legal Officer for review and advice prior to any additional questioning of the witness.

Internal investigations of complaints may be concluded by a finding that the complaint is unfounded; by a finding that insufficient evidence exists to determine the validity of the complaint, or by a finding that one or more of the allegations of the complaint have been substantiated. In cases where the complaint is substantiated, a recommendation shall be made regarding disciplinary action. Recommendations for disciplinary action are to be supported by specific and articulable fact.

Completed Internal Affairs class B and C investigations with recommended disciplinary action shall be forwarded by the appropriate commanding officer through the following channels for review: appropriate commanding officer's Supervisor, Assistant Chief of Police, Chief of Police, and the County Judge Executive. The routing mechanism shall be



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sealed and marked "EYES ONLY" on the outside of the envelope.

Completed Internal Affairs class "A" investigations with recommended disciplinary action shall be forwarded through channels by the Assistant Chief of Police to the Chief of Police.

Completed Internal Affairs investigations with a recommendation of no disciplinary action shall be forwarded through the above channel in the same manner.

The notice of final action on disciplinary matters shall be routed by Assistant Chief of Police by the same procedures as the complaints against officers are routed. All reports of internal investigations shall be filed in the Oldham County Police Department upon conclusion of the investigation.

For purposes of this review process, when an item is marked "EYES ONLY" the individual to whom the item is addressed shall be the only one to open and review it. The individual to whom the item is addressed shall reseal the item and forward it to the next person in the review process.

The complainant shall be informed at the conclusion of the investigation of whether disciplinary action was imposed as a result of the complaint, but shall not be appraised of any details of the investigation.

Notice of disciplinary action - Prior to the imposition of any disciplinary action other than a written reprimand, notice shall be provided to the officer by the Chief of Police of the precise form that the disciplinary action will take, together with a specific explanation of the reasons therefore. The notice shall be precise as to the standard of conduct violated and the attendant facts and circumstances.

Administrative review - Within five (5) days after receiving notice of disciplinary action, an officer may make written response thereto and request that the proposed action be reviewed prior to imposition. A request for



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review must be specific as to the reasons why the proposed action is in error or is unjust.

The individual members of the trial board shall serve as review officers on a rotating basis. The review officer may interview the officer who is to be disciplined and the officer who performed the investigation, and shall conduct a thorough review of the appropriate reports. The review officer may interview other officers or review other reports, if he deems it necessary.

Upon concluding his review, the review officer shall make a recommendation to the Chief of Police as to whether the proposed disciplinary action should be amended or rescinded, and shall explain the basis for the recommendation. The officer who requested the review shall be provided with a copy of the recommendation.

Within ten (10) days of receiving the recommendation of the review officer, the Chief of Police shall issue an order setting forth the action to be taken.

Administrative appeal - With the exceptions hereinafter set forth, all disciplinary actions may be appealed to a board of appeals, which shall consist of three officers appointed by the Chief of Police. The members of the board of appeals shall serve for one calendar year from the date of appointment. Any member who is disciplined for misconduct shall be removed and a successor appointed to serve the remainder of the term. Members may serve more than one term. The Chief of Police shall designate one of the members to serve as chairman.

A request for appeal must be filed with the Chief of Police no later than ten (10) days following the effective date of the disciplinary action. All requests for appeal shall result in a hearing to be held within sixty (60) days from the date of the request. The appellant shall be notified at least ten (10) days prior to the hearing of the time and location at which the hearing will be held.

The board may not subpoena witnesses, but any witnesses who are employed by the Oldham County Police shall be required to attend and testify if the appellant or the county attorney so requests. Appellant shall be entitled to review



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any departmental reports relating to the disciplinary action prior to the hearing, and will be provided with a copy of the Internal Affairs report.

The appellant may be represented by counsel. The department will be represented by the County Attorney. All testimony shall be under oath and recorded. Strict rules of evidence shall not apply. Any evidence that is relevant and material shall be admissible, including hearsay. Board members may question the appellant and any witnesses. The disciplinary action may be reversed, affirmed or modified upon the vote of two (2) of the three-(3) board members.

The audio record of the appeal shall be filed with the Internal Affairs Report. If the appellant wants a transcript of the record he must pay for it.

The chairman shall cause an order to be written concerning the proceedings, which will report the action taken. This order shall be filed in the Internal Affairs Section and in the office of the Chief of Police and shall constitute final administrative action on the case, absent a showing of fraud or duress, in which case another hearing may be held.

An officer may not appeal a reprimand, except where the reprimand is for conduct unbecoming. Decisions of the trial board are not appeal-able, except to Oldham Circuit Court as provided in KRS 78.455.

Retention of disciplinary records - All records of disciplinary actions for class "A" violations shall be retained by the Oldham County Police Department until ten (10) years after separation or termination of the affected employee. All records of disciplinary actions for class B or class C violations shall be destroyed after the expiration of five (5) years from the effective date of the action. (Also refer to AM-D-18.)

Effect of disciplinary action on promotions - With the exception of reprimands, any disciplinary action which occurs within a one year period preceding the establishment of a promotional list shall result in a reduction of the converted evaluation score of the disciplined officer by one point for every class "C" violation, two points for

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every class "B" violation, and three points for every class "A" violation.

Penalty provisions - The punishment for a class "A" violation shall be dismissal, reduction in rank, or suspension without pay of at least twenty-one (21) working days. The punishment for a class "B" violation shall not be less than a suspension without pay for five (5) working days nor more than twenty (20) working days.

The punishment for a class "C" violation shall range from a written reprimand to a suspension without pay of four (4) working days. Persistent violations of the standards of conduct shall result in enhanced penalties. The third disciplinary action in any twelve month period shall be enhanced: a class "C" violation shall be punishable as class "B", and a class "B" violation shall be punishable as class "A".

Probation - The Chief of Police may place on probation for a period of up to one (1) year any officer found to have violated any of the standards of conduct. The Chief of Police may probate the entire disciplinary action given an officer or any part thereof. Determination of what will be probated is at the discretion of the Chief of Police after consideration of input from the officer's commander and the Assistant Chief of Police.

The only condition of probation, which may be imposed, is that the officer not violates any of the standards of conduct during the probationary year. The violation of any of the standards of conduct during the probationary year shall cause the probation to be revoked and the original sentence, or remainder thereof, to be imposed. Probation may not be granted except on the officer's admission of guilt to the alleged violation, and may not be granted for more than one (1) violation in any twelve- (12) month period.

Right to a Trial Board - No officer is entitled to a hearing as provided in KRS 78.455, unless his suspension is for more than twenty (20) days, or his pay reduced more than ten per cent (10%); but if the officer receives more than twenty (20) days suspension or reduction in salary of



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more than ten per cent (10%) within a period of one (1) year, he shall have the right to a Trial Board hearing.

Trial Board Procedures

1. The Chairman of the Oldham County Police Merit Board shall serve as Chairman of the County Police Trial Board and shall rule on all motions except as otherwise provided by law.
2. The hearing shall commence with a reading of the charges by the Chairman and following such reading of the charges the defendant officer shall enter his plea. If the officer is not represented by counsel, the Chairman shall advise the defendant officer that he has the right to be represented by private counsel of his choice at his own expense.
3. The Chairman shall designate not less than three nor more than seven officers from the trial panel to sit on the Trial Board and shall swear in the board members.
4. After the Trial Board has been designated by the Chairman, the defendant officer may challenge any member of the Board for cause and the remaining members of the Board shall determine by majority vote if the challenge is justifiable. If the challenge is sustained, the Chairman shall designate another member to replace the challenged member.
5. The Chairman shall consider other preliminary motions by either party.
6. The order for presentation of evidence and arguments is as follows:
 - (a) Agency opening statement.
 - (b) Defendant opening statement.
 - (c) Presentation of evidence by agency.
 - (d) Presentation of evidence by defendant.
 - (e) Presentation of rebuttal evidence by Agency.
 - (f) Presentation of rebuttal evidence by defendant.
 - (g) Closing statement by defendant.
 - (h) Closing statement by agency.
7. All witnesses shall be sworn at the time their testimony is offered and shall be separated unless otherwise ordered by the Chairman. The defendant officer shall be permitted to remain present throughout all proceedings even though he may testify



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- in his own behalf, and the agency shall be permitted to have present throughout the proceeding investigative personnel.
8. At the hearing, all charges shall be put in issue, and evidence at the hearing shall be confined and limited to the issues presented by the written charges. Technical rules of evidence shall not apply.
 9. The attorney for the agency shall state to the Trial Board the nature of the charges and the evidence upon which he relies to support it.
 10. The agency shall bear the burden of proof and it shall be by a preponderance of the evidence.
 11. The defendant or his attorney may state his defense and the evidence upon which he relies to support it or he may reserve his opening statement until the conclusion of the evidence for the agency.
 12. At the conclusion of all evidence, the Chairman shall instruct the Trial Board as to the law of the case, including the issues which are to be decided, the grounds for finding for or against the defendant officer, and its other duties in considering the case. If the Trial Board consists of seven members, a vote of at least four members concurring shall be necessary to sustain the charges; if six members, a vote of at least four members concurring; if five members, a vote of at least three members concurring; if four members, a vote of at least three members concurring; and if three members, a vote of at least two members concurring.
 13. If the Board finds the officer guilty of any one or more charges, it shall fix his punishment by reprimand or suspension for any length of time not to exceed six months, or by reducing the grade if the officer's classification warrants same, or by combining any two or more punishments, or by reducing the monthly salary of the officer by not more than twenty percent for not more than six months, or by removing or dismissing the officer from the service of the agency. The same number of members concurring as provided in the above paragraph shall be necessary to establish the penalty.



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STANDARDS OF CONDUCT

"Class A Violations"

1. **Conformance to Law.** All officers, whether on or off duty, shall obey all laws of the United States and of any state or local jurisdiction in which the officers are present. A conviction for violating any law shall be prima facie evidence of a violation of this standard, but the fact that no conviction is obtained or that no prosecution is initiated shall not preclude the department from taking disciplinary action for a violation of this standard. Violation of law is a class A violation if the law violated is a felony or a class "A" misdemeanor; a class "B" violation if the law violated is a class "B" misdemeanor; and a class "C" violation if the law violated is a violation or local ordinance.
2. **Honesty.** Officers shall at all times be honest and truthful in dealing with their fellow officers or members of the public and in any written or oral communications. Upon order of the Chief of Police, the Assistant Chief of Police, or their commanding officer, officers must answer and answer truthfully all questions specifically directed and narrowly related to the scope of employment and operations of the Oldham County Police which may be asked of them. Dishonesty is a class "A" violation.
3. **Courage.** Officers shall carry out their duties with courage and determination and shall remain firm and steadfast in the face of opposition and danger. Cowardice is a class "A" violation.
4. **Use of Force.** Officers shall use force in accordance with law and departmental policy, and shall use only that degree of force, which is reasonable and necessary under the circumstances. The discharge of warning shots is prohibited at any time. Use of excessive force is a class "C" violation unless the complainant suffered serious physical injury, in which case it is a class "A" violation.
5. **Affiliation with a Subversive Organization.** No officer shall in any manner affiliate himself with any organization or group which advocates the overthrow of the government of the United States or any state, or which has adopted the policy of advocating or

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approving the commission of acts of force or violence to deny any person his rights under the Constitution of the United States or any state, or which seeks to alter the form of government of the United States or any state by unconstitutional means. Affiliation with a subversive organization is a class "A" violation.

6. **Obstructing an Internal Investigation.** No officer shall destroy, conceal or alter any record, or attempt to coerce or intimidate any witness or potential witness in any internal investigation of alleged misconduct. Obstructing an internal investigation is a class "A" violation.
7. **Inefficiency.** Officers shall perform their duties and assume the responsibilities of their positions in an efficient manner. Inefficiency may be demonstrated by a lack of knowledge of the application of the laws required to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder or other condition deserving police attention whether on or off duty or absence without leave. Apart from or in addition to the above demonstrations of inefficiency, repeated poor evaluations or a written record of repeated infractions of any rules or regulations of the Oldham County Police shall be evidence of inefficiency. Officers, while on duty, shall at all times remain alert and in a sufficient state of readiness to quickly respond to any situation requiring police action. Officers, while on duty, shall not sleep, conduct personal business, attend to personal pleasures, or engage in any other activities which would cause them to neglect or be inattentive to duty. Inefficiency is a class "C" violation unless the violation is based upon an inability to perform assigned tasks because of physical, mental or emotional disability of permanent or indefinite duration, in which case it is a class "A" violation. Inefficiency is also a class "A" violation where the act or omission which forms the basis for the charge is intentionally done for personal gain or is intentionally done in concert with others for the gain of any person or group, and is detrimental to the operational efficiency of the Oldham County Police.

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8. **Drug Testing Violations.** As prescribed in the drug testing policy, failure to submit to a mandated drug test; or having a confirmed positive result from an illegal drug; or breaching the confidentiality of drug testing information; or refusal to submit to an administrative search based upon reasonable suspicion is a class "A" violation.

"Class B Violations"

1. **Insubordination.** Officers shall promptly obey any lawful orders of a superior officer. This shall include orders relayed from a superior officer by an officer of the same or lesser rank. Officers who are given an otherwise proper order, which is in conflict with a previous order, or with any rule or regulation, whether stated in this regulation or elsewhere, shall respectfully inform the superior officer issuing the order of the conflict. If the superior officer issuing the order does not amend or retract the conflicting order, the order shall be promptly obeyed, with responsibility for the conflict to be on the superior officer issuing the order. Officers shall not obey any order, which would require them to commit any illegal act. Insubordination is a class "B" violation.
2. **Immoral Conduct.** Officers shall maintain a level of moral conduct in their personal and business affairs, which is in keeping with their oath of office and the Code of Ethics. Officers shall not engage in any act of moral turpitude, which impairs their ability to perform as law enforcement officers or causes the Oldham County Police to be brought into disrepute. Immoral conduct is a class "B" violation.
3. **Use of Intoxicants While On Duty.** Officers shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under proper and specific orders from a superior officer. Officers shall not report for duty, or be on duty, while under the influence of intoxicants to any degree whatever, or with an odor of intoxicants on their breath. Consumption of alcoholic beverages while on duty is a class "B" violation. Being under the influence of intoxicants while on duty



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is a class "B" violation for the first offense, and a class "A" violation for any subsequent offense.

4. **Interference with an Official Investigation.** No officer shall interfere with any case being handled by other officers of the Oldham County Police or any other governmental agency unless ordered to intervene by a superior officer or under circumstances where the officer believes that a manifest injustice would result from failure to take immediate action. Interference with an official investigation is a class B violation.
5. **Soliciting Personal Advancement.** No officer shall request or utilize the aid of any person outside the County Police or of any group of persons or organization for the purpose of bettering his position within the County Police or to secure restoration to a rank, position, or assignment from which he has been removed. Soliciting personal advancement is a class "B" violation.
6. **Ranking Officers - Responsibility.** Ranking officers shall be responsible for the proper enforcement of these standards of conduct. No ranking officer shall knowingly permit the violation of any of these standards of conduct by a subordinate nor fail to recommend disciplinary action when a violation occurs. Failure by a ranking officer to properly enforce the standards of conduct is a class "B" violation.

"Class C Violations"

1. **Conformance to Rules and Regulations.** Officers shall obey and abide by all the rules and regulations of the Oldham County Police, whether stated in this regulation or elsewhere, and whether stated in the form of a general order, special order, memorandum, or any other written directive. Non-conformance to rules and regulations is a class "C" violation.
2. **Use of Medication on Duty.** While on duty, no officer shall use any medication, which causes drowsiness or otherwise affects adversely the officer's ability to operate a motor vehicle safely. Improper use of medication is a class "C" violation.
3. **Use of Intoxicants off Duty.** Officers, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in

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intoxication in public, or any behavior which discredits the officer or the County Police or renders the officer unfit to report for his next regular tour of duty. Excessive use of intoxicants while off duty is a class "C" violation.

4. **Alcoholic Beverages and Drugs on County Police Property.** No officer shall store or bring into any vehicle or other facility of the Oldham County Police Department any alcoholic beverage or controlled substances except such alcoholic beverages or controlled substances as are being held as evidence or have been seized as contraband. Possessing alcoholic beverages or controlled substances on Oldham County Police property is a class "C" violation.
5. **Gambling.** No officer shall participate in any form of gambling while on duty or while in any Oldham County Police vehicle, or other facility. No officer shall participate in any form of illegal gambling at any time except in the performance of duty and while acting under direct and specific orders from a superior officer. Gambling on duty or off Oldham County Police property is a class "C" violation.
6. **Personal Appearance.** Officers shall maintain a neat and clean appearance at all times when in public or when engaged in the performance of duty. No officer shall use tobacco in any form when performing any official duty in direct or immediate contact with the public. Failure to maintain a proper personal appearance is a class "C" violation.
7. **Gratuities or Rewards.** No officer shall solicit or accept any gratuity or reward for any activity performed in his official capacity. Solicitation or acceptance of a gratuity or reward is a class "C" violation.
8. **Abuse of Position.** No officer shall use his official position, official identification card, or badge for personal or financial gain, for obtaining privileges not otherwise available to him except in the performance of duty, or for avoiding consequences of illegal acts. No officer shall lend to another person his identification card or badge or permit them to be photographed or copied. No officer shall authorize the use of his name, photograph, or official title in connection with testimonials or advertisements of any commodity or commercial enterprise without the



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- approval of the Chief of Police. Abuse of position is a class "C" violation.
9. **Endorsements and Referrals.** No officer shall recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service. In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, officers shall proceed in accordance with established procedures. Making an endorsement or referral is a class "C" violation.
 10. **Courtesy.** Officers shall be courteous to the public and other officers. Officers shall be tactful in the performance of their duties, shall control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane, or insolent language or gesture, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics. When performing any official duty in direct and immediate contact with members of the public or other officers, officers shall address superior officers by rank. Discourtesy is a class "C" violation.
 11. **Identification.** Officers shall carry their badges and identification cards on their persons at all times, except when impractical or dangerous to their safety or to and investigation. They shall furnish their name and badge number to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by their commanding officer. Failure to carry proper identification is a class "C" violation.
 12. **Associations.** Officers shall avoid associations or dealings with persons whom they know, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a



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- superior officer. Officers shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the Commonwealth of Kentucky, or any other law or ordinance are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior officer. Prohibited associations are a class "C" violation.
13. **Requests for Assistance.** When any person applies for assistance or advice or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon consistent with established procedures. Failure to properly respond to a request for assistance is a class "C" violation.
14. **Public Statements and Appearances.** No officer shall publicly criticize or ridicule the Oldham County Police, its Polices, or other officers by speech, writing, or other expression where such speech, writing, or other expression is defamatory, obscene, and unlawful, undermines the effectiveness of the Oldham County Police, interferes with the maintenance of discipline, or is made with reckless disregard for truth or falsity. No officer shall address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or periodical, release or divulge investigative information or any other matters of the Oldham County Police while holding himself out as representing the Oldham County Police in such matters without proper authority. Improper public statements or appearances are a class "C" violation.
15. **Payment of Debts.** Officers shall not undertake any financial obligations which they know or should know they will be unable to meet and shall pay all just debts when due. An isolated instance of financial irresponsibility shall not be grounds for discipline. Repeated instances of financial irresponsibility may be cause for disciplinary action. Filing for bankruptcy shall not be cause for discipline. Financial difficulties stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that a good faith effort to settle all-accounts is being undertaken.



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- Failure to pay a just indebtedness is a class "C" violation.
16. **Dissemination of Information.** Officers shall treat the official business of the Oldham County Police as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established procedures. Officers may remove or copy official records or reports only in accordance with established procedures. Officers shall not divulge the identity of persons giving confidential information except as authorized by proper authority. Dissemination of confidential information is a class "C" violation.
 17. **Reports.** Officers shall submit all necessary reports on time and in accordance with established procedures. Reports submitted by officers shall be accurate and complete. Submission of inaccurate or late reports is a class "C" violation.
 18. **Handling Of Property and Evidence.** Property or evidence, which has been discovered, gathered, or received in connection with Oldham County Police responsibilities, shall be processed in accordance with established procedures. No officer shall convert to his own use, manufacture, conceal, falsify, remove, tamper with, or withhold any property or evidence in connection with any investigation or other police action. Improper handling of property and evidence is a class "C" violation.
 19. **Use and Care of Equipment.** Officers shall utilize issued equipment only for its intended purpose, in accordance with established procedures and training instructions, and shall not abuse, damage, lose, or use for personal purposes any issued equipment. All issued equipment shall be maintained in proper order. Any officer who violates this standard of conduct may be required to reimburse the department for the replacement or repair cost of the damaged or lost equipment. Abuse or loss of equipment is a class "C" violation.
 20. **Operation of Official Vehicles.** Officers shall operate official vehicles in a careful and prudent manner, and shall obey all laws of the Commonwealth and rules and regulations of the County Police pertaining to such operation. Loss or suspension of any driving license shall be reported immediately.



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- Careless or improper operation of an official vehicle is a class "C" violation.
21. **Use of Weapons.** No officer shall use or handle weapons in a careless or imprudent manner. Careless or improper use of a weapon is a class "C" violation.
 22. **Civil Cases.** No officer shall testify or give sworn statements in any civil case in which the Oldham County Police may have an interest or in which the officer has acted in his official capacity without prior approval of his commanding officer, unless the officer has been lawfully served with process, in which case his commanding officer shall be notified. Unauthorized appearance in a civil case is a class "C" violation.
 23. **Reporting Violations of Standards of Conduct.** No officer shall fail to report to his commanding officer the violation of any standard of conduct, which he observes or of which he has knowledge concerning other members of the Oldham County Police. Failure to report a violation of the standards of conduct is a class "C" violation.
 24. **Leaving Assignment.** No officer shall leave his patrol area or work assignment without proper authority except in cases of emergency. Unauthorized absence from patrol area of work assignment is a class C violation.
 25. **Response to Radio Dispatches and Use of Radio.** Officers shall promptly acknowledge receipt of all dispatches directed to them and, upon receipt of any call for service, shall immediately proceed to the place designated where they shall perform their required duties. After completing their assignments, they shall immediately call dispatch and report their availability for further service. Officers shall keep their radios in service at all times and shall not render themselves unavailable for radio calls except in emergencies or when authorized to check out of service by a superior officer. All messages transmitted by radio and all radio conversations shall conform to the rules and regulations of the Federal Communications Commission. Profanity and superfluous remarks are prohibited. Improper response to radio dispatches or improper use of the radio is a class "C" violation.



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26. **Reporting Vital Information.** No officer shall fail to report to his commanding officer any information, which he becomes aware of which may result in the apprehension of fugitives or the arrest or felons. Failure to report vital information is a class "C" violation.
27. **Bail Or Bond For Persons Arrested.** No officer shall furnish bail or bond for any person, except members of the officer's immediate family, who has been arrested by an officer of the Oldham County Police or by any other law enforcement officers. Providing bail or bond for an arrested person is a class "C" violation.
28. **Conduct Unbecoming.** Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Oldham County Police. Conduct unbecoming an officer shall include any conduct that brings the Oldham County Police into disrepute or reflects discredit upon the officer as a member of the Oldham County Police, or impairs the operation or efficiency of the Oldham County Police or the officer. Conduct unbecoming is a class "C" violation.
29. **Reporting Criminal Investigations.** Whenever any officer conducts any criminal investigation he shall report in writing, pursuant to established procedure, his activities with respect to the investigation. Failure to report a criminal investigation is a class "C" violation.

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POLICY

No officer shall be compelled to submit to a polygraph examination, nor shall the refusal of any officer to submit to such an examination subject the officer to disciplinary action.

PROCEDURES

This policy does not prohibit the agency from requesting an officer to submit to a polygraph examination; nor does it prohibit the agency from introducing the results of any voluntary polygraph examination in evidence at any administrative inquiry or proceeding; nor does it prohibit the agency from commenting at any administrative inquiry or proceeding, on the fact that an officer was requested to submit to a polygraph examination and declined to do so.

Any polygraph examination requested by the agency of any officer shall, if the officer agrees to submit to the examination, be administered by or under the supervision of the Commander of the Oldham County Police Department Detective Unit.

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POLICY

In dealing with complaints and in discussing potential complaints, the private acts of misconduct by KRS 70.540 personnel are not grounds for disciplinary action unless it can be clearly shown that the private act of misconduct has a detrimental effect upon the operational efficiency or reputation and good name of the Oldham County Police. This department will strive to protect all employees from spurious or malicious complaints, but will not hesitate to punish proven misconduct.

PROCEDURE

All complaints against KRS 70.540 personnel must be in writing, dated and signed. This does not prohibit any supervisor from conducting an inquiry of employee misconduct on the basis of an oral complaint or on his own initiative, but before any disciplinary action will be considered a written complaint must be filed in the office of the Chief of Police.

Upon the filing of a complaint, the Chief of Police shall make a determination as to whether probable cause exists to believe that the allegations of the complaint are true and whether they constitute misconduct or unsatisfactory job performance for which the employee may be disciplined. In making this determination, the Chief of Police will forward the complaint to the Assistant Chief of Police for investigation. The complaint and any reports related thereto shall be filed in the department's permanent file manual. If disciplinary action is determined to be appropriate, the procedural requirements set forth in KRS Chapter 18A and administrative regulations promulgated pursuant thereto shall be followed.

An officer who is assigned to conduct an internal administrative investigation of employee misconduct shall direct his report of the investigation to the Assistant Chief of Police **through the chain of command**. Once reviewed by the Assistant Chief of Police the report with any recommendation for disciplinary action shall be forwarded to the Chief of Police. Any disciplinary action should be supported by specific and articulable facts.

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POLICY

Courtesies and the customs of good manners are expected in civilian life and, while on duty, these courtesies become military courtesies which have been traditionally practiced by officers of the agency and which foster a feeling of respect for one another and pride in the organization.

THE SALUTE

The salute serves as an act of recognition and as an indication of respect for authority. The salute shall be given in the following manner: The right hand, with the fingers fully extended and with the thumb along the forefinger, shall be raised to the right front edge of the brim of standard County Police headgear. The arm, from the shoulder to the elbow, should be parallel to the surface upon which the officer is standing.

The military salute shall not be rendered by an Oldham County Police officer not in uniform.

HONORS TO THE COLORS AND NATIONAL ANTHEM

Colors Procedure - Officers in uniform shall, upon the approach of the national colors, face the flag and render the military salute.

- (1) The salute shall be rendered when the colors are within six paces of the officer and shall be held until the colors have been carried six paces past the officer.
- (2) During the formal raising or lowering of the colors, the salute shall be given and held until the colors have been raised or lowered to the fullest extent.

The above procedures need not be followed if duties are of such a nature that saluting the colors is not advisable. National Anthem - When an officer is in uniform and the national anthem is played and the officer is not in formation or in a vehicle, the officer shall come to attention on the first note, face the flag, and render the hand salute. The salute is held until the last note of the music is sounded. If officers are in a vehicle, the vehicle shall normally be stopped, conditions permitting, and the operator and passengers shall remain seated in the vehicle, but they do not salute.

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- (1) If the flag is not flying, the officers shall face toward the music and salute.
- (2) If the officers are in formation, the group shall stand at attention and shall render the hand salute only on the order of "Present Arms".
- (3) When the national anthem is played indoors, officers shall stand at attention, face toward the music or the flag if one is present, and render the hand salute.
- (4) If an officer is in civilian clothes and the national anthem is played, the officer shall remove the headdress with the right hand and place and hold the headdress against the left breast until the last note of music is sounded. If not wearing a headdress, the officer shall stand with his right hand over his heart.

MY OLD KENTUCKY HOME

At the first note of "My Old Kentucky Home," officers in uniform shall stand at attention until the last note of music.

PRAYER

During a prayer, officers in uniform shall remove their headdress and shall hold them at their sides until the prayer has ended.

PUBLIC COURTESY

The courtesy displayed by officers of the Oldham County Police is a hallmark which distinguishes the agency.

All federal, state and local officials will be called by their official titles when in official capacity.

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POLICY

The Oldham County Police shall officially recognize acts of valor, extraordinary achievement or outstanding service by its sworn officer personnel. Recognition shall be accomplished through the presentation of certain specific awards in a manner hereinafter described.

Other awards, hereinafter specified, may be presented to persons other than County Police officer personnel who voluntarily assist an office of this agency in the official performance of his duties or otherwise demonstrate their fidelity to and support of the laws of this Commonwealth.

OLDHAM COUNTY POLICE AWARDS BOARD

Presentation of awards shall be authorized only upon prior favorable consideration by the Oldham County Police Awards Board, unless otherwise indicated.

The Awards Board shall consist of a chairman and no more than six other officers appointed by the Chief of Police. Each member of the Board must have active permanent status. Each of the permanent ranks shall be represented within the membership.

Recommendations for the presentation of awards under the jurisdiction of the Awards Board shall be submitted by official memorandum, through channels, to the Chief of Police who shall refer such recommendations to the chairman. Such recommendations shall be confined to information related solely to the officer's actions for which an award is being recommended.

The Board shall, in its consideration, strictly limit deliberations to evidence related solely to the case under consideration, and shall further require that the evidence submitted provide a clear showing that all elements of the awards criteria, as hereinafter set forth in this order, have been fully met.

The Awards Board may initiate recommendations regarding the presentation of awards when information comes to its attention regarding the actions of an officer in the line of duty for which no recommendation has been received. Any member of the Board

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assigned as an immediate supervisor of an officer being considered for an award shall disqualify himself from the deliberation.

The time, place and frequency of Board meetings shall be left to the discretion of the membership, except that no less than two meetings shall be convened annually.

AUTHORIZED AWARDS FOR AGENCY OFFICERS

The following awards are authorized for presentation to sworn officer personnel of the agency subject to certain specific criteria as set forth elsewhere in this order:

1. The County Judge's Executive Medal of Valor*
2. The OCP Citation for Bravery*
3. The Officer's Medal*
4. The OCP Citation for Meritorious Service*
5. The Chief of Police's Commendation*
6. The Officer of the Year Award
7. The Crime Prevention Award
8. The Safe Driver Award

*A Certificate of Presentation also is authorized. Of uniform size and design, it shall bear the name and rank of the officer recognized, designate the type of award presented and be accompanied by a written citation describing the actions for which the award was made.

The County Judge Executive's Medal of Valor

The County Judge Executive's Medal of Valor is the highest honor that can be bestowed upon an officer of this agency for conspicuous heroism in the line of duty under circumstances of extreme personal hazard. It shall be awarded only by order of the County Judge Executive, subject to a showing by the Chief of Police of this agency and the Awards Board that:

1. The officer acted in the face of extreme personal danger without hesitation or regard for his own life and well being.
2. Said officer undertook said action willingly and with full knowledge of the grave risk attendant thereto.

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3. Said act of heroism was so clearly above and beyond the call or risk of ordinary duty and so conspicuous an example of personal courage that any lesser award would be considered both inadequate and inappropriate.

The award shall include the medal with service ribbon, and the Certificate of Presentation with written citation. The service ribbon shall be blue with white edging, and one (1) white vertical stripe.

The OCP Citation for Bravery

The OCP Citation for Bravery may be bestowed upon officers of this agency who perform extraordinary acts of bravery in the line of duty. It shall be awarded only by order of the Chief of Police acting upon a determination by the Awards Board that:

1. The officer acted voluntarily, without regard for personal risk of life or limb.
2. Said action was undertaken at a moment of clear and obvious peril.
3. Said action was clearly above and beyond the call or risk of ordinary duty.

The award shall include the medal with service ribbon, and the certificate of Presentation with written citation. The service ribbon shall be maroon with two (2) blue vertical stripes.

The Officer's Medal

The Officer's Medal may be bestowed upon officers of the agency who perform a lifesaving act under extraordinary circumstances. It shall be awarded only by order of the Chief of Police acting upon a determination by the Awards Board that:

1. The officer took direct, immediate and positive action to preserve the life of another human being who was in real and imminent danger of dying.
2. Said action did, in fact, prevent the loss of a human life.

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3. The circumstances under which said action was taken were such that any delay, at that moment, in awaiting or obtaining other assistance would, in all probability, have been fatal for the victim.
4. This award shall not be duplicated by any other award to the same officer for the same incident.

The award shall include the medal with service ribbon, and the Certificate of Presentation with written citation. The service ribbon shall be green with white edging and five white vertical stripes.

The OCP Citation for Meritorious Service

The OCP Citation for Meritorious Service may be bestowed upon officers of this agency who distinguished themselves by an act of courage or otherwise meritorious service. It shall be awarded only by order of the Chief of Police acting upon a determination by the Awards Board that:

1. The act of courage, while of a lesser magnitude than required for award of the County Judge Executive's Medal of Valor or the OCP Citation for Bravery, was nonetheless considered as having been performed under more than the ordinary hazards of service.
2. The service cited was of such exceptional character that it contributed, in significant measure, to the success of a major command, unit or other project endeavor.

Superior performance of a normal duty will not necessarily justify presentation of this award.

The award shall include the medal with service ribbon, and the Certificate of Presentation with written citation. The service ribbon shall be blue with two (2) red vertical stripes.

The Chief of Police's Commendation

The Chief of Police's Commendation may be bestowed upon officers of this agency for an act of distinctive gallantry, meritorious achievement or exemplary service. It shall be awarded only by

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order of the Chief of Police or upon a determination by the Awards Board that:

1. The act of gallantry, achievement or service was of such distinction as to have brought great credit upon the officer and the Oldham County Police.

The award shall include a service ribbon and the Certificate of Presentation. The ribbon shall be blue with one (1) gray stripe.

The Officer of the Year Award

Members of the Oldham County Police Department shall nominate a candidate for the Officer of the Year award. The recipient shall be awarded a pin denoting his/her selection as the Officer of the Year, a certificate of presentation with written citation, and a plaque to be retained on a permanent basis by the recipient.

The Crime Prevention Award

The Crime Prevention Award may be bestowed upon officers of this agency for distinguished performance in crime prevention activities.

It shall be award only by authority of the Chief of Police, subject to certification by the officer's immediate supervisor that said officer has, by personal contact and effort successfully accomplished a prerequisite number of enrollments in Operation Identification and/or security survey programs. The prerequisites for recognition are:

1. One hundred enrollments for award of the gold pin inscribed "100".
2. Three hundred enrollments for the gold pin inscribed "300."
3. Five hundred enrollments for the gold pin inscribed "500."
4. One thousand enrollments for the gold pin inscribed "1000."

Pins will be distributed for awards by the Assistant Chief of Police.

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The Safe Driver Award

The Safe Driver Award may be bestowed upon officers of this agency who successfully meet criteria prescribed by the Fleet Safety Board.

The Safe Driver Award shall be the Safe Driver uniform pin device (i.e., AM-B-11). Safe Driver pins will be issued upon achieving the appropriate quantity of safe driving miles as verified by the Accident Reconstructionist Coordinator.

DESIGNATION OF AUTHORIZED CIVILIAN AWARDS

The following awards are authorized for presentation to persons other than Oldham County Police officer personnel subject to the specific criteria outlined below:

1. The OCP Citation for Meritorious Achievement.
2. The County Judge Executive's Award.

The OCP Citation for Meritorious Achievement

The OCP Citation for Meritorious Achievement is this agency's highest civilian award. It shall be made only upon order of the Chief of Police, acting at his own discretion or upon nominative recommendations submitted to him, subject to the following mandatory criteria:

1. That the nominee performed an extraordinary act of service or heroism in direct support of an officer or officers of this agency while that officer or officers were engaged in the official performance of their duties; or that said act, if undertaken prior to County Police arrival on the scene, resulted in the saving of a human life, directly prevented grievous bodily harm to others or halted a major crime in progress.
2. That the nominee acted voluntarily and at great personal risk or sacrifice.

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Each such nomination shall first be submitted to a shift supervisor concerned for verification and then to the Chief of Police, through channels, in writing for final consideration. Nominations will include the following minimum information:

1. Nominee's name, age, sex, occupation, complete home and business address.
2. Date and place of incident, accompanied by a brief, but complete, description of the act of service or heroism performed.
3. Name(s) of County Police officer(s) and/or other person(s) assisted. County Police officer identifications will include unit numbers. Home addresses will be given for other persons assisted.

Upon a finding by the Chief of Police that the nominee's actions merit the award, the Chief of Police shall then cause to be prepared, over his signature, the OCP Citation for Meritorious Achievement bearing the name and address of the recipient and including a descriptive statement of the actions for which the award is being made. Said citation further shall be framed, prior to presentation, along with the certificate of appointment naming the recipient as an Honorary Colonel, Aide de Camp, on the Chief of Police's staff. Guidelines for the presentation are as follows:

1. The presentation shall be formal and will be performed by the Chief of Police, or an officer designated by him, at a time and place convenient to the recipient. Out-of-state presentations, when necessary, shall be arranged with authorities in that jurisdiction by the Public Affairs Officer of the Oldham County Police Department.
2. In addition to the recipient, other persons invited to attend the presentation ceremony should include, at a minimum, those County Police officer(s) and/or other person(s) aided by the award recipient during the action for which the citation has been authorized.
3. The ceremony also shall include, but may not necessarily be limited to, a reading aloud of the citation for the benefit of all persons present.

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4. Advance notification of the presentation ceremony also will be given to the appropriate newspapers, radio and television stations.

The Colonel, Aide de Camp, Chief of Police's Staff Commission

The Colonel, Aide de Camp's Chief of Police is an honorary appointment made by certificate, only upon order of the Chief of Police, acting at his own discretion or upon written or verbal recommendations submitted to him. The criteria for approval of that award shall require that:

1. The nominee has, by word or deed, demonstrated support of the laws of this Commonwealth by a commitment to the mission, programs and personnel of this agency.

The presentation of said award may be formal or informal at the discretion of the Chief of Police.

The Chief of Police's Award

The Chief of Police's Award may be bestowed on civilians who distinguished themselves by performing a lifesaving act or a meritorious achievement. It shall be awarded only by order of the Chief of Police, acting upon determination by the Awards Board that:

1. The civilian took direct, immediate and positive action to preserve the life of another human being who was in real and imminent danger of dying, and that said action did, in fact, prevent the loss of human life; or
2. The person's action(s) was of such exceptional character that it contributed, in a significant measure, to the success of a major command, unit or other project endeavor.

The Chief of Police's Award shall include a medal, and a certification of presentation with written citation.

CERTIFICATE OF EXCELLENCE

The Chief of Police may award certificate of excellence to

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civilian employees whose job performance is consistently superlative or who perform in an exemplary manner on a particular assignment or project. Certificates of excellence do not require approval by the Awards Board but may be awarded by the Chief of Police at his discretion.

The certificate of excellence shall include a written citation.

PUBLICATION AND RECORDING OF AWARDS

Notice that an award or awards have been made shall be published:

1. By special order directed to the officer and throughout all official channels of this agency where said award is the County Judge Executive's Medal of Valor, the Officer's Medal, the OCP Citation for Bravery, the OCP Citation for Meritorious Service or the Chief of Police's Commendation.
2. By memorandum directed to the officer, the appropriate command officers, and throughout all official channels of the police department where the officer is assigned when said award is the Crime Prevention or the Safe Driver Award or for achievement in marksmanship.

All such published special orders and memorandums further shall be made a part of each officer's permanent personnel file.

Written citations, when issued to accompany an award, also shall be attached to the special order or memorandum placed in the officer's personnel file. The Assistant Chief of Police also shall retain on permanent file copies of all special orders, memorandums and written citations relating to those awards listed in subparagraphs 1 and 2 above.

The publication within official channels and recording of civilian awards, as authorized elsewhere in this chapter (see DESIGNATION OF AUTHORIZED CIVILIAN AWARDS), shall be governed as follows:

1. Notice that a civilian award has been made shall be optional at the discretion of the Chief of Police. Such notice, when made, shall be published by memorandum directed through the appropriate channels.
2. The Chief of Police's Office shall maintain on file sufficient information to fully identify all recipients of

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the certificate of appointment for Colonel, Aide de Camp, on the Chief's Staff, including the date said award was made.

3. The Assistant Chief of Police shall retain on permanent file all memorandums, including written citations, pertinent to the award of the OCP Citation for Meritorious Achievement and Chief of Police's Award.

AWARDS CEREMONIES

The presentation of all officer awards shall be made during ceremonies as outlined below:

1. Formal ceremonial presentations shall be required for County Judge Executive's Medal of Valor, OCP Citation for Bravery, Officer's Medal, OCP Citation for Meritorious Service, Officer of the Year Award, and the Safe Driving Award.
2. Less formal presentation ceremonies may be observed for the remaining awards.

Ceremonial presentations shall follow certain minimum procedures:

1. They shall be performed once annually to coincide with Police Memorial Week except that the County Judge Executive's Medal of Valor will be presented in accord with the stated preference of the County Judge Executive.
2. They shall take place before an audience including, but not limited to, state, county and local dignitaries, fellow County Police Officers, friends and family of the officers being recognized and representatives of the print, radio and television news media.
3. A guest speaker, preferably the County Judge Executive, shall be invited to address the gathering and participate in the presentation of awards.
4. Officers scheduled to receive awards shall be present in uniform, unless such public exposure might either jeopardize the officer's future effectiveness or safety because of the nature of his assigned duties. Under those circumstances, a private presentation will be made in the Chief of Police's Office before a group of selected guests and Officers.

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POSTHUMOUS AWARDS

Awards made posthumously shall be presented to the next-of-kin. The manner of that presentation shall be left to the discretion of the Chief of Police, subject to the ascertained desires of the deceased officer's family.

SERVICE RECOGNITION AWARD

A pin with hashmark shall be awarded in recognition for two (2) years of OCP sworn officer service. A pin with a star shall be awarded in recognition for five (5) years of OCP sworn officer service. A pin with a diamond shall be awarded in recognition for ten (10) years of OCP sworn officer service. A pin with a diamond and a star shall be awarded in recognition for fifteen (15) years of OCP sworn officer service. A pin with two diamonds shall be awarded in recognition for twenty (20) years of OCP sworn officer service.

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POLICY

The expressed purpose of the Honor Guard is to reflect the professionalism and tradition of the Oldham County Police, and thus to represent all members of the agency on occasions when its presence is appropriate.

MEMBERSHIP

A ranking officer-in-charge, and a number of other officers as deemed appropriate, shall be designated by the Assistant Chief of Police. Members are to be of the highest quality, and are to maintain that image on a daily basis. Service as a member of the Honor Guard shall be in addition to an officer's regular duty assignment.

PROCEDURE

All requests for the services of the Oldham County Police Honor Guard shall be directed to the Honor Guard Commander who will act upon the request and make the necessary notifications. Unless extenuating circumstances exist, a two (2) week advance notice shall be required for the Honor Guard's participation in any event.

HONOR GUARD FUNERAL DETAIL FOR OLDHAM COUNTY POLICE OFFICERS

KILLED IN THE LINE OF DUTY

When requested by the family of a deceased member, the Honor Guard shall respond for the funeral detail. The Honor Guard Commander shall contact the Assistant Chief of Police to make proper arrangements for the funeral detail.

Specific procedures for the detail shall be mutually decided by the Honor Guard Commander, Assistant Chief of Police and family representatives.

The Honor Guard may be used in funeral services for deceased officers other than those killed in the line of duty and for

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retired officers. Specific procedures for the services shall be completed by the Honor Guard Commander, Assistant Chief of Police and family members of the deceased, when requested.

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POLICY

In case of the death of a member of the Oldham County Police, the shift or on call supervisor shall immediately notify both the assistant Chief of Police and the Chief of Police.

OFFICERS KILLED IN LINE OF DUTY

Whenever an officer is killed in the line of duty, it shall be the responsibility of the Assistant Chief of Police, or his designee, to promptly notify the spouse or designated relatives. Such death message shall be delivered in person by a member of the Oldham County Police. The County Police shall utilize such resources at its command to offer such immediate assistance as necessary.

FLAGS TO FLOWN AT HALF-MAST

Upon the death of any active member, the Oldham County Police Department shall display the flag at half-mast from the time the notice of death is received until after burial, except that the flag shall not be flown between the hours of sunset and sunrise, unless lighted.

COUNTY ATTORNEY RESPONSIBILITY

The County Attorney, at the appropriate time commensurate with the family's wishes, shall meet and assist the family of the deceased in obtaining the rightful benefits to which they are entitled.

HONORING OLDHAM COUNTY POLICE OFFICERS KILLED IN THE LINE OF DUTY

Each year during Police Memorial Week, all Oldham County Police Officers killed in the line of duty will be honored. Wreaths will be purchased by the Chief of Police for burial sites and placed on each officer's grave. If an officer is buried out-of-state, the Chief of Police may purchase a wreath and have it delivered to the gravesite. A listing of burial sites will also be maintained in the Chief of Police's Office.

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POLICY

In accordance with the wishes of relatives of deceased members, the Chief of Police may select and assign a funeral detail to assist and participate in the funeral ceremony.

COMMANDING OFFICERS TO VISIT RELATIVES OF DECEASED MEMBER

It shall be the duty of the Chief of Police and the Assistant Chief of Police of a deceased member of the Oldham County Police Department to visit the family of the deceased member for the purpose of learning their wishes regarding funeral services and to determine what assistance may be rendered by the Oldham County Police.

FUNERAL ARRANGEMENTS

The commanding officer should, prior to the funeral, survey the situation at the chapel or graveside and determine parking facilities and all other elements relative to the funeral and make appropriate decisions for the smooth, effective operation of the entire function. Prior to the funeral, all personnel participating should be briefed and know exactly what they are to do. The Assistant Chief of Police, in general, should investigate the entire situation prior to the funeral for the purpose of avoiding confusion during any part of the ceremony.

The services of the clergy are provided by the family or a representative. The desires of the family are paramount and are given full consideration as to the selection of the elements involved. The commanding officer, in making these arrangements, shall contact the family, the funeral director and the clergy in order to comply with rules and regulations of the church. When the family or its representative so desires the Honor Guard shall be provided.

ELEMENTS OF A SEMI-MILITARY FUNERAL

A semi-military funeral normally consists of the following elements:

1. Oldham County Police escort (uniformed) and uniformed members of visiting police departments.
2. The Oldham County Police Chaplain or other Clergy.

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3. Pallbearers.
4. Honorary pallbearers.

CLASSES OF SEMI-MILITARY FUNERALS

Semi-military funerals are divided into two classes:

1. With chapel services.
2. With graveside services.

PROCEDURE FOR FUNERAL WITH CHAPEL SERVICE

Before the beginning of the chapel service, the commanding officer, using the command "Fall In," shall cause a platoon formation to be formed with two or more ranks. The Chief of Police or his designee shall be positioned in the front center of the platoon, facing the pallbearers.

Preferential seating and formation assignments shall be granted to officers from the section of the police department to which the deceased officer was assigned at the time of death and to representatives of other police agencies in attendance as official representatives of such agencies.

When honorary pallbearers are present, they shall form in two ranks, each facing the other, forming an aisle from the conveyance to the entrance of the chapel. When the casket enters the chapel, they shall follow in columns of two and occupy pews to the left front or comply with the policy of the church.

When the casket is removed from the hearse, the commanding officer shall give the command "Present Arms," and this movement shall be executed by the commanding officer, the escort and the pallbearers, if present. This position shall be maintained until the casket is borne into the chapel, at which time the commanding officer shall give the command "Order Arms," causing the hands to be dropped to the side. The escort then enters the chapel, preceded by the honorary pallbearers.

When the casket has been placed upon the church truck, the pallbearers form behind the honorary pallbearers and are seated behind them. When there are no honorary pallbearers, the pallbearers follow the casket in columns of two and occupy pews to the left front.

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The funeral director moves the church truck previously arranged by the clergy. If there is no truck, the pallbearers carry the casket as instructed by the clergy before the service. When the casket appears at the entrance of the chapel at the conclusion of the service, the funeral escort and the honorary pallbearers repeat the procedure for entering the chapel. As the casket is placed in the hearse, the escort shall go to his car immediately.

PROCEDURE FOR GRAVESIDE SERVICE

Upon arrival at the cemetery, officers of the platoon shall immediately execute a formation using the same procedure as outlined for a funeral with chapel service. The semi-military elements participating in a graveside service shall be in position upon arrival of the remains.

During the graveside service, the commanding officer shall continue to hold the platoon in formation, causing the officers to stand at parade rest when the casket is in place on the supports over the grave. In the event honorary pallbearers are used when the casket is placed on the supports, they shall face the grave and march in columns of two to the graveside. The Oldham County Police flag shall be presented to the closest relative of the deceased member.

After the service is completed, the commanding officer shall bring the platoon to attention and dismiss them.

WEARING OF THE UNIFORM

The uniform shall be prescribed by the Assistant Chief of Police, either a Class A summer or Class A winter, depending on the season. No garment, symbol or civilian attire shall be worn with the uniform. The headgear shall be worn when officers are outside the building. If in civilian clothing, the hat shall be removed and placed over the left breast when the casket passes. All hats should be removed and heads bowed during prayer.

CONDUCT, COURTESY AND RESPECT

1. At no time should officers group together and hold conversation during any part of the ceremony. They should remain alert and have the utmost military demeanor.

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2. Smoking shall be forbidden during any part of the ceremony either in or around the chapel or graveside.
3. Condolences to the family shall be conveyed by the Chief of Police for the entire organization. Personal condolences by individual officers should be avoided.

FUNERALS FOR RELATIVES OF COUNTY POLICE MEMBERS

The following rules will be adhered to by County Police officers desiring to attend funerals of relatives of other County Police members:

1. If a sufficient number of County Police officers are present, the senior officer shall be the officer in charge.
2. A platoon formation should be considered if a sufficient number of County Police officers are present.
3. All rules of conduct, courtesy and respect shall apply.
4. If an insufficient number of officers are present, the basic rules of military demeanor and discipline shall apply to each individual.

DEATH OF MEMBERS OF OTHER AGENCIES

A funeral detail shall represent the Oldham County Police for any working law enforcement official within Kentucky killed in the line of duty.

DEATH OF MEMBERS OF OTHER AGENCIES IN ADJACENT STATES

A funeral detail, designated by the Chief of Police, may represent the Oldham County Police at the funeral of members of police agencies in adjacent states killed in the line of duty.

PURCHASE OF FLOWERS FOR EMPLOYEES DEATH

The Chief of Police or the Assistant Chief of Police may authorize the purchase of flowers due to the death of an immediate employee. This purchase shall be limited to a maximum of fifty (50) dollars.

The purchase of flowers shall be paid by the Petty Cash Fund.

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Effective Date March 2, 2001

Review Date March 2, 2001

POLICY

To establish a policy for the use of reflective safety vests.

PROCEDURE

1. Blue reflective safety vests will be issued as standard equipment to all uniformed personnel at date of hire.
2. The blue issued reflective vests must be worn on the exterior of the officer's clothing during times that high visibility is warranted.
 - a. Such use shall include, but is not limited to:
 - (1) Accident investigation.
 - (2) Road Checks.
 - (3) Traffic Control.
3. The issued blue reflective vest may also be utilized in conjunction with other events where high visibility is desired.
 - a. This is discretionary or at the direction of supervisory personnel.

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Effective Date January 1, 2000

Review Date March 14, 2001

POLICY

Any officer/member assigned a vehicle shall have the responsibility of maintaining said vehicle to a high standard of appearance and operational readiness and shall submit a monthly automotive report sheet relative to its operation and repair expenses.

PROCEDURE FOR USE OF VEHICLE

Oldham County Police vehicles shall be operated only by sworn officers and other duly authorized persons.

The use of the take home cruiser by Oldham County Police personnel during periods of time other than the regular shift assignments are encouraged and recommended. The use of an assigned vehicle for the purposes of a take home car shall be considered a privilege and not an employment right. The Chief of Police, or his designee(s), shall have the authority to assign, deny, suspend or remove any member from the take home car program.

OPERATION OF VEHICLE

The person operating an Oldham County Police vehicle shall do so in a manner that reflects a proper example for safe driving to the public. No officer shall operate an Oldham County Police vehicle in excess of the posted speed limit unless an emergency arises that requires such action.

Whenever an officer is required to exceed the speed limit, the emergency warning lights and siren shall be used. Under no circumstances shall an officer proceed through a red light or stop sign until first ascertaining that the intersection is clear. In all cases, officers shall have due regard for their own safety, the safety of others, and their property.

The seat belt and shoulder harness shall be used while on routine patrol or travel. If the officer has a prisoner in the vehicle or as other situations may dictate, the wearing of the seat belt and shoulder harness is left to the officer's individual discretion.

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No materials shall be placed in the luggage compartment of any County police vehicle in an attempt to stabilize such vehicle or for the sole purpose of weighing it down.

All marked vehicles other than supervisors vehicles issued by the Oldham County Police Department shall be equipped with screens. Vehicles equipped with screens shall have rear door and window handles removed or deactivated.

FUEL PROCUREMENT

The procurement of motor vehicle fuel by our personnel should be administered in a conscientious manner in order to save the maximum amount of funds.

All Oldham County Police personnel shall utilize self-service gasoline pumps at local service stations with their county maintained credit cards when practical. Regular unleaded gasoline shall be used, except in vehicles equipped with fuel injection. Fuel injection vehicles shall use 89+-octane fuel.

It shall be the responsibility of the supervisor reviewing the monthly automotives to ensure that this policy is being properly administered.

SUSPENSION OF TAKE HOME VEHICLE PRIVILEGE

Members of the Oldham County Police Department on disciplinary suspension shall be relieved of their assigned vehicles until such time as they return to full duty. The Chief of Police may order a member to return to full duty although his take home car privilege may remain suspended as part of the disciplinary action.

STORAGE OF VEHICLES

All supervisors shall be responsible for the safe storage of county owned vehicles issued to members on sick leave, vacation, or prolonged absence from routine duties. At the supervisor's discretion the responsibility for the vehicle may be left with the officer.

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Review Date March 14, 2001

USE OF PERSONAL CAR

Officers shall not use their personal cars or any other civilian cars in the performance of routine patrol assignments. In situations where the use of the officer's private car is imperative, permission must be granted by the officer's supervisor. This shall not apply to off duty officers in private cars who encounter a situation which requires immediate enforcement.

ALTERING VEHICLES

Unless officially authorized to do so by the Chief of Police, no officer shall alter the power train of any agency vehicle. This shall include, but is not limited to, the motor, the transmission, rear end, carburetor system, vacuum system and hoses, ignition system, and wheel sizes.

INSTALLMENT OF TIRES

All tires on marked cruisers shall display the black sidewall out. Any white stripe or white lettering shall be turned to the inside on all marked cruisers.

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Effective Date January 1, 2000
Review Date October 26, 2000

The following guidelines shall be observed in the issuance of vehicles.

OPERATIONS DIVISION

1. The Chief of Police shall be issued an unmarked type vehicle.
2. The Assistant Chief of Police shall be issued an unmarked type vehicle.
3. The Lieutenant may be issued an unmarked type vehicle.
4. The Administrative Sergeant may be issued an unmarked type vehicle.
5. Detective personnel shall be issued confidential type vehicles.
6. Special units may be formed with the approval of the Chief of Police and unmarked type vehicles may be issued.
7. All other county personnel shall be issued marked vehicles.

Replacement of Vehicles

The Chief of Police shall initiate replacements based on recommendations from the Assistant Chief of Police after monthly reviews of statistical reports. Consideration should be given to the operating efficiency of the fleet based on the following criteria:

1. Age of the vehicle.
2. Mileage of the vehicle.
3. Cost per mile (excluding major body damage).
4. Repair costs.
5. Oil and fuel consumption.

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Effective Date January 1, 2000
Review Date February 10, 2003

POLICY

Every motor vehicle shall be kept in the highest possible state of operating efficiency. Officers shall periodically inspect their vehicles and report any damage or deficiency. An officer shall not operate a vehicle that is mechanically unsafe. Every motor vehicle assigned to a member of the County Police shall, after a tour of duty, be put in complete readiness for immediate service.

Supervising officers may authorize all maintenance or repair of vehicles up to \$250.00. For repairs costing over \$250.00, approval must be obtained from the Assistant Chief of Police or the Chief of Police. For repair costing between \$500.00 and \$3,000.00, three (3) repair estimates shall be obtained. These three (3) estimates shall be forwarded to the Assistant Chief of Police for prior approval. For repairs in excess of \$3,000.00, the same procedure occurs with the addition of approval by the Chief of Police before the repair occurs. Justification for the cost effectiveness of repair to the vehicle shall also be included in a memorandum to Chief of Police.

The following maintenance schedule shall apply to the Oldham County Police fleet:

Every 3,000 miles:

1. Change the engine oil and filter.
2. Check transmission and all fluid levels.
3. Check all engine drive belts.
4. Check and clean battery levels and cables.
5. Check ball joints, "A" frame and bushings.
6. Inspect the undercarriage for leaks and broken parts.
7. Visually check the tires and inflation.
8. Rotate and balance the tires.
9. Front and rear wheels are to be removed and brake linings inspected. Inside disc pads must be inspected. Front wheel bearings should be repacked after every brake replacement. High temperature wheel bearing grease should be used to repack bearings.

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Review Date February 10, 2003

Every 30,000 miles:

1. Change the engine oil and filter.
2. Check transmission and all fluid levels.
3. Check all engine drive belts.
4. Check and clean battery levels and cables.
5. Check ball joints, "A" frame and bushings.
6. Inspect the undercarriage for leaks and broken parts.
7. Visually check the tires and inflation.
8. Rotate and balance the tires.
9. Front and rear wheels are to be removed and brake linings inspected. Inside disc pads must be inspected. Front wheel bearings should be repacked after every brake replacement. High temperature wheel bearing grease should be used to repack bearings.
10. Drain and refill transmission and filter.
11. Flush and replace anti freeze (-30 degrees).
12. Replace spark plugs, air, and fuel filters.
13. Lubricate steering (pitman arm socket).
14. Inspect the exhaust heat shield and emission control.
15. Replace PVC valve.

Every 99,000 miles:

1. Change the engine oil and filter.
2. Check transmission and all fluid levels.
3. Check all engine drive belts.
4. Check and clean battery levels and cables.
5. Check ball joints, "A" frame and bushings.
6. Inspect the undercarriage for leaks and broken parts.
7. Visually check the tires and inflation.
8. Rotate and balance the tires.
9. Front and rear wheels are to be removed and brake linings inspected. Inside disc pads must be inspected. Front wheel bearings should be repacked after every brake replacement. High temperature wheel bearing grease should be used to repack bearings.
10. Drain and refill transmission and filter.
11. Flush and replace anti freeze (-30 degrees).
12. Replace spark plugs, air, and fuel filters.
13. Lubricate steering (pitman arm socket).
14. Inspect the exhaust heat shield and emission control.
15. Replace PVC valve.
16. Change rear axle lube.

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Review Date February 10, 2003

Miscellaneous:

1. The freeze protection level must be maintained to at least - 20 degrees all year to provide adequate corrosion, freezing and boiling protection.
2. Coolant should be changed and engines flushed every other winter.
3. Shocks should be replaced when broken, bent or leaking. Shocks can be obtained from the Supply Section.
4. Rotors may be turned. Damaged rotors should be replaced with new rotors. New rotors can be obtained from the Supply Section.

Warranty Information:

1. It is important that each operator study the owners manual and warranty facts booklet to be familiar with warranty requirements. If in doubt, call the Assistant Chief of Police.
2. The warranty document will remain in the vehicle at all times.
3. The full warranty covers the first 12 months or 12,000 miles. A limited warranty covers certain components for 24 months/24,000 miles. Consult your warranty document for coverage.
4. The air conditioning and heating system has a 12-month warranty from date placed in service. Mileage does not apply in this case.
5. The emission control system is warranted for 50,000 miles of 5 years.
6. All warranty work should be listed on automotives.

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Review Date January 1, 2000

POLICY

Accidents involving Oldham County Police vehicles shall be investigated with the same degree of impartiality and thoroughness as accidents involving members of the general public.

PROCEDURE FOR ACCIDENT INVOLVING COUNTY POLICE VEHICLES

When a member has an accident while operating a county owned vehicle, the member will immediately inform the appropriate supervisor and request a unit to be dispatched to the scene. Whenever possible, the next highest-ranking officer will conduct the investigation and prepare the accident report.

Any Oldham County Police vehicle involved in an accident or incident causing damage thereto shall require three estimates of repair. The vehicle identification number and the UNIT number shall be on all estimates and all estimates shall be signed by the individual(s) making the estimates. The vehicle should be repaired on the low estimate unless experience indicates that the low bidder probably will not do a good job or adhere to the bid. Anytime a shop other than the low bidder is used, the supervisor authorizing the action will submit a justification to the Assistant Chief of Police prior to beginning the repairs.

If any radio, radar, siren or other electronic equipment is damaged, the departmental radio technician shall be notified by the investigating officer to assess the damage and notify the Assistant Chief of Police.

Photographs shall be taken of all accidents involving Oldham County Police vehicles.

The investigating officer shall submit with the accident report an incident report which shall contain at least the following information:

1. A full description of any known contributing factors by either driver;
2. The vehicle identification number, UNIT number, make, model and mileage of the damaged County Police vehicle;
3. A full description, including serial and identification and/or property number, of any other County Police property that was damaged or destroyed in the accident including but

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- not limited to radio equipment, radar equipment, weapons, clothing or any other county-owned property;
4. Include from all parties involved except the county police officer, the name and address of the insured policy holder, the local insurance agent, the insurance company, and the policy number of the driver and owner of the vehicle if different from the driver;
 5. If the county police officer was injured, give as much information as possible concerning the extent of injury; and
 6. An accident reconstructionist shall be utilized to investigate all accidents involving County Police vehicles in which death or serious physical injury occurs to any person. An accident Reconstructionist shall review, reconstruct, and supplement UNIT accidents resulting in injury to any person or if there is substantial property damage.

The officer who was involved in the accident shall also submit an incident report which shall contain the same basic information categories as are required for the investigating officer's incident report. If a party that is involved in the accident is charged with a criminal or traffic violation, the officer should notify the prosecuting attorney as soon as possible that restitution may be sought through the criminal court. It is not the intention of the department to use the criminal courts to collect debts but, that in appropriate cases, where the court sentences an offender to probation or conditional discharge, the court may be requested to place in its order, as a condition of the probation or conditional discharge, that the offender make full restitution for any damage that he caused to government property. The officer shall be prepared to testify at any court proceeding concerning the damage to his vehicle or equipment as well as have copies of the estimates of damage or actual costs with him.

The procedures for processing and filling the accident report and the photographs shall be the same procedures as are followed in all other cases of accident investigation and reporting.

Two (2) copies of the following documents shall be sent directly to the Fleet Safety Board.

POLICE ACCIDENTS

The accident report; (original to Records)

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1. Three (3) estimates of repair;
2. The incident reports from the officer involved and the investigating officer;
3. All local purchase orders and all supporting documents relating to the incident including the bills for repair of the vehicle, towing and storage charges, and any requests for equipment repairs or replacement to be made by the Assistant Chief of Police. The vehicle identification number or serial and/or property number of equipment shall be included on all payment documents submitted; and
4. All orders of restitution.

CRIMINAL CONDUCT, VANDALISM, LEGAL INTERVENTION, ETC.

1. Criminal case report or other supporting document;
2. Three (3) estimates of repair;
3. The incident reports from the officer involved and the investigating officer;
4. All local purchase orders and all supporting documents relating to the incident including the bills for repair of the vehicle, towing and storage charges, and any requests for equipment repairs or replacement to be made by the Assistant Chief of Police. The vehicle identification number or serial and/or property number of equipment shall be included on all payment documents submitted; and
5. All orders of restitution.

A staff member of the Oldham County Police will forward the proper documentation to the County Attorney's Office. The County Attorney's Office will be responsible for all necessary actions to obtain payment from responsible parties for damage to County Police vehicles and other property.

This does not eliminate the responsibility of submitting original copy of estimates, local purchase orders and invoices to the Assistant Chief of Police for payment processing.

EXCEPTIONS TO THE UNIFORM TRAFFIC ACCIDENT REPORTING PROCEDURES

1. Incidents of damage such as vandalism of undetermined origin, etc.
2. Accidents involving Oldham County Police vehicles when there are no injuries and the combined total property damage is

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less than \$500. The same reporting and investigative procedures shall be followed for this type accident except the Uniform Traffic Accident Report and the operator's individual accident report forms will not be utilized. The member's incident report, the investigating officer's incident report, estimates, diagrams, and any other supporting documentation shall be submitted to the Assistant Chief of Police.

3. Incidents in which Oldham County Police vehicles, other vehicles and/or other forms of property are damaged as a result of actions by an officer which constitutes legal intervention shall not be reported as a part of the uniform traffic accident reporting system. All documentation specified above shall be completed and forwarded to the Assistant Chief of Police for the purpose of identifying any information which might indicate the need for a review of policies and procedures relating to the pursuit of fleeing vehicles. (Attention is called to certain provisions of KRS 503 which impose regulations upon peace officers as to the use of force as that statute might relate to a decision to use a County Police vehicle to halt the flight of a fugitive or known violator of the law.)

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POLICY

Officers issued weapons shall use, maintain, and store them in the manner prescribed herein, unless otherwise directed.

DIRECTION OF FIREARMS TRAINING PROGRAM

The firearm officer of the Oldham County Police Department shall be responsible for the direction and coordination of all firearms training programs.

CARRYING HANDGUNS ON DUTY

No officer shall carry or utilize, as an on-duty weapon or for any job related purpose, any handgun or ammunition which has not been issued by the Oldham County Police Department. Issued duty handguns and off duty handguns purchased by individuals shall not be carried or utilized until the officer has qualified with that particular weapon on the firing range.

CARRYING HANDGUNS WHILE OFF DUTY

Every officer of the Oldham County Police may utilize their issued on duty handgun as an off duty weapon. No officer shall be permitted to use any other weapon as an off duty weapon unless approved by the Oldham County Police Department Firearms Officer.

1. Any officer who fails to qualify with any issued duty handgun may be referred to the Academy for remedial training.
2. No ammunition shall be used with any issued duty handgun other than that issued by the Oldham County Police Department.
3. Due to the fact that there are many different types of weapons and caliber's the Oldham County Police Department will only provide ammunition for the weapons listed. The officer is responsible for the purchase of any other ammunition for off duty weapons that have been approved by the department.

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- A. 40 caliber semi-automatic.
 - B. 9 mm semi-automatic.
 - C. 38 caliber revolver.
4. Inasmuch as all officers are deemed to be on duty at all times for the purpose of apprehending criminals and preserving law and order, officers who are not on active duty status shall have a handgun in their immediate possession at all times except that:
- A. Officers are not required to have an off duty handgun in their immediate possession when on sick leave or vacation leave, or when the circumstances are such that the immediate possession of a firearm would in the sound discretion of the officer be inappropriate or unwise.
 - B. Officers who are carrying their weapon off-duty shall have their badge and identification card in their possession.
 - C. Officers are prohibited from carrying any concealed deadly weapon when they are under suspension from duty or when they are manifestly under the influence of alcohol or other intoxicant in any public place.

CARE OF WEAPONS

Oldham County Police officers shall regularly inspect their service weapons (including rifles and shotguns) for dirt, corrosion, loose screws or other defects. The weapons shall be kept clean and in good condition at all times. Each officer will clean the service weapon as soon as possible after it has been discharged. Issued auto pistols shall be field stripped and cleaned by the officer possessing the weapon monthly.

CARRYING OF HANDGUNS BY OFFICERS IN CIVILIAN CLOTHES

Officers not in uniforms, either on or off duty, will carry their firearms in a manner that shall conceal the weapons from detection by the casual observer.

ALTERATIONS OF FIREARMS

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No issued firearm shall be altered in any manner.

DEMONSTRATION OF FIREARMS PROFICIENCY

Each Oldham County Police officer must demonstrate firearms proficiency by qualifying at least once annually with all issued weapons. Qualifying scores for all issued handguns shall be the firing of 80 or above points out of a possible 100 points. Qualifying scores for other approved on duty weapons shall be determined by the firearms officer at the Oldham County Police Department.

SHOTGUNS

Officers will carry their shotguns in the issued shotgun pouch and shall carry the shotgun in whatever mode they deem necessary. When shotguns are left in an unattended vehicle, the doors of the vehicle shall be securely locked. In every case where the cruiser is left at a garage or service station, the shotgun shall be removed and stored at some location which will afford the maximum degree of security.

CARRYING AND LOADING OF THE SHOTGUN

The shotgun shall be loaded with "00" buckshot. The magazine shall be loaded to capacity. There will not be a round loaded in the chamber for the carrying status of the shotgun.

The carrying status of the shotgun shall be: the magazine loaded to capacity, the chamber empty, the safety on, and the trigger de-cocked.

CARRYING OF NON-ISSUED RIFLES

Officers shall not carry any non-issued rifle while on duty unless they have been qualified and the firearms instructor has approved the weapon.

GAS GUNS, GRENADES, AND PROJECTILES

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Tear gas guns and related equipment shall be stored in the SRT VAN in locked cabinets. Such equipment shall not be transported in vehicles unless required for the performance of specific assignments. It shall be checked at least quarterly by the SRT commander or designee to ensure that it is in proper working order.

READINESS AND STORAGE OF SPARE AMMUNITION

1. Field operations personnel shall keep their spare issued ammunition stored in the glove box or shotgun pouch of their assigned vehicle. If the spare ammunition is stored in the shotgun pouch, the shotgun and pouch shall be located in the vehicle for easy accessibility.
2. Personnel who are on special assignment (e.g., undercover investigators) in which the display of ammunition might hinder an investigation or jeopardize their safety are expected to use discretion in the storage of spare ammunition.
3. Each officer shall be issued a 40 caliber auto pistol with night sights and shall receive a minimum of fifty (50) rounds of ammunition: Thirteen (13) rounds for the pistol, twenty-four (24) rounds for the two magazines, and the remaining rounds may be stored in the cruiser.
4. Each officer issued a shotgun shall receive eighteen (18) rounds of 12-gauge shotgun ammunition, six (6) "00" Buck and two (2) rifle slugs for loading the shotgun and the stock shell holder. There shall be a minimum of six (6) "00" Buck and four (4) rifle slugs as spare ammunition.
5. Each officer's ammunition shall be exchanged once each year during firing range practice and the old ammunition may be used for practice.
6. The ammunition pouches for auto pistols shall be maintained on the issued gun belt in a vertical position, unless medical conditions prohibit it. If medical conditions prohibit the wearing of the ammunition pouches in a vertical position, the officer must obtain a note signed from a medical doctor stating the reason and the period of time the ammunition

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pouches are to be worn horizontally. Medical excuses must be obtained annually at the officer's expense if the ammunition pouches are to remain in the horizontal position stating the reason why they must remain so.

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POLICY

The County Police shall provide all of its officers with the best possible firearms combat training.

Firearms combat training must involve practice with all weapons that are normally available to the officer. Training must simulate, as nearly as possible, the actual conditions under which gun battles occur.

Specific programs for the Firearms Training Program shall be developed and coordinated by the County Firearms Training Coordinator.

FIREARMS TRAINING OFFICER

The Oldham County Police Department shall have one officer designated as the "Firearms Training Officer." This individual shall be responsible for the firing range and in total command of any special firearms training, ammunition, and minor repairs to weapons and for scheduling officers for training or qualifying. The Firearms Training Officer shall instruct all officers in the maintenance and cleaning of all issued weapons. The firearms officer and an assistant shall be designated by the Chief of Police.

The Firearms Training Officer shall be responsible for total range safety. At no time will he allow anyone to fire on the range unless that person is equipped with and utilizing safety glasses and ear protectors. The Firearms Training Officer, his assistants and coaches shall also utilize safety glasses and ear protectors when range firing is being conducted.

PROCEDURE

The Oldham County Police Department shall schedule firings as specified annually by the Chief of Police and Firearms Training Coordinator. Officers in specialized assignments shall be scheduled to fire during the regular training session of their post of residence. Specific range procedures shall be provided to each Firearms Training Officer. All scores will be recorded and sent to the Assistant Chief of Police for record keeping.

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POLICY

The agency shall issue and install police communications equipment in the assigned vehicle of agency personnel as necessary to support the operations of the various organizational components of the agency. Such equipment shall be maintained at agency expense.

Any officer may be permitted to utilize citizens band and/or scanner radios in assigned County Police vehicles when all provisions of this order are followed.

OPERATING PROCEDURE

All normal dispatched activities shall be conducted on the departments' "F1" frequency (RX 154.905 and TX 158.835). Registration and wanted inquiries shall be conducted on "F2" frequency (RX 155.535 and TX 156.150). The "F3" frequency (RX and TX 154.785) shall be used as a car to car frequency and as a traffic and coordination frequency for incidents such as traffic accidents, road closures, etc. The "F4" frequency (RX and TX 155.730) shall be used as a car to car frequency and used to communicate with Henry Police agencies.

The officer shall take his/her portable radio on every occasion when dismounting from the vehicle, regardless whether or not it is to be used. It may be carried on the belt or in hand.

MAINTENANCE POLICY

All Oldham County Police two-way radio equipment in every vehicle so equipped, shall be kept in the highest possible state of operating efficiency. An employee shall not operate a vehicle unless the two-way radio is fully operational, ensuring the safety of the employee. The only exception to this is to permit operation under emergency circumstances even if the radio equipment is not operating properly.

MAINTENANCE PROCEDURE

When vehicle radio repairs are necessary, the Commanding Officer shall authorize delivery of the vehicle to the radio shop or technician for maintenance.

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All necessary radio maintenance shall be performed by the radio technician at the radio shop unless emergency circumstances dictate otherwise.

The departmental radio technician shall perform a complete preventive maintenance test procedure at the radio shop on all Oldham County Police radio equipment in each vehicle annually.

Each employee shall be responsible for scheduling, with the radio technician, the preventive maintenance on his assigned vehicular and personal issue radio equipment at intervals not to exceed one (1) year.

PRIOR PERMISSION TO BE OBTAINED FOR INSTALLATION

Permission shall be obtained from the Assistant Chief of Police for the installation of citizens band and/or police scanner radios. Permission for the installation and use of such equipment may be withdrawn at any time by the Chief of Police or the Assistant Chief of Police.

No member of the agency shall use such equipment which has not been properly licensed by the Federal Communications Commission.

INSTALLATION

The procedure for installation of citizens band radio equipment in County Police vehicles is as follows:

No alteration of the vehicle, its equipment, power supply or police radio antenna shall be allowed in order to install citizensband radio equipment.

Any antenna for a privately owned citizens band radio shall be installed on the vehicle as a permanent mount and be of similar design and installed on the drivers rear fender in the same manner as the police band radio antenna.

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USE OF CITIZENS BAND AND/OR POLICE SCANNER RADIOS

These procedures for use of citizens band and/or police scanner radios in County Police vehicles shall be followed:

All use of citizens band radio equipment shall be in strict accord with Federal Communications Commission rules and regulations governing the use of citizens band and/or police scanner radios.

All transmissions on citizens band radio frequencies shall be limited to answering citizens band calls for police assistance or citizens band reports of police concern.

INSURANCE FOR CITIZENS BAND RADIOS AND SCANNERS

Authorization for the installation of such equipment shall be made with the understanding that the equipment owned by the officer shall not be covered by the comprehensive insurance policy which is now in effect for all agency vehicles should the equipment be damaged or destroyed. It shall also be the Officer's responsibility to replace and maintain the antenna once it has been installed on the vehicle.

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POLICY

The Oldham County Police shall provide each uniformed officer with sufficient uniforms and related equipment to assure that all uniformed officers present a well-groomed and professional appearance when in uniform.

Officers assigned to non-uniformed positions shall be provided a semi-annual clothing allowance in the amount determined by the Chief of Police providing each such officer has fully complied with the grooming and dress code requirements set out in the Manual during the previous six month period.

CHIEF OF POLICE TO REGULATE THE WEARING OF UNIFORMS

The Chief of Police shall regulate the wearing of uniforms and may regulate the appropriate uniform for special details and events. Members to whom uniforms are issued shall wear the uniform of the day as prescribed by the Chief of Police at all times while on duty unless authorized otherwise. A notice of uniform change should be given five days in advance of the change when possible.

1. November 1 thru March 31 of each year the uniform shall be Class "A" winter.
2. April 1 thru October 31, the uniform shall be a Class "A" summer.

MAINTENANCE AND WEARING OF UNIFORMS

Uniforms and accessories shall fit properly and shall be neatly pressed with military creases, free of rips, tears, holes, frayed edges, missing buttons, and faded colors. When unavoidable circumstances cause any uncleanliness or lack of neatness, the officer shall avail himself of the first opportunity to remedy the condition.

A highly polished luster shall be maintained on leather accessories, brass buckles, and snaps that are worn. Items such as "OCP" pins and badges should be washed with soap and cool water, rinsed clean with cool water, and dried with a soft cloth or towel.

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Only uniform equipment issued, with the exception of belt-keepers matching the style and finish of other issued leather goods, shall be worn as a regular visible part of the uniform. A maximum of four belt keepers may be worn.

No part of the uniform or issued accessories shall be worn off duty except the service weapon, handcuffs, identification card, and badge.

All buttons shall be buttoned on the uniform with the exception of the collar button on the summer shirt, jackets, and raincoat. All buttons exposed on the center of the uniform shirt shall be brass for supervisors and silver for patrol officers.

Uniform alternations, (i.e., hemming the trousers, tapering the shirt, etc.), may be made when necessary. However, excessive alterations may result in payment for the altered garment.

The uniform hat, when worn, shall not be tipped backwards, worn to one side of the head, rolled up, or rolled down, but shall be worn straight away or slightly forward. While on duty in uniform, the hat shall be worn at all times unless authorized otherwise. The only exceptions are while inside a building, while in a vehicle, and during prayer.

As often as necessary, the winter hat shall be brushed with a soft bristled brush or a dry rubber sponge to freshen the nap and remove soil particles.

Uniforms that are damaged, lost, or stolen due to the negligence of the member shall be replaced at the member's expense.

CLASSIFICATION OF UNIFORMS

All uniforms shall be classified as follows:

1. Class A Summer Uniform - Summer campaign (straw) hat, short sleeve shirt, summer trousers.
2. Class A Winter Uniform - Winter campaign (felt) hat, long sleeve shirt, winter trousers, and tie tucked in.

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INSIGNIAS OF RANK

The insignia of rank for ranking officers shall be as follows:

1. Chief of Police - Colonel - Gold Eagle (worn on the collar).
2. Assistant Chief of Police - Major - Gold Oak Leaf (worn on the collar).
3. Captain - Two gold bars (worn on the collar).
4. Lieutenant - One gold bar (worn on the collar).
5. Sergeant - One gold chevron with three stripes (worn on the collar).

PINS AND METAL INSIGNIAS

The "OCP" pins and rank insignias shall be worn on the collar of the uniform shirt. The "OCP" pins and rank insignias shall be centered on the collar of the shirt three-fourths of an inch below the fold of the collar and three-fourths of an inch from the front of the collar.

NAME PLATE AND SERVICE BAR

The name plate and service bar shall be worn as a combination centered one-half inch below the top of the left pocket flap.

WHISTLE AND CHAIN

The whistle shall be carried in the right shirt pocket and the whistle chain shall be hooked under the shoulder epaulet.

ACCREDITATION PIN

The accreditation pin shall be worn above the center of the right pocket flap positioned above the top of the pocket above all other awards.

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CITATIONS FOR VALOR, MARKSMANSHIP AWARD, BRAVERY, HONOR GUARD, SPECIAL RESPONSE TEAM, BIKE PATROL, K-9, HONOR GUARD, ACCIDENT RECONSTRUCTIONIST, MERITORIOUS SERVICE, ADVANCED ACHEVIMENT, YEARS OF SERVICE AND OFFICER OF THE YEAR

All awards shall be worn above the right pocket flap positioned above the top of the pocket with the exception of number 4.

1. When only one award is worn it shall be positioned above the center top of the right pocket.
2. When two or more awards are worn, the highest award shall be worn on the left side just above the right pocket.
3. No more than six ribbons may be worn above the right pocket.
4. Those awards, which are not standard to the agency, may be placed on the right pocket 1/8-inch below the seam when approved by the Chief of Police. If two awards are worn, the highest award shall be worn on the left side.

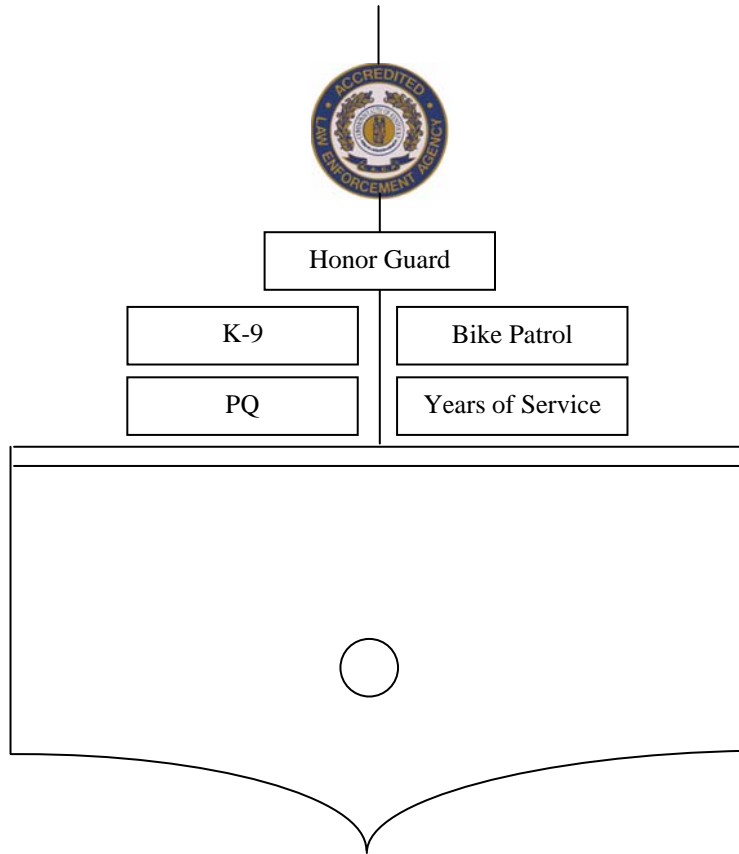
Awards are to be worn in the following order:

1. PQ
2. Years of Service
3. K-9
4. Bike Patrol
5. Honor Guard
6. SRT
7. Accident Reconstructionist
8. Instructor
9. Accreditation

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BADGE

The badge shall be worn on the left side of the uniform, centered above the left pocket. The badge shall be worn so that the bottom edge of the badge does not touch the top edge of the pocket.

WEARING OF UNIFORM HAT

The uniform hat is part of each County Police uniform and shall be worn as such. In any event, personnel to whom uniforms are issued shall wear the uniform of the day, including hat, as prescribed by the Chief of Police at all times while on duty unless authorized otherwise. The only exception are while inside a building, while in a vehicle, and during prayer.

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WINTER AND SUMMER HAT ACCESSORIES

Hat Medallion - The hat medallion shall be worn on the front of the winter hat and summer hat, attached through the hole in an upright squared away position.

Hat Cord - Hat cords shall be worn on both the winter and summer hats. The hat cord shall be tied in front with a half hitch on each side and the cord ring shall be centered directly below the hat medallion. The outside end of the acorns shall be approximately one-fourth inch from the brim when fully extended.

CHIN STRAP

The chin strap shall be worn attached to the hat cord through the holes in the hat provided for such attachment. The buckle shall be worn on the right side of the head and the chin strap shall be worn to the rear no lower than one inch below the inside edge of the brim.

LEATHER PISTOL BELT

The leather pistol belt shall be worn with the uniform while performing official duties.

HANDCUFF CASE

The handcuff case shall be worn on the opposite side from the holster just to the rear of the stripe on the uniform trousers.

AMMUNITION CASE

The positioning of the ammunition case is optional and may be worn on either side of the leather pistol belt to the front of the stripe on the uniform trousers and toward the belt buckle in an upright position unless medical conditions prohibit (refer to AM-G-5). The overlap of the belt shall be worn on the side opposite the ammunition pouch.

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HOLSTER

The holster shall be worn on the strong hand side of the officer approximately in line with the uniform stripe of the trousers. It shall not be worn pushed back on the hip or pushed forward.

RADIO, ASP AND BATON CARRIERS

Radio and baton carriers shall be placed on the belt in positions which are most convenient for the individual officers.

BODY ARMOR/PROTECTIVE VEST

The department shall provide and maintain protective body armor at no expense to the officer. Body armor shall be worn by all on duty patrol uniform officers.

Replacement of worn, damaged or otherwise unserviceable vests shall be at the department's option and expense.

CREWNECK T-SHIRT

When the Class "A" or Class "B" summer uniform is worn, a white crewneck T-shirt shall be worn. The T-shirt should fit snugly around the base of the wearer's neck and should not present a loose or wrinkled effect.

UNIFORM SOCKS AND SHOES

Uniform issued shoes shall be worn by officers in uniform. Uniform socks shall be black in color, with no design.

UNIFORM BOOTS

Only issued type boots may be worn as a part of any uniform and only as specified. They are to be shined and fully laced. The trouser legs of the Class "B" winter uniform (when worn with boots) shall be bloused. The trousers legs of any other uniforms shall not be bloused.

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Class "B" UNIFORM

The Class "B" uniform shall bear the insignia sewn on it when issued, the sewn-on name tag, and the metal rank insignia which will be worn on each collar wing. The cap issued for use with the utility uniform shall be worn with the utility uniform. Standard issue black web belt and leather equipment may be worn as a part of the utility uniform. Issued jump boots may be worn with the Class "B" uniform and shall be bloused in the standard military fashion. A white crewneck T-shirt shall be worn under the shirt of the Class "B" summer and the shirt shall be tucked into the trousers. Standard issue Oldham County Police jackets may be worn over the utility uniform, depending upon weather conditions. The Class "B" uniform and other related equipment are issued as special purpose garments and do not replace prescribed attire. The Class "B" uniform shall not be worn off duty. Authorization for the wearing of the utility uniform must be obtained from the appropriate supervisor. The Class "B" uniform may be worn in the following instances with supervisor approval: to, from, and during firing range activities; field search details; clean up of messy accident scenes; and other pre-authorized activities. In any event, personnel to whom uniforms are issued shall wear the uniform of the day as prescribed by the Chief of Police at all times while on duty unless authorized otherwise.

RAINCOAT

The raincoat shall be worn without accessories or rank insignia, except that the blue vest may be worn over the raincoat when needed.

RAIN HAT COVER

The rain hat cover shall be worn over the hat at all times when precipitation could damage the hat.

DRESS CODE FOR NON-UNIFORMED OFFICERS

Male officers assigned to non-uniformed positions shall wear a coat and tie. Female officers assigned to non-uniformed positions shall wear appropriate business attire.

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Male and female officers assigned to non-uniformed positions may wear casual or work clothing only when necessary to facilitate the performance of their assigned duties, e.g., during the course of an investigation where business attire would obviously identify the person as a police officer or in the processing of a crime scene where business attire would likely be soiled or damaged.

PERSONAL ACCESSORIES WORN BY AN ON DUTY OFFICER

1. Additional clothing may be worn under the uniforms providing it is not exposed and does not present a bulging appearance.
2. Lodge or fraternal emblems shall not be worn on the uniform at any time and any personal accessories worn shall be concealed from view at all times.
3. Earrings, necklaces, scarves, large watch bands, rings, bracelets, and other items that distract from the uniform shall not be worn.
4. Female officers assigned to civilian clothing shall be permitted to wear earrings and necklaces.

STANDARDS FOR APPEARANCE OF POLICE OFFICERS APPEARING IN COURT

1. Oldham County Police personnel appearing in court have the option of wearing either the uniform, an appropriate business suit, or suitable sport coat with shirt and tie.
2. Female officers may appear in court in uniform or in a conservative dress projecting good taste.

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The Oldham County Police Department shall furnish the following items:

- 1 each Police Identification Card
- 1 each Uniform Police Badge
- 3 each Summer Class "A" Shirts
- 3 each Summer Class "A" Pants
- 1 each Summer Class "A" Jacket
- 3 each Winter Class "A" Shirts
- 3 each Winter Class "A" Pants
- 3 each Winter Class "A" Uniform Ties
- 1 each Winter Class "A" Coat
- 1 each Raincoat
- 1 each Traffic Vest
- 1 each Class "A" Uniform Weapon Belt
- 1 each Class "A" Uniform Weapon Holster
- 1 each Class "A" Uniform Magazine Carrier
- 1 each Class "A" Uniform ASP Carrier
- 1 each Class "A" Uniform Handcuff Carrier
- 1 each Class "A" Flashlight Carrier
- 1 each Class "A" Uniform Radio Carrier
- 1 each 40 Caliber Sig-Sauer Handgun
- 3 each 40 Caliber Sig-Sauer Magazines
- 1 each 12 Gauge Shotgun
- 1 each ASP for uniform belt
- 1 each flashlight for uniform belt
- 2 pair Handcuffs (hinge or swivel)
- 1 each Class "A" Name Plate
- 1 each Class "A" Serving Since Plate
- 1 each Class "A" Whistle Chain
- 1 each Portable Radio
- 1 each Pager
- 1 pair Class "A" Uniform Shoes
- 1 pair Class "A" Uniform Boots
- 1 set Class "A" Collar Brass
- 1 set Class "A" Buttons
- 1 can of OC Spray
- 1 each Citation Holder
- Business Cards

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Effective Date January 1, 2000
Review Date October 26, 2000

POLICY

All members of the County Police shall individually and collectively exhibit a professional appearance to engender the maximum amount of public confidence and respect.

HAIR STYLE

1. **Male** - The length, bulk or appearance of the hair shall not be excessive, ragged or unkempt. The hair on the crown and sides of the head shall be neatly groomed and trimmed in such a way as not to cover any portion of the ear. Hair in front shall be groomed so that it does not fall below the band of the properly worn headgear, nor touch the eyebrows when the headgear is not worn. Hair on the back of the head shall not touch the collar of the shirt.

In no case shall the bulk or length of the hair interfere with the proper wearing of the headgear. Hair coloring, if used, must appear natural.

Sideburns, if worn, shall be neatly trimmed and shall not extend below the middle of the ear. Sideburns shall be of even width and end in a clean-shaven horizontal line.

2. **Female** - The length, bulk or appearance of the hair shall not be excessive, ragged or unkempt. The hair on the crown and sides which include the left, right, and rear of the head, shall be kept neat and tight. Bobby pins used in an inconspicuous manner may be used to accomplish this task. Hair in front shall be groomed so that it does not fall below the band of the properly worn headgear, nor touch the eyebrows when the headgear is not worn. Hair on the back of the head shall not touch the collar of the shirt.

Pony tails, braiding or any other methods similar to these are prohibited. Ribbons, barrettes or ornaments shall not be worn in the hair.

In no case shall the bulk or length of the hair interfere with the proper wearing of the authorized headgear. Hair coloring, if used, must appear natural.

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Review Date October 26, 2000

WIGS AND HAIRPIECES

Hairpieces or wigs worn on duty must conform to the same standards as stipulated for natural hair.

FACIAL HAIR

Members shall be clean shaven. Mustaches shall be permitted but cannot be worn below the edge of the mouth.

Failure to comply with the provisions of this section upon notification by a supervisor shall constitute a subsequent violation of this section and shall result in disciplinary action.

FINGERNAILS

1. Fingernails shall be clean and neatly trimmed.
2. Fingernails of female officers shall not be worn long or shaped so as to present a potential hazard to the officer or others.
3. Female officers shall not wear fingernail polish other than the clear polish.

COSMETICS

Cosmetics, when worn, shall be conservative, in good taste and appear natural in application.

SUNGLASSES WORN ON DUTY

1. Reflectorized sunglasses are prohibited.
2. Sunglasses, unless prescription, shall not be worn in any County Police formation.

DEVIATION FROM GROOMING AND DRESS CODE

Officers assigned to the Drug Enforcement/Special Investigations Branch may deviate from the grooming standards set out above in order to facilitate the performance of their assigned duties, if approved by the appropriate Supervisor.

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Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

The Chief of Police shall cause to be issued to each member of the Oldham County Police who has been duly sworn an official badge to be carried or worn at all times when on duty, unless special assignment dictates otherwise and prior approval is obtained.

PROCEDURE

All sworn personnel shall be issued an official badge and unit number in compliance with the following guidelines:

All new badges that are required for issuance within the Oldham County Police Department shall be purchased by the Assistant Chief of Police.

Only the Assistant Chief of Police may return badges to the manufacturer for repair, refinishing, or alteration.

Badges assigned to patrolman shall be issued from the lowest number to the highest number available, alphabetically.

Badges assigned as a result of promotions shall be issued from the lowest number to the highest number available in the order of ranking on the promotional eligibility list.

Officers shall only carry or wear badges that are issued by the Assistant Chief of Police.

When a badge is to be changed, the turn-in badge shall be received by the Assistant Chief of Police at the same time or prior to the new badge being issued.

Exceptions to any of the above may be made only by the Chief of Police.

The Assistant Chief of Police is responsible for maintaining security of stock badges.

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Review Date January 1, 2000

BADGES TO BE NUMBERED

All badges are to be numbered consecutively and a list maintained of all badges showing the badge number and to whom that badge is issued or what numbers are available if not issued.

OFFICERS TO USE BADGE NUMBERS

All officers shall use the badge number issued as his identification number in all forms of official communication, and that number shall be used by him throughout his tenure with the Oldham County Police Department or until such time that another number is issued.

SWORN OFFICERS ONLY

It is contrary to the policy of this organization for any member who has not been duly sworn to carry an official Oldham County Police Department badge.

BADGES PROPERTY OF OLDHAM COUNTY POLICE DEPARTMENT

All official badges are the property of the Oldham County Police Department and are subject to inspection.

OFFICIAL BADGES USED ONLY

It is contrary to the policy of the Oldham County Police Department for any sworn officer to use a badge obtained from any source other than the Oldham County Police Department.

No member shall, while acting as a representative of the Oldham County Police Department, use a miniature or standard size copy of the original badge.

RETIRING OFFICERS' BADGE

All officers retiring from the Oldham County Police Department shall be given an official Oldham County Police badge presented in

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appropriate display form along with the official identification card issued by the Chief of Police.

FAMILY OF DECEASED MEMBER TO RECEIVE BADGE

The official badge of deceased officers who, at the time of their death, were members of the Oldham County Police Department may be made into a memento and given to the family of the member. The badge shall be presented in appropriate display form.

RETIREMENT OF BADGE NUMBERS

The badge number of an officer killed in the line of duty shall be retired as long as that badge number remains in the rank of the officer at the time he was killed. This policy applies to permanent ranks only.

EFFECT OF MILITARY DUTY

Any officer called to active military duty as a result of a declared national emergency or crisis may retain his/her badge during the period of military activation.

If an officer voluntarily goes on active duty military training for a period exceeding thirty (30) consecutive days, the badge shall be turned in to the Chief of Police.

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Effective Date January 1, 2000
Review Date October 26, 2000

POLICY

All sworn personnel of the Oldham County Police Department shall be issued an official identification card.

PURPOSE

The Assistant Chief of Police shall issue an official identification card to each duly sworn officer of the agency.

Officers shall carry their identification card at all times when they are carrying their weapon with the following exceptions:

1. Special assignment dictates otherwise and prior approval is obtained from a supervisor.
2. An officer is wearing an issued OCP uniform.

All official identification cards are the property of the County Police and are subject to inspection.

PROCEDURE

The Oldham County Police shall issue all County Police identification cards and photos attached hereto. Only the following personnel are to be issued a County Police identification card:

1. Sworn personnel under KRS 70.540 of the Kentucky Revised Statutes.
2. KRS 70.540 employees assigned in certain functions may also be issued a special identification card bearing their signature on the front side of the card and the Chief of Police's signature on the backside of the card authorizing the concealment of a weapon. This card is to be displayed only when acting in an official capacity.

Any card or document other than the official identification card shall not be used for the purpose of identification by any member of the County Police in his official capacity.

A file shall be maintained on all personnel who are issued a County Police identification card.

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REPLACEMENT OF CARDS

A memorandum from the appropriate commanding officer shall be required to obtain a new identification card when an officer receives a promotion or a lateral transfer. After the officer is photographed, the new identification card will be forwarded to the officer's new supervisor. The supervisor will have the new ID card issued to the officer, collect the old ID card, and return it to the Assistant Chief of Police.

Similarly, when a card is being replaced due to wear, a memorandum from the officer is required. This memorandum will be initiated by an immediate supervisor.

CARDS TO BE SIGNED BY ISSUING AUTHORITY

The officer receiving the card shall sign this official identification card on the front side above "Employee Signature".

The card shall bear the Oldham County Police emblem on it along with the ORI Number "KY 0930400".

The name and rank and badge number of the member shall be printed underneath the photograph conspicuously on the front of the card where it may be easily read.

The reverse side of the card will authorize the sworn member to carry a concealed deadly weapon on or about his person at all times within the Commonwealth of Kentucky as pursuant to KRS 527.020(3) and signed by the Chief of Police.

EFFECT OF MILITARY DUTY

Any officer called to active military duty as a result of a declared national emergency or crisis may retain his/her identification card during the period of military activation.

If an officer voluntarily goes on active duty military training for a period exceeding thirty (30) consecutive days, the identification card shall be turned in to the officer's supervisor.

Oldham County Police Department

Effective Date March 14, 2001

POLICY

To establish operational guidelines, utilization and accountability of special purpose vehicles and special units within the department.

PROCEDURE

In addition to normal "marked" vehicles, the department may utilize:

1. Unmarked vehicles.

- a. These vehicles will be primarily used for radar patrols and will not be assigned to normal police patrols. Unmarked radar vehicles will be equipped with cages.

2. Special Response Van

- a. The vehicle shall be equipped with necessary equipment to assist in accident reconstruction and investigation, criminal investigations, Special Team Operations, and as a command post. The vehicle shall be under the control of the investigative supervisor but will be available to all personnel.

3. Patrol Boat

- a. The boat will be used to patrol the waterways of Oldham County, specifically during the summer months and any time there is an emergency on the waterways. A sworn patrol level officer will be assigned as the "River Patrol Officer".
- b. Maintenance of the boat will be the responsibility of the officer whom it is assigned.

4. Bicycle Patrol

- a. The bicycle unit will be used primarily in subdivisions and special events such as parades and community events where the use of normal police vehicles would be an inconvenience.
- b. Maintenance of the bicycle will be the responsibility of the officer whom it is assigned.

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5. Motorcycle Patrol

- a. Motorcycles will be used for supplemental traffic patrols on the roadways and subdivisions. At the discretion of the Chief of Police the motorcycles may be used for escorts, parades, etc.
- b. For the reason of safety to the motorcycle officer, the motorcycle will not be ridden under the following circumstances:
 1. At night without authorization from the traffic unit supervisor.
 2. During weather conditions that would be dangerous to the officer such as snow, sleet, rain, high winds, or temperatures that could produce ice on the roadways.
 3. Pursuits. When initiating a traffic stop, the motorcycle unit shall terminate the stop once it is evident that the violator will not stop.
- c. Officers for the motorcycle unit must request through memorandum, to be selected on a voluntary basis, through the chain of command.
- d. Motorcycle officers will be under the direct supervision of the duty sergeant.
- e. The motorcycle will be fully striped and outfitted with blue lights front and rear, siren and PA system.
- f. The motorcycle officer will wear approved helmet and eye protection.
- g. The motorcycle uniform is one that must be approved by the Chief of Police.
- h. Maintenance of the motorcycle will be the responsibility of the officer whom it is assigned.

Oldham County Police Department

Effective Date April 4, 2001

Review Date April 16, 2001

POLICY

It is the policy of the Oldham County Police Department that members assigned mobile video/audio recording (MVR) equipment will utilize the equipment for the purpose of collecting evidence that will be used in the prosecution of those who violate the law and to enhance officer safety. In this policy the agency provides guidelines for the use of in-car audio/video recording equipment and the retention and disposition of recorded in-car videotapes. The equipment can be used for any police purpose, such as traffic stops, surveillance and pursuits.

OBJECTIVES

The agency has adopted the use of MVR equipment systems in order to accomplish several objectives, including;

1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, so as to enhance officer reports, collection of evidence and testimony in court; and
2. The enhancement of the Oldham County Police's ability to review arrests, arrest procedures, officer and suspect interaction, and evidence for investigative purposes, as well as for officer evaluation and training.

STATUTORY PROVISIONS

KRS 189A.100 (2) AND (3)

- (2) Law enforcement agencies may record on film or videotape or by other visual and audible means the pursuit of a violator or suspected violator, the traffic stop, or field sobriety tests administered at the scene of an arrest for violation of KRS 189A.010 or such tests at a police station, jail, or other suitable facility subject to the following conditions:
 - (a) The testing is recorded in its entirety (except for blood alcohol analysis testing); and
 - (b) The entire recording of the field sobriety tests and the entire recording of such portions of the pursuit and traffic stop as were recorded is shown in court unless the defendant waives the showing of any portions not offered by the prosecution; and
 - (c) The entire recording is available to be shown by the defense at trial if the defendant so desires regardless of whether it was introduced by the Commonwealth; and
 - (d) The defendant or his counsel is afforded an opportunity to view the entire recording a reasonable time before the trial in order to prepare an adequate defense; and

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- (e) Recordings shall be used for official purposes only, which shall include:
 - 1) Viewing in court;
 - 2) Viewing by the prosecution and defense in preparation for a trial; and
 - 3) Viewing for purposes of administrative reviews and official administrative proceedings. Recordings shall otherwise be considered as confidential records; and
 - (f) The videotape or film taken in accordance with this section shall, upon order of the District Court, be destroyed after the later of the following:
 - 1) Fourteen (14) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, or if the videotape or film does not record the actual happening of an accident involving a motor vehicle;
 - 2) Fourteen (14) months after a decision has been made not to prosecute any case upon which an arrest has been made or a citation issued as a result of the videotape or film, if the videotape does not record the actual happening of an accident involving a motor vehicle;
 - 3) Twenty-six (26) months, if there is no appeal of any criminal or traffic case filed as a result of the videotape or film, if the videotape or film records the actual happening of an accident involving a motor vehicle;
 - 4) After all appeals have been exhausted arising from any criminal or traffic case filed as a result of the videotape;
 - 5) At the conclusion of any civil case arising from events depicted on the videotape or film; or
 - 6) At the conclusion of the exhaustion of all appeals arising from any law enforcement agency administrative proceedings arising from events depicted on the videotape or film; and
 - (g) Public officials or employees utilizing or showing recordings other than as permitted in this chapter or permitting others to do so shall be guilty of official misconduct in the first degree.
- (3) When a peace officer makes a videotape or film recording of any transaction covered by subsection (2) of this section and a citation is issued or an arrest is made, the peace officer shall note on the uniform citation that a videotape has been made of the transaction.

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OPERATIONAL PROCEDURES

- A. Officers who are equipped with MVR equipment shall use the MVR on all traffic stops in order to record enforcement actions. In doing so, the officer should ensure that:
1. The video recorder is positioned and adjusted to record events;
 2. The MVR is not deactivated until the enforcement action is completed;
 3. Their wireless microphone is activated at all times when the recording equipment is in operation in order to provide narration with the video recording and to explain the reason for their current or planned enforcement action;
 4. At the time the MVR is activated, the commercial AM/FM radio in the patrol car should be turned off or the volume decreased so as not to interfere with the audio recording quality; and
 5. During police pursuits and other emergency response driving situations, the MVR continues to record until the end of the incident.
- B. MVR equipment may be manually deactivated during non-enforcement activities, such as directing traffic, funeral details, etc.
- C. Officers are encouraged to manually operate the MVR equipment to record driving performances of a motorist that may provide reasonable suspicion for a traffic stop or arrest such as DUI, careless driving, etc.
- D. Officers may provide narration with the video recording preparatory to each stop. The intent of this narration is to assist the officers in developing written documentation and to assist in supporting reasonable suspicion for the stop.
- E. Officers should turn their MVR ON and on AUTO when they are out of their patrol vehicle on an assignment where a need may exist to utilize the microphone capabilities. This will enable the officer to substantiate, or assist with, documentation of their law enforcement duties, (domestic violence disturbance, etc.) or to serve the best interest of the law enforcement agency.
- F. Officers may also use their MVR equipment to record:
1. The actions of suspects during interviews, when undergoing sobriety checks or when placed in custody if the recording would prove useful in later judicial proceedings.
 2. The circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband; and/or
 3. Any other incident that the officer determines is appropriate.

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- G. Back-up officers who arrive on scene to assist another officer and who have MVR recording capabilities will make a reasonable effort to ensure their MVR equipment is operating properly and recording events in accordance with requirements of this policy.
- H. MVR tapes shall not be removed from the MVR equipment until approximately one (1) hour of playing time remains on the tape. This 1-hour cushion will help prevent a situation where an officer becomes involved in a significant event and does not have sufficient time left on the recording tape to capture the event to its conclusion.
- I. Tapes that record the following types of incidents or scenes shall, regardless of space remaining on the tape, be immediately removed from service and processed as evidence.
 - 1. Misdemeanor, felony, or traffic arrests;
 - 2. Pursuits;
 - 3. Any accidents involving a Oldham County Police vehicle where the MVR equipment was in operation;
 - 4. Any other incident as deemed necessary by the officer.
- J. Officers shall note in the narrative of citations, case reports and other related documentation when MVR recordings were made during the incident in question. **[KRS 189A.100(3)]**

MVR TAPE MANAGEMENT: OFFICER RESPONSIBILITIES

- 1. Officers shall use only videotapes as issued and approved by the Oldham County Police Department.
- 2. Officers shall ensure that at all times they are equipped with two (2) videotapes.
- 3. Officers shall not destroy, alter or erase MVR tapes in any manner except by those authorized to do so by this policy. Tampering with any MVR tape shall be cause for disciplinary action.
- 4. Officers who submit videotapes into evidence shall be responsible for submitting a KSP 41. Upon notifying the supervisor, the officer shall be issued clean videotape in accordance with this policy.
- 5. Tapes that record only routine events or scenes, e.g., traffic stops, accident scenes, emergency responses, etc., and will not be utilized as evidence or for any other departmental use, will be turned into a supervisor to be maintained in accordance with this policy.

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MVR TAPE MANAGEMENT:

1. The Administrative Clerk shall be responsible for issuing videotapes to each officer who submits one into evidence.
2. All blank tapes shall be labeled with a video control number on the face or spine before being issued by the Administrative Clerk.
3. MVR tapes that are treated as evidence shall:
 - a. Be subject to the same security restrictions and chain of custody as any other piece of evidence.
 - b. Not be released to another criminal justice agency for trial or other reasons without making a duplicate copy and returning the original copy to evidence.
 - c. Not be released to other than bona fide criminal justice agencies without prior approval of a Lieutenant or higher a command staff member.
 - d. All evidentiary MVR tapes shall be retained in accordance with **KRS 189A.100 (2)(f)**.
 - e. Once the tape is no longer of any evidentiary value, it may be reissued once proper erasure techniques are applied.
4. Tapes that record only routine events or scenes, e.g., traffic stops, accident scenes, emergency responses, etc., and will not be utilized as evidence or for any other departmental use, will be maintained, erased and reissued as follows:
 - a. The MVR tape shall be retained for thirty (30) days from the date that it has been turned in. These tapes are to be stored in the Administrative Clerks office. After the time has lapsed, the tape shall be erased and the tape may be used again utilizing the same video control number.
 - b. No tape will be reissued for operational use unless completely erased.
 - c. The Oldham County Police Department shall have on hand, a device for erasing videotapes and will have access to equipment for coping videotapes.

DUPLICATION OF MVR TAPES

1. Except for evidentiary purposes, reproduction of tapes recorded by agency personnel is prohibited unless authorized by the Chief of Police or his designee.
2. Any person/firm making an authorized request for a copy of a taped incident

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must provide a new, unopened blank tape.

3. Only those portions applicable to the request will be copied. The original tape will be retained by the Agency and handled in accordance with all Oldham County Police Department evidence policy and court orders.
4. Unusual or exceptional incidents related to law enforcement activities generate the interest of many. However, officers shall not afford individuals the opportunity to review a segment of any tape without prior authorization of the Chief of Police or his designee. If allowed, this would constitute a violation of state law. **[KRS 189A.100 (2)(g)]**
5. When unusual, exceptional, or felonious incidents are recorded and perceived to be of value as a training aid, the following procedure will apply:
 - a. The Officer's supervisor shall view the tape.
 - b. If the tape is determined to be of value for training purposes, and will not be required as evidence, the supervisor will forward the original tape to the Command Staff.
 - c. The Command Staff will review and evaluate the tape segment to determine its training value, and reproduce it if needed.

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PROCEDURE

The Oldham County Police Department has experienced a dramatic increase in the use of computer resources to provide and process information. Although the benefits of these new information systems are vast, the technology has also increased exposure to damage of computer equipment and loss of data.

Computer users often do not recognize possible risks, and may not be aware of measures that would minimize those risks. This procedure has been developed to provide users with a description of the security practices required by the Oldham County Police Department. The information contained herein will raise awareness of computer security, define the responsibilities of the user, assist users in recognizing potential problems, and provide guidance to the user if a compromise in security is suspected.

GENERAL USE OF COMPUTER RESOURCES AND SERVICES

County supplied computer resources and services covered under this procedure include, but are not limited to, the following:

- a. Host computers.
- b. File servers.
- c. Workstations.
- d. Standalone computers.
- e. Laptops.
- f. Software.
- g. Email.
- h. The use of internal or external networks.

These resources are provided for official police business and are to be used to assist the employee in the performance of their duties. While incidental, occasional and limited personal use is not prohibited, however, such use should be kept to an absolute minimum. Employees must obtain permission from their supervisor for any personal use of the police department's computer resources. All employees are hereby advised that all police department computer resources will be monitored and any unauthorized use discovered may result in disciplinary action.

Users are prohibited from storing, forwarding, or processing any classified information on the network.

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In addition, fraudulent, harassing, embarrassing, indecent, profane, obscene, intimidating, or other unlawful material may not be sent by email or other form of electronic communication or displayed on or stored in any county provided computer. Users encountering such materials should immediately report the incident to their supervisor.

SYSTEM MONITORING

Computer systems are subject to monitoring by any department supervisor to ensure proper functioning, to protect against improper or unauthorized use or access, and to verify the presence or performance of applicable security features and procedures. Such monitoring may result in the acquisition, recording and analysis of all data being communicated, transmitted, processed or stored in our system for users.

Documents created and maintained on the networked system is assumed to be created in the course of performance of official duties and may be official records. As part of the routine backup schedule, files kept on these systems are duplicated daily. Should official need for access to an employee's files or electronic mail arise, it will be provided upon request by appropriate management authority.

Anyone accessing and using these systems expressly consents to system monitoring and to all official access to documents created and/or received and maintained by them.

PHYSICAL SECURITY

Protecting your computer - Computers need protection from physical hazards to avoid damage to the computer or loss of data. Users should protect equipment such as the computer unit, monitor, keyboard, and printer by taking the following measures:

- a. Do not place drinks (or any liquids) on or around the PC or keyboard, and avoid dropping crumbs or foreign material on the keyboard.
- b. Use a surge protector or other suitable power line filter.
- c. Avoid areas susceptible to water damage.

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DATA BACKUPS

The network drives are backed up each evening. If the user inadvertently deletes a file from a network drive, the System Administrator may be able to recover the document. In those instances, contact the System Administrator for assistance in determining if the document is salvageable.

Users are responsible for backing up the data stored in the local drive of their computer. If important files are kept on the local drive instead of the network drive, it is highly recommended that a daily or weekly backup copy of data files on the local drive be made to a floppy disk(s). Clearly and completely label all disks so that you may locate important information in the event of the loss of your hard drive. For critical information, it is recommended that a backup copy be made when significant changes are made to the document.

PASSWORDS

Improper protection of passwords may allow individuals unauthorized access to the network, and users should exercise care when selecting passwords. Your password is the key to the information you have stored on your network drives and your ability to use email and access other services and applications. Passwords do not protect information stored on local drives. Passwords must be protected, and must not be given to anyone other than, if necessary, the System Administrator.

When selecting passwords, use the following guidelines:

- a. Passwords should be at least six characters in length.
- b. Passwords should contain at least one non-alphanumeric character and not be all alphabetic characters. Passwords that contain a combination of letters, numbers and characters, are more difficult to guess or decrypt.
- c. Passwords should not be single meaningful words or be easily guessed (names, names of relative or friends, hobbies, or birth month).
- d. Passwords should not be shared, written down, posted in your workplace, or included in data files.

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EMAIL PROCEDURES

The email system will be monitored, and all employees are advised that they are not to expect privacy with regard to email usage. Users are reminded that the email is official correspondence and normal policy and procedures for written correspondence apply. Keep in mind that email is easily copied or forwarded to anyone without the sender's knowledge.

Conduct - Email users are expected to conduct them selves in a professional manner and should refrain from using profanity and/or obscenities in any electronic communications.

Maintenance - The number of stored email messages should be kept to a minimum to save network disk space and to help with system maintenance. It is the user's responsibility to delete and archive old messages and empty their trash folder on a weekly basis. The number of email messages in the inbox, trash, and folders should not total more than 50. In addition, messages with very large attachments should be archived immediately upon receipt. Any user who exceeds the 50-message limit, or who has extremely large message, will be notified by the System Administrator and should immediately delete or archive messages.

INTERNET ACCESS

These procedures apply to all Internet services accessed using computer resources of the Oldham County Police Department including but not limited to electronic mail, Web browsers, and File Transfer Protocol (FTP). Employees who are authorized to use these services must make sure that they use the Internet safely and productively, and not in any way that could compromise the interest of the Department.

Electronic Internet Mail: Internet mail is not secure. Messages can be read or broadcast without the knowledge or consent of the author. User should not expect the messages they send or receive via the Internet to be private. Internet mail is also unreliable. Delivery and delivery times are not guaranteed due to unpredictable intermediary system and network outages and slowdowns. Users should not rely on Internet mail for time-sensitive communications or guaranteed delivery. Also, any attachments to the message may not be readable by the receiving party.

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Large messages - Message with large attached files, or messages sent to large numbers of recipients are discouraged. These messages may overload the system causing failure. If there are work-related needs to transmit such messages, the sender should contact the System Administrator for advice on the best way to accomplish this.

With Internet mail you can subscribe to a variety of newsgroups, list servers, and other sources of information. These are potentially valuable information tools, but their overuse will also increase network congestion. Users should take this into consideration before subscribing to such services subscriptions must be approved by the System Administrator.

Other Internet Services: Access to Internet services other than electronic mail will only be made available to employees at the direction of the System Administrator or the Chief of Police.

Acceptable Use of the Internet: Only those employees specifically granted Internet access may use that access. Employees are specifically prohibited from using the Internet for unauthorized purposes including, but not limited to, the following:

- a. Sending data files or mail over the Internet that contain any discriminatory statements that apply to race, creed, color, sex, or sexual preference.
- b. Making unauthorized commitments or promises of any kind that might be perceived as binding the Oldham County Police Department.
- c. Sending data files or mail over the Internet that deal with ongoing investigations or litigation.
- d. Sending data files or mail over the Internet that could reflect poorly on, or cause embarrassment to the Oldham County Police Department.
- e. Using the network connection for commercial purposes or private gain.
- f. Using the network for illegal activities.

COMPUTER SECURITY AWARENESS

Users are the first and best line of protection from compromise of data. Most breaches of computer security are attributable to computer users. This means that computer security rests in the hands of the users of the computer systems. You are essential to providing security to the data and the machine entrusted to you.

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New technologies are increasing computer risks. Networks, telecommunications, mobile communications and portable computers mean that important, sensitive data is being moved and is at great risk. Valuable information is now vulnerable since it is mobile accessible, and more exposed to risk. The security of our system requires the vigilance and commitment of each and every computer user.

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Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

Appropriate career training programs shall be developed and administered annually to sworn personnel and periodically, as necessary, to nonsworn personnel.

PROCEDURE

The Department of Criminal Justice Training Academy will plan, develop and prepare the curriculum for refresher training and provide such training periodically to experienced officers.

It shall be the objective of the Academy staff to update the career training and to evaluate the effectiveness of prior recruit and career training.

The Training Academy shall provide continuous career training on a centralized and decentralized basis. The Academy staff may train instructors who can be used at department level.

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Review Date January 1, 2000

POLICY

The members of the Oldham County Police shall be afforded the opportunity to attend specialized training programs offered by external agencies when possible.

PROCEDURE

All requests for training, except that provided by agency personnel, must have prior approval by the Chief of Police. This approval must be in writing submitted directly to the officer's supervisor. A seminar where it is expected that a subject will be presented in such a way that the participant will learn something that will benefit the employee's agency is considered training. Conventions, lectures or similar activities where no training activities are planned are not to be considered training.

All requests for training shall be forwarded in memorandum form, through channels, to the Chief of Police, along with the appropriately completed paperwork.

CONFERENCES, SEMINARS, TRAINING SESSIONS

Any person authorized to attend any conference, seminar; training session or similar event shall submit a brief synopsis in memorandum form to the Chief of Police through channels, within one week of returning to their duty assignment. The synopsis should address the formal agenda, concepts obtained from informal interactions, the benefit or lack of benefit to the agency, and any other relevant issues. The attendee shall be prepared to meet with the Staff or any designee to discuss the items referred to in the written synopsis. If more than one person from the Oldham County Police attends the same session, the attendees shall decide who will submit the synopsis and only one synopsis shall be submitted.

Each officer in the chain-of-Command shall review the written synopsis and make any necessary comments.

The Assistant Chief of Police shall maintain a log of attendees of all conferences, seminars, and training sessions and document the receipt of the synopsis.

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MAJOR SPECIALIZED TRAINING PROGRAMS

Rosters for members who will be recommended for enrollment in the following major courses shall be developed on an annual basis:

1. Southern Police Institute's Administrative Officers Course.
2. FBI's National Academy.
3. Northwestern University Traffic Institute's Police Administration Training Program.

The Chief of Police shall be assisted in the evaluation of requests by supervisors of each division. Recommendations to the agencies identified above shall be sent over the Chief of Police's signature.

Among the factors which will be considered in evaluating requests for attendance at special training courses are the following:

1. Previous formal and special education or training.
2. Tenure with the County Police and time remaining until retirement.
3. Present rank and assignment.
4. Any information submitted regarding reasons for requested attendance.

Requests for attending one of these training courses should be forwarded in memorandum form, through channels, to the Chief of Police and be received no later than November 15 of each year for the next fiscal year. Lists of officers recommended for attendance during the next fiscal year will be published during March.

RETRAINING

The policy and procedures outlined for an initial training request with Southern Police Institute's Administrative Officers Course, FBI's National Academy and Northwestern University Traffic Institute's Police Administration Training Program, shall be adhered to when requesting retraining with these institutions.

Requests may be submitted at any time. After an individual has attended a retraining session, all other personnel shall be

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afforded the opportunity to attend, if they so request, before the first individual can again be considered for another session.

Number of personnel recommended to attend each retraining session per year shall be as follows:

	Out-of-State Training	In-State Training
Northwestern	1	1
SPI	1	1
FBI	1	1

Requests for retraining shall be forwarded in memorandum form, through channels, to the Chief of Police no later than 15 days prior to the session. The final decision on all requests for retraining shall be the responsibility of the Chief of Police.

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POLICY

Oldham County Police shall, contingent upon the availability of funding, financially assist employees who desire to further their education in fields closely related to their job requirements.

PROCEDURE

Personnel desiring to attend college courses through this agency's Educational Assistance Program shall meet the standards for tuition reimbursement outlined in the Program Limitations, Employee Requirements and Employee Application sections of this policy.

Supervisors shall work with employees to ensure maximum coordination of all Educational Assistance Program procedures.

PROGRAM LIMITATIONS

To carry out the Educational Assistance Program of this agency, a tuition reimbursement method shall be utilized. Generally, each degree program and course must be approved as appropriate for the particular employee. The following limitations shall apply:

- A. Only those degree programs and lists of courses specifically approved for the County Police agency by the Governmental Services Center are eligible for tuition assistance reimbursement. Exceptions, for college or non-college studies, may be approved if deemed in the best interest of the department.

Approved courses include: Accounting, Auditing, Bookkeeping, Computer Science, Criminal Justice, Data Processing, Laboratory Technology, Office Administration, Personnel Administration, Police Administration, Public Affairs/Public Administration, and Secretarial.

Approved degree programs include: Criminal Justice, Law Enforcement, Office Administration, Police Administration, and Public Affairs/Public Administration.

- B. Undergraduate tuition costs may be reimbursable for a maximum of six semester hours each regular semester; six semester

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hours each summer term; and three semester hours each intensive (e.g., interim) session. Correspondence course tuition may also be reimbursable.

- C. Graduate tuition costs may be reimbursable for a maximum of three semester hours each regular semester; three semester hours each summer term; and three hours each intensive (e.g., interim) session.
- D. Tuition costs only shall be considered for reimbursement, thereby allowing more agency employees the benefit of this program.
- E. Every agency employee is eligible for tuition reimbursement, subject to availability of funds and providing that he is in a permanent, full-time employment status and performing at a satisfactory level in this County Police capacity. Probationary employees should neither apply to enter any courses nor request tuition reimbursement unless their initial probationary period will have been satisfactorily completed prior to the first class meeting.
- F. Tuition reimbursement shall not exceed the per credit hour charge for course work as charged by the University of Kentucky. The course work itself may be approved if all other requirements are met.

EMPLOYEE REQUIREMENTS

Each employee requesting tuition reimbursement must sign an agreement that tuition reimbursement will not be forthcoming unless all of the following conditions are met:

- A. An application for tuition reimbursement must be submitted by the applicant and approved by the agency head before the applicant enters the course and actual class work begins.
- B. Within 30 working days of each course's scheduled completion, evidence of a satisfactory grade ("C" in undergraduate and "B" in graduate courses) must be submitted to the Personnel Branch.
- C. The employee must remain employed by the Oldham County Police for a minimum of three months after the course is completed.

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(Exceptions: layoffs, reductions in work force, or approved internal mobility.)

- D. If tuition for a particular course is paid from any other source of assistance (e.g., scholarship, veteran benefits, etc.), duplicate assistance will not be available under this program.

TRANSPORTATION PROVISIONS

Personnel are authorized to drive assigned County Police vehicles to locations where classes are being taught, providing the following conditions are strictly adhered to:

1. Operations Division uniformed officers may be required to wear their uniforms while operating County Police vehicles to and from class locations.
2. Each officer shall be required to radio his normal call station when he is en route to classes, when he arrives at his destination, when he leaves classes and when he calls out of service.
3. All personnel traveling to and from classes shall respond to emergency situations as directed. In addition, officers shall assist the public as required by other policies and procedures set forth in the County Police manual.
4. In situations demanding a great deal of time, the affected officer should immediately notify his call station for assistance. The call station shall dispatch the closest officer to relieve the requesting officer so he may resume travel to his scheduled class location.
5. Whenever possible, officers should attempt to ride together to class locations.

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POLICY

This department shall keep a profile of every officer's education and/or training.

PROCEDURE

Upon completion of a semester of study, each individual who has attended college, regardless of subjects taken, shall submit a copy of his grades to the Assistant Chief of Police. This, in turn, will be placed in his personnel file. Failure to forward a copy of the previous semester's grades to the Assistant Chief of Police shall be grounds for disapproval to attend college courses in the future.

In addition, upon receipt of any academic degree, the recipient shall submit a copy to be placed in his personnel file.

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POLICY

The Oldham County Police shall make available an Employee Assistance Program (EAP) to its employees to assist them with issues such as alcoholism, abuse of drugs, marital problems, family difficulties, stress and emotional illness.

Most of these problems can be corrected with appropriate professional assistance. The goal of the EAP is: to provide assistance to employees experiencing problems which are affecting their job performance and personal well-being; to preserve their health and insure their continued usefulness to themselves, their families, and the agency; to motivate these employees to seek help with their problems; and to provide a means of referral to these employees to the best assistance available.

ORGANIZATION

The EAP shall be managed by an EAP Coordinator assigned to the Assistant Chief of Police.

SERVICES OFFERED BY PROGRAM

The services offered by the program shall include, but not be limited to:

1. Guidance and counseling.
2. Assistance in time of death of an employee or immediate family member. Will conduct or assist in funeral services if requested.
3. Assistance in time of serious illness of an employee or immediate family member.
4. Marriage counseling.
5. Family counseling.
6. Traumatic situation counseling.
7. Speaking engagements.
8. Chemical dependence counseling.
9. Assistance in referring to other sources of professional help if necessary.
10. Alcohol dependence program.

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PROCEDURE

AVAILABILITY OF SERVICES OFFERED

1. The home phone number of the EAP Coordinator will be available to all personnel.
 - (a) It is not necessary to go through the chain of command in order to contact the EAP Coordinator.
 - (b) It is not necessary for the EAP Coordinator to go through the chain of command in order to contact an employee.
 - (c) It is not necessary to go through the office telephone in order to contact the EAP Coordinator; he can be called at home.
 - (d) Meetings with the EAP Coordinator can be arranged at a time and location requested by the individual seeking assistance.
2. Seeking or accepting assistance from the program shall be on a voluntary basis. If an employee's job performance deteriorates to the point that it becomes detrimental to the agency, it may become mandatory for the employee to participate in the program.
3. These services shall be available to all employees and members of their immediate family (spouse, children).

CONFIDENTIALITY OF SERVICES OFFERED

Every effort shall be extended to maintain confidentiality of information given the EAP Coordinator by participating employees.

1. The EAP Coordinator will keep only those records of participation that are essential to the program.
2. The EAP will be functionally autonomous. Personnel of the agency will not have access to program files and records.
3. Supervisors must ensure that no employee will have his job security or promotional opportunities jeopardized by a request for counseling or referral assistance.

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4. Nothing in this policy is to be interpreted as constituting a waiver of the agency's responsibility to maintain discipline or the right to take disciplinary measures.
5. The EAP Coordinator shall ensure that this counseling session is confidential. The supervisor of the individual seeking assistance will not be notified.
6. It shall be the responsibility of the individual to accept or reject the assistance offered, however, the EAP Coordinator shall be available to aid the employee in whatever way possible.
7. Contact with the program shall be confidential and a record of this contact shall not appear in the employee's personnel file.

SUPERVISORY REFERRAL

1. Necessary referral for counseling and/or treatment shall be based strictly on unsatisfactory job performance which results from an apparent medical or behavioral problem, regardless of its nature.
2. The EAP Coordinator shall implement such training as is necessary to make supervisors aware of the early signs of medical or behavioral problem related job deficiencies.
3. Supervisors must remember that this is a job performance related program and the following steps shall be adhered to:
 - (a) Observe job impairment as demonstrated by excessive absenteeism, decreased productivity or other problems.
 - (b) Document. Proper and careful documentation procedures are essential.

Documentation is not for personnel folders, but supervisors' desk files or notebooks.

In the case of civilian employees, documentation should cover problems that occur on the job only.

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In the case of sworn personnel, supervisors must remember that the provisions in Section AM-E-1 of the Oldham County Police Manual apply.

In the case of civilian personnel, supervisors must refer to the provisions of KRS 18A and related Kentucky Administrative Regulations.

4. Documentation should be specifically dated as to the time and place that unacceptable performances or violations of established rules occurred, when and where these incidents were discussed with the employee, and the name of others who might be involved.
5. Supervisors must also be aware of exactly how their employees stand in relation to job performance evaluation. It is difficult to discipline an employee for poor job performance when they have been receiving outstanding evaluation ratings.
6. Confront the employee with his inadequate work record.

The supervisor must be firm in taking some appropriate action. The employee must know that his/her work performance must improve and stay at acceptable levels or further disciplinary action will result.

- (a) After two interviews (on the third interview) the supervisor may direct the employee to contact the EAP Coordinator as an alternative to disciplinary action.
7. When an employee is referred to the EAP Coordinator by a supervisor, the EAP Coordinator shall follow the same procedures as with the case of self-referral with the following exceptions:
 - (a) Contact shall be confidential as to the content of any counseling session or treatment.
 - (b) The EAP Coordinator shall advise the supervisor as to whether or not the employee is participating in the program; however, this will be the extent of any report made to the referring supervisor.

NOTHING OF A CONFIDENTIAL NATURE SHALL BE DISCUSSED WITH OR REPORTED TO THE SUPERVISOR.

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Review Date December 7, 2000

POLICY

The Oldham County Police Department recognizes that its members will encounter critical incidents of situations that require immediate police action which will result in varying degrees of emotional, psychological and physical trauma. Every effort must be made to minimize this emotional and psychological stress in these situations.

The Department acknowledges that all incidents have the potential to escalate to the point which is outside the normal range of usual human experiences. All personnel must be cognitive of these "critical incidents" as they invoke powerful physical and emotional responses that strain our ability to cope with these incidents.

For the purpose of this policy, a critical incident will be defined as any situation or action which may result in emotional, psychological, or physical anguish. A critical incident includes but is not limited to the following:

1. Use of deadly force which may or may not result in injury or fatality;
2. Situations in which members are fired upon;
3. Motor vehicle accidents involving multiple deaths and/or serious physical injuries;
4. Hostage incidents or negotiations;
5. Critical undercover operations;
6. Serious personal injury or death of sworn personnel;
7. Civil litigation against members;
8. Traumatic experiences by members which in the opinion of an immediate supervisor is causing that member difficulty in adjusting in a normal manner.

It is possible when encountering a critical incident that stress will cause a member to experience strong emotional reactions which have the potential to interfere with their ability to function either at the scene or later. When these emotional reactions are observed, immediate steps must be taken to insure the member recognizes that he is reacting in a normal manner to an abnormal situation.

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Review Date December 7, 2000

PROCEDURE

1. The Chief of Police shall assign to administrative duty any member who is involved in a critical incident where deadly force may result in serious physical injury or fatality.
2. The Chief of Police may assign to administrative duty any member who is involved in other critical incidents not mentioned above.

CRITICAL INCIDENT SCENE

1. Following involvement in a critical incident, the officer will be accompanied to the department by a fellow officer or supervisor. The accompanying officer or supervisor will provide support to the officer involved in the critical incident.
2. The commanding officer shall be responsible for contacting the Employee Assistance Coordinator. A representative from the Employee Assistance Program will be available to the officer involved in the critical incident as soon as possible.

FOLLOW-UP

1. Upon completing any duties in relation to the critical incident while at the Department, the involved member will be advised if they will be assigned administrative duty. In the incidents not involving the use of deadly force, the decision on an assignment will be determined by the Chief of Police.
2. The Chief of Police, after consultation with the Assistant Chief of Police, shall inform through channels all members assigned to administrative duty of the date and time to resume their normal work assignment.
3. All members involved in a critical incident where deadly force is used shall after twenty-four (24) hours and no longer than forty-eight (48) hours participate in a stress debriefing session with a representative from the Employee Assistance Program. This debriefing session will be held in order to educate each affected employee on the normal stress

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reactions caused by critical incidents. This session may be attended by the member's family if it is so desired.

4. All sessions with a representative of the Employee Assistance Program will be confidential. As a result of these meetings, the Employee Assistance Program representatives may refer a member to a human services specialist if necessary.
5. Any member or member's spouse or family may request assistance from the Employee Assistance Program as a result of an involvement in a critical incident. These meetings will be kept confidential according to the member's wishes.
6. The Employee Assistance Program may conduct follow-up contact with members involved in critical incidents when appropriate.



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Review Date September 8, 2004



POLICY

It is the policy of this department that the critical mission of law enforcement justifies maintenance of an alcohol and drug free work environment through the use of a reasonable employee alcohol and drug-testing program.

The law enforcement profession has several uniquely compelling interests that justify the use of employee alcohol and drug-testing. The public has a right to expect that those who are employed to protect them - either directly or in support functions - are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of alcohol and drug abuse will seriously impair an employee's physical and mental health, and thus, job performance.

Where law enforcement agency employees participate in illegal alcohol and drug use and alcohol and drug activity, the integrity of the law enforcement profession, as well as public confidence in it, are destroyed. This confidence is further eroded by the potential for corruption created by alcohol and drug use.

Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and alcohol and drug-free law enforcement profession, this department shall implement an alcohol and drug-testing program to detect prohibited alcohol and drug use by sworn employees.

DEFINITIONS

1. Sworn Employee - Those employees subject to the provisions of Kentucky Revised Statutes, 70.540.
2. Supervisor - Those employees assigned to a position having day-to-day responsibility for supervising subordinates or who are responsible for commanding a work element.
3. Alcohol and drug Test - The production and submission of urine by an employee, in accordance with departmental procedures, for chemical analysis to detect prohibited alcohol and drug usage.
4. Reasonable Suspicion - That quantity of proof or evidence, based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable officer based upon



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his training and experience, to suspect that the individual is or has been using alcohol and drugs while on or off duty. Reasonable suspicion is less than probable cause, but substantially more than a mere hunch. Reasonable suspicion does not exist unless the reasons for suspicion are articulable.

5. Probationary Employee - For the purposes of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the department as a law enforcement officer.

PROCEDURES/RULES

1. Prohibited Activity

The following rules shall apply to all applicants, probationary and formally vested sworn employees, while on and off duty:

No employee shall use or possess any controlled substance, as defined in Chapter 218A of the Kentucky Revised Statutes, in any manner violative of any state or federal law.

No employee shall ingest any controlled substance, as defined in Chapter 218A of the Kentucky Revised Statutes, unless as prescribed by a licensed medical practitioner and shall be in compliance with the use of medication when on duty.

Any employee who unintentionally ingests, or is made to ingest, a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.

2. Applicant Alcohol and drug-Testing

Applicants for the position of Oldham County Police officer shall be required to take an alcohol and drug test as a condition of employment.

Applicants shall be disqualified from further consideration for employment under the following circumstances:



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- a. Refusal to submit to a required alcohol and drug-test intended to determine the presence of any illegal alcohol and drug or controlled substance; or
- b. A confirmed positive alcohol and drug-test indicating alcohol and drug use prohibited by this policy.

3. Employee Alcohol and drug Testing/Mandatory and Random Basis

Sworn officers shall be required to take alcohol and drug tests as a condition of continued employment in order to ascertain prohibited alcohol and drug use, as provided below:

Officers involved in accidents where there is physical injury shall submit to an alcohol and drug test.

No sworn officer shall be caused to submit to random alcohol and drug-testing more than twice in a one-year period.

4. Employee Alcohol and drug-Testing/Promotion or Transfer Basis

To be eligible for any promotions within the department, or a transfer to the Alcohol and drug Enforcement/Special Investigations Branch, the Special Response Team or Alcohol and drug Interdiction work, all sworn officers shall submit to random alcohol and drug-testing on a mandatory basis.

5. Employee Alcohol and drug-Testing/"Reasonable Suspicion" Basis

Sworn officers shall be required to take alcohol and drug tests as a condition of continued employment in order to ascertain prohibited alcohol and drug use, as provided below:

Any officer having a reasonable suspicion to believe that another employee is illegally using, or in possession of, any controlled substance or alcohol shall immediately report the facts and circumstances to his supervisor or, if the supervisor is unavailable, any superior officer.

Any supervisor or superior officer who receives such a report from a subordinate shall immediately contact the suspect officer to observe his behavior and demeanor, or take any other necessary and appropriate steps to determine whether reasonable suspicion exist to suspect that the officer has violated this policy. If it is



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determined that "reasonable suspicion" exists, the following steps shall be taken immediately:

- a. The suspect officer's vehicle and all issued weapons shall be secured and the suspect officer shall not be allowed to engage in any law enforcement activity.
- b. The suspect officer's supervisor, or acting supervisor, shall be immediately apprised of all details.

It shall be the responsibility of the supervisor, or the acting supervisor, to determine whether sufficient grounds exist under the "reasonable suspicion" standard to order the suspect officer to submit to a search and/or an alcohol and drug test. An administrative search may be conducted at any time.

No officer while on duty shall refuse to submit to a search of his person or of any county property under his custody or control, including any personally owned containers found therein, upon reasonable grounds to suspect that the officer is in possession of any contraband controlled substance. If a search is ordered, the supervisor, or acting supervisor, who issued the order shall conduct the search.

If an alcohol and drug test is ordered, the supervisor, or acting supervisor, shall be responsible for adhering to the alcohol and drug-testing procedures set forth in this policy.

If the suspect officer complies with the mandated search and/or alcohol and drug test order, the officer shall be placed on non-disciplinary administrative leave with pay until such time as a final determination of policy compliance has been made.

6. Selection and Notification

Any sworn employee randomly selected is to be alcohol and drug-tested as soon as practicable, but no later than three (3) days from the time of selection.

The supervisor schedules the employee's alcohol and drug test to occur in a timely and efficient manner. No employee is to be called in from off-duty.

The supervisor notifies the employee, by telephone (not by radio), of the time and place for alcohol and drug-testing on the day testing is to occur. The employee shall have no prior warning.



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7. Alcohol and drug-Testing Procedures

The employee to be alcohol and drug-tested arrives at the time and place set by the supervisor.

Personnel authorized to administer alcohol and drug-tests shall require positive identification from the employee to be tested before the testing area is entered.

The testing personnel shall escort the employee to a private office. Here, a pre-test interview shall be conducted by testing personnel in order to ascertain and document any recent use of prescription or non-prescription alcohol and drugs, or any indirect exposure to alcohol and drugs that may result in a false positive test result.

The employee completes the medical questionnaire and signs the DT-1 form.

The testing personnel shall affix peel-and-stick labels denoting the employee's identification number to two (2) specimen containers and hand the containers to the employee.

The testing personnel shall escort the employee to the testing area - either a bathroom or an office. The testing area must be private, secure and previously-screened by the testing personnel to document that it is free of foreign substances.

The employee shall provide the urine specimen in privacy; no one will witness and no disrobing will be involved.

Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the alcohol and drug-test report form.

The employee shall be permitted no more than eight hours to give a sample, during which time he or she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a alcohol and drug-test.



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When the employee hands the filled containers to the alcohol and drug testing personnel, they shall be immediately checked for temperature. The alcohol and drug testing personnel shall ensure that the containers are properly lidded and then seal the lids with tamper-proof tape.

The employee then ensures that his or her identification number on the containers' labels matches his or her identification number.

The testing personnel shall provide the employee a copy of the signed form and forward the list matching employee identification numbers and employee names to the Employee Assistance Program.

Whenever there is reason to believe that an employee may have altered or substituted the specimen, a second specimen shall be obtained the same day under direct observation of the alcohol and drug testing personnel.

8. Alcohol and drug-Testing Methodology

The testing or processing phase shall consist of a three-step procedure:

Initial screening test shall be conducted at Baptist North East.

Confirmation test at an independent laboratory recognized and approved by the College of American Pathologists or the National Institute of Alcohol and drug Abuse.

A second confirmation test at the Kentucky State Police Forensic Laboratories.

The urine sample is first tested using the initial alcohol and drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending." Notification of test results shall be held until the confirmation test results are obtained.

A specimen testing positive will undergo one confirmation test and, if still testing positive, a second confirmation test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.

The alcohol and drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major alcohol and drug



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of abuse including heroin and methaqualone. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

The alcohol and drug screening shall be by immunoassay techniques. A detectable concentration of benzodiazepines, cocaine, marijuana, opiates, propoxyphene or such other alcohol and drugs determined to be subject to abuse shall be considered a positive test result.

Alcohol and drug confirmation shall be by techologically different and more sensitive technique than the alcohol and drug screening, such as gas chromatography or mass spectrometry.

The laboratories selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.

Laboratory results shall be forwarded to the Employee Assistance Program Coordinator.

The Employee Assistance Program Coordinator shall report negative alcohol and drug test results to the employee. Employees having negative results shall receive a memorandum from the Employee Assistance Program Coordinator stating that no illegal alcohol and drugs were found. If the employee requests such, a copy of the letter shall be placed in the employee's personnel file.

The Employee Assistance Program Coordinator shall report "presumptive" positive alcohol and drug test results to the Chief of Police. "Presumptive" positive alcohol and drug test results are those results showing positive for the presence of alcohol and drugs in laboratory analyses, but which have yet not been verified by Medical Review Personnel.

The Chief of Police may authorize an immediate non-disciplinary administrative leave for an employee upon report of a "presumptive" positive result.

Employees having a "presumptive" positive result shall receive a memorandum from Medical Review Personnel instructing them to contact their office within three (3) days of receipt of the letter. A confidential meeting shall be arranged to discuss the test result. If no legal cause of the "presumptive" positive result is found, the test result shall be recorded as a positive.



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The Chief of Police shall notify the Employee Assistance Program Coordinator of the positive result, the Employee Assistance Program Coordinator shall notify the employee.

Any employee who breaches the confidentiality of testing information shall be subject to discipline.

9. Chain of Evidence - Storage

Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.

Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.

10. Alcohol and drug-Test Results

All records pertaining to department-required alcohol and drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.

Alcohol and drug test results and records shall be stored and retained by the Employee Assistance Program Coordinator for a period of two years.

11. Alcohol and drug Testing Violations

As prescribed in the alcohol and drug testing policy, failure to submit to a mandated alcohol and drug test or having a confirmed positive result from an illegal alcohol and drug or breaching the confidentiality of alcohol and drug testing information is a **Class "A"** violation of departmental policy.



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POLICY

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The law enforcement profession has several uniquely compelling interests that justify the use of employee alcohol and drug-testing. The public has a right to expect that those who are employed to protect them - either directly or in support functions - are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of alcohol and drug abuse will seriously impair an employee's physical and mental health, and thus, job performance.

Where law enforcement agency employees participate in illegal alcohol and drug use and alcohol and drug activity, the integrity of the law enforcement profession, as well as public confidence in it, are destroyed. This confidence is further eroded by the potential for corruption created by alcohol and drug use.

Therefore, in order to ensure the integrity of the department, and to preserve public trust and confidence in a fit and alcohol and drug-free law enforcement profession, this department shall implement an alcohol and drug-testing program to detect prohibited alcohol and drug use by sworn employees.

DEFINITIONS

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2. Supervisor - Those employees assigned to a position having day-to-day responsibility for supervising subordinates or who are responsible for commanding a work element.
3. Alcohol and drug Test - The production and submission of urine by an employee, in accordance with departmental procedures, for chemical analysis to detect prohibited alcohol and drug usage.
4. Reasonable Suspicion - That quantity of proof or evidence, based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable officer based upon



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his training and experience, to suspect that the individual is or has been using alcohol and drugs while on or off duty. Reasonable suspicion is less than probable cause, but substantially more than a mere hunch. Reasonable suspicion does not exist unless the reasons for suspicion are articulable.

5. Probationary Employee - For the purposes of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the department as a law enforcement officer.

PROCEDURES/RULES

1. Prohibited Activity

The following rules shall apply to all applicants, probationary and formally vested sworn employees, while on and off duty:

No employee shall use or possess any controlled substance, as defined in Chapter 218A of the Kentucky Revised Statutes, in any manner violative of any state or federal law.

No employee shall ingest any controlled substance, as defined in Chapter 218A of the Kentucky Revised Statutes, unless as prescribed by a licensed medical practitioner and shall be in compliance with the use of medication when on duty.

Any employee who unintentionally ingests, or is made to ingest, a controlled substance shall immediately report the incident to his/her supervisor so that appropriate medical steps may be taken to ensure the officer's health and safety.

2. Applicant Alcohol and drug-Testing

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- a. Refusal to submit to a required alcohol and drug-test intended to determine the presence of any illegal alcohol and drug or controlled substance; or
- b. A confirmed positive alcohol and drug-test indicating alcohol and drug use prohibited by this policy.

3. Employee Alcohol and drug Testing/Mandatory and Random Basis

Sworn officers shall be required to take alcohol and drug tests as a condition of continued employment in order to ascertain prohibited alcohol and drug use, as provided below:

Officers involved in accidents where there is physical injury shall submit to an alcohol and drug test.

No sworn officer shall be caused to submit to random alcohol and drug-testing more than twice in a one-year period.

4. Employee Alcohol and drug-Testing/Promotion or Transfer Basis

To be eligible for any promotions within the department, or a transfer to the Alcohol and drug Enforcement/Special Investigations Branch, the Special Response Team or Alcohol and drug Interdiction work, all sworn officers shall submit to random alcohol and drug-testing on a mandatory basis.

5. Employee Alcohol and drug-Testing/"Reasonable Suspicion" Basis

Sworn officers shall be required to take alcohol and drug tests as a condition of continued employment in order to ascertain prohibited alcohol and drug use, as provided below:

Any officer having a reasonable suspicion to believe that another employee is illegally using, or in possession of, any controlled substance or alcohol shall immediately report the facts and circumstances to his supervisor or, if the supervisor is unavailable, any superior officer.

Any supervisor or superior officer who receives such a report from a subordinate shall immediately contact the suspect officer to observe his behavior and demeanor, or take any other necessary and appropriate steps to determine whether reasonable suspicion exist to suspect that the officer has violated this policy. If it is



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determined that "reasonable suspicion" exists, the following steps shall be taken immediately:

- a. The suspect officer's vehicle and all issued weapons shall be secured and the suspect officer shall not be allowed to engage in any law enforcement activity.
- b. The suspect officer's supervisor, or acting supervisor, shall be immediately apprised of all details.

It shall be the responsibility of the supervisor, or the acting supervisor, to determine whether sufficient grounds exist under the "reasonable suspicion" standard to order the suspect officer to submit to a search and/or an alcohol and drug test. An administrative search may be conducted at any time.

No officer while on duty shall refuse to submit to a search of his person or of any county property under his custody or control, including any personally owned containers found therein, upon reasonable grounds to suspect that the officer is in possession of any contraband controlled substance. If a search is ordered, the supervisor, or acting supervisor, who issued the order shall conduct the search.

If an alcohol and drug test is ordered, the supervisor, or acting supervisor, shall be responsible for adhering to the alcohol and drug-testing procedures set forth in this policy.

If the suspect officer complies with the mandated search and/or alcohol and drug test order, the officer shall be placed on non-disciplinary administrative leave with pay until such time as a final determination of policy compliance has been made.

6. Selection and Notification

Any sworn employee randomly selected is to be alcohol and drug-tested as soon as practicable, but no later than three (3) days from the time of selection.

The supervisor schedules the employee's alcohol and drug test to occur in a timely and efficient manner. No employee is to be called in from off-duty.

The supervisor notifies the employee, by telephone (not by radio), of the time and place for alcohol and drug-testing on the day testing is to occur. The employee shall have no prior warning.



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7. Alcohol and drug-Testing Procedures

The employee to be alcohol and drug-tested arrives at the time and place set by the supervisor.

Personnel authorized to administer alcohol and drug-tests shall require positive identification from the employee to be tested before the testing area is entered.

The testing personnel shall escort the employee to a private office. Here, a pre-test interview shall be conducted by testing personnel in order to ascertain and document any recent use of prescription or non-prescription alcohol and drugs, or any indirect exposure to alcohol and drugs that may result in a false positive test result.

The employee completes the medical questionnaire and signs the DT-1 form.

The testing personnel shall affix peel-and-stick labels denoting the employee's identification number to two (2) specimen containers and hand the containers to the employee.

The testing personnel shall escort the employee to the testing area - either a bathroom or an office. The testing area must be private, secure and previously-screened by the testing personnel to document that it is free of foreign substances.

The employee shall provide the urine specimen in privacy; no one will witness and no disrobing will be involved.

Where the employee appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the alcohol and drug-test report form.

The employee shall be permitted no more than eight hours to give a sample, during which time he or she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a alcohol and drug-test.



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When the employee hands the filled containers to the alcohol and drug testing personnel, they shall be immediately checked for temperature. The alcohol and drug testing personnel shall ensure that the containers are properly lidded and then seal the lids with tamper-proof tape.

The employee then ensures that his or her identification number on the containers' labels matches his or her identification number.

The testing personnel shall provide the employee a copy of the signed form and forward the list matching employee identification numbers and employee names to the Employee Assistance Program.

Whenever there is reason to believe that an employee may have altered or substituted the specimen, a second specimen shall be obtained the same day under direct observation of the alcohol and drug testing personnel.

8. Alcohol and drug-Testing Methodology

The testing or processing phase shall consist of a three-step procedure:

Initial screening test shall be conducted at Baptist North East.

Confirmation test at an independent laboratory recognized and approved by the College of American Pathologists or the National Institute of Alcohol and drug Abuse.

A second confirmation test at the Kentucky State Police Forensic Laboratories.

The urine sample is first tested using the initial alcohol and drug screening procedure. An initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending." Notification of test results shall be held until the confirmation test results are obtained.

A specimen testing positive will undergo one confirmation test and, if still testing positive, a second confirmation test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.

The alcohol and drug screening tests selected shall be capable of identifying marijuana, cocaine, and every major alcohol and drug



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of abuse including heroin and methaqualone. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.

The alcohol and drug screening shall be by immunoassay techniques. A detectable concentration of benzodiazepines, cocaine, marijuana, opiates, propoxyphene or such other alcohol and drugs determined to be subject to abuse shall be considered a positive test result.

Alcohol and drug confirmation shall be by techologically different and more sensitive technique than the alcohol and drug screening, such as gas chromatography or mass spectrometry.

The laboratories selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain-of-custody, technical expertise, and demonstrated proficiency in urinalysis.

Laboratory results shall be forwarded to the Employee Assistance Program Coordinator.

The Employee Assistance Program Coordinator shall report negative alcohol and drug test results to the employee. Employees having negative results shall receive a memorandum from the Employee Assistance Program Coordinator stating that no illegal alcohol and drugs were found. If the employee requests such, a copy of the letter shall be placed in the employee's personnel file.

The Employee Assistance Program Coordinator shall report "presumptive" positive alcohol and drug test results to the Chief of Police. "Presumptive" positive alcohol and drug test results are those results showing positive for the presence of alcohol and drugs in laboratory analyses, but which have yet not been verified by Medical Review Personnel.

The Chief of Police may authorize an immediate non-disciplinary administrative leave for an employee upon report of a "presumptive" positive result.

Employees having a "presumptive" positive result shall receive a memorandum from Medical Review Personnel instructing them to contact their office within three (3) days of receipt of the letter. A confidential meeting shall be arranged to discuss the test result. If no legal cause of the "presumptive" positive result is found, the test result shall be recorded as a positive.



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The Chief of Police shall notify the Employee Assistance Program Coordinator of the positive result, the Employee Assistance Program Coordinator shall notify the employee.

Any employee who breaches the confidentiality of testing information shall be subject to discipline.

9. Chain of Evidence - Storage

Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.

Where a positive result is confirmed, urine specimens shall be maintained in secured, refrigerated storage for an indefinite period.

10. Alcohol and drug-Test Results

All records pertaining to department-required alcohol and drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought.

Alcohol and drug test results and records shall be stored and retained by the Employee Assistance Program Coordinator for a period of two years.

11. Alcohol and drug Testing Violations

As prescribed in the alcohol and drug testing policy, failure to submit to a mandated alcohol and drug test or having a confirmed positive result from an illegal alcohol and drug or breaching the confidentiality of alcohol and drug testing information is a **Class "A"** violation of departmental policy.

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Effective Date January 1, 2000

Review Date July 24, 2001

POLICY

It is the policy of the Oldham County Police to make every effort to be in compliance with the OSHA Bloodborne Pathogen Standard 29 CFR 1910.1030. This federal standard enacts rules protecting health and safety workers from occupational exposure to blood and certain other body fluids. All officers with anticipated occupational exposure to bloodborne pathogens shall comply with the health and safety measures set forth in the Oldham County Police Bloodborne Pathogens Exposure Control Plan.

PROCEDURE

1. Prior to contact with suspected carriers of communicable disease, all officers shall:
 - a. Indicate via the HBV Vaccination Statement whether HBV vaccination is requested or declined. (Pregnant employees, or those nursing a baby, should consult with a health professional before using any drug - including this vaccine). Department supervisors shall be assisted by the agency HBV Coordinator in arranging requested HBV vaccination for all sworn personnel under their command, at no cost to the officers. The agency HBV Coordinator shall implement record keeping in coordination with OSHA regulations.
 - b. Undergo annual training on occupational exposure to bloodborne pathogens, at no cost to the officers. The agency HBV Coordinator shall implement training in Coordination with the Academy and in compliance with OSHA regulations.
 - c. Have reasonable access to the personal protective clothing and gear necessary to reduce or eliminate occupational exposure to bloodborne pathogens, at no cost to the officers. The agency HBV Coordinator shall implement the purchase and distribution of personal protective equipment in coordination with OSHA regulations.
2. During contact with suspected carriers of communicable disease, all officers shall:
 - a. Handle suspects with disposable rubber gloves.

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Review Date July 24, 2001

- b. Protect open wounds and skin breakage with dry and clean bandaging.
 - c. Avoid possibilities of skin puncture. Do not attempt to pick up or manipulate sharp objects by hand. Consider all sharp objects to be potentially infective.
 - d. Safeguard syringes and other sharp object evidence in puncture-resistant containers. (Syringes must be delivered to the appropriate laboratory in person, and never by mail. The Forensic Laboratory Section shall not examine syringes unless requested in writing by the prosecutor.)
 - e. Utilize facemasks with a one-way air valve for mouth-to-mouth resuscitation.
 - f. Utilize disposable gowns, masks, eye coverings and any personal protective equipment necessary when exposure to bloodborne pathogens is risked, e.g., at certain murder, suicide, or accident scenes, and at autopsies.
3. Subsequent to contact with suspected carriers of communicable disease, all officers shall:
- a. Thoroughly wash contaminated skin with rubbing alcohol or soap and water. Use gloves, if practical.
 - b. Using gloves and/or other personal protective equipment, disinfect contaminated non-disposal equipment with bleach. Disinfect contaminated clothing via normal laundering - again utilizing personal protective equipment.
 - c. Remove contaminated disposable gear to plastic bags. Soak the gear in bleach. Secure the plastic bags and dispose of normally.
 - d. Report the contact to the agency HBV Coordinator. At no cost to the officers, confidential post-exposure medical evaluation, follow-up, and counseling shall be arranged by the agency HBV Coordinator in compliance with OSHA regulations.

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HEPATITIS B VIRUS (HBV) VACCINATION STATEMENT

circle one

YES

o

NO

o

o

I am requesting HBV
vaccination.

o

I am declining HBV

o

vaccination at this time.

o

I understand that due to my

o

occupational hazard of

o

exposure to blood or other

o

potentially-infectious

o

material, I risk acquiring

o

HBV - a serious disease.

o

o

o

Name _____

o

Name _____

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Rank _____

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Rank _____

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Date _____

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Date _____

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Oldham County Police Department

Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

The members of the Oldham County Police have an individual and organizational responsibility to be physically fit. An officer's duties are mentally and physically demanding as well as serious in consequence. Officers must be able to respond to stressful and violent confrontations in an appropriate manner in order to avoid unnecessary injury or death to an individual officer or the public.

Of the values the Oldham County Police adhere to, that of personal responsibility demands we develop and maintain habits and a lifestyle for ourselves which are suited in meeting the vigor's of our profession. Exercise and proper diet directly affect our professional competence and work ethic. All members of the Department shall maintain a fitness level as prescribed for them by the Oldham County Police Physical Assessment and Agility Testing Program.

The intent of the Physical Assessment and Agility Testing Program is to enhance the image of the Oldham County Police and to improve the physical health and wellness of its officers. Keeping this foremost in mind, the Oldham County Police intends to create a positive environment of physical fitness by recognizing members of this department who work to maintain or increase their personal health standards.

PROCEDURE

1. Every KRS 70.540 sworn officer of the Department shall participate in the Physical Fitness Assessment and Agility Testing Program. Members will be given an assessment of their fitness level.
2. The Chief of Police or his designee shall be designated the Program Coordinator of the Physical Fitness Assessment and Agility Testing Program. The program coordinator shall implement and oversee the testing process and insure that proper documentation is maintained on each member. All program records shall be deemed confidential in nature and not open for public review.
3. Each member shall be tested in five (5) prescribed areas:

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- a. Health Assessment.
- b. Personal Facts and Information.
- c. Strength.
- d. Endurance.
- e. Flexibility.

No other area of testing shall be utilized when determining the fitness and wellness of an individual member.

4. Members shall adhere to weight requirements set forth in the Physical Assessment and Agility Testing Program. Body fat composition shall be maintained at limits derived from the Aerobics Institute norms and set by the Assessment Administrator.
5. Cardiovascular fitness and aerobic capacity "acceptable" levels in the areas of strength, endurance, and flexibility shall be determined at the annual physical assessment.

The methodology for maintaining or improving cardiovascular fitness and aerobic capacity shall be left to the discretion of the individual officer. The Assessment Administrator's Staff may provide guidance and instruction in the improvement of cardiovascular fitness and aerobic capacity.

6. Although initial compliance with the guidelines set forth under Procedure Four (4) and Five (5) is not mandatory, all officers will be expected to meet the minimum standards within twelve (12) months of their initial fitness assessment and testing.

A six (6) month extension may be granted by the Chief of Police after review by appropriate staff for individuals who have failed to meet the prescribed standards but have made significant strides toward achieving their prescribed minimum standards.

7. Members failing to comply with the weight/body fat composition and/or cardiovascular/aerobic capacity standards may be subject to remedial fitness training and assistance programs. Further action may be initiated if warranted on an individual basis.

Beginning on the effective date of this program, all officers shall be allowed to utilize up to two (2) hours of on-duty time per week to maintain their physical fitness level. You must

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specify your training program in writing prior to the utilization of on-duty time and it must be approved by the commanding officer. The scheduling of on-duty physical fitness time shall be coordinated by a supervisor and shall consist of no more than one (1) hour per day. On-duty physical fitness may be revoked by the commanding officer for cause.

Members who are on probationary status shall have their physical fitness assessed prior to their achieving permanent status. A probationary member's failure to maintain acceptable levels in weight/body fat composition, and cardiovascular/aerobic capacity may be deemed grounds for dismissal.

Members who suffer from a physical disability or assigned to administrative duty as a result of a hazardous duty injury may be exempt from participation in the Physical Assessment and Agility Testing Program by the Chief of Police. In order to obtain an exemption, you will be required to present medical documentation regarding your disability and may be required to undergo a physical examination designed to determine fitness for duty.

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Effective Date January 1, 2000
Review Date January 1, 2000

POLICY

The Oldham County Police Department shall comply with stated OSHA regulations to ensure, so far as is possible, safe and healthful working conditions for all employees. The agency shall educate employees concerning hazardous chemical use and involvement in the work place under both normal and emergency situations. The Properties Management Section commander shall be the agency safety officer.

PROCEDURE

Supervisors, or their designees shall determine if hazardous chemicals are stored or used at their work station and shall: prepare a list of the hazardous chemicals used or stored; maintain a Material Safety Data Sheet (MSDS) for each hazardous chemical; ensure that all hazardous chemicals are labeled to identify the chemical, its potential hazards and the name and address of the manufacturer; provide continuous training to employees on potential problems of hazardous chemicals; notify contractors of any hazardous chemicals present in the work station and determine if any hazardous chemical was brought by them onto the agency work station; ensure that required OSHA signs are posted; and maintain relevant reference materials for access by employees.

LIST OF HAZARDOUS CHEMICALS

Supervisors, or their designees, shall maintain a current list of all hazardous chemicals and associated work practices in their workstation. The list shall be posted in the work area and shall identify the corresponding MSDS for each hazardous chemical in that work area. A master list of these chemicals shall be maintained and be available from the agency safety officer.

MATERIAL SAFETY DATA SHEET

The Material Safety Data Sheet (MSDS) provides specific information on hazardous chemicals in use. The department safety officer shall maintain a binder with an MSDS for all hazardous chemicals used or stored at the workstation. The MSDS shall be an OSHA Form 174 or its equivalent. The department safety officer shall maintain an MSDS for all hazardous chemicals present at each affected work area. He shall be responsible for acquiring and

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updating each MSDS. He shall contact the manufacturer or vendor of the chemical if an MSDS is not supplied with the chemical or if additional information is needed.

LABELS AND WARNINGS

Supervisors, or their designees, shall ensure that all hazardous chemicals at their workstation are properly labeled. Labels shall contain the following minimum information: the chemical identity; the appropriate hazard warnings; and the name and address of the manufacturer, importer, or other responsible party. The corresponding MSDS may be referenced to verify label information. All containers shall have the proper labels attached.

Containers of hazardous chemicals transported from the workstation shall be checked to verify proper labeling. Hazardous chemicals transferred from a labeled container to a portable container for an employee's immediate and temporary use does not require labels. Pipes or piping systems do not require labels, but their contents and potential hazards shall be described in training sessions.

TRAINING

Employees with potential exposure to hazardous chemicals shall receive: initial training, training updates, and training on the safe use of all hazardous chemicals at the workstation. When performing non-routine hazardous tasks involving hazardous chemicals, (i.e., cleaning tanks, entering confined spaces, etc.), a special training session shall be conducted regarding potential hazards associated with the chemical and proper precautions taken to reduce or avoid the hazard.

Supervisors shall be trained regarding the hazards of chemical exposure and appropriate protective measures so as to be able to answer employee questions and provide daily monitoring of safe work practices.

Training programs shall emphasize the following topics: a summary of the agency policy and procedure; the chemical and physical properties of hazardous materials, (e.g., flash point, reactivity), and the means to be used to detect the presence or release of chemicals including those in unlabeled pipes; physical hazards of chemicals, (e.g., potential for fire, explosion);

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health hazards, including signs and symptoms of exposure associated with exposure to hazardous chemicals and medical conditions known to be aggravated by exposure to hazardous chemicals; procedures to protect against hazards, (e.g., personal protective equipment); work practices involving use of chemicals, emergency responses, and cleaning of hazardous chemical spills and leaks); and how to interpret MSDS labels and information.

Supervisors, or their designees, shall document all employee training. The department safety officer shall periodically review employee-training programs and advise the commander of retraining needs. Retraining is required when the hazard associated with the hazardous chemical changes or a new hazardous age 2 of 3 chemical is introduced. Periodic training shall be provided in safety meetings to ensure the effectiveness of the program. Department safety officers shall obtain assessment from employees regarding the training received and their suggestions for its improvement.

CONTRACTOR EMPLOYEES

Supervisors, or their designees, shall personally advise outside contractors of: hazardous chemicals that may be encountered during the course of their work at the work station, the labeling system of chemicals, protective measures to be used, and the location of each appropriate MSDS. Each contractor bringing hazardous chemicals into an agency work station must provide the department safety officer or his designee with the appropriate information on these substances, including information labels and precautionary measures to be taking in working with these hazardous chemicals.

POSTING OF HAZARDOUS CHEMICAL SAFETY NOTICES

Supervisors, or their designees, shall post all appropriate notices furnished by the Labor Cabinet, Department of Work place Standards. These notices inform agency employees of the protection and obligations provided in KRS 338, and how to obtain assistance and information from their employer or the Department of Work place Standards. These notices shall be posted at each workstation in a conspicuous place or places where notices to employees are customarily posted. Each employee shall take steps to ensure that these notices are not altered or covered. An MSDS glossary shall be posted in each area where

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hazardous chemicals are used.

HAZARDOUS CHEMICAL SAFETY REFERENCES

The department safety officer shall maintain a copy of the Federal OSHA Regulations (29 CFR 1910.1200), the Kentucky OSHA Regulations (803 KAR 2), and appropriate reference material related to hazardous chemical use in the work place at each workstation. These materials shall be available for use on a continuous basis.

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Review Date January 1, 2000

POLICY

It shall be the policy of the Oldham County Police Department to promote a safe working environment by compliance with KRS 338.031, 803 KAR 2:307, and 29 CFR 1910.120. In the performance of their duties, officers and employees are likely to witness or discover a hazardous substance release. Officers and designated personnel shall respond to such situations in a defensive manner and only within the scope of their training.

TRAINING

Officers and designated employees likely to witness or discover a hazardous substance release shall receive the following training:

1. First Responder Operations Level - All officers and designated employees shall be certified as receiving an initial six (6) hours of training or have sufficient experience to demonstrate competency on the hazardous substance awareness and operations level as set forth in 29 CFR 1910.120.
2. Hazardous Materials Technician - Officers and employees assigned to the special response team, bomb technicians, and environmental crimes coordinator, shall be certified as receiving an initial forty (40) hours of training, or have sufficient experience to demonstrate competency on the hazardous substance awareness and operations level and additional requirements as set forth in 29 CFR 1910.120.

All officers and designated employees shall receive annual refresher training to maintain their competency in their designated areas.

MEDICAL SURVEILLANCE AND CONSULTATION

Employees designated as hazardous materials technicians shall receive an annual baseline physical examination and be provided with medical surveillance as set forth in 29 CFR 1910.120. Any officer or designated employee who exhibits signs or symptoms which may have resulted from exposure to hazardous substances

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shall be provided with medical consultation as set forth in 29 CFR 1910.120.

RESPONSE PROCEDURE

Officers and designated employees shall respond to hazardous substance releases in accordance with Annex "Q" of the Kentucky Emergency Operations Plan Manual in a defensive fashion within the limits of their training.

The Chief of Police and the Assistant Chief of Police shall be notified immediately and shall dispatch a uniform field sergeant or other supervisor to the scene to coordinate action with other responding agencies.

Any action taken at the scene shall be on a joint decision of participating agencies in accordance with Annex "Q" of the Kentucky Emergency Operations Plan Manual.

The Chief of Police or the Assistant Chief of Police may dispatch the department public affairs officer to the scene to coordinate with the media in accordance with General Order OM-F-2, OM-F-3, and OM-F-4, as they may apply.

REPORTS

A copy of all reports involving officer or employee exposure to a hazardous substance shall be submitted to the Hazardous Materials Coordinator.

Oldham County Police Department

Effective Date January 1, 2000

Review Date March 16, 2001

POLICY

It is the policy of this department to protect employees and visitors from the unhealthy secondary impact of cigarette, cigar or pipe smoke. Therefore, smoking inside the Oldham County Police Department shall be prohibited.

Oldham County Police Department

Effective Date December 8, 2000
Review Date December 8, 2000

POLICY

The Oldham County Attorneys Office provides legal advice for the Oldham County Police Department. Any matter relating to department matters should be referred there.

PROCEDURE

All Oldham County Police Department personnel requesting legal opinions from the Oldham County Attorney or the Kentucky Attorney General will follow the below listed procedure.

1. All requests will be submitted in written memorandum style to the Oldham County Attorney and or Kentucky Attorney General.
2. The memorandum will be forwarded to a Command Officer and a copy of the memorandum will be forwarded through the Chain of Command.
3. It will be the responsibility of the Command Officer to forward a copy of the request to the County Attorney and or the Kentucky Attorney General and have a copy of the request placed in general file.

Oldham County Police Department

Effective Date March 13, 2001

Review Date October 29, 2001

POLICY

To establish a procedure and guidelines for the filing and resolution of employee grievances.

DEFINITIONS

1. Any employee who believes he or she has been adversely affected by an act or decision of a supervisor, command officer, or managerial officer has the right to process a grievance in accordance with the following procedure.
2. The purpose of these grievance procedures is to expedite the handling of complaints and is not intended to confer additional or supplemental rights to an employee that he or she would not otherwise be entitled to.

PROCEDURE

The Chief of Police shall recognize and deal with the employees of the Department for the adjustment of any non-disciplinary grievance. A grievance may include an issue of a personal nature relating to a problem between members; an issue of technical nature relating to department county policy or procedures, including the proper application or interpretation of personnel policies, procedures, rules and regulations; acts of reprisal for using the grievance procedures; or for participation in the grievance of another employee; or, any other issue which is not precluded from the grievance process. Disciplinary appeals are not considered in the grievance process and are subject to those conditions set forth in the Oldham County Police Merit Board Manual. The filing and processing of grievances shall be as follows:

1. When an officer or employee has a grievance, he or she shall verbally discuss the matter with his or her immediate supervisor and attempt to resolve the problem.
 - a. The grievance shall be presented by the employee to his/her immediate supervisor within ten (10) days of the event giving rise to the grievance.
 - b. After a full disclosure of the facts, the supervisor must make every effort to reach a satisfactory settlement to the aggrieved employee within three (3) working days.
2. The aggrieved employee shall resume his/her regular duties after filing said grievance.

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Effective Date March 13, 2001

Review Date October 29, 2001

3. If the grievance cannot be resolved through verbal discussion with the immediate supervisor, the aggrieved employee may within ten (10) days after the discussion between the grievant and the supervisor, forward the grievance in writing to the Assistant Chief of Police to which the employee is assigned.

Said grievance shall include:

- a. Written statement of the grievance and the information upon which it is based.
 - b. Written specification of the alleged wrongful act and resultant harm.
 - c. Written description of the remedy, adjustment, or other corrective action sought.
 - d. Once the grievance has been reduced to writing, no material change may be made in the subject matter of the grievance.
4. The Assistant Chief of Police upon receiving the grievance shall:
 - a. Have the supervisor involved in the grievance submit in writing his/her opinion and reasons to answer the employee's grievance.
 - b. Respond to the employee's grievance in writing outlining his/her opinion as to the validity of the employee's grievance, reasons for his/her opinion, and description of the remedy, adjustment or other corrective action sought, within fifteen (15) working days of receiving the grievance.
 5. If this settlement is not mutually agreeable, then the aggrieved employee may, within ten (10) working days after the aggrieved employee receives his/her reply from the command officer, forward the grievance to the Chief of Police for his/her attempt at a satisfactory settlement or adjustment.
 6. The Chief of Police upon receiving the grievance shall:
 - a. Have the command officer involved in the grievance submit in writing his/her opinion and reasons to answer the employee's grievance.
 - b. Respond to the employee's grievance in writing outlining his/her opinion as to the validity of the employee's grievance, reasons for his/her opinion and the description of the remedy, adjustment

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Effective Date March 13, 2001

Review Date October 29, 2001

or other corrective action sought, within ten (10) working days of receiving the grievance.

7. If the Chief of Police cannot resolve the grievance, the aggrieved employee may, within five (5) days after the grievant receives his/her reply from the Chief of Police, forward the grievance to the Oldham County Human Resource Director.
8. In the event the grievance is still unresolved, a meeting with the County Judge/Executive, County Administrator, Police Chief, and employee may be arranged within ten (10) working days after the grievant receives his/her reply from the County Resource Director, with signed statements from both the employee and the Chief of Police relating to the grievance in question. This meeting would be at the discretion of the County Judge/Executive.
9. The decision of the Oldham County Judge/Executive regarding such grievance shall be final and binding and not subject to appeal unless otherwise permitted by law.
10. Employees are directed to the time limits contained in this Policy. Should the employee, at any step, fail to adhere to the time limits provided, the grievance shall be considered waived by the employee and shall not be considered further.
 - a. Time limits set forth herein may be extended provided both parties in writing agree such extension to.
11. The employee that has filed the grievance has the right to be represented by lawful counsel at each step of the process. The employee filing the grievance shall be deemed responsible for that counsel's compensations.
12. Grievances, and all documents pertaining to same, shall be forwarded to the Chief of Police upon resolution for filing and maintenance.

E. Emergency Conditions

1. Where there is an emergency condition, upon mutual agreement between the parties, any step or steps in this procedure may be combined and/or accelerated to resolve the grievance.

F. Applicability

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Effective Date March 13, 2001

Review Date October 29, 2001

1. These grievance procedures shall not apply to the termination of an employee for any reason.
2. Grievance procedures are established in order to expedite matters and are permissive rather than mandatory.



Oldham County Police Department



Effective Date October 25, 2001
Revision Date November 13, 2001

POLICY

It is the policy of the Oldham County Police to make every effort in protecting health and safety workers from occupational exposure to anthrax. All personnel with anticipated occupational exposure to anthrax shall comply with the health and safety measures set forth in the Oldham County Police Anthrax Organisms Exposure Control Plan.

Each employee should become familiar with this procedure and utilize it. By doing so, we can help protect ourselves and others against the threat of biological agents.

Anthrax is not spread from one person to another person.

Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do so, the organism must be rubbed into abraded skin, swallowed, or inhaled as a fine, aerosolized mist. Disease can be prevented after exposure to the anthrax spores by early treatment with the appropriate antibiotics.

For anthrax to be effective as a covert agent, it must be aerosolized into very small particles. This is difficult to do, and requires a great deal of technical skill and special equipment. If these small particles are inhaled, life-threatening lung infection can occur, but prompt recognition and treatment are effective.

IDENTIFY

How to identify suspicious letters and packages:

1. Excessive postage.
2. Excessive security material such as masking tape, string, etc.
3. Excessive weight.
4. Handwritten or poorly typed addresses.
5. Incorrect titles.
6. Lopsided or uneven envelope.
7. Marked with restrictive endorsements, such as "Personal" or "Confidential".
8. Misspellings of common words.
9. No return addresses.
10. Oily stains, discolorations.



Oldham County Police Department



Effective Date October 25, 2001

Revision Date November 13, 2001

11. Protruding wires or aluminum foil.
12. Ticking sound.
13. Title, but no name.
14. Shows a city or state in the postmark that does not match the return address.
15. Visual distractions

PROCEDURE

If you receive a suspicious unopened letter or package or receive a letter of package marked with a threatening message:

1. Utilize a protective filter mask (**not the mask from the blood borne pathogen kit**) and latex gloves.
2. Do not shake or empty the contents of any suspicious envelope or package.
3. Place the envelope in a plastic bag or some other type of container to prevent leakage of contents.
4. If you do not have a container, back out and call for fire department.
5. Then leave the room and close the door, or section off the area to prevent others from entering.
6. Wash your hands with soap and water to prevent spreading and powder to your face.
7. List all people who were in the room or the area when this suspicious letter or package was discovered.
8. Notify your immediate supervisor, Oldham County Emergency Management, the Oldham County Health Department and the Louisville Field office of the FBI.

If you receive an envelope or package containing a powder or aerosol substance and the powder or substance spills out:

1. Do not try to clean up the powder or substance.
2. Then leave the room and close the door, or section off the area to prevent others from entering.
3. Wash your hands with soap and water to prevent spreading any powder or the substance from spreading to your face.
4. Remove heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed.
5. Shower with soap and water as soon as possible. Do not use bleach or other disinfectant on your skin.



Oldham County Police Department



Effective Date October 25, 2001

Revision Date November 13, 2001

6. If possible, list all people who were in the room or area, especially those who had actual contact with the powder.
7. Notify your immediate supervisor, Oldham County Emergency Management, the Oldham County Health Department and the Louisville Field office of the FBI.

If you suspect a room or building has been contaminated by an aerosol solution:

1. Turn off fans or ventilation units in the area.
2. Leave the area immediately.
3. Close the door, or section off the area to prevent others from entering.
4. Shut down the air conditioning and heating systems in the building.
5. If possible, list all people who were in the room or area.

TRANSPORTATION

Before transporting any type of package that may have been opened, contact the fire department, who will take samples of the product, deacon it and then give the police department a sample of the product to take to the lab.

Once the envelope or package is obtained from the fire department it must be transported to the Kentucky Services Laboratory, Suite 204, of the Centralized Lab Building, Frankfort, Kentucky.

Officers shall complete an incident report and a KSP 41, using violation code 800549, KRS ***.***, if no other criminal statute violations are evident, detailing the incident.

NOTIFICATION

Notify Kentucky State Police Headquarters (502) 695-6300 or (502) 695-6380, 24 hours a day, seven days a week, so that the information can be disseminated on a statewide basis; which will include notification to the Emergency Operations Center.



Oldham County Police Department



Effective Date October 25, 2001
Revision Date November 13, 2001

POLICY

It is the policy of the Oldham County Police to make every effort in protecting health and safety workers from occupational exposure to anthrax. All personnel with anticipated occupational exposure to anthrax shall comply with the health and safety measures set forth in the Oldham County Police Anthrax Organisms Exposure Control Plan.

Each employee should become familiar with this procedure and utilize it. By doing so, we can help protect ourselves and others against the threat of biological agents.

Anthrax is not spread from one person to another person.

Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do so, the organism must be rubbed into abraded skin, swallowed, or inhaled as a fine, aerosolized mist. Disease can be prevented after exposure to the anthrax spores by early treatment with the appropriate antibiotics.

For anthrax to be effective as a covert agent, it must be aerosolized into very small particles. This is difficult to do, and requires a great deal of technical skill and special equipment. If these small particles are inhaled, life-threatening lung infection can occur, but prompt recognition and treatment are effective.

IDENTIFY

How to identify suspicious letters and packages:

1. Excessive postage.
2. Excessive security material such as masking tape, string, etc.
3. Excessive weight.
4. Handwritten or poorly typed addresses.
5. Incorrect titles.
6. Lopsided or uneven envelope.
7. Marked with restrictive endorsements, such as "Personal" or "Confidential".
8. Misspellings of common words.
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Oldham County Police Department



Effective Date October 25, 2001
Revision Date November 13, 2001

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Oldham County Police Department



Effective Date October 25, 2001

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Oldham County Police Department

Effective Date January 1, 2000
Review Date February 10, 2003

PHILOSOPHY OF LEADERSHIP

The philosophy of the department leadership is to create an organized work environment in which our mission success is all but guaranteed. This environment is created through implementing our mission statement in the following manner:

LEADERSHIP

The management plan of the Oldham County Police Department requires that our leaders provide organizational vision to departmental members and the people we serve through:

- A positive attitude and a desire for action - optimistic commitment to our mission and goals which is demonstrated by constantly searching for opportunities to improve the department.
- Hands-on leadership - Remaining close to the essential activities of the agency and to the people who perform them.
- Professionalism and dedication - Providing reinforcement and support to those individuals who offer contributions to a work environment that reflects dedication to departmental values.

COORDINATION

Our leaders serve the department when they create an enthusiastic and dedicated commitment within their fellow employees toward accomplishing our mission through:

- Success through people - Promoting the desire in all departmental members to put forth their best effort by recognizing and celebrating their individual contributions.
- Synergism of action - Recognizing that more can be accomplished when individual actions are taken cooperatively rather than separately.

Oldham County Police Department

Effective Date January 1, 2000
Review Date February 10, 2003

VALUES

The Oldham County Police Department has been entrusted with duties and responsibilities to preserve protect and defend our citizens and property and maintain social order. This public trust mandates that all members exemplify the highest standard of conduct both on and off duty.

Departmental members shall uphold all laws and function in an ethical, courteous, impartial and professional manner while respecting the rights and dignity of all persons.

MISSION

The Oldham County Police Department shall:

- Maintain the highest standards of professional excellence.
- Provide 24-hour services to people within the Oldham County.
- Deter criminal activity and seek, detect, and arrest offenders of the law.
- Enhance traffic safety, deter motor vehicle crashes, and enforce the Kentucky Vehicle Licensing and Regulation Statutes.
- Maximize compliance with state laws and administrative rules.
- Provide support services to meet law enforcement and emergency needs.
- Provide the expertise and resources to educate the public in life safety, crime prevention, and drug resistance.

The primary responsibility of our leaders is providing law enforcement and support services to the people they serve through:

- Quality of service - Acknowledging the needs of those we serve and demonstrating a willingness to be of service.

Oldham County Police Department

Effective Date January 1, 2000
Review Date February 10, 2003

- Commitment to responsibility - Ensuring that all members of the department understand the importance of their individual roles to the accomplishment of the department's mission.
- Ensuring there is a two-way flow of communication within the department so new ideas have an opportunity to flourish.

Oldham County Police Department

Effective Date January 1, 2000

Review Date January 1, 2000

The Oldham County Police Manual shall contain those directives which refer to the administrative and operation policies of the Oldham County Police Department.

POLICY

The Oldham County Police Department seeks the accomplishment of common goals by exercising and strengthening individual responsibility within an organizational framework.

1. The issuance of and instructions for maintenance and use of the Oldham County Police Manual are intended to aid each officer in developing and using the store of reference information.
2. Proper maintenance and use of issued binders, written directives and reference material is the responsibility of each individual officer.
3. Manual binders and contents remain the property of this agency and are subject to inspection.

RESPONSIBILITY FOR DISTRIBUTION AND UPDATING

1. All revisions of this Manual shall be issued over the signature of the Chief of Police.
2. Distribution of approved revisions of the Manual shall be the responsibility of the Assistant Chief of Police.
3. Revisions shall be sent to each officer/employee issued a copy of the Manual.

Whenever the masculine gender is used in this Manual, it is used for succinctness and is intended in a generic sense to include both the male and female gender. Whenever the term "Department" is used, it is intended to mean the Oldham County Police Department.

Oldham County Police Department

Effective Date January 1, 2000

Review Date January 1, 2000

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 men 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 regulations of the agency. 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 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 or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as public trust to be held as long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, law enforcement.

Oldham County Police Department

Effective Date January 1, 2000

Review Date January 1, 2000

POLICY

It shall be the duty of the Chief of Police and each officer of the agency to detect and prevent crime, apprehend criminals, maintain law and order throughout Oldham County...and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth.

PROCEDURES

If the agency is to fulfill the countywide jurisdictional obligations, operational procedures must be developed and implemented that will establish uniform guidelines governing County Police response in meeting the law enforcement needs of the citizens of this Commonwealth.

1. The department shall make every reasonable effort to respond to all calls for assistance that require police attention that occur in any unincorporated area of this county.
2. The agency can ill afford assuming a non-responsive attitude by refusing to initiate County Police action upon receiving complaint calls, be they traffic or otherwise, from the citizens that live in these rural areas of the county.

Oldham County Police Department

Effective Date June 22, 2000

Review Date June 22, 2000

POLICY

This section will grant the Oldham County Police Department the authority to establish a volunteer chaplains' program. The purpose of the chaplains' program is to provide twenty four hour, seven day per week spiritual guidance and counseling to any member of the Agency or his or her family needs based on the need and desire of it. It is not intended to replace the individual's own clergyman.

The volunteer chaplains' program will be designed to assist police and persons in the community through a field service ministry. This program will 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.

The chaplain shall be permitted and is encouraged to ride with any officer on any shift. The chaplain does not need prior approval to ride.

QUALIFICATIONS FOR APPOINTMENT

1. Be an ordained, licensed, or certified clergy in good standing and endorsed as a chaplain by a recognized religious denomination.
2. Present proof of certification to the department of his or her church affiliation.
3. Maintain high and moral standards.
4. Be able to commit the required time.

EQUIPMENT

The chaplain shall be issued the following items:

1. Department pager.
2. Portable radio.
3. One class "A" summer and winter uniform.
4. One class "A" summer and winter uniform hat.
5. One uniform breast badge.
6. One pair of class "A" Uniform shoes.
7. One Class "A" uniform belt.
8. Collar brass
9. Name plate.
10. Servicing since plate.

Oldham County Police Department

Effective Date June 22, 2000

Review Date June 22, 2000

DUTIES

As part of his or her official duty with the Agency, the chaplain is expected to perform the following duties as requested by a police officer.

1. Death notification.
2. Respond to a accident or crime scene.
3. Domestic violence situations.
4. Child abuse situations.
5. Assisting officers with transients.
6. Counsel confused or suicidal persons.
7. Provide liaison with other religious leaders of the community.

Oldham County Police Department

Effective Date March 1, 1999
Review Date October 31, 2000

POLICY

The Oldham County Police shall respond to those requests for police service as rapidly as possible, consider the nature of the request and available officers.

PROCEDURE

It is not always possible for the agency to respond to every call for service; therefore, the supervisor must organize every available resource to give the highest level of efficient service possible. Priority of call assignment is not the responsibility of communications personnel.

Officers must guard against indifference to "routine calls," showing the complainant that they are interested in the problem. Keep in mind that even non-enforcement action taken may help to develop strong community support. County Police officers, upon receipt of a complaint or request for service, shall obtain the following data whenever possible:

1. Name of the person requesting police service.
2. Address.
3. Phone number.
4. Facts concerning the incident.

The officer shall report such data to the radio dispatcher. The officer's disposition of the incident shall also be reported.

EMERGENCY REQUEST

Incidents of an emergency nature shall receive immediate response from uniform officers. The first officer at the scene shall:

Take appropriate action to save a human life whenever possible.

Take any appropriate action to alleviate the situation, if possible.

Notify Oldham County Dispatch as soon as possible, stating the immediate needs for ambulances, wreckers or other specialized equipment.

The radio dispatcher shall notify the department supervisor if circumstances are such that considerable time will be required or special equipment is needed.

NON-EMERGENCY REQUEST

The Oldham County Police Department shall respond to a request for non-emergency police service as rapidly as possible, considering the nature of the request and available officers.

Oldham County Police Department

Effective Date March 1, 1999
Review Date October 31, 2000

RESPONSE TO COMPLAINTS

If a person calls the County Police department requesting police assistance, that request shall be dispatched to the closest available officer. If no officer is available, that request for police service should be directed to the department supervisor who shall make a decision as to what action to take.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

A peace officer may make an arrest in obedience to a warrant or without a warrant when a felony or misdemeanor is committed in the officer's presence or when there are reasonable grounds to believe that the person being arrested has committed a felony. Officers will not make arrests for offenses designated as violations except under the circumstances specified in this section. (See also OM-D-2, page 2)

REQUISITES FOR A WARRANT

Refer to RCr 2.06 - Criminal Law of Kentucky.

EXECUTION OF WARRANTS

Refer to RCr 2.10; KRS 431.005; 440.280 - Criminal Law of Kentucky.

ACT OF ARREST

Refer to KRS 431.025 - Criminal Law of Kentucky.

RIGHT TO SEARCH

An officer has the right and duty to search the person arrested for dangerous weapons, stolen property and other articles, the possession of which is unlawful in itself or for evidence to be used in a trial of the offense charged.

The right to stop and frisk exists where the officer conducting the search has reason to believe that he is dealing with an armed and dangerous individual, regardless of whether the officer has probable cause to arrest the individual for a crime. The sole justification of the frisk is the protection of the police officer and others nearby, and it must be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs or other hidden instruments for the assault of the police officer. The prevention of a possible disappearance or destruction of evidence of a crime does not justify a stop and frisk.

ARREST IN ANOTHER COUNTY

Refer to RCr 3.02 - Criminal Law of Kentucky.

CRIMINAL SUMMONS

Refer to RCr 2.04, 2.06; KRS 431.410 - Criminal Law of Kentucky.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

SUMMONS, EXECUTION AND SERVICES

Refer to RCr 2.10, 2.12 - Criminal Law of Kentucky.

SUMMONS RETURN

Refer to RCr 2.12 - Criminal Law of Kentucky.

CITATION FOR MISDEMEANOR OR VIOLATION

Refer to KRS 431.015, 431.410 - Criminal Law of Kentucky.

DEFECTIVE WARRANT, SUMMONS OR CITATION

Refer to RCr 2.08, 3.13 - Criminal Law of Kentucky.

COMPLAINT

Refer to RCr 2.02 - Criminal Law of Kentucky.



Oldham County Police Department

Effective Date March 1, 1999
Review Date October 29, 2004



POLICY

Chemical agents may be used by officers in situations where use of force is authorized.

GENERAL USE OF CHEMICAL AGENTS

An officer shall possess and shall use a chemical agent only if it is issued by the Department and only after receiving Department training in the use of that chemical agent.

SPECIFIC USE OF OLEORESIN CAPSICUM (OC)

OC is an organic substance found in such plants as cayenne pepper. OC is a naturally occurring inflammatory agent which, when sprayed, can temporarily incapacitate a subject via swelling of the mucous membranes.

1. The OC canister shall be shaken vigorously when first acquired, and at least once a month thereafter. The OC canister shall not be placed near open flame, or exposed to excessive heat or prolonged sunlight.
2. The OC canister shall be carried on the uniform belt immediately to the rear of the pistol holster or between the portable radio carrier forward to the belt buckle.
3. OC spray shall be used whenever a subject exhibits combative resistance and uses of lesser force are inapplicable or ineffective. If possible, before using OC spray the subject should be warned that unless he complies with the officer's directives, he will be sprayed with the OC spray.
4. The effective range of OC spray is 10 to 12 feet. The target area is the bridge of the nose. Vertical spray technique is preferred in one-to-one confrontations and horizontal spray technique is preferred against multiple subjects. A one-second spray to the face will usually produce effective results. Additional sprays or other uses of force may be required if the subject remains aggressive and does not respond to verbal commands.
5. OC has instantaneous effect. Contact with OC will cause:
 - (a) Swelling and involuntary shutting of the eyes.
 - (b) Coughing, gagging, and gasping for breath or nausea.
 - (c) Intense burning sensation.
 - (d) Emotional anxiety and/or panic.
6. After a subject has been sprayed, he should be given a verbal order to assume a standing or prone handcuffing position. An officer shall assure the subject of appropriate after-care treatment, as necessary, and that the OC effects will shortly dissipate. An officer shall then handcuff and search the subject.



Oldham County Police Department

Effective Date March 1, 1999
Review Date October 29, 2004



7. After-care of the subject is achieved by exposing him to fresh air and, when possible, flushing the sprayed areas with cool water. Contact lenses should be removed and cleaned. Affected clothing should be removed, as appropriate.
8. A water dispenser (one-quart minimum, with spray applicator) shall be carried in an officer's cruiser for the purpose of immediately relieving the OC effects. Paper towels and plastic trash bags may be carried in an officer's cruiser for the purpose of OC clean up and contaminant disposal. Department supervisors are authorized to secure these supplies.
9. Under normal circumstances, all OC effects on the subject should disappear within forty-five (45) minutes. If symptoms persist, medical attention shall be sought for the subject.

When an arrest is made resulting in the use of force, the officer who signs the post arrest form will complete the Use of Defensive Tactics Report Form (OCP form 87) and forward it through channels. The use force is defined as any physical force that is necessary to affect the arrest, the use of a chemical agent, ASP baton, or the use of deadly force.

Note: Policy authorizing an officer to use the OC spray does not prohibit him from using physical force or deadly physical force prior to using or not using the OC spray on a subject.



Oldham County Police Department

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Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

All prisoners physically arrested shall be searched incidental to the arrest and any incriminating evidence and weapons taken from them.

PROCEDURE

All property taken from such prisoners and considered to be evidence shall be properly identified and shall not be released except by proper authority.

A second officer, or some other reliable person, should be present, if possible, when searching a prisoner of the opposite sex.

STRIP AND BODY CAVITY SEARCHES

No officer shall conduct or participate in a strip search or body cavity search of any arrestee unless there is a clear indication that the arrestee is concealing weapons, evidence or contraband and the offense for which the arrest was made is a felony or a serious misdemeanor involving weapons or drugs.

Any such search shall be conducted under sanitary conditions with all due regard for the privacy of the person being searched.

Whenever possible, the search is to be conducted by an officer or officers of the same sex as the person being searched.

If physical force is required to perform the search, a warrant must be obtained.

Body cavity searches involving digital penetration of a body cavity shall be performed by a physician, or physician's aide, unless an emergency exists.

The search must be reasonably contemporaneous with the arrest. No strip search or body cavity search shall be made of any person who is not under arrest and in custody unless a search warrant is first obtained from a court of proper jurisdiction. Body cavity searches must be documented with results shown in a memorandum to the Chief of Police.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

Officers of the Oldham County Police Department should handcuff prisoners in order to provide safety to the officer, reduce the possibility of the prisoner's escape and provide safety to the prisoner. The decision to handcuff a prisoner is entirely within the officer's discretion based on his knowledge of the facts and circumstances surrounding the arrest.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

Officers shall be held responsible for the treatment accorded prisoners in their custody. Any complaint made by a prisoner of misconduct by an Oldham County Police officer shall be investigated pursuant to AM-E-1.

MISCONDUCT TOWARD PRISONERS

It shall be the duty of the arresting officer or officer in charge to determine the cause of any visible cuts or bruises or other apparent injuries of recent origin suffered by any person arrested and to report the same to the commanding officer.

RELEASE OF PRISONERS

Persons arrested shall not be released except as provided by law.

PRISONERS MAY NOTIFY OTHERS

Prisoners, unless in an intoxicated condition or otherwise incapacitated, shall be permitted to use the telephone or accorded other means of notifying friends, relatives or legal counsel of their incarceration within a reasonable time following their arrest, provided that the expense is assumed by the prisoner.

LEGAL COUNSEL FOR PRISONERS

Refer to RCr 2.14 - Criminal Law of Kentucky.

NOTIFICATION OF PRETRIAL RELEASE SERVICE

Refer to RCr 4.20 - Criminal Law of Kentucky.

MIRANDA WARNING

Prior to any interrogation of any person in lawful custody, that person shall be clearly advised of his rights under the Miranda decision.

Oldham County Police Department

Effective Date March 1, 1999

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Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

Officers shall transport institutionalized prisoners in such a manner that ensures safety to the officer and reduces the possibility of the prisoner's escape and provides safety of the prisoner.

PROCEDURE

The following steps shall be taken when it is necessary to move an institutionalized prisoner:

1. Search of the prisoner - To be done by the OCP Officer (personally) on the prisoner transportation detail. The OCP Officer will conduct the complete search alone. No transportation will be made until the "hands-on" search has been made by the OCP Officer. Other officers on the transportation detail will assume a strategic position of alert observation and protective security while the search is conducted.

The search should be a "strip search," in accordance with OM-B-6, or a thorough "frisk" search. Digital intrusion should be done only on probable cause to believe that the prisoner has concealed contraband or a weapon in a body cavity.

Searches of male prisoners should be conducted by males and searches of female prisoners by females. Exceptions for emergencies should be witnessed and conducted with discretion.

2. Search of the prisoner's property - All clothing of the prisoner must be carefully searched. Any item considered hazardous should be retained and inventoried. Consideration should be given to furnishing clothing (coveralls and tennis shoes) for the prisoner in special cases--known escape artists, etc.
3. Restraining equipment - Should include handcuffs, leg irons, and waist chains. If the waist chain is not available, for short transportation distances the prisoner should be handcuffed with hands behind his back, palms facing outward.

Plastic strip handcuffs may be used in an emergency or to supplement available handcuffs.

Leg irons will be securely fastened, in double-lock position, with the keyhole facing upward.

Waist chains should be of metal material with the chain length restricting movement. Movement may be lengthened for using bathroom facilities and for eating. Waist chain is not to be removed.

4. Transportation vehicles - Prisoner transportation by the Oldham County Police will be done by utilizing OCP marked cruisers with protective screens. Exceptional cases exempted. Alert visual inspections will be made at 30-minute intervals or more often if deemed desirable. One officer will remove the prisoner while the other officer(s) will maintain an alert, strategic stance of observation and security.

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5. Prisoner transportation routes - Will be kept confidential. Interstate highway rest areas will not be utilized. Plan to use police department facilities when practical. Use commercial facilities in other cases of unplanned stops. One officer should examine and inspect each facility used before the prisoner is allowed to leave the police cruiser. A final visual search will be made of the prisoner when released to the authorities at the receiving destination, prior to removal of restraining devices.

In air transportation cases, arrangements should be made with the airlines in advance of transporting a prisoner(s) by commercial airlines. OCP officers should retain their weapons during air travel, whenever possible.

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POLICY

Officers shall transport institutionalized prisoners in such a manner that ensures safety to the officer and reduces the possibility of the prisoner's escape and provides safety of the prisoner.

PROCEDURE

The following steps shall be taken when it is necessary to move an institutionalized prisoner:

1. Search of the prisoner - To be done by the OCP Officer (personally) on the prisoner transportation detail. The OCP Officer will conduct the complete search alone. No transportation will be made until the "hands-on" search has been made by the OCP Officer. Other officers on the transportation detail will assume a strategic position of alert observation and protective security while the search is conducted.

The search should be a "strip search," in accordance with OM-B-6, or a thorough "frisk" search. Digital intrusion should be done only on probable cause to believe that the prisoner has concealed contraband or a weapon in a body cavity.

Searches of male prisoners should be conducted by males and searches of female prisoners by females. Exceptions for emergencies should be witnessed and conducted with discretion.

2. Search of the prisoner's property - All clothing of the prisoner must be carefully searched. Any item considered hazardous should be retained and inventoried. Consideration should be given to furnishing clothing (coveralls and tennis shoes) for the prisoner in special cases--known escape artists, etc.
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Effective Date March 1, 1999

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In air transportation cases, arrangements should be made with the airlines in advance of transporting a prisoner(s) by commercial airlines. OCP officers should retain their weapons during air travel, whenever possible.

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Effective Date March 1, 1999
Review Date March 14, 2001

POLICY

All members shall handle juveniles in strict accordance with the Unified Juvenile Code, Chapters 600-645 of the Kentucky Revised Statutes.

CONSTITUTIONAL RIGHTS

Juveniles share the same constitutional protection, as do adults. The restrictions and obligations upon police action of stops, frisks, searches and seizures, questioning and identification must be followed in the case of juveniles.

DEFINITIONS

Child, Juvenile - Any person who has not reached his/her eighteen birthday.

CDW - Court Designated Worker, an organization or individual delegated by the Administrative Office of the Court for the purpose of placing juveniles in alternative placements prior to arraignment; conducting preliminary investigations; and entering into and performing such other functions as authorized by law or court order.

Public Offense - A public offense, which if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation.

Status Offense - An act, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent. Status offenses shall not include violations of state or local ordinances, which may apply to children including violation curfew or alcoholic beverages.

Take into Custody - The procedure by which a police officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours. Take into custody does not mean arrest.

PROCEDURES

Every officer and supervisor of the Department will share responsibility for maintaining a positive relationship with juveniles and supporting the Department's juvenile operations function. It shall be the responsibility of the Department Commanders and Supervisors to ensure that the juvenile operations functions are carried out by Department personnel. Contact with juveniles are subject to the following procedure:

1. Release of Juveniles.

- a. Notify parent, or if parent is not available, relative, guardian or other responsible person (or if the juvenile is committed to CFC, notify CFC) that the juvenile is to be released.
- b. Arrange a place to meet, e.g., police headquarters.

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- c. If the juvenile is being charged with a status or public offense the person taking custody of the juvenile must sign a written promise to produce to bring the juvenile to court upon written notification to do so.
- d. Upon releasing the juvenile to the parent, relative, guardian or other responsible person, the officer shall provide that person with a copy of the citation and/or an account of the specific charges against the child.
- e. The officer shall complete a written report describing the events surrounding the taking of the juvenile into custody, the release of the juvenile and information about the release, person.
- f. The written report and release person's written promise to produce shall be forwarded to the CDW as soon as, possible. This can be accomplished by indicating on the report, "Copy to CDW".
- g. At no time should a juvenile, be released to a person under the age of 18 or to a person that is intoxicated.

2. Referral to Intake

When an officer desires to place a juvenile in a juvenile detention facility, he/she should contact a CDW. The CDW makes the final decision on juvenile placement, and will, based on criteria, deny or approve of it: The following circumstances must be present for a juvenile to be referred to a juvenile detention facility:

- a. The child is a fugitive from another jurisdiction for a public, offense with a formal request from the home jurisdiction that the child be detained.
- b. The child has requested protection in writing.
- c. The child is charged with one of the following:
 - i. Capital offense.
 - ii. Class A or class B felony.
 - iii. Manslaughter, first or second degree.
 - iv. Escape, first or second degree.
 - v. Reckless homicide.
 - vi. Assault, first or second degree.
 - vii. Class C or D felony, and:

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- a) Is already detained or has another public offense case pending.
- b) Has been adjudicated delinquent within the last twelve- (12) months of conduct resulting in physical injury to others.
- c) Has been adjudicated delinquent within the last twelve- (12) months for a felony property offense.

- d. The child is AWOL from a secure or nonsecure facility.
- e. CFC has or will initiate action under KRS 615.
- f. The child has willfully failed to appear at a court hearing within the last twelve- (12) months.
- g. The child is dangerous to himself/herself or others.
- h. The child does not meet the criteria for detention but the judge or trial commissioner has ordered the child detained for a specific reason.
- i. The option of releasing the, child to parents, other responsible persons, relatives, emergency shelter, CFC or other placement alternatives has been exhausted.

3. Issuing Citations or Summons to Juveniles

Juveniles should be cited or summoned to court whenever practical in lieu of referral to a juvenile detention facility. Citations should be issued to juveniles in the following circumstances:

- a) When the officer wishes to charge a 16 or 17 year old juvenile with a traffic offense, the juvenile should be handled in the same manner as adult traffic offenders, except in the case of DUI or other traffic offenses in which the offender would be incarcerated. In such matters juveniles shall be taken to a juvenile detention facility versus an adult detention facility.
- b) When a juvenile is cited for both traffic and criminal offenses, two citations will be issued.
- c) When the juvenile is being referred to juvenile detention. In such matters, the citation should be completed in full, including the POST-ARREST COMPLAINT portion, with the exceptions of leaving the NAME, ADDRESS and COURT DATE lines blank.
 - viii. Write "JUVENILE" across the top to the citation.
 - ix. Write "JUVENILE" on the NAME line of the citation.

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- x. The citation TYPE is "5".
 - xi. If the officer wants a formal hearing, he/she should attach a note to the citation indicating same for the CDW.
 - xii. The CDW will assign a court date for the case.
- d) A summons may be issued for a juvenile in lieu of a citation or referral to a juvenile detention facility. The officer may obtain a summons by filing appropriate charges against the juvenile in the Oldham County CDW's Office. The CDW's office will issue the summons and assign a court date.

4. Taking a Juvenile into custody for violation of a status offense or protective custody.

When an officer takes a juvenile into custody for committing a status offense or for protective custody the following procedures shall apply:

a) Status Offenses.

- i. If an officer takes a juvenile into custody for a status offense, and is not being charged with a public offense, the child should be released to the parent or other responsible person as directed in Section D. 1. of this policy.
- ii. An officer may take a juvenile into protective custody if the officer has reasonable grounds to believe that the juvenile is in danger of imminent death or serious physical injury, or is being sexually abused, or the caretaker is unable or unwilling to protect him/her. In such matters, the following shall apply:
 - a) The shift command/supervisory officer or OIC, (if command/supervisory officer is off duty) and the Oldham County Police Department's Child Abuse Office shall be notified prior to the removal of a juvenile.
 - b) If the juvenile is not released-to the parent or guardian the officer shall make a reasonable effort to give prompt oral notice to the custodial person as to what has happened. If the child is removed from the caretaker, without the caretaker's consent, written notice must be provided-to this person as soon as practical.
 - c) The officer shall notify CFC and CDW as soon as possible of the removal and the facts supporting same.
 - d) The officer shall coordinate with the CFC to find temporary placement of the juvenile.

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- e) Within twelve (12) hours, the officer shall request the court to issue an emergency protective order.
- f) If the child is injured the officer shall immediately arrange for the juvenile's medical treatment.
- g) Report will be forwarded to Oldham County Police Departments Child Abuse Office for follow up investigation.

5. Taking the Juvenile into Custody

- a) Officers may take juveniles into custody using the same procedure used for adults, including the use of necessary force.
- b) Upon taking a juvenile into custody, he/she will be immediately advised of his/her constitutional rights, whether or not the officer intends to interview the child.
- c) The juvenile shall be taken to headquarters or other official police facility where the child is separated from adult prisoners, without delay, unless emergency medical treatment is required.
- d) The officer shall contact the juvenile's parent or guardian, and CDW, notifying both of the following:
 - i. That the juvenile has been taken into custody.
 - ii. Nature of the charges.
 - iii. Reason for taking juvenile into custody.
- e) The officer shall explain the Department and juvenile justice system procedures to the child prior to interviewing or interrogating him/her.

6. Holding Juveniles for Processing

- a) Juveniles may be held at headquarters, other official police facility where adult prisoners are not being held, or the CDWs office, for the following purposes:
 - i. Identification and booking.
 - ii. Attempting to notify parents, custodian or other responsible person.
 - iii. Photographing.
 - iv. Fingerprinting.
 - v. Physical examinations, including examinations for evidence.

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- vi. Evidence collection.
 - vii. Record checks.
 - viii. Other inquiries of a Preliminary nature.
- b) Juveniles may be held for two (2) hours for the purpose of completing those tasks stated above. If additional time is required, consent to hold the juvenile must be granted by a CDW, judge or trial commissioner.

7. Juvenile Records

- a) The Assistant Chief is responsible for the maintenance and good order of all juvenile records.
- b) Records, including photographs, fingerprints, of juveniles shall be made available only to the following authorities:
 - i. Court.
 - ii. Probation officers.
 - iii. Representatives of CFC.
 - iv. The child, his/her family, guardian or legal representative.
 - v. Other law enforcement personnel in the process of investigating pd/or prosecuting crimes.
- c) Completed juvenile fingerprint cards, photographs and other identifying records shall be processed in the same manner as adult records with the following exceptions:
 - i. The label portion of the juvenile arrest folder shall state the juvenile's name and "J" (for juvenile) and file number.
 - ii. The juvenile record shall be maintained in a secured file, separate from adult records.
 - iii. Juvenile records obtained for the purpose of identifying a child's participation in a crime, e.g., fingerprints and photographs, shall be surrendered to the court once the child is eliminated as a suspect in that matter.
- d) Court orders for destruction and expungement of juvenile records shall be forwarded to the Assistant Chief who shall be responsible for meeting the requirements of the order.
- e) Juvenile records shall be inspected quarterly by the Administrative Clerk and expunged and destroyed once the juvenile has reached his/her eighteenth (18) birthday. Because of the quarterly inspections, some may reach eighteen years and three months, which shall be expunged and destroyed at that time.

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f) The Assistant Chief shall be responsible for the confidentiality of juvenile, records and shall permit access by only those persons stated in C.7.b. of this policy.

8. The following agencies provide support and assistance in juvenile matters:

a) Court Designated Workers

100 West Main Street

LaGrange, Kentucky 40031

(502) 222-5214

b) Cabinet for Family and Children (Formally Cabinet of Human Resources)

202 South First Street

LaGrange, Kentucky 40031

(502) 222-9472

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Effective Date March 1, 1999

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POLICY

The County Police shall approach mentally disturbed persons with caution and treat them with respect and patience.

GUIDELINES

A mentally ill person has the right to be left alone, so long as no law is violated and no threat is posed to human life or property.

It is essential to clarify that the kind of mental imbalance that is subject to KRS 202A is no less than a derangement of the mind.

PROCEDURE

As a matter of law and agency policy, only in the following situations will the mentally ill be taken into custody:

1. When a person has committed a crime for which an arrest would be normal procedure.
2. When the officer, based upon observation of the subject, reasonably believes the person poses a substantial risk of harm to others or self-harm.
3. When officers observe acts that lead them to believe that reasonable protection cannot be provided without taking the person into custody.
4. When there is a valid warrant of arrest or commitment papers issued for the person.
5. When the person has departed from a mental institution without being properly released.

When one of the previous conditions exists, attempt to convince the person to come voluntarily and peacefully.

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Effective Date March 1, 1999

Review Date April 29, 2002

POLICY

All officers shall employ the utmost care when stopping violators. Before stopping a vehicle, specific facts must be observed which give the officer a reasonable suspicion that the vehicle or its occupants are in violation of some law.

PROCEDURE

Stopping violators in private drives and business locations with limited parking shall be avoided, unless the situation dictates otherwise.

To effect a traffic stop, the officer shall use his emergency lighting and when necessary his siren. Other safety lights such as takedown, alley or spotlight, may be utilized considering the time of day and location of the stop.

When stopping any vehicle under suspicious circumstances, the officer shall report by radio his location, the license number and the make and model of the vehicle, and the number of occupants in the vehicle.

If no radio contact is made prior to the stop, the license number and vehicle description will be written on a pad and left on SP seat. When the stop is completed, the information should be scratched out.

STOPPING AND APPROACHING THE TRAFFIC VIOLATOR

Once the violator has stopped in an appropriate location, the officer shall position the police vehicle approximately one-half to one car length behind the violator's vehicle. The police vehicle shall be positioned at a slight angle so the left front is slightly offset to the left of the violator's vehicle.

The officer shall exit from the patrol vehicle and continuously be alert for any suspicious movements or actions on the part of the violator or other occupants in the violator's vehicle.

After all transactions with the violator are complete, the officer should allow the violator to get back onto the roadway and proceed before the officer pulls back onto the roadway.

FORCIBLE STOPS

1. Policy: Employees shall not make forcible stops except as permitted in this policy.
2. Definition: A forcible stop is any stop wherein a vehicle is used to physically stop or otherwise terminate another vehicle's movement.

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3. Implementation:

- (a) Forcible stops may be attempted under the following circumstances:
 - 1. When the officer has reason to believe that continued movement of the pursued vehicle would place others in imminent danger of great bodily harm or death, and
 - 2. When the apparent risk of harm, to other than the occupants of the pursued vehicle, is great and outweighs the apparent risk of harm involved in making the forcible stop, and
 - 3. After all other reasonable means of apprehension have been considered, such as: continued following, call for air support, set up roadblocks, call for other departments and unit's assistance.
- (b) An uninvolved motorist shall not be used to forcibly stop another vehicle.
- (c) All forcible stops or attempted forcible stops shall be reported by memo to the Assistant Chief of Police.
- (d) The Assistant Chief will notify the Chief of Police, personally, of any forcible stops involving property damage or personal injury.

USE OF DEFLATION DEVICES

The use of any type of road spike device not approved by the department is prohibited. Officers must review the training video for the deflation devices prior to using them. Procedure to using the Stop Sticks is as follows:

- 1. The officer(s) will have the approval of the commander/supervisor prior to deploying the Stop Sticks and shall notify the pursuing officers of his/her location and his/her intention to deploy the Stop Sticks.
- 2. The officer will then deploy the Stop Sticks in a manner consistent to the training he/she has received.
- 3. The officer who deployed the Stop Sticks will submit a memo detailing his/her action and the results of those actions. This memo shall be included with the commander/supervisor's pursuit report. These will be submitted to the Chief of Police via the chain of command.

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POLICY

Officers stopping a vehicle driven by a known or suspected felon shall immediately notify radio of the location, description of the vehicle, and a description and number of the occupants if possible.

OPERATIONAL PROCEDURES

1. The officer shall plan to stop the suspect vehicle in a location, which presents minimal danger to other citizens.
2. The officer shall signal the suspect to stop, utilizing emergency equipment to warn other traffic.
3. The suspect should be stopped on the extreme right side of the road.
4. When the suspect vehicle begins to stop, the officer shall activate the public address system.
5. The officer shall have weapons easily accessible and ready for immediate use.
6. The officer should park the police vehicle so that it provides maximum protection and cover.
7. At night, all lights shall be focused on the suspect vehicle.
8. When the vehicle is stopped, the officer must assume immediate command of the situation.
9. The identity of the officer must be established in a loud, clear voice.
10. Occupants in the front seat shall be advised to place their hands on the windshield or extend their hands and arms out the side windows. Those in the rear shall be instructed to place their hands behind their head with fingers inter-locked.
11. If the situation involving more than one occupant in the vehicle is such that the officer is forced to make the stop before help arrives, an attempt to search the occupants should not be initiated until another officer is present. Handcuff the occupants prior to search, if possible.
12. When two officers are present to conduct the search, the second officer is the cover officer.

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POLICY

Officers shall use roadblocks only as necessary and in compliance with the following procedures.

PROCEDURE

Officers will give first consideration to the seriousness of the crime. The commander in charge of the operation, in planning the roadblocks, will assure that control and authority are centrally located.

The selection of roadblock sites should be based on making the best use of available manpower.

Officers should be deployed individually and not in one group at a roadblock site. All traffic should be stopped and the cars and occupants investigated before being permitted to pass.

Any vehicle running a blockade must be apprehended and investigated.

Officers manning roadblocks should be in uniform so as to be easily identified when stopping vehicles.

Officers will not establish a roadblock without notifying dispatch of the location and reasons for the roadblock.

Officers will not establish a fixed roadblock without the consent of higher authority.

At night, the officer investigating stopped vehicles should stay off the road and out of oncoming headlights. There should be sufficient illumination from another light source for the officer to be readily recognizable as a police officer.

TYPE OF BLOCKS

Moving Block: If an officer, from a strategic point, notices the suspect vehicle, he will fall in behind it and will remain within sight of it. An additional unit, when available, will be positioned behind the observing unit to prevent anyone from passing and interfering with the block. The units in front of the fugitive should slow down in an attempt to box in the fugitive vehicle and carefully force it to stop.

Perimeter System: This system is designed to contain the suspect in a given area.

An outer perimeter can be set up to apprehend the fugitive if penetration through the inner perimeter is achieved. The principal blocking points of the outer perimeter will be major highways and intersections.

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Effective Date March 1, 1999

Review Date March 15, 2001

BLOCKING TECHNIQUES

Two-lane Road: On a two-lane road, to stop traffic traveling only in one direction, park the vehicle at a 45 degree angle to the traffic flow partially on the roadway, blocking the lane used by the traffic to be stopped.

Multi-lane Roadways: The blockade of one side of a multi-lane highway is basically the same as a blockade on a one or two-lane road. Signs should be placed ahead to allow for a safe stop. Fuseses and signs should be arranged to funnel traffic into one or more lanes.

Under all circumstances, when a roadblock is being initiated for a vehicle under pursuit, the emergency light shall be in use and sufficient vision allowed providing an opportunity for voluntary compliance of the offender and safety for the pursuing officer.

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Review Date April 29, 2002

POLICY

To establish a written directive governing the pursuit of motor vehicles.

PROCEDURE

1. The Oldham County Police Department will conduct vehicle pursuits only in the following instances:
 - a. On-sight pursuit of a known or suspected felon.
Note: A felony charge that is a result of a police officer initiated pursuit, specifically, wanton endangerment, is not cause for continued pursuit.
 - b. On-sight pursuit of a traffic or misdemeanor violator, only if witnessed by the police officer or if a warrant is known to be on file.
 - c. When directed to do so by a supervisor/command officer to assist in a police pursuit.
2. Responsibility of pursuit police officer(s):
 - a. Immediately communicate to Oldham County Central Dispatch:
 1. Unit number, e.g. 302.
 2. Location and direction of pursuit.
 3. Description of vehicle and occupants to the extent possible, e.g. color, license #, make and type of vehicle, physical description, and number of occupants.
 4. Reason for the pursuit.
 5. Approximate speed being maintained at reasonable intervals.
 - b. Activation of all audio/visual warning devices for the duration of the pursuit.
 1. Emergency lights.
 2. Siren.
 - a. If two units are involved in the pursuit, they shall use different modes of siren operation if possible.
 3. Alternating or flashing headlights.

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4. Unmarked vehicles will not be used for pursuit.
 - a. If an officer in an unmarked cruiser requests assistance from a marked cruiser, the officer in the marked unit shall become the primary pursuit vehicle and the unmarked unit shall discontinue his pursuit and follow to the scene for back-up or other purposes.
- c. Termination of pursuit upon:
 1. Apprehension of person fleeing.
 2. Command Officer or supervisory directive.
 3. Recognition that the continuation of the pursuit creates unnecessary peril to the safety of the police officer and/or citizenry.
 4. In the case of misdemeanor and traffic violator pursuits, the reaching of state or other jurisdictional boundaries.
 - a. Pursuits may be continued over jurisdictional boundaries, within the Commonwealth of Kentucky, upon receipt of command officer or supervisory approval.
 5. In the case of felony violator pursuits, the reaching of state jurisdictional boundaries.
 - a. Pursuits may be continued over state jurisdictional boundaries upon receipt of command/supervisory approval.
 - b. The following states have laws that permit officers in fresh pursuit to enter and arrest on a **felony** charge: Indiana, Ohio, Tennessee, and West Virginia. Illinois permits officers to enter and arrest for a felony or misdemeanor.
 6. In all cases of pursuit termination, the jurisdiction of authority into which flight continues shall be immediately given notification of same. This notice will be given by Oldham County Central Dispatch via radio or telephone communication.
3. Responsibility of Oldham County Dispatch Personnel:

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- a. Immediate notification of police officer in charge.
 - b. Inform all units that there is a pursuit in progress and request that the radio traffic be restricted during the pursuit for units involved in the pursuit.
 - c. Continued monitoring of pursuing police officer's radio transmission and transmittal of pertinent information to supervisory and other on-duty personnel, including other police agencies.
 - d. Provide available information to pursuing and assisting units, e.g., vehicle registration wanted person's information, etc.
 - e. Direct termination of pursuit upon receipt of information to do so from command/supervisory personnel or upon learning of circumstances which create unnecessary peril to the police officer or citizenry, e.g., road construction or restriction in pursuit path, etc.
 - f. Provide notice via radio or telephone to other jurisdictions into which the fleeing vehicle travels.
4. Command/Supervisory Responsibility:
- a. The police officer in charge will, upon notice of pursuit, immediately take charge of the pursuit and will continually monitor and assess the situation.
 - b. The police officer in charge will direct specific units in or out of the pursuit, reassign the primary or secondary units, set posts, and when deemed necessary, direct the termination of the pursuit.
 - c. Ensure that no more than two (2) police vehicles are actively involved in the pursuit. More than two (2) active units will only be allowed in instances where immediate use of additional units is necessary, e.g. multiple suspects in vehicle.
 1. No officer shall join in the pursuit in addition to the two- (2) pursuing units without command/supervisor approval.
 - d. Should other agency units involve themselves in an Oldham County initiated or joined pursuit and thereby create a situation where more than two (2) police units are actively involved, the police officer in charge will via dispatch, ask that those additional units abandon pursuit. Should those units not abandon as requested, the Oldham County police officer in charge will direct that Oldham County

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units involved in the pursuit immediately abandon the pursuit. Backup units shall remain alert to the pursuit progress and location.

- e. Proceed to the termination point of the pursuit, if practical, to provide guidance and the necessary supervision.
 - f. Upon termination of the pursuit and related requirements, prepare a written report of the incident and forward same to the Chief of Police via the chain of command.
5. Roadblocks:
- a. Under ordinary circumstances, roadblocks will not be used to apprehend fleeing vehicle. The Department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon.
 - b. No roadblock will be used without permission of command/supervisor approval in charge of the pursuit, and then only as a last resort.
 - c. Roadblocks will not be utilized when innocent persons would be endangered by such use.
 - d. Moving roadblocks are prohibited.
 - e. The decision to completely block the roadway is a decision to use deadly force. Stopping a vehicle by a solid blockage of the road is a 4th amendment seizure and under that amendment an unreasonable seizure is prohibited. In essence, the same considerations that would apply to the use of a firearm should be applied in this instance. Does the subject's actions create a threat of death or serious physical injury to the officers or the public and is the use of a forcible stop such as completely block the roadway the only way to stop the threat.
6. Ramming Fleeing Vehicles:
- a. Ramming of a fleeing vehicle with a police vehicle is prohibited.
7. Use of Firearms During Pursuits:
- a. Officers shall not discharge a firearm at, or from a moving vehicle, except as the ultimate measure of self-defense, or the defense of another, when the suspect is employing deadly force by means other than the vehicle. Departmental policy regarding deadly force use shall be strictly followed.

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- b. The use of a firearm to disable the fleeing vehicle is prohibited.
 - c. In every incident, the police officer will take into consideration, the location of the vehicle, pedestrian traffic, and the potential hazard to innocent persons.
8. Use of Road Deflation Devices:
- a. The use of any type of road spike device not approved by the department is prohibited. Officers must review the training video for the deflation devices prior to using them. Procedure to using the Stop Sticks is as follows:
 - 1. The officer(s) will have the approval of the commander/supervisor prior to deploying the Stop Sticks and shall notify the pursuing officers of his/her location and his/her intention to deploy the Stop Sticks.
 - 2. The officer will then deploy the Stop Sticks in a manner consistent to the training he/she has received.
 - 3. The officer who deployed the Stop Sticks will submit a memo detailing his/her action and the results of those actions. This memo shall be included with the commander/supervisor's pursuit report. These will be submitted to the Chief of Police via the chain of command.

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Review Date March 1, 1999

POLICY

The Oldham County Police shall impound vehicles only when necessary and in compliance with the Kentucky Revised Statutes and related case law. An impoundment occurs when a vehicle is towed/stored at an officer's direction.

GENERAL PROCEDURE

A KSP 41 shall be completed for all vehicles that are impounded. If the owner is not present when the vehicle is impounded, the officer shall send the owner a certified letter at his last known address advising the owner of the location of the impounded vehicle, that to recover the vehicle will involve payment of towing and storage charges, and that the vehicle may be sold pursuant to KRS 376.275 if not claimed within sixty (60) days.

When impounding a vehicle, the officer shall utilize the regular rotation of the local wrecker service unless there is an urgent need for a closer or larger wrecker. In these instances, officers may request a specific wrecker service.

ABANDONED VEHICLES

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, a stalled vehicle check shall be affixed to the vehicle.

603 KAR 5:025, Section 3, authorizes removal of disabled vehicles from the shoulder of an interstate highway after six (6) hours. The time frame for removal of vehicles from other roadways is contained in KRS 189.450, 189.751, 189.752 and 189.753.

PHYSICAL ARREST

When an arrest is made, it is not necessary to impound the vehicle as long as the vehicle is off the traveled portion of the roadway and does not otherwise constitute a traffic hazard. It may be necessary to impound the vehicle if it is in a tow-in zone, is creating a traffic hazard, has evidentiary value, or is subject to forfeiture statutes. At the arrestee's request, the arresting officer should make some effort to assist in arranging for the removal of the vehicle. In this type situation, it is not an impoundment and a KSP 41 is not necessary. When vehicles are left at the scene, they should be locked and the keys given to the arrestee.

SEARCH OF IMPOUNDED VEHICLES

A decision by the Supreme Court of Kentucky, Wagner v. 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 in only the following situations:

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1. The owner or permissive user consents to the impoundment;
2. 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;
3. The police have probable cause to believe both that the vehicle constitutes an instrumentality or fruit of a crime and that absent immediate impoundment the vehicle will be removed by a third party; or
4. 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. (emphasis added)

The court 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."

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. Of course if permission is not given, the owner or permissive user assumes the risk that the contents of the vehicle may be lost or stolen.

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.

The inventory search is to be distinguished from a probable cause search where a motor vehicle is involved. The Kentucky Supreme Court in *Estep v. Commonwealth*, 663 S.W. 2d 213; (cert. denied), (1984), adopted the U.S. Supreme Court holding on *U.S. v. Ross*. 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." The propriety 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 reasonably be found and by the nature of the probable cause.

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*.

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MAINTENANCE OF IMPOUNDED/SEIZED VEHICLES

The Oldham County Police Department shall maintain impounded/seized vehicles in, as nearly as possible, the same condition as when impounded/seized. All vehicles impounded/seized and expected to be forfeited or held in excess of ninety (90) days shall be photographed and serviced with additional service checks at least every sixty (60) days thereafter.

PROCEDURE

Motor vehicles shall have the motor oil and antifreeze checked and if necessary, changed when impounded/seized. Regular maintenance shall include, but is not limited to: checking motor oil and antifreeze levels, adding fresh gasoline, adding fuel treatments, monitoring tire condition, and starting the engine weekly. Additional questions concerning maintenance and winterizing shall be directed to the Assistant Chief of Police or a reputable dealer/manufacturer of the boat.

The department property officer shall be responsible to ensure maintenance is performed for each impounded/seized vehicle and shall maintain a maintenance ledger on each impounded/seized vehicle. The ledger information shall include, but is not limited to: impounding officer, officer responsible for maintenance, and maintenance performed. The maintenance ledger may be maintained with the vehicle or in a separate location with the vehicle's keys and KSP 41.

The Assistant Chief of Police shall designate a person/persons to drive these vehicles for servicing should that be necessary. Any operation of these vehicles shall be for the expressed reason of maintenance only; no personal or agency business shall be conducted or transacted in these vehicles. The designated driver of these vehicles shall be certain their "Drive Other Car" liability endorsement includes the operation of all vehicles, not only agency vehicles.

Maintenance that is performed on the impounded/seized property shall be completed locally. A copy of all documents (LPO's, invoices, etc.) shall be attached to the maintenance ledger for use in forfeiture or other legal procedures.

Since the agency may be responsible for storage costs, impounded/seized vehicles should not normally be stored at private storage establishments for long periods of time.

However, it may be necessary to store a "collector quality" vehicle inside, and these decisions should be made on a case by case basis.

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POLICY

In order to preserve the value of physical evidence, all agency personnel who come in contact with such evidence will follow the proper scientific procedures and legal rules.

COLLECTION OF EVIDENCE

The investigators perform the most important step in connection with evidence and the forensic laboratory. This is the proper collection, preservation and transportation of physical evidence.

The following are suggestions offered as a guide on collecting and preserving evidence.

1. Assign to one officer or technician, not a group.
2. Evidence should not be moved when first located.
 - (a) Photograph or diagram.
 - (b) Check for prints.
 - (c) Make notes while collecting.
 - (d) Location - where found.
 - (e) Condition.
 - (f) Type material.
 - (g) Type mark.
 - (h) Serial numbers.
 - (i) Labels, if any.
 - (j) Size.

GENERAL RULES FOR PRESERVATION OF PHYSICAL EVIDENCE

1. Sufficiency of sample.
 - (a) Send too much rather than too little.
 - (b) More examinations can be made.
 - (c) More can be learned.
 - (d) More accurate determinations.
2. Include a control or standard - Control is the uncontaminated, undamaged and unaltered material to which the evidence is attached or is a part thereof. For example:
 - (a) Blood stained shirt - the unstained portion of the shirt.
 - (b) Soil from the scene to compare with soil from suspect's shoes.
 - (c) Glass from scene of breaking and entering to compare with fragments on suspect's clothing and shoes.
3. Preserve individuality of exhibits - Do not allow the questioned substance to mix with known substance or control. For example:
 - (a) Paint chips - questioned and known not sufficiently sealed or wrapped.
 - (b) Soil samples.

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IDENTIFYING AND MARKING EVIDENCE

The officer will be required to identify the exhibit later in court. Tag, label, or scratch mark should mark the exhibits. Mark with:

1. Full description.
2. Name of investigator.
3. Date and time recovered.
4. Signature or initials.
5. Case number.

FIREARMS, BULLETS AND CARTRIDGE CASES, AND LATENT FINGERPRINTS

1. Firearms - Mark with a sharp instrument:
 - (a) Revolvers - receiver and barrel.
 - (b) Automatic pistols - slide receiver and magazine.
 - (c) Shotguns and rifles - same as above where applicable.
2. Bullets and Cartridge Cases - Mark with a sharp instrument:
 - (a) Do not disturb lands or grooves on bullets; mark base only.
 - (b) Do not disturb firing pin impression on head of cartridge case. Mark inside cartridge case or on side.
3. Latent Fingerprints - Latent fingerprints and evidence for latent print processing shall be handled the same as any other physical evidence. Latent prints shall be submitted directly to the Automated Fingerprint Identification Section (AFIS) for processing.

The AFIS Section shall be responsible for maintaining a permanent record of all latent print examinations and all inquiries concerning latent prints should be directed to the AFIS Section. The AFIS Section shall be responsible for informing other police agencies of the above procedure.

Mark and identify all wrappings or packages containing exhibits.

INFORMATION REQUIRED FOR LABORATORY EXAMINATION BY THE STATE POLICE LABORATORY

To ensure proper attention by laboratory personnel, the following information is required before analysis will be attempted:

1. Case number, citation number or other department numbers.
2. Offense.
3. Victim.
4. Suspect(s) or accused.
5. History (brief).
6. Exhibits (number and identity).
7. Examination requested.

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PACKAGING EVIDENCE/HANDLING OF SYRINGES

Contact the Laboratory Section for specific instructions when you are unsure as to how to package certain evidence.

The Forensic Laboratory shall not examine syringes unless the request for examination is accompanied by a written request from the prosecutor of an associated case. Syringes that do not contain observable amounts of residue shall not be submitted. These syringes do not contain a sufficient quantity of a substance to properly analyze. Syringes of evidentiary value shall be hand carried to the laboratory. They shall be clearly marked and packaged at the direction of the Forensic Laboratory. Under no circumstances shall a syringe be mailed to the laboratory for examination (see AM-I-4).

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Effective Date March 1, 1999
Review Date October 31, 2000

POLICY

Photography service and prints from negatives filed in record section of the Oldham County Police Department shall be made available to officers and all requesting persons, within limits of agency policy.

Photographs of criminal cases shall not be sent to persons other than the investigating officer without a court order or unless released by the agency attorney.

Photographs of deceased persons may be released pursuant to the provisions of the open records law to others than the legal representative of the estate of the deceased, the next of kin or the investigating officer.

PHOTOGRAPHIC PRINCIPLES

Photographs are taken for the investigating officer to refresh his memory, point out items possibly overlooked, assist witnesses, and to assist the officer's testimony in court.

Photography should enable the viewer to reconstruct a crime or accident scene.

ACCIDENT SCENE INVESTIGATION

The officer investigating any aircraft accident is required to take photographs. An officer investigating any fatal accident or any traffic accident of a serious nature is required to take photographs. Photographs of other accidents may be taken at the discretion of the investigating officer. Taking of photographs by persons other than County Police members does not fulfill the officer's obligations.

MUG SHOT PHOTOGRAPHY

The Oldham County jail will take photographs of all persons arrested for felony offenses and each subsequent physical arrest for a felony.

Juvenile offenders may be photographed (see OM-B-10 for exceptions to this rule). Those persons arrested for misdemeanor offenses may be photographed.

The photographs are to be head and shoulder shots taken full face and semi-profile. Hats and sunglasses are to be removed. Officers may need to take further photographs of tattoos, scars and marks for positive future identification.

USE OF COLOR PRINT FILM

All agency personnel shall use color print film for all criminal casework, all mug shots and traffic accidents.

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RETENTION OF PHOTOGRAPHIC NEGATIVES

The Record Section of the Oldham County Police Department shall retain in its central file photographic negatives for a period of five (5) years. Negatives older than five (5) years shall be purged from the file, unless the Agency has notice of pending action, civil or criminal, wherein the negatives would have evidentiary value; in this case, the negatives shall be retained until the conclusion of the action.

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Effective Date March 1, 1999
Review Date Monday, December 11, 2000

POLICY

Evidence, found property, recovered property, or any other item of value that comes into the custody of any member of the agency in the performance of his duties shall be released to the primary or secondary property officer for storage and disposition in accordance with established Procedure. (For property seized under KRS 218A, see OM-B-20.)

PROCEDURE

When an officer seizes, finds, or recovers property and completes the KSP 41, it shall be his responsibility to cause that property to be submitted to the Kentucky State Police Forensic Laboratories Section, if it is to be examined as evidence; otherwise, it is to be turned over to the department primary or secondary property officer. This includes property which is the proceeds of a crime; which is subject to confiscation or forfeiture; which is lost or abandoned and taken into custody; or which is taken from persons who are insane or intoxicated and unable to care for themselves.

All evidence and recovered property shall be listed on a KSP-41. A separate KSP-41 shall be used for each item of evidence, which may be examined by a separate unit of the Forensic Laboratories Section. Evidence to be examined by the following individual units of the Forensic Laboratories Section shall be listed on a separate KSP-41:

- | | |
|---------------|-------------------------|
| 1. Serology | 5. Trace Evidence |
| 2. Toxicology | 6. Firearms Examination |
| 3. Drugs | 7. Arson |
| 4. DNA | 8. Documents |

Oldham County Police agency evidence not requiring a KSP-41 includes: photographs and/or videos taken by Oldham County Police personnel, blood sample kits, gunshot residue kits, rape kits and any biological fluids which may be consumed by the Forensic Laboratories Section during or after examination.

A representative of the Forensic Laboratories Section shall record the receipt of any sealed package of evidence submitted for examination on the KSP-41.

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Evidentiary items which will not be submitted to the Forensic Laboratories Section for examination shall be listed on a separate KSP-41 apart from those evidentiary items which will be submitted to the Forensic Laboratories Section for examination.

The department primary or secondary property officer shall maintain an Evidence Control Ledger describing and registering all property entering into their possession. The Evidence Control Ledger shall be arranged either alphabetically (by officer name) or consecutively (by unit number). Each entry in the ledger must contain the following information:

1. Case or citation number
2. Date evidence is logged in
3. Date evidence is removed
4. Unit number of officer logging evidence
5. Location where evidence is stored
6. Description of evidence
7. Disposition of evidence

When property is delivered to the department for storage or security, in addition to any other special procedures, the following steps shall be taken:

1. A room and/or area shall be designated as the department evidence locker. This room and/or area shall be selected with security in mind.
2. The property officer shall have the keys to the department evidence locker; if each officer has an evidence locker, the property officer shall have the key(s) to that locker. The individual officer shall not have a key to the department evidence locker or the individual lockers.
3. The original KSP-41 (white copy) fully describing each item shall be attached to the evidence. The KSP-41 may be placed in a clear see-through packing slip or white envelope and attached to the outside of the packaged evidence. The case or citation number should be printed on the outside if a white envelope is used. In instances where more than one item is listed on the KSP-41, only one (1) KSP-41 is necessary for that group of items, which are packaged together. If items are packaged separately, a separate KSP-41 will be necessary for each packaged item. When the property is released,

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- the original (white) copy shall be placed in the appropriate case report file.
4. An evidence tag shall be attached to all weapons, tools or similar items which are not and cannot be easily packaged. An attached KSP-41 shall be the document used in the transferring of evidence custody even when an evidence tag is attached.
 5. When items are removed from the evidence room or lockers for the purpose of court, etc., the department primary or secondary property officer shall record the necessary information on the Evidence Control Ledger.
 6. Investigating officers shall be informed prior to the release of property.
 7. Each department primary or secondary property officer shall be responsible for the efficient operation of the evidence room or lockers. This responsibility shall include:
 - (a) Requiring a completed KSP-41, including the documentation of the transfer of chain-of-custody, for each item submitted.
 - (b) Maintaining a current Evidence Control Ledger
 - (c) Requiring that all numbered items submitted are checked through NCIC.
 - (d) Determining if the owner of the property has been notified.
 - (e) Taking necessary steps for the proper disposition of property. All property subject to forfeiture under any section of the Kentucky Penal Code shall be disposed of in accordance with KRS 500.090.
 - (f) Ensuring prompt disposition of property, which has lost its evidentiary value, has no monetary value, and whose owner cannot be determined by destroying said property and making appropriate notation on the KSP 41.

The county property officer is responsible for advertising property for public sale. In a forfeiture proceeding, the court will ordinarily handle advertisement.

NUMBERING PROPERTY

Property which has had the identification number obscured, and is

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subject to forfeiture, must have a number placed on it before the property may be sold or retained for official use. The County Police has primary responsibility for assigning such numbers. A document shall be prepared and given to the purchaser of any such property so that the purchaser or rightful owner can prove that his possession and ownership are lawful.

A person who possesses property without a number or with an obscured number may make a written application to the County Police for an identification number for the property. The agency must determine that the applicant is the lawful owner of the property in question. If the investigation reveals the applicant not to be the lawful owner of the property, the property shall be seized and held for disposition by a court of competent jurisdiction.

These established procedures do not preclude any additional checks and balances that the department may implement for evidence accountability.

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POLICY

Property seized during the course of a controlled substances investigation and subject to forfeiture under KRS 218A shall be stored and disposed of in accordance with KRS 218A.240. It should be noted that KRS 218A does not apply to property subject to forfeiture under Federal Statutes. The Detective Sergeant Supervisor shall be designated as the County Property Officer. The County Property Officer or his designee shall be responsible for the disposition of all property awarded to the Oldham County Police by a court.

PROCEDURE

Controlled substances seized and forfeited under KRS 218A.420(2) shall be ordered destroyed by the order of the trial court unless there is a legal use for them, in which case they may be sold to a proper buyer as determined by the Cabinet for Human Resources. The only exception to this rule is found in KRS 218A.410(1)(c), which allows for the destruction of cultivated or controlled substances in circumstances where the trial court refuses to enter a destruction order, due to lack of criminal proceedings, or where the controlled substance has come into the possession of the Oldham County Police by some other manner. The controlled substance may then be destroyed by the county property officer with appropriate notations being made on the property log. These notations should include the date an attempt was made to obtain a court order of Destruction. The same is true for other forms of contraband.

When property is seized under KRS 218A, the Oldham County Police shall take custody of the property and dispose of it according to the following procedures:

1. Officers shall prepare a KSP 41, and mark each item, as they would evidence.
2. Officers shall then transport, or cause the property to be transported, to the Oldham County Police Department for proper storage. At this point, the Officer shall notify the County Property Officer that the property was seized under KRS 218A. The Property Officer shall stamp the KSP 41 "Property Subject to Forfeiture, KRS 218A." The investigating officer shall consult both OM-B-16 and OM-C-13 to determine if these general orders apply to the property in the circumstances in which these orders apply. The Assistant Chief of Police shall be contacted and this contact shall be noted in the body of the report and on all copies of the case report's KSP 41.
3. The County Property Officer shall upon receiving, record all property on KSP 297.
4. The Investigating /Case Officer shall prepare and attach to the case report a comprehensive listing of all items received.
5. The Investigating/Case Officer shall maintain contact with the court and secure copies of all court orders pertaining to the seized properties disposition and attach those to the case report supplement.
6. Upon disposition by the court, the Investigating/Case Officer shall notify the County Property Officer of all property forfeited to this Department. The County Property Officer shall then stamp the KSP 41

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- "Property Awarded by Court, KRS 218A," and attach a copy of the court order.
7. All items awarded to this Department by the court shall be transferred to the Supply Section and turned over to the County Property Officer. The County Property Officer shall turn over the court order disposing of property, a KSP 41, and a statement of expenses incurred, if any, for seizure and storage of the awarded property to the County Property Officer.
 8. Upon receiving the court awarded property under KRS 218A, the Assistant Chief of Police or his designee shall affix property numbers and prepare an issue slip (KSP 45) to all such property that is to be retained by the County Police for official use. The issue slip shall state in the slot marked vendor, "Court Awarded, Narcotics, KRS 218A."
 9. Court awarded property under KRS 218A that will not be retained for official use will be stored in a secure place separate from property acquired from other sources until it is sold. This property will not be assigned a property number.
 10. When preparing a list of property to be declared surplus and sold, the Assistant Chief of Police or his designee shall check the issue slips to identify property awarded to the County Police under KRS 218A. All property acquired under KRS 218A may be sold at the same sale as property acquired from other sources, but must be sold as separate items and not included in lots with property acquired from other sources. Property acquired under KRS 218A will be listed separately from other property to be sold on the surplus property sale list and the complete list will be sent to the Fiscal Court for approval and advertising purposes.
 11. Once property acquired under KRS 218A has been sold, it shall be the duty of the Assistant Chief of Police or his designee to calculate, on a case by case basis, the expenses of the proceedings incurred for forfeiture and sale-including expenses of seizure, maintenance of custody, advertising and court costs from the date the property was seized until the date the property was awarded by the courts. The Assistant Chief of Police shall notify Fiscal Court of the total sale price and expenses incurred. The stamped KSP 41 "Property Awarded by Court, KRS 218A" and court order shall accompany the notification of sale letter to Fiscal Court.
 12. It shall be the responsibility of the Assistant Chief of Police or his designee to maintain an inventory record of all forfeited property. The Assistant Chief of Police shall maintain, in file, the KSP 41 and court order until such time as the items are sold or destroyed. If the item is sold, the KSP 41 and court order shall accompany the notification of sale letter to Fiscal Court. If the item is destroyed, the Assistant Chief of Police shall delete the item from inventory and retain the KSP 41 and court order on file.
 13. All property acquired under KRS 218A shall be valued as of the time of sale, in accordance with KRS 218A.425, by the Assistant Chief of Police or his designee.
 14. At the end of each fiscal year the Assistant Chief of Police or his designee will prepare a memorandum to the Fiscal Court containing a detailed listing of all property awarded to the County Police under KRS 218A. This memorandum will contain separate lists of:

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- a. All KRS 218A property being retained by the County Police for official use regardless of court awarded date. Property numbers will be included.
 - b. All KRS 218A property being held for the next sale date but not being retained for official use. These items will not have property numbers.
 - c. All KRS 218A property that has been sold during this fiscal year only. Property numbers and price received will be included.
15. In the event money is seized and forfeited to this Department by the court, that currency shall be transferred by Fiscal Court to the Oldham County Police Department. The currency shall be accompanied by copies of a KSP 41 stamped as indicated in item #6, "Property Awarded by Court, KRS 218A," and with a copy of the court order attached.
 16. It shall be the responsibility of the Fiscal Court to maintain a file reflecting all monies received and expenses incurred, including selling cost and net amount realized. The Fiscal Court shall also maintain a file that includes a KSP 41 and court orders that accompany all monies received from the county relative to forfeiture and the notification of sale letters from the Assistant Chief of Police.
 17. Utilizing the annual memorandum and the notification of sale memorandums from the Assistant Chief of Police and the Fiscal Court records of money received under KRS 218A, the County Judge Executive of the Fiscal Court or his designee shall prepare an annual report with the Auditor.

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POLICY

When an individual is wanted in connection with a felony warrant, the following procedure will apply.

PROCEDURE

Any time that a felony warrant is issued in a case investigated by Oldham County Police personnel, if the whereabouts of the accused is unknown and if sufficient identifying information is available, he is to be entered into the LINK/NCIC files.

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POLICY

All arrest warrants accepted by the County Police for execution will be reported in accordance with the following procedures.

PROCEDURES FOR CRIMINAL WARRANTS

All criminal warrants executed by Oldham County Police personnel that relate to alleged violations of which this agency has no prior knowledge or investigative interest, but which have been reported and investigated by another police agency, shall be reported on the UOR.

1. Such cases shall be titled, "Execute Warrant," and violation code 2900 shall be used. Accompanying reports such as KSP 41, shall be made as required by specific situations and attached. The case shall be closed when there is no further responsibility of the County Police.
2. Criminal warrants delivered to the Oldham County Police by the victim or the court and on which there have been prior police report or investigation, shall be executed and reported on the UOR 1. Use the actual charge on the warrant as the title of the case and appropriate code number for the title. In "Block 10," print "Execute Warrant." The UOR 1 must be completed with the necessary information. It will be permissible to close the case upon successful execution of the warrant unless there is some indication of the need for additional investigation.

The UOR 2 will not be necessary unless the victim or judicial official requests an investigation into the circumstances of the crime to assist in the prosecution. In these cases, when there is a request for an investigation, the County Police shall handle them as an original criminal complaint.

3. All warrants for public drunk charges shall be handled by the same procedures as are presently being used.
4. On violations or charges that originate from an Oldham County Police investigation, but result in obtaining a juvenile petition, the office shall carry the actual charge and code on the UOR 1, and put "Juvenile Petition" in parenthesis. A juvenile petition executed that does not originate with the Oldham County Police and for which there is no request for further investigation shall be carried on the UOR 1 and titled "Execute Warrant," code 2900.

PROCEDURES FOR TRAFFIC WARRANTS

1. The execution of traffic warrants will be reported on citations. The words "TRAFFIC WARRANT" will be entered in lieu of a case number.
2. Any felony warrant based on a traffic incident will be treated as a criminal offense and reported as such on UOR forms as prescribed under criminal reporting procedures.

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If the offender escapes apprehension during the original attempt to execute the warrant, the warrant card file, NCIC, and LINK systems will be utilized. The NCIC system will be used for extractable offenders and the LINK system will be used for non-extractable offenders. A report will be made to reflect these entries accordingly.

A post arrest complaint form shall be completed and left with the jailer.

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POLICY

Incidents involving the use of force directed against sworn officers shall be investigated in a thorough and impartial manner. During an "officer down" incident, responding officers shall maintain control and discipline. The tactical procedure set forth shall be followed to provide direction and control in the event of an "officer down" incident.

DEFINITIONS OF PHYSICAL INJURY AND SERIOUS PHYSICAL INJURY (KRS 500.080)

"Physical injury" means substantial physical pain or any impairment of physical condition.

"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 of impairment of the function of any bodily organ.

INVESTIGATIONS AND REPORTS

In all incidents involving the use of force and resulting in physical injury, as defined in KRS 500.080, to a sworn officer, and in all incidents in which deadly force is directed at a sworn officer, the affected officer shall immediately report the incident to a supervisor. The section commander shall determine if an investigation is warranted. If an investigation is conducted, the supervisor shall complete the investigation and prepare a report, which shall be forwarded through channels to the Chief of Police and shall contain, at a minimum, the following information:

1. Statements from all witnesses to the incident, including the person using the force against the officer. The report shall include the complete name, residential address, work address and both the residential and work phone numbers of all witnesses.
2. Identification of medical personnel who examined or treated the injured officer, and as much detail as can be obtained about the injury.
3. An incident report from the officer.
4. Copies of all citations, case reports, and court records pertaining to the incident.

Cases involving death or serious physical injury to a sworn officer shall be investigated and reported in the same manner, with the following additional requirement:

1. The Chief Medical Examiner shall be immediately and directly notified upon the initiation of any investigation where a sworn officer dies as the result of use of force. This directive shall apply whether the death is investigated as a homicide or accident. After the initial notification, and during the course of the investigation, the Chief Medical Examiner shall be consulted regarding any issue relating to forensic pathology.
2. The Assistant Chief of Police and a second supervisor shall immediately be assigned by the Chief of Police to assist the ranking investigator with

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the incident. The investigative team's primary responsibility will be compiling of a factual investigative report of the incident.

3. The affected officer(s) shall submit a First Report of Injury in compliance with AM-D-12 and AM-D-14. If an affected officer is unable to submit the report, his immediate supervisor shall submit the report.

REPORTING PROCEDURES

Investigative reports relating to the use of force against sworn officers shall be filed and retained in the Internal Affairs Section. The Internal Affairs Section shall maintain a central file, and shall retain copies of all such reports for a period of five (5) years. A copy of all supplements shall be sent to the Internal Affairs Section to be placed in the file. All use of force cases shall remain active until all criminal and/or civil actions related to the incident are concluded by final judgment.

"OFFICER DOWN" INCIDENT TACTICAL PLAN

PROCEDURES

Dispatch and Assignment of Affected Officers, Supervisors and Other Personnel

1. Primary Response Officers - The nearest officers to the scene shall be immediately dispatched.
2. Department Supervisory Personnel - All supervisory personnel shall be directed to come 10-8 immediately.
3. Secondary Response Officers - Additional officers from the county and other departments may respond if directed by a supervisor.
4. Special Response Team - If needed, the Special Response Team shall be activated and dispatched to the scene.
5. Investigative Team - The team shall be immediately dispatched to the scene. This team shall include the Investigative Detective Sergeant and designated investigative personnel.
6. Public Affairs Officer - The Department Public Affairs Officer, if not 10-8, shall be directed to come 10-8 immediately and shall proceed as directed.
7. Additional Dispatcher Personnel - During an "officer down" incident at least three (3) dispatchers shall be on duty in the Oldham County Central Dispatch Radio Room.
8. Clerical Personnel - If an "officer down" incident develops after normal business hours, it may be deemed necessary to call in department clerical employees.
9. Additional Personnel - Additional component units of the agency may be utilized.

Responsibilities

1. Primary Response Officers

The immediate dispatch of the nearest officers to the scene.

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The following guidelines shall apply to these officers:

- (a) Five to seven of the nearest officers from the county shall be immediately dispatched to the scene.
- (b) A supervisor shall be immediately dispatched to the scene of the downed officer.
- (c) Prior to arrival at the scene, one (1) officer shall be designated as the officer in charge if a supervisor is not present in the primary response group. A supervisor or the situation commander shall make this designation.
- (d) The officer in charge shall be responsible for assessing the situation and making assignments at the scene until the arrival of a supervisor. He shall maintain a list all officer personnel and their assignments. Accountability of personnel is mandatory.
- (e) Prior to arrival at the scene, all officers shall put on their bulletproof vests. While at the scene, all County Police personnel shall wear a bulletproof vest.
- (f) After arrival, assignments of the primary response officers shall be as follows:

(1) The first two- (2) officers arriving shall proceed to the aid of the injured officer if no imminent danger is presently detected. They shall seek information from the injured officer as to what occurred and complete information and/or descriptions as to who assaulted the officer. These two (2) officers shall record notes and immediately relay information to the Department as accurately and completely as possible and as further information is learned. Transportation and medical aid for the injured officer must be the primary considerations. The following options are available:

- (a) **Local Ambulance** - Depending on distance and availability, this may suffice. Distance considerations are those between the immediately available ambulance and the officer, and between the injured officer and the nearest competent hospital or medical aid. The department shall maintain a current listing of all medical facilities and ambulances within their respective post area and, in counties adjoining the county boundaries.
- (b) **Helicopter** - May be utilized if the area is remote or the distance and time elements dictate the feasibility of its use. Refer to OM-H-4.
- (c) **Use of County Police Cruiser** - The use of a cruiser for transporting an injured officer, would be dependent largely on the nature and extent of the injury and the time difference between a cruiser's arrival and the estimated time of arrival of an ambulance.

When transportation arrives, one primary officer shall accompany the injured officer to the medical facility and notify the department to alert the hospital and/or facility where the injured officer is being taken. The second primary response officer shall remain at the scene for further assignment.

- (2) One of the first officers to arrive shall remain at or near the County Police vehicles to maintain radio contact and to

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provide security for the vehicles. When possible, the parking of vacant cruisers and other vehicles shall be centrally located, creating no traffic hazards to other persons. The determination of the storage area for excess vehicles of the primary response officers, secondary response officers and other personnel and agencies shall be determined by supervisory personnel and should be located near the Command Post.

- (3) When aircraft is utilized, one (1) officer shall locate a safe landing site for the aircraft and direct the aircraft to the landing site.
- (4) Two (2) other primary response officers shall identify and list every person at the scene: these officers shall record names, addresses and any other relevant information. Members of the investigative team may take formal written statements later. Witnesses should be kept together as a group, but separated within the group and monitored to prevent their discussing what happened. Information obtained about the assailant(s) must be accurately and expeditiously relayed to the department and/or other personnel.
- (5) The remainder of the primary responding officers are to secure and protect the immediate perimeter of the crime scene until properly relieved of this responsibility by a superior officer. They shall receive assistance as soon as possible. The following procedures shall be used in safeguarding the crime scene:
 - (a) Determine the crime scene area: that area in which evidence of the crime may be found.
 - (b) Do not touch or disturb anything in crime scene area. Photographs made of the scene, in order to be of any value as evidence, must show all objects in the picture in their original, undisturbed condition and position. Presuming to search the area "carefully" or otherwise anticipating the operations of the special investigator(s) and/or technical services units may result in confusion, the loss or tainting of evidence, or the introduction of false leads.
 - (c) Exclude all persons from the crime scene area, except medical personnel as necessary. Even then, assure that such persons do not touch or disturb anything except as necessary to render medical aid.
 - (d) Prevent all persons, including agency personnel from entering the crime scene area until a member of the Investigative Team or its designee arrives at the scene.
 - (e) The physical means used in safeguarding will depend upon the layout of the scene. Indoors, the member can close off rooms and stand guard over them. Outdoors, guards, traffic cones, ropes, etc., may be utilized as needed. In a large area, additional officers should be assigned to guard

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- duty and/or police lines as necessary to meet the needs of the situation.
- (f) When the Investigative Team arrives, notify them of the boundaries of the crime scene area.
 - (g) When a member of the Investigative Team arrives at the scene, he shall assume command of the crime scene and the responsibility of protecting evidence in the crime scene area. Where the services of technical service units such as photographic, laboratory or ballistics are needed, the Investigative Team shall leave the evidence untouched.
 - (h) In summary, the procedures are simple. Do not touch the evidence at the scene. Protect the evidence from others, including other officers, until those assigned the duty of processing the crime scene and physical evidence have stated that their work is completed.
- (6) If the assailant(s) lends himself to immediate arrest without danger to the officer(s) or others and, in turn, is readily accessible, the arrest shall be effected.
- (7) The primary response officers shall be responsible for informing the arriving Investigative Team concerning circumstantial evidence observed, witnesses, etc.
- (8) The designated officer in charge of the primary response officers shall brief the arriving supervisor of the current situation.

2. Department Supervisory Personnel

- a) All department supervisory personnel shall be directed to come 10-8 immediately.
- b) The first supervisor arriving at the scene shall temporarily assume command and control of the scene, until relieved, and shall make assignments as needed. This supervisor shall, after assessing the situation, make the determinations and recommendations of the need for additional manpower and/or other components from within or outside the agency. In addition, he shall provide a current situation report to the Assistant Chief of Police and the aforementioned recommendations in regard to additional assistance if needed. This supervisor shall immediately establish a Command Post near the scene.
- c) The Assistant Chief of Police shall assume Situation Command of the "officer down" incident. In the absence of the Assistant Chief of Police, the senior lieutenant will assume Situation Command. In the event neither the Assistant Chief of Police or the senior lieutenant is immediately available; the senior sergeant will assume Situation Command until relieved of that command by a higher-ranking officer. The Situation Commander shall assume command of the "officer down" incident and all County Police officers and technical personnel. All supervisors in charge of designated squads shall coordinate

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their efforts through the commander or his designee. The mere presence or appearance of a higher-ranking officer than the commander at the scene shall not indicate his assumption of Situation Command. Such ranking officer shall remain in an advisory and/or evaluating capacity unless he specifically assumes command as outlined in AM-B-3.

- d) A supervisor shall be assigned to remain at the department for purposes of coordinating information. This supervisor shall designate areas within the department facility for the following use:
 - (1) Interrogation/interviews of suspects/witnesses.
 - (2) Interviews with member of the news media.
 - (3) Conference room for the County Judge Executive, the Chief of Police and/or Department command personnel. There shall be no admittance to this area unless for the purpose of relaying information.
 - (4) Conference room for investigative personnel.
 - (5) Command center office whereby the Situation Commander or his designee and the information-coordinating supervisor shall be located.
- e) Remaining supervisory personnel shall be assigned specific responsibilities as determined by the Situation Commander.
- f) As soon as any official pertinent facts can be obtained in regards to the incident, a supervisor shall be dispatched along with an officer who knows the family of the officer involved to maintain an open line of communication between the scene and the family. Officers shall remain at the family's residence as long as requested or needed to do so. No communications shall be made by phone to the family.

3. Secondary Response Officers

- (a) A discretionary number of backup officers to the primary responding officers may be dispatched to the scene.
- (b) Officers other than those assigned as the primary response units shall not respond to the scene unless directed to do so.
- (c) All secondary officers shall be dispatched to the Command Post unless assigned elsewhere for briefing and assignment by supervisory personnel. They shall act only at supervisory discretion.
- (d) Non-County Police law enforcement officers may respond to the area to assist. A County Police officer shall be designated at the scene to direct these officers to an assembly point in order to be grouped/assigned into this secondary unit. Local agency personnel will be assigned to uniformed County Police officers. These local officers will be informed they will be subject to County Police supervision and direction if their assistance is to be accepted.
- (e) For tactical operations, these secondary response officers should be divided into squads of not more than five officers per squad. A supervisor is to be assigned to each squad. Every patrolman, detective and non-County Police officer must be identified and listed by name and unit number and assigned to a specific responsibility/squad and supervisor. These assignments and

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respective shifts are to be made known to the Command Post and Oldham County Central Dispatch.

- (f) Utilization of secondary response officers may be used for such assignments as:
- (1) Provision of any requested assistance to the primary response units.
 - (2) Establishment of an inner and/or outer perimeter of control for the area possibly containing the suspected assailant(s).
 - (3) Roadblocks, other fixed posts, or roving patrol.
 - (4) House to house inquiries, notification and/or searches.
 - (5) Field searches for assailant(s), or any other assignment as designated by supervisory personnel.
- (g) The use of Drug Enforcement/Special Investigations personnel and/or other undercover or plainclothes officers must be strictly controlled at the officer down incidents. These officers should not be assigned to any primary or secondary response unit due to problems of being able to properly identify them. Such responding officers, who must have approval to respond, may be useful for assignments requiring use of confidential informants or useful in a controlled situation. These officers shall be subject to supervision by supervisory personnel at the scene.

4. Special Response Team

If the assailant(s) has not been immediately apprehended the Special Response Team (S.R.T.) shall be immediately activated and deployed to the Command Post at the scene for an appropriate briefing. If the assailant(s) has not been apprehended by the time the S.R.T. has arrived and the possible location of the assailant(s) is known, then the S.R.T. shall be utilized to attempt to apprehend the assailant(s). Searches of buildings, houses, wooded areas, fields and other areas and/or locations of possible containment of the assailant(s) shall be performed by the S.R.T. unless the S.R.T. Commander requests assistance.

5. Investigative Team

The Investigative Team shall be comprised of the ranking investigative officer and supervisor and may include both investigative and uniformed personnel. This team of officers is most important in terms of being able to make a subsequent delayed arrest and subsequent court conviction of the assailant(s). It is of the utmost importance that the very best investigators available are chosen for this team. The Investigative Team shall be divided up into the following units:

- (a) General investigations unit.
- (b) Evidence collection unit.
- (c) Interview unit.
- (d) Photography unit.
- (e) Intelligence/information gathering unit.

The Investigative Team shall assume control of the crime scene in thorough accordance with professionally accepted investigative skill and techniques. In addition, the Investigative Team shall pursue every lead to its ultimate conclusion. This team may request laboratory technicians to process the crime

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scene. This request shall be made to the commander. The Investigative Team shall be responsible for compiling a factual investigative report of the incident.

6. Public Affairs Officer

The department Public Affairs Officer (P.A.O.) shall proceed to the scene immediately for the purpose of liaison with the news media.

7. Additional Dispatcher Personnel

During an "officer down" situation at least three (3) dispatchers shall be on duty at the Oldham County Central Dispatch radio room. If this is not the case when this type situation develops, the commander shall make the necessary assignment(s) in order to have three dispatchers on duty during the situation.

Radio room personnel shall be responsible for insuring that the following documents/items are properly maintained and preserved:

- (a) All pertinent tapes relating to the critical incident operations are to be preserved.
- (b) All radio and telephone communications are to be logged properly and exactly on the communications log.
- (c) Proper entries are to be logged.
- (d) All teletypes are to be properly forwarded to appropriate personnel.
- (e) Copies of all teletypes relating to the operation are to be maintained at the Oldham County Police Department.
- (f) Central Dispatch is to be kept apprised of the situation as it develops at the discretion of the Situation Commander or his designee.
- (g) Only accurate and precise information as it relates to the incident is to be forwarded to affected persons. If in doubt, dispatcher personnel should inquire of supervisory personnel.

8. Clerical Personnel

If an "officer down" incident develops after normal business hours, it shall be the responsibility of the commander or his designee to call in the post clerical employees, if needed.

9. Utilization of Additional Components of the County Police

- (a) Canine Teams - Refer to OM-D-5.

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Effective Date March 1, 1999

Review Date March 15, 2001

POLICY

The Oldham County Police Department shall utilize a rotating wrecker log, maintained in Oldham County Central Dispatch to ensure that requests for wrecker services are equitably distributed. All wreckers on the rotating wrecker log shall be inspected annually utilizing OCPD 100.

REQUIREMENTS FOR PLACEMENT ON THE ROTATING WRECKER LOG

1. The wrecker service must agree to the established rates set by wrecker operators who are on the list.
2. The wrecker service must provide all information requested by the agency including: insurance information, names and operators license number of all wrecker operators, and any other information requested by the Oldham County Police Department.
3. The wrecker service must be in compliance and remain in compliance with all state statues and administrative regulations relating to commercial carriers.
4. The wrecker service must consent to both an initial inspection, and to subsequent, unannounced, annual inspection before being placed on the rotating wrecker log.
5. If the wrecker service engages in interstate commerce, it must be in compliance and remain in compliance with the Federal Motor Carrier Safety Act and with all administrative regulations.
6. If the wrecker service contends that it does not engage in interstate commerce, it must state that as part of the application process for inclusion on the rotating wrecker log.

ASSIGNMENT OF CALLS FOR SERVICE ON THE ROTATING WRECKER LOG

Agency requests for a wrecker service to respond shall be made in consecutive order, except when:

1. The owner or permissive user of a vehicle to be towed requests a particular wrecker service to respond. These requests shall not be noted on the rotating wrecker log and shall not count as a service call for purposes of the rotating wrecker log. Such requests shall be logged on the radio log with the name, address, and the operator's license number of the requesting party, and whether the requesting party is the owner or permissive user of the vehicle; or
2. The officer requesting a wrecker service is certain that the next scheduled wrecker service on the rotating wrecker log cannot tow the vehicle in a safe manner, or store the towed vehicle and makes a request for a particular wrecker to respond. Whether a wrecker can

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Effective Date March 1, 1999

Review Date March 15, 2001

respond in a timely fashion (i.e. within thirty minutes), depends upon the circumstances and is a discretionary determination for the officer. Such requests, and the reason for the request, shall be noted on the rotating wrecker log and count as a service call for that wrecker service.

REMOVAL OR REFUSAL TO PLACE SERVICE ON ROTATING WRECKER LOG

The Oldham County Police Department shall have discretion as to placing and removing wrecker services on the wrecker log, but should be prepared to show cause for failure to authorize inclusion of a wrecker service or its removal. A wrecker service may be refused placement on the agency's rotating wrecker log, or may be removed from that list for:

1. Violation of any state or federal law related to the towing or storing of any motor vehicle.
2. Violation of any law relating to the suitability of the wrecker service being placed on or remaining on the agency wrecker log.
3. Unsatisfactory performance, or failure to respond to wrecker service calls.
4. Refusal to permit agency inspection of the wrecker, or to provide information required by the agency.

RECOMMENDING A WRECKER SERVICE BY AGENCY

Oldham County personnel shall not recommend or solicit business for any wrecker, except in conformance with agency policy. Such recommendations do not apply to circumstances where there are no reasonable options to the use of a particular business.

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Effective Date March 1, 1999
Review Date December 7, 2000

POLICY

The Chief of Police or the Assistant Chief of Police, during appropriate working hours, should be notified immediately, by the best means necessary, of any on-going, critical incident. Notification of unusual events should be made as soon as possible.

PROCEDURE:

It shall be the responsibility of the on duty Oldham County Central Dispatcher to immediately notify the Oldham County Police Supervisor working or on call of any of the incidents listed below. Once the Supervisor has been notified it is his/hers responsibility to make certain that the Chief of Police and the Assistant Chief of Police are advised as soon as possible following the occurrence.

1. Officer's involvement in physical altercation.
2. Assault on sworn officers.
3. Cruiser accidents.
4. Crimes of violence.
5. Fatal traffic accidents.
6. Deaths by other than natural cause.
7. Damage resulting from weather related causes.
8. Incidents involving hazardous materials or explosives.
9. Airplane or train accidents.
10. Any manhunt situation.
11. Any hostage or barricaded suspect situation.
12. Canine activation.
13. Labor related activities or violence.
14. Pursuits - OCP or other agency initiated, time of day, type highway, number of police units involved, estimated top speed, length of pursuit, offense originally pursued for, other offenses discovered after apprehension, was suspect apprehended, forcible stop, any accident info involved in pursuit, any other pertinent data.
15. Any other unusual event deemed necessary.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

It is the policy of the Oldham County Police that seized/impounded property shall be maintained in the approximate condition as the time of seizure. Therefore, seized/impounded property shall be inspected periodically to ensure the time of seizure condition is maintained.

PROCEDURE

At the time of seizure the case officer will make a complete inventory of the property, and will cause the property to be transported or towed to an appropriate storage location as may be authorized by the department. As soon as practical after seizure, the case officer shall make a good faith attempt to release to the lawful owner all personal property seized which is not being retained as evidence or for forfeiture. In all cases involving possible asset forfeiture, the investigating officer shall contact the Detective Sergeant or his designee at DE/SI Section (Headquarters) to provide all necessary information required in the completion of the Forfeiture Initiation Report as provided in OM-C-13. The Asset Forfeiture Program Coordinator of the DE/SI Section shall assist in the efficient operation of the forfeiture process. A DE/SI Forfeiture Analyst and/or Auditor shall also assist the investigating officer in the forfeiture process.

In addition to other pertinent forms, the case officer shall photograph the seized property and complete the property condition and maintenance report which is to be delivered to the designated Property Impoundment Officer. The Impoundment Officer shall cause all necessary maintenance to be performed. Maintenance that is performed shall be completed locally and paid on a Local Purchase Order. A copy of the LPO shall be attached to the report. The report shall be completed giving the date, maintenance performed, LPO number, authorizing officer, time spent and cost. The property condition and maintenance report may be maintained with the property or in a separate location as designed by the Post or Section Commander.

In addition to the initial condition report, a monthly inspection shall be performed by the Impoundment Officer referring to the initial condition report. The Impoundment Officer should maintain the property in the approximate condition as the time of seizure. Such inspections shall be documented on the maintenance ledger giving the date, maintenance performed (inspection), officer who performed the inspection and time spent. Any maintenance needed should be entered on a separate line.

Until the final order of the court, the seized/impounded property shall not be used for any purpose except what is operationally necessary for maintenance of the property.

SPECIAL MAINTENANCE

If special maintenance is required as in the instance of the seizure/impoundment of an aircraft, the aforementioned procedure will be followed; but in addition, the Commander of the Aircraft Support Section shall be contacted for maintenance

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guidelines. Questions concerning the maintenance of a vehicle, vessel, aircraft, etc., should be directed to a dealer or manufacturer of that item.

Special consideration, such as a vehicle cover or inside storage, may be needed concerning property that is of high value or collector's quality. However, this decision should be made on a case by case basis.

RELEASE OF SEIZED/IMPOUNDED PROPERTY

Property confiscated under KRS 218A shall be retained until the final order of forfeiture is issued by the court. The Impoundment Officer then shall cause the property, along with the court order, KSP 41, property condition and maintenance report, to be delivered to the State Property Officer who, in return, shall dispose of the property in accordance with OM-B-20.

Abandoned property or property where the lawful owner cannot be determined shall be disposed of in accordance with KRS 189.753, KRS 189-751 or an order of the court.

If at the conclusion of the judicial process, the claimant/defendant prevails, the seized property shall be released to the lawful owner. Under these circumstances, the department shall not assess any towing charges, storage fees, administrative costs, maintenance cost, etc., against the lawful owner unless so authorized by the appropriate court.

In all other instances, the department may assess against the owner the actual costs of towing, storage, maintenance administrative costs which reflect actual expenses. In this instance, the Impoundment Officer shall accept only a certified check or money order made payable to the Kentucky State Treasury. Upon receiving the monies, the Property Officer shall direct a memorandum to the Fiscal Affairs Branch, with the monies attached, giving an explanation for the monies.

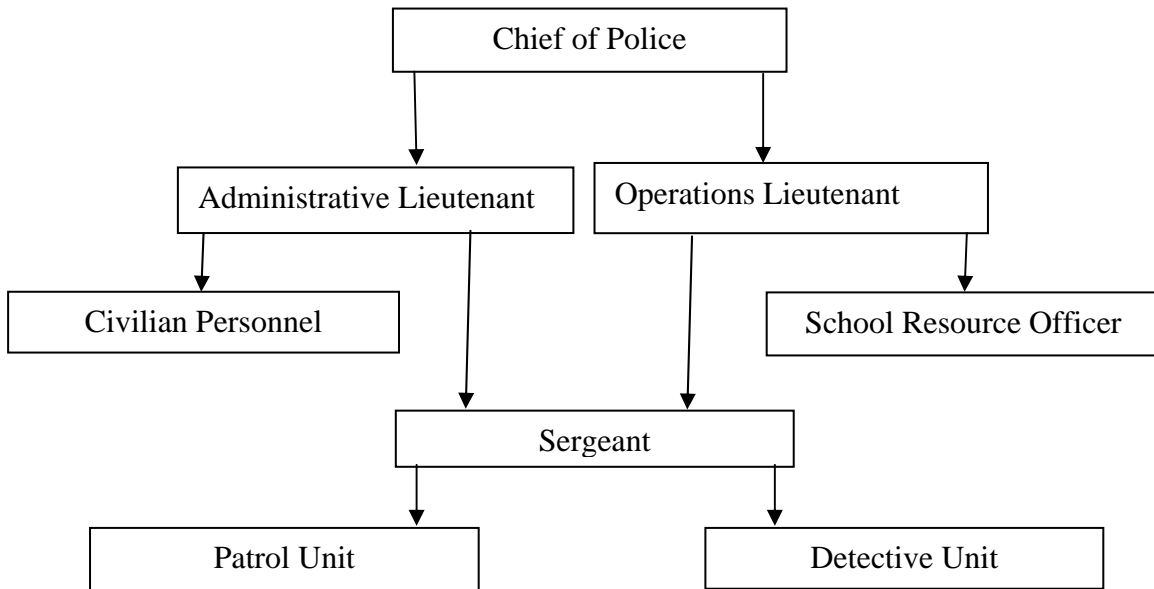


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Review Date: September 8, 2004



Chain of Command Chart





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Effective Date: March 1 1999
Review Date: September 8, 2004

POLICY

A commanding officer is any member of the Oldham County Police designated by the Chief of Police to exercise command authority over any section of the Oldham County Police Department. A supervisor is any officer who has been specifically designated by an officer of superior rank to exercise supervisory authority or any officer who holds the rank of sergeant or above.

PROCEDURE

Within the department's structure, there are a variety of responsibilities which taken as a whole make up the department's function. Certain officers are responsible for these tasks. When communications are received or generated regarding these responsibilities they are too routed to the supervisor having that responsibility.

When a subordinate officer needs information, clarifications of orders, or has a problem, which required the action of someone higher in authority than himself, he is to contact his immediate supervisor. That supervisor will either solve the situation or contact his supervisor and the solution will be relayed back to the originating officer.

Exceptions may be made in the event of an urgent matter requiring immediate disposition or if an officer believes that his supervisor cannot deal with his situation, as in the case of certain personal problems. If an officer has a problem that he wishes to consult with higher authority about, he is to contact his immediate supervisor and advise him that he wish to see the Chief or the Assistant Chief. This request shall then be granted.

Supervisors are to keep subordinate officers informed of orders, rules and regulations and other information that they need but are not aware of due to absence from the department or other reasons. This is especially true of those matters concerning specific areas of responsibility such as those falling under the auspices of the Assistant Chief and Patrol or Detective Sergeant.

DEFINITIONS

Chief of police
Shift supervisors
Commanding officers
Sergeant
Patrol officer
Clerks



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Effective Date: March 1 1999
Review Date: September 8, 2004



CHAIN OF COMMAND

A. EXPLANATION OF CHAIN OF COMMAND

1. The Chief of Police is the highest rank in the Department and is responsible for department administration. In order that the Police Department will function properly with the delegation of authority flowing easily from officer to officer the following chain of command is established.
2. During the normal hours, when the administrative offices are open and the Chief is available, the chain of command will flow through the various divisions in the normal manner, i.e. Chief to Commanding Officer, to Sergeant, to Patrol Officer, and vice versa.
3. In all instances the officer, where an incident occurs, will be in command at the scene of the incident until relieved by a superior officer. In the event of two officers being assigned to the same incident, the senior officer, at the scene of the incident, is in charge until relieved by a superior officer.
4. In the event the need for additional men arises, the officer at the scene will make a request to the station for additional manpower. A Supervisor will then determine the nature of the incident and direct additional people to assist the person making the request.
5. If an incident of major importance or proportions occurs and it is deemed necessary by the Shift Supervisor to request that a commanding officer take charge, the appropriate commanding officer, as shown on the organizational chart, shall be immediately contacted. If the appropriate commanding officer is unavailable, then the other commanding officer shall be contacted. If he/she is not available then the Chief shall be contacted. The commanding officer on the scene shall make the determination as to whether to contact the Chief of Police. Upon a commanding officer's arrival on the scene, after being informed of the circumstances by the senior officer at the scene, command shall shift to the senior commanding officer. All orders relative to the carrying out of the police function will emanate from that commanding officer.
6. So that the orderly succession of command is followed during the absence of the Chief, the Senior Command Officer shall be in command of the Department.



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B. COMMANDING OFFICER

1. Subject to direction from the Chief of Police, a commanding officer has direct control over all members and employees under his/her command. The commanding officer is responsible for the direction and control of the personnel under his/her command to assure the proper performance of duties and adherence to established rules, regulations, policies, and procedures. He/she shall provide for command and/or supervision during his/her absence.
2. A commanding officer is an officer above the rank of Sergeant, who reports directly to the Chief of Police. This is a management position falling between the Chief of Police and the Shift Supervisors. These officers shall be responsible for those persons and their actions as assigned by the Chief of Police.
3. Commanding officers are responsible for maintenance of discipline and morale within their command and the investigation of personnel complaints assigned them by the Chief of Police.
4. Commanding officers are responsible for the promotion of harmony and cooperation with all units of the department. They will initiate proper action in cases not regularly assigned to their command when delay to inform the proper unit might result in a failure to perform a police duty.
5. Commanding officers are responsible for the proper organization and assignment of duties within their unit to assure proper performance of departmental functions and those of their command.
6. Commanding officers are responsible for the preparation of the required correspondence, reports, and maintenance of records relating to the activities of their command. They are responsible for the communication of information up and down the chain of command as required. They are responsible for the proper use and maintenance of quarters, equipment, supplies, and materials assigned to their command.
7. Commanding officers are responsible for the punctual attendance of all personnel within their command and shall see that records are completed of each member's attendance, overtime, days off, leaves of absence, and vacation in such a manner and form as directed by the Chief of Police.



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8. Commanding officers shall periodically inspect all members of their command to assure proper maintenance of personnel and departmental equipment used within their command.
9. Commanding officers will assist subordinates in the preparation of cases so that they will not be incomplete due to neglect on the part of members of the department. When in doubt as to the law, procedure, or status of a case, they shall consult suitable authority.
10. Commanding officers shall prepare efficiency ratings of their subordinates as directed by the Chief of Police.
11. In accordance with the direction of the Chief of Police, the commanding officers will observe probationary officers assigned to their command, and prior to the expiration of their probationary period, they shall submit to the Chief a detailed written report concerning their qualifications to secure permanent status and his/her opinion as to the desirability of their retention.
12. Commanding officers shall perform such other duties as the Chief of Police shall from time to time direct, as relates to budgeting, community relations, juvenile dispositions, investigations, etc.

C. **SHIFT SUPERVISORS**

1. Shift supervisors have direct control and supervision, subject to the orders of the Chief of Police or command officer over all officers and employees assigned to their particular shift. Shift supervisors are responsible to and report directly to the Chief of Police in the absence of another commanding officer. They are responsible for the efficiency and effectiveness of their subordinates and shall coordinate the functions and activities of the various units of their commands. They shall at all times require their shifts to cooperate with other shifts and units of the Department and shall suppress any friction which may arise between officers on their shifts.
2. Shift supervisors are charged with, and shall be responsible for the investigation of complaints made by citizens relative to the conduct of subordinates under their command and shall report the results to their commanding officer or to the Chief of Police.
3. Shift supervisors shall so regulate their command that, at all times when they are absent, it shall be under the command of a competent officer. In the Sergeant's absence, the senior officer shall be the shift supervisor.



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4. Shift supervisors will personally respond to any emergency or other incident of a serious or unusual nature, which arises during his/her tour of duty, unless his/her presence at headquarters would be of more value under the circumstances. If the shift supervisor is not physically present at the scene of the emergency, the senior officer at the scene, shall take command.
5. Shift supervisors will report any unusual occurrence, homicide, attempted homicide, or other grave crime to a Commanding Officer immediately.
6. Shift supervisors are responsible for the treatment of prisoners while in the station or jail and under no circumstances will unnecessary violence be allowed in the management of a prisoner or any other person.
7. Shift supervisors are responsible for the efficiency, discipline, and morale of all members of their command. They will submit written reports through proper channels, concerning incompetence, misconduct, neglect of duty, or violations of rules and regulations by their subordinates. These reports will contain recommendations as to the action to be taken.
8. Shift supervisors will be responsible for conducting roll call and other forms of in-service training as directed by a commanding officer.
9. Shift supervisors will closely supervise the activities of their subordinates, making corrections where necessary and commanding good work where appropriate. They shall have a working knowledge of the duties and responsibilities of their subordinates. They shall observe contacts made with the public and their subordinates and be available for assistance or instructions as may be required. They shall critically observe procedures affecting the operations of their command and shall recommend changes designed to increase its effectiveness.
10. Shift supervisors will be alert to discover criminal activities whose continuance indicates the need to supplement the regular patrol during certain hours and in certain sections of the County.
11. Shift supervisors will make frequent inspections of the County at irregular times, noting all violations of laws and ordinances and conditions requiring police attention. They shall take such steps as are necessary to correct the irregularities. They shall, at irregular and unusual hours, make tours of inspection of officers on duty to ascertain whether their duties are being properly performed.



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12. Shift supervisors will be expressly required to see that all complaints and request for service anywhere in the County are promptly and properly investigated and that appropriate action is taken. They shall see that all criminal warrants are served as soon as possible.
13. Shift supervisors will counsel subordinate officers in the performance of their duties, and shall take suitable action in the case of any laxity, misconduct, incompetence, inefficiency, and/or neglect of duty and that may come to their attention.
14. Shift supervisors will require the members of their command to make prompt and thorough investigations of crimes that occur in their commands with a view towards the identification and apprehension of perpetrators, the discovery and interrogation of suspects, location and interviewing of witnesses, and the recovery of the property.
15. Shift supervisors shall receive from the shift supervisors relieved, and pass on to their relief any information of special details, assignments and any other information which might facilitate the accomplishment of the police task.
16. Shift supervisors shall be held responsible for reviewing and approving all case reports, shift reports, citations, etc. compiled during their tour of duty. They are also responsible for ensuring that all reports are factual, accurate, and complete.
17. Shift supervisors will be responsible for the efficiency, discipline, good conduct, appearance, and strict attention to duty of the personnel under their supervision.

JOB DESCRIPTIONS

A. CHIEF OF POLICE / COLONEL

1. The Chief of Police is the executive head of the Police Department. The general administration and control is vested in the Chief of Police, who shall be responsible for the government, efficiency, and general good conduct of said department.
2. The Chief of Police in the exercise of his/her duties shall have the power to prescribe, formulate, and enforce policy, procedure, and rules and regulations for the government of the department, none of which shall be



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inconsistent with the Charter, ordinances of the County, laws of the State, or any other written policy of the department.

3. The Chief is ultimately responsible for the proper and efficient enforcement of all laws and ordinances which the police department is authorized to enforce.
4. It shall be the responsibility of the Chief of Police to cause the public peace to be preserved and enforce all the laws and ordinances of the County.
 - a. Whenever any violation shall come to his/her attention he/she shall cause a complaint and investigation to be made for the successful prosecution of the offender or offenders. He/she has the authority to delegate such orders to the employees of the police department as he/she may deem proper, but the orders shall conform to the law. All such orders shall remain in effect until rescinded.
5. He/she shall submit a fiscal budget to the Fiscal Court describing the department's needs and their proposed goals and future needs.
6. The Chief of Police shall discharge the responsibility imposed on his/her office and shall require the employees of his/her office to do the same.
7. The Chief of Police shall make all appointments and promotions in the department subject to the confirmation of the Merit Board.

MINIMUM EDUCATION AND EXPERIENCE: Ten (10) years of police experience, including five (5) years in a supervisory position of Sergeant or above; or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States.

COMMANDING OFFICERS

1. **ASSISTANT CHIEF OF POLICE/ MAJOR** shall have the following duties and responsibilities:
 - a. Design and supervise a Special Weapons and Tactics Team.



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- b. Design and supervise all Department training activities. These are to include in-service training, specialized training, firearms training and records for same. The Lieutenant shall base officer training on needs list developed.
- c. Designing, implement and evaluate public relations projects for the Department.
- d. Act as the Department Equipment Officer for all department equipment. This includes: the purchase of new equipment, replacing obsolete equipment, repairing damaged equipment, handling complaints of damage or loss to police equipment and handling complaints of damage or loss to private property caused by police employees. Design and implement a record system for all Department equipment.
- e. Supervise and implement manpower allocation policies for all members of the department. This includes scheduling work hours, vacations, time due off, miscellaneous leave, military leave, overtime, etc.
- f. Supervise and implement policy for all impounded or found property coming into the possession of the Police Department. Properly dispose of all property by return to the owner or public auction.
- g. Assume overall command of the Department during any absence of the Police Chief.
- h. Perform the duties of the Chief of Police as is necessary during his/her absence.
- i. Perform such other duties, as the Police Chief shall from time to time direct.

MINIMUM EDUCATION AND EXPERIENCE: Ten (10) years of police experience, including five (5) years in a supervisory position of Sergeant or above; or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.



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ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a mid-level supervisory management position must successfully complete at least (80) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) 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.

2. **ADMINISTRATIVE LIEUTENANT** shall have the following duties and responsibilities:
 - a. Shall design, implement and evaluate public relations projects for the Department.
 - b. Shall work with the Operations Lieutenant in procuring all department equipment. This includes: the purchase of new equipment, replacing obsolete equipment, repairing damaged equipment, handling complaints of damage or loss to police equipment and handling complaints of damage or loss to private property caused by police employees. Design and implement a record system for all Department equipment.
 - c. Shall supervise and implement manpower allocation policies for all members of the department. This includes assisting in scheduling work hours, vacations, time due off, miscellaneous leave, military leave, overtime, weekly schedule, officer in-services, officer re-certs, overtime details, placement of the radar sign, and traffic target areas.
 - d. Shall supervise and implement policy for all impounded or found property coming into the possession of the Police Department. Properly dispose of all property by return to the owner or public auction.
 - e. Shall supervise and implement Department Policy reference all criminal investigations and prosecutions conducted by the Department.
 - f. Shall supervise and implement Department Policy reference all matters involving juveniles coming to the attention of the Department.



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- g. Shall supervise and implement Department policy for all uniformed Officers of the Department as relates to their official duties.
- h. Shall supervise and implement Department policy reference all activities of the First Responders.
- i. Shall supervise and implement Department policy for all parking violations.
- j. Shall assume overall command of the Department during any absence of the Police Chief and Assistant Chief of Police.
- k. Shall perform the duties of the Assistant Chief of Police as is necessary during his/her absence.
- l. Shall perform such other duties, as the Police Chief shall from time to time direct.
- m. Shall inspect supervisor's manual for all updated material.
- n. Shall be under the direction of his/her command officer and when present shall assume all of the duties, responsibilities, and authority of the shift supervisor. He/she shall report directly to the Chief of Police.
- o. Shall work Monday through Friday with flexible hours ranging from 06:00 to 16:00 hours.
- p. Shall be responsible for supervising all civilian personnel including the janitorial staff.
- q. Shall be responsible for reviewing and updating all reports.
- r. Shall be responsible for all records.
- s. Shall be responsible for maintaining the automotive room. This shall include ordering and maintaining stock for monthly maintenance.
- t. Shall be responsible for maintaining all pool vehicles in the fleet insuring that they receive routine maintenance.



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- u. Shall be responsible for monthly automotive inspections and maintaining the inspection records.
- v. Shall be responsible for all office supplies.
- w. Shall be responsible for citation book inventory and all other supplies that are obtained from KSP supply.
- x. Shall be responsible for stocking and ordering uniforms and leather gear.

MINIMUM EDUCATION AND EXPERIENCE: Eight (8) years of police experience, including two (2) years as a Police Command Sergeant, or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a mid-level supervisory management position must successfully complete at least (80) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) 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.

3. **OPERATIONS LIEUTENANT** shall have the following duties and responsibilities:
 - a. Shall be responsible for overseeing day to day department operations.
 - b. Shall design and supervise a Special Weapons and Tactics Team.
 - c. Shall design and supervise all Department training activities. These are to include in-service training, specialized training, firearms training and records for same. The Lieutenant shall base officer training on needs list developed.



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- d. Shall work with the Administration Lieutenant in procuring all department equipment. This includes: the purchase of new equipment, replacing obsolete equipment, repairing damaged equipment, handling complaints of damage or loss to police equipment and handling complaints of damage or loss to private property caused by police employees. Design and implement a record system for all Department equipment.
- e. Shall supervise and implement manpower allocation policies for all members of the department. This includes scheduling work hours, vacations, time due off, miscellaneous leave, military leave, overtime, weekly schedule, officer in-services, officer re-cert, overtime details, placement of the radar sign, and traffic target areas.
- f. Shall assume overall command of the Department during any absence of the Police Chief and Assistant Chief of Police.
- g. Shall perform the duties of the Chief of Police as is necessary during his/her absence.
- h. Shall perform such other duties, as the Police Chief shall from time to time direct.
- i. Shall plan, staff and supervise activities to handle special events (i.e. parades, Dairy Days, 10 k runs, etc.)
- j. Shall work Monday through Friday with flexible hours ranging from 06:00 to 16:00 hours. However, work schedule may be required to change according to departmental needs.

MINIMUM EDUCATION AND EXPERIENCE: Eight (8) years of police experience, including two (2) years as a Police Command Sergeant, or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a mid-level supervisory management position must successfully complete at least (80) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) year of such appointment or



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promotion. Equivalent training will be accepted, however, the agency must demonstrate that the training is equal to or exceeds KLEC standards.

4. **LIEUTENANT** shall have the following duties and responsibilities:
 - a. Supervise and implement Department Policy reference all criminal investigations and prosecutions conducted by the Department.
 - b. Supervise and implement Department Policy reference all matters involving juveniles coming to the attention of the Department.
 - c. Supervise and implement Department policy for all uniformed Officers of the Department as relates to their official duties.
 - d. Supervise and implement Department policy reference all activities of the First Responders.
 - e. Supervise and implement Department policy for all parking violations.
 - f. Plan, staff and supervise activities to handle special events (i.e. parades, Dairy Days, 10 k runs, etc.)
 - g. Assume overall command of the Department during any absence of the Police Chief and Assistant Chief of Police.
 - h. Perform the duties of the Assistant Chief of Police as is necessary during his/her absence.
 - i. Perform such other duties, as the Police Chief shall from time to time direct.
 - j. Inspect supervisor's manual for all updated material.

MINIMUM EDUCATION AND EXPERIENCE: Eight (8) years of police experience, including two (2) years as a Police Command Sergeant, or any equivalent combination of education, training, and/or experience me be substituted which provides the required knowledge, skills and abilities.



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ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a mid-level supervisory management position must successfully complete at least (80) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) 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.

B. **ADMINISTRATIVE SERGEANT**

- a. The Administrative Sergeant shall be under the direction of his/her command officer and when present shall assume all of the duties, responsibilities, and authority of the shift supervisor. He/she shall report directly to the Chief of Police.
- b. The Administrative Sergeant shall work Monday through Friday with flexible hours ranging from 06:00 to 16:00 hours.
- c. The Administrative Sergeant shall be responsible for supervising all civilian personnel including the janitorial staff.
- d. The Administrative Sergeant shall be responsible for reviewing and updating all reports.
- e. The Administrative Sergeant shall be responsible for all records.
- f. The Administrative Sergeant shall be responsible for the weekly schedule, officer in-services, officer re-certs, overtime details, placement of the radar sign, and traffic target areas.
- g. The Administrative Sergeant shall be responsible for maintaining the automotive room. This shall include ordering and maintaining stock for monthly maintenance.
- h. The Administrative Sergeant shall be responsible for maintaining all pool vehicles in the fleet insuring that they receive routine maintenance.



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- i. The Administrative Sergeant shall be responsible for monthly automotive inspections and maintaining the inspection records.
- j. The Administrative Sergeant shall be responsible for all office supplies.
- k. The Administrative Sergeant shall be responsible for citation book inventory and all other supplies that are obtained from KSP supply.
- l. The Administrative Sergeant shall be responsible for stocking and ordering uniforms and leather gear.

MINIMUM EDUCATION AND EXPERIENCE: Five (5) years of police experience as a Police Officer, or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a mid-level supervisory management position must successfully complete at least (40) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) 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. **PATROL SERGEANT**

- a. The Patrol Sergeant shall be under the direction of his/her command officer and when present shall assume all of the duties, responsibilities, and authority of the shift supervisor. He/she shall report directly to his/her Lieutenant.
- b. The Patrol Sergeant shall act as the Community Relations officer under the direction of the appropriate command officer. He/she shall coordinate his/her activities so that he/she carries out the programs as planned by the Command Officer. This position may rotate and as the Assistant Chief of Police assigns different sergeants a broad base of community relations should develop within the department, with actual



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performance of specific community relation's projects carried out by all levels of the department.

- c. The Patrol Sergeant shall act as the juvenile officer on their shifts under the direction of the appropriate command officer. Each shift will handle its own juveniles and dispose of cases properly.
- d. Patrol Sergeants in charge of a particular shift shall be the direct supervisor of all persons, except superior officers on that shift and shall coordinate the activities of officers and civilian dispatchers with the command officer in charge of that particular shift.
- e. Patrol Sergeants shall be responsible for conducting those investigations of a follow-up nature that are assigned to them by the command officer or Assistant Chief of Police.
- f. Patrol Sergeants shall be responsible for conducting those training programs as the command officer or Assistant Chief directs.
- g. Patrol Sergeants shall also be responsible for all of the duties and responsibilities of Patrol Officers.

MINIMUM EDUCATION AND EXPERIENCE: Five (5) years of police experience as a Police Officer, or any equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Every employee appointed or promoted to a first-level supervisory position successfully complete at least (40) hours of supervisory training which has been approved by the Kentucky Law Enforcement Council (KLEC) prior to or within one (1) 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. **PATROL OFFICER**

1. A patrol officer is the community's first defense against crime and social disorder. He/she shall constantly be vigilant in the performance of his/her duties. Patrol officers have a responsibility to conduct themselves in a professional manner.



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2. Patrol officers are responsible for:
 - a. Fair and impartial enforcement of the law;
 - b. Apprehension of offenders;
 - c. Preservation of social order;
 - d. Protection of persons and property from the unlawful acts of others.
3. A patrol officer shall be required to report for duty promptly at the time and place designated by lawful authority. He/she shall present himself for duty in proper uniform and in a neat appearance, shall listen attentively to the orders and instructions of his/her superior officers and shall be held accountable in the proper performance of his/her duty. Upon being assigned, he/she shall report promptly to his/her patrol area and shall perform his/her duties as required.
4. A patrol officer is charged with learning the geographical character of the County, including its streets, public buildings, hospital, schools, and other features of importance. A patrol officer should be able to assist strangers and other citizens in finding desired locations in the County.
5. A patrol officer shall be thoroughly familiar with his/her patrol area, to the extent that he/she can detect criminal offenses and other unusual occurrences requiring his/her attention.
6. A patrol officer shall, while on duty, maintain an alert and businesslike manner, shall not conceal himself for non-police purposes, nor leave the county without permission.
7. A patrol officer shall continuously patrol every part of his/her patrol area giving particular attention to locations where crime hazards are greatest. He/she should not patrol his/her area in a fixed pattern, but should alternate his/her route.
8. Whenever a door or window in his/her patrol area is found under unusual or suspicious circumstances, the patrol officer shall investigate thoroughly to determine if possible, whether a burglary or other crime has been committed. He/she shall, if necessary, request that the owner of the premises be notified in order that an



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inspection of the premises may be conducted. The dispatcher shall enter a record of all such incidents on the appropriate log.

9. A single officer should not enter any building in which he/she reasonably believes a burglar to be hiding, but should wait for assistance before taking any further action. He/she should monitor the building until assistance arrives. He/she should also never enter any building alone without another officer, the owner or legal custodian of the building present.
10. A patrol officer should observe all persons he/she encounters in his/her patrol area and shall investigate any persons whose appearance, conduct, or presence seems suspicious.
11. A patrol officer should be on alert for wanted and missing persons and stolen vehicles, which may be in his/her patrol area. He/she should investigate the occupants and contents of vehicles, which cause suspicion, but only within the limits of proper legal procedure.
12. When occasion demands it, a patrol officer shall courteously, but firmly, question persons on the public streets as to their names, address, cause of being on the street, and other matters relating to their circumstances.
13. A patrol officer shall be friendly toward all children and be ever watchful of their physical and moral welfare, using every legal means to prevent the formation of gangs and the disbanding of any in existence. He/she shall warn children away from playing in dangerous areas.
14. Patrol officers are charged with the enforcement of all provisions of local and state traffic codes.
15. A patrol officer shall take notice of all nuisances, impediments, obstructions, defects, or other conditions, in or adjacent to the street, alleys, and public places, which tend to endanger the health, safety, or convenience of the public. He/she shall report to the radio dispatcher street lights out, water leaks, traffic hazards or other physical conditions, which require immediate action. A notification shall be made to his/her superior officer, any traffic or other existing condition or hazard in need of correction but not requiring immediate action.



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16. A patrol officer shall carefully investigate all complaints on or near his/her patrol area which is assigned to him or which are brought to his/her attention by citizens. He/she shall take suitable action in those cases, which come under his/her jurisdiction and inform interested parties of the laws or ordinances relative to the particular complaint or incident. If the legal remedy of the complaint lies outside the jurisdiction of the Police Department he/she shall advise the complainant accordingly and refer him to the proper authority.
17. A patrol officer shall be responsible for the preliminary investigation of all crimes brought to his/her attention. At the scene of a crime, an officer's duties are to, in the following order:
 - a. Render aid to the victim, if required;
 - b. Determine the identity of and apprehend the perpetrator, if possible;
 - c. Begin the preliminary investigation. In serious cases, such as an apparent homicide, the patrol officer shall summon to the scene of the crime a commanding officer or the Chief of Police if a commanding officer is not available. In any case the Chief shall be notified through use of the Chain of command in all cases of serious crimes, as soon as possible. The patrol officer at the scene of the crime shall be responsible for a thorough investigation and for the protection of the crime scene until relieved by competent authority.
18. A patrol officer shall willingly render assistance in such matters as stalled motorists, citizens locked out of their autos or residences, the physically or mentally handicapped requiring aid, and all other similar service situations which are either personally observed by the officer or brought to his/her attention.
19. A patrol officer shall respond to all calls and take appropriate action even though the original complaint may be anonymous.
20. A patrol officer shall have such other duties or assignments as a superior officer may from time to time direct.



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MINIMUM EDUCATION AND EXPERIENCE: High school diploma or G.E.D. equivalency.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Complete at least 40 hours of certified in-service training each calendar year as required by KLEC.

E. **SCHOOL RESOURCE OFFICER**

The School Resource Officer Program is a collaborative effort by certified law enforcement officers, educators, students, parents, and the community to offer law related educational programs in the schools in an effort to reduce crime, drug abuse, violence, and provide a safe school environment.

The School Resource Officers are responsibilities for:

1. Develop a positive and supportive relationship with students.
2. Works with Oldham County Faculty in delivering presentations on law-related education, drug and alcohol prevention and life skills programs.
3. Encourages individual and small group discussions with students, based upon the material presented in class, to further establish rapport with students.
4. Becomes familiar with Safe Schools Manual and its usage.
5. Using district criteria contained in the Safe Schools Manual makes referrals to the counselors when the SRO detects signs or extreme stress in students that might lead to more severe problems.
6. Works with staff in locating outside professional community resources for students.
7. Assists in supervising the school parking lots, as needed.



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8. Reports suspected child abuse dependency and neglect to proper authorities and investigates as directed by the Lieutenant.
9. Deters trespassers from entering or remaining in school building without proper authorization, according to established guidelines and procedures.
10. In order to assure the peaceful operation of school-related programs, participates in or attends school functions, such as dances, sports events, whenever possible.
11. Works with principals on the development and implementation of the Safe School Plan.
12. Monitors student activities in the hallways, cafeterias, and all areas of the school grounds.
13. Reports persons exhibiting undesirable behavior to appropriate school officials.
14. Although the SRO will not serve as a disciplinarian and disciplining students is a school responsibility, assists the disciplinarian when the potential exists that a student has or may be about to commit a crime. This does not prevent the SRO from taking action in his/her official capacity.
15. Provides consultation to administrators on school incidents that occur.
16. Makes himself/herself available for conference with students, parents, and staff in order to assist them with problems of law enforcement or substance abuse nature.
17. When requested by the principal, attends parent/staff/council/administrative meetings to solicit support and understanding of the SRO program.
18. Confers with the principal to develop strategies to prevent and/or minimize dangerous situations on or near the school campus or involving students in school-related activities.
19. Conducts, when necessary, formal law enforcement interviews with students or staff on property or at school functions under



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the jurisdiction of the school board, pursuant to and in full compliance with school board policies, policies of the Oldham County Police Department and all applicable laws concerning interviews.

20. Attends training activities for school resource officers, as directed by the Director of Pupil Personnel or the Lieutenant.
21. Affirms his/her role as a law enforcement officer wearing their uniform, unless in doing so would be inappropriate for scheduled school activities.
22. Agrees to maintain confidentially, as permitted by law, in accordance with laws requiring such confidentiality among school officials and refrains from speaking with sources outside the school district or outside the police department about school incidents or affairs.
23. Other duties as directed by Lieutenant or the Director of Pupil Personnel.

MINIMUM EDUCATION AND EXPERIENCE: High school diploma or G.E.D. equivalency.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States. Complete at least 40 hours of certified in-service training each calendar year as required by KLEC.

F. **ADMINISTRATIVE CLERK**

1. The Administrative Clerk is responsible for the filing and maintenance of the necessary reports, records, and documents submitted for safe keeping by the Department. The records keeping function is an important system of any and all law enforcement agencies and shall be recognized as such by the Police Department.

- a. The Administrative Clerk shall be under the direct supervision of the Assistant Chief of Police.



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- b. The Administrative Clerk shall supervise, instruct, provide for training, and assist all Clerks in the Department.
- c. The Administrative Clerk shall have a extensive knowledge of Microsoft Word, Spreadsheets and Access and must demonstrate the ability to write and understand spreadsheet formulas and demonstrate the ability to write and troubleshoot simple database problems.
- d. The Administrative Clerk shall take charge of all police related moneys, maintaining a daily record of debt/credit balance, the issuing of purchase order numbers and ultimately, transferring these moneys as required.
- e. The Administrative Clerk shall maintain an accurate record of all thefts, arrests, summons, warrants, and other information according to standards set by the Oldham County Police, the Kentucky State Police, the Department of Transportation, the Federal Bureau of Investigation, and any other agency requiring reports. The Uniform Crime Report data shall be submitted to the Kentucky State Police as required. These duties include but are not limited to the entering of citations, monthly bills, and accident reports.
- f. The Administrative Clerk shall prepare monthly activity reports on or before the second Monday of each month as directed by the Assistant Chief of Police.
- g. The Administrative Clerk shall transcribe interviews conducted by Detectives or Patrolmen.



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- h. The Administrative Clerk shall prepare bills as received twice a month and submit them to the Assistant Chief of Police for review and then to the Chief of Police for signature. The Assistant Chief of Police should receive the bills three days prior to when they are due for signature by the Chief of Police. And printout and maintain balances on line items
- i. The Administrative clerk shall not gossip, read books, or magazines, engage in idle conversation, engage in personal telephone calls, or otherwise ignore their duties.
- j. The Administrative Clerk in the absence of the other clerks shall assume all of their duties.
- k. The Administrative Clerk shall fill report and reprint requests.
- l. The Administrative Clerk shall download photos as needed by departmental employees.
- m. The Administrative Clerk shall maintain stolen property database.
- n. The Administrative Clerk shall monthly validations as submitted by Oldham County Central Dispatch.
- o. The Administrative Clerk shall maintain the public record report synopsis database.
- p. The Administrative Clerk shall maintain a running balance and printout of meal tickets on institutionalized labor.
- q. The Administrative Clerk shall maintain and take minutes of departmental meetings.
- r. The Administrative Clerk shall maintain car video log and tapes.



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- s. The Administrative Clerk shall be responsible for the downloading of all Internet accident report requests.
- t. The Administrative Clerk shall be responsible for maintaining databases for inventory control.
- u. The Administrative Clerk shall be responsible for maintaining databases for stolen property.
- v. The Administrative Clerk shall be responsible for maintaining databases for general file.
- w. The Administrative Clerk shall be responsible for maintaining databases for report synopsis.
- x. The Administrative Clerk shall assume the responsibilities of the Receptionist or Clerk in their absence.
- y. The Administrative Clerk shall perform other duties as directed by the Assistant Chief of Police from time to time.

MINIMUM EDUCATION AND EXPERIENCE: High school diploma or G.E.D. equivalency and three (3) years of related clerical and administrative support experience; or, equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States.

G. **CLERK**



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1. The rules and general guidelines that have been established for clerk are as follows:
 - a. The direct supervisor of Clerk is the Assistant Chief of Police.
 - b. The Clerk shall have a general knowledge of Microsoft Word, Spreadsheets and Access and understand and write database programs and have a working understanding and knowledge of spreadsheet formulas.
 - c. The clerk shall be responsible for maintaining directed patrols and related files for schedule and website as directed by the Assistant Chief of Police.
 - d. The clerk shall not gossip, read books, or magazines, engage in idle conversation, engage in personal telephone calls, or otherwise ignore their duties.
 - e. The clerk shall maintain a neat and professional appearance at all times, by wearing the authorized uniform while on duty or if not provided a uniform by wearing clean, neat, presentable clothing.
 - f. The clerk shall maintain and enter all citation activity which shall include all citation reporting overtime activities of all law enforcement agencies in Oldham County.
 - g. The clerk shall maintain and update the pawn report program for all law enforcement agencies in Oldham County.
 - h. The clerk shall maintain and update the field contact database.
 - i. The clerk shall run monthly activity on each officer.



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- j. The clerk shall maintain and enter data for any Federal Overtime Program.
- k. The clerk shall trouble shoot problems with the fax machine.
- l. The clerk shall maintain the automotive maintenance files as well as the supplies in the automotive room and bill all necessary agencies who obtain supplies from our agency.
- m. The clerk shall be responsible for the identification and inventory of automotive duplicate keys and expired registrations.
- n. The clerk shall make sure that all pagers are maintained and working properly and maintain the pager inventory.
- o. The clerk shall be responsible for ordering all office supplies including but not limited to report forms, batteries, citation books, and courtesy notice books and police notebooks.
- p. The clerk shall be responsible for providing copies of the legal law bulletins to officers.
- q. The clerk shall serve as confidential secretary to the Chief of Police and the Assistant Chief of Police.
- r. The clerk shall be responsible for downloading photos as needed by departmental employees.
- s. The Clerk shall submit insurance claim forms when there is storm damage or an accident involving one of our vehicles.
- t. The clerk shall assist in data entry on maintaining an accurate record of all thefts, arrests, summons, warrants, and other



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information according to standards set by the Oldham County Police, Kentucky State Police, the Department of Transportation, the Federal Bureau of Investigation, and any other agency requiring reports. The Uniform Crime Report data shall be submitted to the Kentucky State Police as required. These duties include, but are not limited to the entering of citations, Uniform Offense Reports, JC-3 reports, vehicle tow report, stolen property database and the public report synopsis database.

- u. The clerk shall assist in putting the cases together and filling them in their appropriate cabinets.
- v. The Clerk shall assist with answering the telephones.
- w. The Clerk shall assume the responsibilities of the Receptionist or Administrative Clerk in their absence.
- x. The clerk shall also carry out such additional duties as directed by the Assistant Chief of Police from time to time.

MINIMUM EDUCATION AND EXPERIENCE: High school diploma or G.E.D. equivalency and three (3) years of related clerical and administrative support experience; or, equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States.

H. **RECEPTIONIST**

1. The rules and general guidelines that have been established for clerk are as follow



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- a. The direct supervisor of the Receptionist is the Assistant Chief of Police.
- b. The Receptionist shall be responsible for answering incoming telephone calls, and route them to their proper destination.
- c. The Receptionist shall promptly and courteously answer all requests for service from citizens who come to the department and direct them according.
- d. The Receptionist shall be responsible for issuing ID badges allowing access to the facility.
- e. The Receptionist shall not gossip, read books, or magazines, engage in idle conversation, engage in personal telephone calls, or otherwise ignore their duties.
- f. The Receptionist shall maintain a neat and professional appearance at all times, by wearing the authorized uniform while on duty or if not provided a uniform by wearing clean, neat, presentable clothing.
- g. The Receptionist shall have a general knowledge of Microsoft Word, Spreadsheets and Access.
- h. The Receptionist shall be responsible for scheduling programs such as Cub Scouts, Brownies, Girl Scouts, etc.
- i. The Receptionist shall be responsible for scheduling vehicle-etching details.
- j. The Receptionist shall be responsible for scheduling child car seat checks.
- k. The Receptionist shall make hotel reservations for officers attending in-service.



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- l. The Receptionist shall maintain the orders manual.
- m. The Receptionist shall update court disposition records and distribute to officers accordingly.
- n. The Receptionist shall be responsible for trouble shooting problems the photo-copy machine.
- o. The Receptionist shall be responsible for maintaining the subpoena log database.
- p. The clerk shall be responsible for downloading photos as needed by departmental employees.
- q. The Receptionist shall be responsible for entering courtesy notices, directed patrols, 10-99 reports, K-9 Activity database, and citizen contact information into their respective databases.
- r. The Receptionist shall assist in Great Plains Dynamics Purchase Order Entry.
- s. The Receptionist shall maintain monthly City meeting dates, fax monthly reports and inform Officers of meeting dates.
- t. The Receptionist shall assume the responsibilities of the Clerk or Administrative Clerk in their absence.
- u. The Receptionist shall be responsible for locking the doors and transferring phone calls at the close of business.
- v. The Receptionist shall also carry out such additional duties as directed by the Assistant Chief of Police from time to time.

MINIMUM EDUCATION AND EXPERIENCE: High school diploma or G.E.D. equivalency and one (1) year of related clerical and administrative support experience; or,



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equivalent combination of education, training, and/or experience may be substituted which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENT: Possession of a valid license by the State of Kentucky. Must be a citizen of the United States.

Oldham County Police Department

Effective Date February 12, 2001

Review Date November 5, 2001

POLICY

Citizen Contact, detainment and traffic enforcement are valuable means of accomplishing the duties inherent in law enforcement.

As important as these tools can be, the protection of, and the preservation of the constitutional and civil rights of individuals remains the paramount concerns of government and law enforcement in particular.

To safeguard these rights, Oldham County Police personnel shall not engage in any behavior or activities that constitutes racial profiling.

The decision of an officer to make a vehicle stop, detain an individual, conduct a search subsequent to a stop, or seize property as the result of stop, shall not be based solely motivated by consideration of race, ethnicity, gender or other similar or individual considerations. Stops, detentions or searches shall be based on articulable reasonable suspicions observed violations of law or probable cause, shall comply with accepted constitutional and legal provisions, with the Code of Canon of Ethics adopted by the Kentucky Law Enforcement Council through Peace Officer Professional Standards.

DEFINITIONS

For purposes of this policy:

"Racial Profiling" means a process that motivates the initiation of a vehicle stop, detention, search and/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, a possible crime or violation of law or statute.

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"Search" means any physical search by a law enforcement officer based either on consent or probable cause for the purpose of determining if evidence of a violation of law is present. Search does not mean a visual inspection or other inspections of the interior, exterior or contents of the motor vehicle permitted by law consistent with the legal definition of a search.

PROCEDURE

All officers shall complete the Kentucky Law Enforcement Council approved training related to racial profiling. Such training shall comply with Federal Laws, state statutory provision applicable case law and other applicable laws, regulations, and established rules.

DISCIPLINE

Any officer who violates a provision of this policy shall be guilty of non-conformance to rules and regulations, a class "C" violation.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 16, 2001

POLICY

The Oldham County Police Department expects and encourages its officers to conduct field interviews. A field interview is a lawful contact with a citizen for investigative purposes. Officers shall document such contacts for the purpose of identifying witness, or victim, or for crime prevention, intelligence gathering, or community relations. The department further expects its officers to gather such information with proper observance of constitutional safeguards. Strict constitutional guidelines exist that protect both the civil rights of citizens and the rights of officers to obtain information crucial to the reduction and prevention of crime. Further, field interviews frequently contribute to the building of a reasonable suspicion or even probable cause to arrest or conduct a search.

PROCEDURE

1. Making the Field Contact - Conducting the Interview:

- a. Officers may make field contact interviews when they reasonably believe that an event is suspicious or illegal. The Supreme Court states, in Terry vs. Ohio, (392 U.S.1, 1968), that an officer "may in appropriate circumstances and in an appropriate manner approach a person for the purposes of investigating criminal behavior even though there is not probable cause to make an arrest." The test of reasonableness is the officer's ability to articulate why any reasonable person would have drawn the same, or similar conclusions and suspicions.
- b. A field interview requires voluntary cooperation from the citizen. In the absence of reasonable suspicion for a Terry stop or probable cause to arrest, the citizen may stop the interview at any time and leave. The citizen may also refuse to produce identification or otherwise identify himself.

2. Field Interview and Field Investigation cards serve as:

- a. A source of information: The field inquiry is based on the principal that opportunity to apprehend criminals and to prevent crime increases with the number and frequency of persons interviewed. One way an officer can increase his/her skill as an observer is to obtain information from persons living or working within his/her patrol area.
- b. A means of identifying the suspect: An arrest at the scene is not always based upon the immediate recognition of a wanted criminal. Frequently, it is the outgrowth of the action taken by a police officer who stops to question a person who has aroused his/her suspicions. Information obtained during a

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field contact can also be used at a later date to identify a criminal.

- c. A means of obtaining suspects or witnesses: The value of reported field inquiries becomes very important when a crime is committed and there are but a few investigative leads. The investigator must rely on the field interview reports to sift out questions in the vicinity at the approximate time of the crime.

3. Place of Interview:

- a. The difference between a field interview and a stop is a thin one. As noted earlier, reasonable suspicion provides the key basis for the officer's action.
- b. As a general rule, the field interview may be conducted anywhere the officer has the right to be.
- c. Field contacts shall not be done to coerce a person to leave an area or place where he or she has a legitimate right to be and no violation of law has occurred.

4. Conduct of the Interviews:

- a. To repeat, during a routine field interview, persons shall not be detained in a manner against their will, nor shall they be required to answer questions or respond in any manner if they choose not to do so. The fine line between a field interview and a stop and frisk must be strictly observed to avoid accusations of harassment. Since the distinction between a "contact" and a "stop" depends to a great extent on whether, under the circumstances, the citizen perceives that he is free to leave, officers shall comply with the following guidelines:
 - (1) All requests during the contact should be phrased with neutral or optional words, such as "may", "would you mind", etc.
 - (2) Abrupt, short responses which could be misunderstood and requests which could be misinterpreted as commands must be avoided.
 - (3) The duration of a contact must be as brief as possible.
- b. The success or failure of obtaining information beneficial to crime analysis and criminal investigation will depend upon an officer's ability to put citizens at ease and establish rapport. However, during a field contact, if the person

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should ask whether he/she must respond, or indicate that he/she feels compelled to respond, the officer shall immediately inform him of the right to refuse to answer, as well as the right to leave. Where citizens refuse or cease to cooperate during a contact, the refusal itself cannot be used as the basis for escalating the encounter into a stop and frisk.

5. Recording the Field Interview:

- a. When a field contact is made the initiating officer shall complete a Field Contact Card on the person concerned.
- b. A field contact card may be completed on a subject who is stopped for a traffic violation if the situation warrants, according to the officer's judgment.
- c. A field contact card may also be used as a field observation card. In these instances, the officer should fill out the card as completely as possible, using prior knowledge and current observations of the person or vehicle. This will eliminate the necessity of asking the dispatcher to log people or vehicles at specific locations.
- d. Information from the completed field contact card shall be maintained in the Records Division of the Oldham County Police department.
- e. Information from field contact cards shall be used only for investigations, gathering of criminal intelligence and other law enforcement needs.

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Effective Date March 2, 2001

Review Date March 2, 2001

POLICY

To establish guidelines for the department's direction and control of traffic hazards or obstructions.

PROCEDURE

1. Officers may be required to direct traffic at any of the following locations:
 - a. Accident scenes.
 - b. Fire scenes.
 - c. Locations affected by adverse road and weather conditions.
 - d. Any other location where vehicular or pedestrian traffic is impeded.
2. When an officer encounters one of the above situations, he/she shall correct the situation if possible.
3. If the traffic is impeded by a private entity (e.g., telephone, electric, cable repair, etc.), that entity is responsible for traffic control.
4. Normally patrol officers will be assigned to this duty; however, all sworn officers or volunteers may be involved.
5. Manual traffic direction will be accomplished with consideration for the safety of the officer and/or volunteer at all times.
 - a. The police vehicle should be appropriately positioned with all emergency lighting activated so that approaching motorists are adequately warned.
 - b. Officers directing traffic shall abide by the departmental policy, Reflective Safety Vests.
 - c. Flares and/or traffic cones should be utilized where appropriate.
6. The voice is seldom used in directing traffic. When an officer is directing traffic he knows and uses standardized, appropriate gestures, (i.e.. arm), and audible signals, (i.e.. whistle) to stop, start, and turn traffic. Oral orders are not easy to give or understand and often lead to misinterpretations, which are dangerous. An order, which is shouted, can antagonize the motorist. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens the officer should move reasonably close to the person and politely and briefly explain his directions.

D. Procedure - Specific

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1. Accident scene:

- a. Traffic control at an accident scene is the responsibility of the officer in charge of the scene.
- b. If there is only partial blockage of the traffic way, officers on the scene will expedite traffic flow, but not to the degree that it endangers the safety of persons on the scene or that physical evidence is altered.
- c. If an accident investigation involves the closing of the traffic way, the officer in charge of the scene shall notify Oldham County Central Dispatch that the roadway is closed and the estimated time that such closure will continue.

2. Fire scenes:

- a. Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control.

(1)No vehicles, excluding emergency vehicles, will be allowed to drive into the area where fire apparatus is parked and operating.

(a) Police vehicles should be parked in such a manner that the movement of emergency vehicles (e.g., water haulers) is not impeded.

(2)No vehicles will be allowed to cross fire hoses without the approval of the incident scene commander.

- b. Parked vehicles, which interfere with fire operations, may be towed as needed.
- c. Officers should remain on point control at the scene, until the incident scene commander no longer requires their assistance.

(1)Fire personnel may relieve officers, if conditions indicate that the officer's presence is more urgently needed elsewhere.

3. Locations affected by adverse road and weather conditions.

- a. The shift command/supervisory officer may close a roadway if, in his opinion, the surface conditions and

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terrain are unusually hazardous. He should request Oldham County Road Department assistance in alleviating the problem.

- b. The shift command/supervisory officer or his/her designee will notify the local radio stations of adverse road conditions or closures that will affect the motoring public.
- c. Officers may be assigned to direct traffic and safeguard movement at the scene of downed power or telephone lines, broken gas or water mains, or highway construction, when the situation endangers the safe movement of traffic.

4. Disabled motorists:

- a. The officer will position his/her vehicle such that it:
 - (1) Warns approaching motorists of a potential hazard.
 - (2) Protects the disabled vehicle and any persons on foot.
 - (3) Does not adversely impede the flow of traffic around the disabled vehicle.
- b. The officer will assist the motorist in obtaining necessary assistance or in having the vehicle removed from the roadway.
- c. Officers are not responsible for the repair of disabled vehicles, nor under normal circumstances shall they use their police vehicle to "jump start" disabled vehicles.
- d. If stopping and assisting would compromise a police assignment or unduly impact the safety of the officer or others under his/her control, the officer should notify the Communications Center of the motorist's location.
 - (1) Officers driving unmarked police vehicles should advise Oldham County Central Dispatch of any disabled motorists.

5. Special event traffic control.

- a. For any other special event, the officer in charge of the scene will ensure the preparation / implementation of a special traffic plan which addresses:
 - (1) Ingress and egress of vehicles and pedestrians.

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- (2) Provisions for parking and spectator control.
 - (3) Assignment of point control duties and reliefs.
 - (4) Alternate traffic routing.
 - (5) Temporary traffic controls and parking prohibitions.
 - (6) Emergency vehicles access.
6. Manual operation of traffic control devices:
- a. On occasion, officers must manually operate traffic control signal light, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control devices only in the following situations:
 - (1) When traffic lights malfunction.
 - (2) To facilitate movement at traffic accidents or other emergencies.
 - (3) To provided thoroughfare for a motorcade or funeral procession.
 - (4) To alleviate congestion resulting from use of automatic controls particularly during planned special events.

Oldham County Police Department

Effective Date March 12, 2001

POLICY

The expandable "ASP" baton may be used by officers in situations where the use of force as authorized in AM-E-1.

GENERAL USE OF THE "ASP" BATON

1. Officers shall possess and use an "ASP" baton only after receiving approved training.
2. All sworn personnel shall receive a certificate stating they have successfully completed training on the proper use of the issued "ASP" baton.

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Effective Date March 12, 2001

Reviewed March 16, 2001

POLICY

The general public relies upon the Oldham County Police Department for assistance and advice faced with the many routine and emergency traffic situations. Often there is no other private or public agency available to provide such services. The Oldham County Police Department expects officers to perform such services diligently and responsibility, mindful of the exceptions of the community.

PROCEDURE

1. Highway Emergencies.

- a. Officers arriving upon the scene of any highway emergency shall request Oldham County Central Dispatch to obtain necessary services and then provide emergency first aid, fire suppression, and obtain additional assistance as the situation requires, pending arrival of appropriate emergency services.

2. Hazardous Highway Conditions.

- a. Officers locating debris in the roadway shall remove it or request Oldham County Central Dispatch to notify the Kentucky State Highway Department of the Oldham County Road Department to have it removed from the road to a safe location.
- b. Officers shall report all highway defects to Oldham County Central Dispatch.
- c. Requests or suggestions for additional or new highway safety features will be forwarded through the chain of command to the Chief of Police, who will forward the request to the appropriate department or agency in the situation warrants. These requests will specify the services or actions requested and the location.

Oldham County Police Department

Effective Date June 22, 2000

Review Date March 16, 2001

POLICY

This section will grant the Oldham County Police Department the authority to establish a volunteer chaplains' program. The purpose of the chaplains' program is to provide twenty four hour, seven day per week spiritual guidance and counseling to any member of the Agency or his or her family needs based on the need and desire of it. It is not intended to replace the individual's own clergyman.

The volunteer chaplains' program will be designed to assist police and persons in the community through a field service ministry. This program will 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.

The chaplain shall be permitted and is encouraged to ride with any officer on any shift. The chaplain does not need prior approval to ride.

QUALIFICATIONS FOR APPOINTMENT

1. Be an ordained, licensed, or certified clergy in good standing and endorsed as a chaplain by a recognized religious denomination.
2. Present proof of certification to the department of his or her church affiliation.
3. Maintain high and moral standards.
4. Be able to commit the required time.

EQUIPMENT

The chaplain shall be issued the following items:

1. Department pager.
2. Portable radio.
3. One class "A" summer and winter uniform.
4. One class "A" summer and winter uniform hat.
5. One uniform breast badge.
6. One pair of class "A" Uniform shoes.
7. One Class "A" uniform belt.
8. Collar brass
9. Name plate.
10. Servicing since plate.

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Effective Date June 22, 2000

Review Date March 16, 2001

DUTIES

As part of his or her official duty with the Agency, the chaplain is expected to perform the following duties as requested by a police officer.

1. Death notification.
2. Respond to a accident or crime scene.
3. Domestic violence situations.
4. Child abuse situations.
5. Assisting officers with transients.
6. Counsel confused or suicidal persons.
7. Provide liaison with other religious leaders of the community.

Oldham County Police Department

Effective Date March 1, 1999
Review Date February 25, 2002

POLICY

All Oldham County Police officers are subject to call at any time to respond to an emergency request for police service. Oldham County Police officers shall maintain reasonable contact with the department when off duty in order to facilitate a prompt and efficient response to emergency calls for police service at times when the officer may be needed in the county.

AVAILABILITY FOR CALL DURING OFF-DUTY HOURS PROCEDURES

If, when called, the officer is unable to respond, he shall inform the dispatcher, who shall in turn inform a supervisor of the reason why he cannot respond. Another officer shall then be called.

No officer shall be required to respond to a call for service when off duty if he is under the influence of alcohol or of any medication to any extent.

No officer shall be required to respond to a call for service when off duty if to do so would require him to leave unattended any children under his care or supervision.

VEHICLE AND EQUIPMENT READINESS

In order to assure a prompt and efficient response to a call for service when off duty, all officers shall keep their vehicle and equipment in a constant state of readiness. All work on equipment, and all vehicle maintenance, shall be performed while off duty, according to the following procedure:

Any officer needing equipment service or vehicle maintenance shall inform the supervisor in charge of equipment service and obtain the necessary parts. The supervisor will make arrangements for use of another vehicle, if necessary.

If the required service has not been completed by the time the officer is scheduled to begin his next shift, the officer shall arrange his own transportation to the department so as to be available for duty at the beginning of the next shift or make arrangements prior to the beginning of his shift to be picked up at his residence. Time spent traveling from the officer's residence to the department will not be regarded as compensable time.

It shall be the responsibility of the officer, with the approval of the shift supervisor, to adjust any time spent in performing maintenance on a vehicle, is adjusted off at the earliest possible shift before the end of the current work week. When an emergency or other situation prevents the adjustment of a later regularly scheduled work day it will be the responsibility of the officer involved to submit for payment overtime using form OCP 70 through the normal process.

Under no circumstances will any officer spend any time working on his equipment

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or vehicle while off duty without the consent of the on duty shift supervisor. This includes time spent washing the official vehicle. The vehicle shall be kept clean and in good operating condition and is subject to inspection at any time.

TELEPHONES

Each officer of this agency shall maintain a publicly listed telephone number, except:

When conditions exist, in which the officer or his family receive threatening, harassing, etc., telephone calls, then the officer may contact his supervisor and show just cause of the existing problem, thereby requesting permission to have his residential telephone number unpublished or unlisted.

Upon receiving this request, the supervisor may permit the officer to acquire an unlisted or unpublished telephone number for a time predetermined by the supervisor.

At such time as the time interval expires, the supervisor shall review the original request and make a determination relative to the continuance or conclusion of allowing the use of unlisted or unpublished telephone numbers.

A copy of all requests approved or disapproved, for the non-publishing or delisting of residential telephone numbers shall be forwarded to the Assistant Chief of Police for review.



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Review Date August 1, 2004



PURPOSE

The purpose of this policy is to protect the agency and individual officers from liability for actions taken and to establish guidelines for the appropriate use of force and ensure proper training for all personnel in the use of defensive weapons.

POLICY

It is the intent of the Oldham County Police Department that all members recognize the importance of human life, respect basic human rights, and have an intolerant attitude towards abusive treatment of all persons. Bearing this in mind, officers' use of force will be value driven, utilizing only the force reasonable under the circumstances so as to minimize the chance of injury to themselves and others.

Officers are sometimes confronted with situations where control must be exercised to affect arrests and to protect public safety. Control may be achieved through advice, persuasion, warnings, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would reasonably be ineffective under the particular circumstances. When utilizing force, officers shall use only Departmental approved equipment in the use of which the officers are trained, except in emergency situations when an officer may use any resource at their disposal. Officers are permitted to use whatever force is reasonable to protect others or themselves from bodily harm.

This policy establishes guidelines for sworn personnel concerning the Oldham County Police Department's use of force that reflects agency philosophy, professional law enforcement, and established state and judicial standards. It shall be the policy of the agency to use only that degree of force that is necessary to perform official duties.

Officers shall not strike or use physical force against any person except when necessary in self defense, in defense of another, to overcome physical resistance to lawful commands, or to prevent the escape of an arrested person. When deadly force is justified, it shall be considered a last resort and be employed for effect and not for warning.

Officers are required to complete a Use of Defensive Tactics Report Form (OCP 87) on all uses of force resulting in any injury or the complaint of any injury to either officers or the subject, or when physical force other than a control hold is used.

DEFINITIONS



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- A. Approved Expandable Baton - An expandable baton approved by the agency referred to hereafter as the “expandable baton”.
- B. Chemical Agent - An aerosol spray agent such as Oleoresin Capsicum (OC) and/or Orthochlorobenzylidenemalononitrile (CS), or any other formulation of chemical agent approved by the agency for carry and use.
- C. Special Impact Munitions Systems – Departmentally approved launchers and projectiles, with the ability to incapacitate with reduced potential for death or serious injury.
- D. Taser – A defensive weapon approved by the agency that transmits electrical pulses to override the central nervous system and control the skeletal muscles.
- E. Use of Force Matrix – The Use of Force Matrix is a set of guidelines established to assist Oldham County Police officers in their decision-making process regarding the appropriate use of force.
- F. Slight Physical Harm – An injury NOT prohibiting normal duties or activities (e.g. bruise, redness, slight strain).
- G. Moderate Physical Harm - Can NOT perform normal duties, medical treatment necessary (e.g., strains and sprains).
- H. Great Bodily Harm - Harm to the body which involves a risk of death, serious permanent disfigurement, loss of or impairment of a bodily function or bodily organ.
- I. Imminent Danger – In relation to homicide in self-defense, this term means immediate danger, such as must be instantly met, and such as cannot be guarded against by calling for assistance of others or the protection of the law. Or, as otherwise defined, such as an appearance of threatened and impending injury as would put a reasonable and prudent man to his instant defense.
- J. In-Custody Deaths – A death, or the on set of a physiological condition resulting in death, that occurs while a subject is in law enforcement custody, or while an attempt is being made to take a subject into custody. Such deaths are usually, but not necessarily, associated with positional asphyxia, cocaine psychosis, alcohol intoxication, or excited delirium. The death may or may not involve the application of force. Deaths that occur as the result of vehicle crashes are not included.
- K. Deadly Force – A force that is likely to cause death or great bodily harm, permanent disability or permanent disfigurement and includes, but is not limited to:
 - 1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
 - 2. The term “deadly force” does not include the discharge of a firearm by a law



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enforcement officer during and within the scope of his or her official duties which is loaded with a less-lethal munitions. As used in this sub-section the term “less-lethal munitions” means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.

Deadly force includes discharging a firearm, or the use of an instrument like a knife, club, baton (side handle baton, expandable baton, etc), or any use of force in a manner likely to cause death, great bodily injury, permanent disability or permanent disfigurement.

Procedures

- A. Use of Force Matrix.
1. The Use of Force Matrix is meant to be used as a guideline for an officer to select effective, reasonable, and legal force options in a verbal or physical encounter. The Use of Force Matrix is comprised of Subject resistance Levels and Officer Response Levels which incorporate the following:
 - a. Subject Resistance Levels:
 1. Officer Presence – no physical harm: A subject is there, on the scene, with accompanying suspicious activity.
 2. Verbal Direction – no physical harm: A subject may verbally refuse to comply with an officer’s requests or attempts to control the situation. The subject may threaten the officer with further resistance. Or, the subject may not verbally respond to the officer.
 3. Passive Physical Resistance – slight physical harm: A subject physically refuses to comply or respond to an officer’s command. He/she does not make any attempt to physically defeat the actions of the officer but forces the officer to employ physical maneuvers, chemical agent, or the Taser to establish control.
 4. Active Physical Resistance – slight to moderate physical harm: A subject makes physically evasive movements to defeat an officer’s attempt at control. This may be in the form of bracing or tensing, attempts to push/pull away or not allowing the officer to get close to him/her.
 5. Aggressive Physical Resistance – moderate physical harm: A subject make overt, hostile, attacking movements which may cause injury, but are not likely to cause death or great bodily harm to the officer or others.
 6. Aggravated Physical Resistance – a great bodily harm: A subject makes overt, hostile, attacking movements with or without a weapon with the apparent ability to cause death or great bodily harm to the officer or others.



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- b. Officer Response Levels:
1. Command Presence - no potential for physical harm:
 - a. Presence: The officer is there, on the scene, with the subject. This includes proper voice and/or other identification, body language, and awareness by the subject that he/she is dealing with an officer.
 - b. Field Interview Stance: The officer adopts a stance outside of his/her danger zone that provides appropriate protection and forms the basis of an effective physical response if attacked. In such a stance, the firearm or strong side leg is back; the non-firearm or weak side leg is forward; the feet are about shoulder width apart; knees slightly bent giving balance, control and a lower body center of gravity; equally distributed body weight, and the hands are up for guarding the upper body.
 2. Communication – no potential for physical harm:
 - a. Dialogue: A two way, controlled, non-emotional communication between the officer and subject, aimed at problem identification and/or resolution.
 - b. Verbal Direction: An officer tells or commands a subject to engage in or refrain from a specific action or non-action.
 - c. Touch: A touch used to comfort or console a distraught individual. An officer may use a soft assisting touch when guiding, directing or obtaining the attention of a subject, or a firm, strong touch prior to escalating to a higher level of force.
 3. Physical Control – slight potential for physical harm:
 - a. Restraint devices: Mechanical tools used to restrict a subject's movement and facilitate searching; such as handcuffs or flex cuffs.
 - b. Chemical Agent Individual Protection Device: Aerosol spray agent used to subdue a subject.
 - c. Transporters: Techniques used to control and/or move a subject from point A to point B with minimum effort by the officer in order to gain and retain control over the subject.
 - d. Take Downs: Techniques that redirect, in a controlled manner, a subject to the ground in order to limit his/her physical resistance and to facilitate the application of a restraint device.
 - e. Pain Compliance: Techniques that force a subject to comply with an officer as a result of the officer inflicting controlled pain upon specific points in the subject's body, such as pressure point techniques.



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- f. Counter Moves: Techniques that impede a subject's movement, such as blocking, striking, distracting, kicking, parrying, dodging, weaving, re-directing, or avoiding, followed by appropriate controlling techniques.
 - g. Taser: Electronic weapon with projectiles used to subdue a subject.
 4. Intermediate Weapons – slight to moderate potential for physical harm:
 - a. Impact Weapons that are primarily used to control a subject such as an expandable baton.
 - b. Flashlight, clipboard or any other item used as a weapon or opportunity. If the flashlight or any other object must be used as a weapon of opportunity the strikes should only be directed at the same areas of the body and in the same manner as if utilizing an approved impact weapon.
 5. Incapacitation – moderate potential for physical harm:
 - a. Excluding less-lethal impact projectiles and tasers, techniques that are intended to stun or render a subject temporarily unconscious or unable to resist. These techniques may be delivered with or without an impact weapon, such as a strike to a major nerve area.
 - b. The use of neck restraints are prohibited, however empty hand techniques may be utilized in circumstances or situations where the actions of a subject constitute aggravated physical resistance which could result in great bodily harm, permanent disability, permanent disfigurement or death to the officer or others.
 6. Deadly Force – high potential for great bodily harm or death:
 - a. Techniques that may result in death, great bodily injury, permanent disability or permanent disfigurement, such as impact weapon strikes to the head, or use of firearms. Deadly force techniques are a last resort.
2. As a subject increases his/her resistance level from verbal to physical, an officer may have to increase the level of his/her response until the resistance ceases and the officer is able to gain control of the subject. As soon as the point of subject compliance is reached, the officer must de-escalate his/her response level to the minimum force necessary to control the subject.
3. In properly determining the appropriate response to a subject's resistance, several factors must be evaluated by an officer. For instance, an unarmed, small framed female, juvenile subject may be displaying Level 5 resistance, but would probably only require a Level 3 response by the average officer. On the other hand, a single



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officer faced with a very large professional wrestler or football player may very well find that his/her response to even mild resistance must be escalated to a relatively high point on the matrix. It must be remembered that by law, a officer need not retreat in his/her efforts to lawfully control a subject, but may utilize the amount of force necessary to accomplish his/her task. This is not to say that a tactical retreat in the face of overwhelming odds may not be a wise choice.

3. Additional factors that must be considered when making use of force decisions include:
 - a. Subject Factors:
 1. Seriousness of crime committed by subject.
 2. Size, age, and weight of subject.
 3. Apparent physical ability of subject.
 4. Number of subjects present who are involved, or who may become involved.
 5. Weapons possessed by or available to the subject.
 6. Known history of violence by subject.
 7. Presence of innocent or potential victims in the area.
 8. Whether the subject can be recaptured at a later time.
 9. Whether evidence is likely to be destroyed.
 - b. Officer Factors:
 1. Size, physical ability, and defensive tactics expertise of the officer.
 2. Number of officers present or available.
 3. Immediate reaction in the case of sudden attack.
 4. Weapons or restraint devices available to the officer.
 5. Legal requirements.
 6. Agency policy.
 7. Environment.
 - c. The above listed subject and officer factors are not all inclusive. Any and all determining factors must be properly articulated by the officer(s) employing physical force.
- B. All devices described in this policy will be used only after successful completion of a course in the proper use and carrying of the device. Reporting requirements for use of force described in this directive are listed in the attached matrix.
- C. Expandable Baton (ASP)
 1. Officers shall be authorized to carry an approved expandable baton only after successful completion of a course of instruction provided or approved by the agency. All duty officers, both uniform and plain clothes, shall carry on their person the issued expandable baton or chemical agent when engaged in any duty assignment.
 2. When utilizing the expandable baton, officers shall use only that degree of force



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which is necessary to protect anyone from physical attack or to overcome actual physical resistance to arrest. The agency shall provide in-service training regarding the use of the expandable baton to all affected personnel.

3. When an employee of the agency uses a baton, a Use of Defensive Tactics Report Form (OCP 87), must be prepared and forwarded to the Operations Lieutenant, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and ensure proper forms are submitted. A copy of the Use of Defensive Tactics Report Form (OCP 87) shall be forwarded to Administrative Lieutenant for review of policy and procedure and forwarded to the Chief of Police for final review.
- D. Use of Chemical Agent
1. An issued chemical agent may be used when Level 3 or higher resistance is encountered. The chemical agent's physiological effects make its use more suitable in certain situations. Proper use will aid in making an arrest with minimum force.
 2. Officers are authorized to carry an approved chemical agent only after successful completion of a course of instruction provided or approved by the agency. All duty officers, both uniform and plain clothes, shall carry on their person the issued chemical agent when engaged in any assignment. The issued chemical agent shall be carried and/or utilized only as issued and authorized. No changes, alterations, modifications, or substitutions shall be made to the issued chemical agent canister without the prior written approval of the Operations Lieutenant via memorandum through the chain of command. The approved substitutions to the issued chemical agent are as follows:
 - a. Key chain canisters.
 - b. Pen canisters.
 - c. Kubaton canisters.
 3. When the issued chemical agent has been deployed, replacement canisters shall be obtained from Supply. Personnel shall also replace their chemical agent canisters on or before the expiration date on the bottom of the canister or 5 years after the date of manufacture on the side of the can, dependant upon the brand carried.
- E. Chemical Agent Procedures
1. Personnel may use an approved chemical agent when they are required to use physical force for protection from assault and/or to take a person into custody. The chemical agent may also be used against attacking dogs.
 2. The chemical agent should be used before "hands on" techniques or the use of impact weapons (batons, etc.) when possible.
 3. The chemical agent should not be sprayed directly at a subject's eyes at distances of



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less than 3 feet.

4. After spraying the suspect with the chemical agent, the arresting officer will then handcuff the individual to minimize the threat of injury to either the officer or suspect. The officer will then expose the suspect to fresh air or clean water to allow for decontamination.
5. Any discharge, either intentional or accidental, will necessitate the immediate notification of the officer's immediate supervisor.
6. When an employee of the agency uses a chemical agent, either intentionally or accidentally, he or she must prepare a Use of Defensive Tactics Report Form (OCP 87), forward to the Operations Lieutenant, along with a copy of the Offense Report (if any). The immediate supervisor will investigate each incident and ensure proper forms are submitted. A copy of the Use of Defensive Tactics Report Form (OCP 87) shall be forwarded to Administrative Lieutenant for review of policy and procedure and forwarded to the Chief of Police for final review.

F. Use of Special Impact Munitions Systems

1. Special Impact Munitions Systems should only be utilized by officers trained in their use. These include the 37mm launcher and the sock round, which are fired from designed shotguns.
 - a. The potential exists for specialty impact munitions projectiles to inflict injury or death when they strike the face, eyes, and neck, and officers should avoid intentionally striking those body areas unless a life threatening situation exists. Each special impact munitions system should be used consistent with the training for that particular system.
 - b. Lethal force backup must be in place as support prior to the deployment of special impact munitions systems.
 - c. Anytime a special impact munitions is used, the subject will be transported to the hospital for examination.

G. IMPACT WEAPONS

1. Impact weapons are authorized as a means of:



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- a. Physical restraint or control:
 - b. Defense of any person.
2. Because of the potential for death or serious injury, officers will avoid intentional strikes to the head, neck, throat or clavicle with an impact weapon of any sort, unless deadly force is justified.
- H. Taser Procedures
1. Personnel may use an approved Taser when they are required to use physical force for protection from assault and/or take a person into custody. An issued Taser may be used when Level 3 or higher resistance is encountered.
 2. The Taser should be used before “hands on” techniques or the use of impact weapons when possible. The Taser shall not be intentionally aimed at a person’s head, neck or groin.
 3. Prior to carrying a Taser, officers shall successfully complete agency approved training.
 4. No changes, alterations, modifications or substitutions shall be made to the Taser. All repairs to Tasers or accessories shall be completed by an authorized vendor.
 5. After an officer uses a Taser to take a subject into custody, the officer shall:
 - a. Handcuff the subject to minimize the threat of injury to either the officer or the subject.
 - b. Remove the Taser prongs at the earliest opportunity. The Taser prongs shall only be removed by officers who have completed agency approved training in the use of the Taser.
 1. Taser prongs that have struck the face, groin or female breasts shall only be removed by fire/rescue or medical personnel.
 2. Taser prongs that have struck a person’s body shall be considered a biological hazard and shall be handled as such.
 - c. Visually examine the area struck to determine if an injury was sustained.
 1. A photograph shall be taken of all significant injuries.
 2. All injuries or the absence of injuries shall be noted on the Defense Tactics Report Form.
 6. Any discharge other than the function test, either intentional or accidental, shall necessitate the immediate notification of the officer’s immediate supervisor.
 7. When an officer, either intentionally or accidentally, uses the Taser, even if a subject



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is not struck, he or she shall prepare a Use of Defensive Tactics Report Form (OCP 87) and forward it via the chain of command to the Operations Lieutenant, along with a copy of the Incident Report. The immediate supervisor shall investigate each incident and ensure the proper forms are submitted. A copy of the Use of Defensive Tactics Report Form (OCP 87) shall be forwarded to Administrative Lieutenant for review of policy and procedure and forwarded to the Chief of Police for final review.

8. The data port on the Taser stores the time and date the Taser was fired.
 - a. During the issued officer's annual inventory at Material Control/Supply, the information from the data port will be downloaded and forwarded to the Administrative Lieutenant.

I. Other Weapons

Other less-lethal weapons may be authorized by the Chief of Police for special unit applications.

1. When an employee of the agency uses a less-lethal weapon, a Use of Defensive Tactics Report Form (OCP 87), must be prepared and forwarded to the Operations Lieutenant, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and ensure proper forms are submitted. A copy of the Use of Defensive Tactics Report Form (OCP 87) shall be forwarded to Administrative Lieutenant for review of policy and procedure and forwarded to the Chief of Police for final review.

J. Civil Disorder

When dealing with civil disorder situations where no arrest is possible if less-lethal force is utilized, the Incident Commander or designee is responsible for the completion of the Use of Defensive Tactics Report Form (OCP 87).

1. If an arrest is made, the officer who used the less-lethal force is responsible for completing the Use of Defensive Tactics Report Form (OCP 87).

K. Flashlight and Other Weapons of Opportunity

1. The flashlight should never be used as a weapon of choice but rather as a weapon of opportunity. If the flashlight is used as a weapon of opportunity it will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
2. Any other item (e.g., radio, clipboard, etc.) that is used as a weapon of opportunity will be considered an impact weapon and will be used in exigent circumstances at a Level 4 or higher response on the Use of Force Matrix.
3. If the flashlight or any other object must be used as a weapon of opportunity the strikes should only be directed at the same areas of the body and in the same manner as if utilizing an approved impact weapon.



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4. In the event that the flashlight, or other weapon of opportunity, is used as an impact weapon, the officer should disengage as soon as the situation permits and transition to an approved impact weapon, chemical agent, or defensive tactic technique.
 5. When an employee of the agency uses a flashlight or other weapon of opportunity as an impact weapon, a Use of Defensive Tactics Report Form (OCP 87), must be prepared and forwarded to the Operations Lieutenant, along with a copy of the Offense Report. The immediate supervisor will investigate each incident and ensure proper forms are submitted. A copy of the Use of Defensive Tactics Report Form (OCP 87) shall be forwarded to Administrative Lieutenant for review of policy and procedure and forwarded to the Chief of Police for final review.
- L. Nothing in this order shall prevent an officer from utilizing any readily available object or empty hand technique as a weapon in circumstances or situations where the actions of a subject constitute Level 6 Resistance that could result in great bodily injury, permanent disability, permanent disfigurement or death to the officer or others.
- M. Analysis and Reporting
1. The Administrative Lieutenant will conduct an analysis and prepare an annual report recommending training needs and/or policy modifications related to the use of force. The analysis will encompass:
 - a. Discharges of firearms investigated by the Detective's Unit as outlined in this policy.
 - b. Actions that result in, or alleged to result in injury or death of another person.
 - c. The application of deadly or non-deadly force as defined by agency Written Directives.
- N. Any officer involved in an incident that requires the use of deadly or non-deadly force shall, when necessary, advise Oldham County Central Dispatch to notify the appropriate emergency services and render medical aid within the scope of his or her training.
- O. All personnel approved to carry an agency authorized weapon or firearm may only utilize or discharge it under the following circumstances:
1. When conducting authorized ballistics tests.
 2. When engaged in sporting activities or shooting exhibitions as a representative of the agency.
 3. At an authorized target range for practice or training purposes.
 4. To kill a seriously wounded or dangerous animal when necessary.



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5. To defend themselves or other persons against unlawful force when they reasonably believe that such conduct is necessary to prevent imminent death or great bodily harm to themselves or others.
 6. To apprehend a fleeing felony suspect (which includes escapees) only when such force is necessary and probable cause exists to believe the suspect poses an immediate threat of death or serious physical injury to either the officer or another person. If possible, a verbal warning must be given prior to utilizing deadly force.
- P. Officers shall inform persons to be arrested of their authority and the cause of arrest, if possible and feasible, except when such person flees or forcibly resists before the officer has an opportunity to inform him, or when the giving of such information would imperil the arrest.
- Q. Members of the agency are not authorized to:
1. Fire warning shots.
 2. Draw or display a firearm unless there is a fear for their own personal safety or the safety of others. (Personal safety includes, but is not limited to the search of a structure for a suspected felon).
 - a. The intent of this provision is to permit officers to protect their person and others and to avoid the necessity of actually having to use a firearm when the threat of doing so might accomplish the purpose.
 3. Use a firearm to arrest or prevent the flight of a person who has committed a misdemeanor or traffic violation.
 4. Discharge their weapons at or into a moving vehicle unless it is absolutely necessary to do so to protect against an imminent danger to the life of the officer or others.
 5. Intentionally place themselves in the path of an oncoming vehicle and attempt to disable the vehicle by discharging their firearms.
- R. Officer Surrendering Weapon
Surrendering the weapon may mean giving away the only chance for survival. An officer should use every tactical tool at his/her disposal to avoid surrendering the weapon. Experience has shown that the danger to an officer is not necessarily reduced by giving up the weapon upon demand.
- S. Accidental Discharge of Firearm without Injury
1. Agency member(s) accidentally discharging a firearm not resulting in an injury to a person will:
 - a. Re-holster the weapon.



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- b. Immediately notify their respective supervisor.
 - c. Secure the scene and summon sufficient backup personnel, if necessary.
 - d. Notify other local jurisdictions.
 - e. The officer, with assistance from the supervisor, or his/her designee, shall prepare a comprehensive written report of the incident in memorandum form, which must include, but not be limited to:
 1. A chronological, detailed narrative of the incident, including all events prior to, during, and immediately after the shooting.
 2. The names and addresses of all civilian witnesses, if any, the names of other agency members present or involved, their rank, division and duty assignment.
 3. Whether agency members were involved, or present at the incident, and in uniform or civilian clothing.
 4. Whether vehicles were marked or unmarked, and vehicle numbers.
 5. A description of the scene to include lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring, and any other natural or man-made element which could have a bearing on the incident.
 6. A description of injuries sustained by any person present at the time of the incident, which is not attributed to a police action.
 7. A list of other police, fire, and ambulance personnel present at the scene, including names when possible.
 8. A sketch of the scene.
 9. Written statements from all witnesses, including civilian and agency members.
 10. Prepare a Use of Defensive Tactics Report Form (OCP 87).
2. Immediate Supervisor Will:
- a. Respond to the scene without undue delay.
 - b. Immediately notify the shift supervisor or designee.
 - c. Advise Oldham County Central Dispatch to request a Detective to respond, if deemed necessary.
 - d. Secure the firearm and leave it unaltered until a Detective arrives to document the weapon's condition. An exception would be a semi-auto that could be de-cocked for safety.
 - e. Review the agency member(s) Use of Defensive Tactics Report Form (OCP 87) and submit the original copy to Administrative Lieutenant, via chain of command, along with a copy of the Incident Report. Once reviewed for policy and procedure forwarded to the Chief of Police.
- T. All Other Incidents Where Firearm is Discharged (Except Killing of Animals)
In all other incidents where agency members discharge a firearm, they will:
1. Re-holster the weapon.



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2. Immediately notify the appropriate emergency services, if necessary.
 3. Immediately notify their respective supervisor.
 4. Secure the scene and summon sufficient backup personnel.
 5. Obtain the names and addresses of all civilian witnesses, if any, and the names of other agency members present or involved, their rank, division, and duty assignment.
 6. Prepare a Use of Defensive Tactics Report Form (OCP 87). Only Part 1 of the Use of Defensive Tactics Report will be completed.
 7. Immediate Supervisors Will:
 - a. Respond to the scene immediately.
 - b. Immediately notify the Operations Lieutenant.
 - c. Review the agency member(s) Use of Defensive Tactics Report Form (OCP 87) and submit the original copy to Administrative Lieutenant, via chain of command, along with a copy of the Incident Report.
 - d. Request personnel assigned to the Forensics to respond to the scene of the incident. Detectives will take custody of the firearm for processing and provide the officer with a replacement weapon.
 7. Administrative Lieutenant will:
 - a. Ensure the employee(s) are evaluated by Psychologist prior to releasing the employee(s) back to full duty.
- U. Procedures at Officer Shooting
1. The Detective Unit will be responsible for the investigation of all officer involved shootings, with the exception of accidental discharges not resulting in an injury or the killing of a wounded or dangerous animal.
 - a. The Detective Unit will respond to the scene to assure proper crime scene preservation and maintain control of witnesses and subjects. The lead detective may direct assisting detectives to other locations, as he/she deems necessary.
 - b. All witnesses, including the subject officer/officers, will be separated to assure witness credibility. No one, other than the detectives, should interview witnesses. This does not preclude a supervisor asking basic questions in order to find out what has occurred so that proper informed notifications can be made. Care should be taken by the lead detective to fully explain the investigative process to the involved officer/officers. The involved officer/officers should not be



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- left alone. A fellow officer, not involved in the incident, should stay to provide support.
- c. The Operation Lieutenant will respond to all officer involved shooting incidents and act as a liaison between the detectives and staff. The Detective supervisor will keep the Chief of Police and the Administrative Lieutenant fully informed as to the progress of the investigation.
 - d. A Psychologist will be notified of all Officer-involved shootings.
 - e. The Detective Sergeant and crime scene investigator will be responsible for ensuring the shooting scene is properly and thoroughly processed. The scene processing will include, but not be limited to, ground level photographs, aerial photographs if possible, and detailed drawings/sketches with all relevant factors. The assigned crime scene investigator will receive all weapons involved in a shooting incident, carefully clearing and recording projectile quantity and location. A semi-automatic will be de-cocked before submission for safety purposes. The crime scene supervisor **will** issue temporary replacement weapons to officers. Before responding to the shooting scene, the crime scene investigator and/or supervisor should determine what kind of weapon the officer will need to replace his/her service weapon.
 - f. If a death is involved, the Medical Examiner will be notified at the appropriate time by the lead detective or by one of his/her designees.
 - g. An area canvass will be initiated immediately to locate additional witnesses who have pertinent information regarding the shooting. Any witness information should be brought to the immediate attention of the lead detective. Statements should be taken from all persons interviewed whether or not they saw something.
 - h. Pre-interviews of witness officers at the scene will be conducted by the Detective's Unit Team as part of a fact finding mission.
 - i. Upon completion of the pre-interviews, the Detective's Unit will conduct an on scene critique with the appropriate personnel to discuss the facts and circumstances of the case. A decision will be made whether or not to issue Miranda Warnings to subject officer(s) prior to conducting a formal interview. Officers involved are to be treated as any citizen involved in similar circumstances.
 - j. If Miranda Warnings are to be issued to the involved officer(s), the lead detective will read the Miranda Warnings to the involved officer(s) prior to obtaining a formal statement.
 - k. If feasible, a scene re-enactment will be conducted prior to the officer or civilian witnesses leaving the scene. The re-enactment should take place while events are fresh in the participants' mind and if any participant is unable or unwilling to participate, a stand-in should be



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provided. The re-enactment should be video taped or photographically preserved in as much detail as possible.

- l. Once the investigation reverts to the formal interview stage, the detectives will take tape recorded formal statements from the shooters and taped or written statements from all other witnesses.
- m. A Psychologist shall be notified of all officer involved shootings so that he can determine whether he should respond to the location where the interviews are being conducted and speak with all personnel involved in the shooting. All personnel involved in the shooting incident will meet with the Psychologist. The Psychologist or designee will contact the employee who discharged his/her firearm to schedule an interview before the employee is released back to full duty. The Psychologist or designee will forward his/her findings to the Chief of Police.
- n. The Criminal Investigations Division Commander or designee will, within the first twenty-four hours of the investigation, schedule a conference with the Command Staff to discuss the status of the investigation, as well as other areas to be followed up.

V. Shooting Report

1. The initial responding officers on the scene will complete an initial UOR report on the incident or crime which precipitated the shooting incident. Example: burglary, vehicle pursuit, robbery, etc. Their primary responsibility reference the shooting investigation is:
 - a. Render first aid; and
 - b. To secure the scene; and
 - c. Gather witnesses.

Witnesses should be separated and an effort made to keep them from leaving before the Detectives can conduct interviews. If a witness must leave, then the officer will get detailed information about the witness, as well as what the witness saw.

2. The report, under a separate case number, will be responsibility of the Lead Detective. Copies of all reports from other units within the Oldham County Police Department or other police agencies will be supplied to the Detective's Unit. This is to help maintain continuity of the investigation. The Detective's Unit will be the clearing house of all information involving the shooting incident. If there are discrepancies, the Administrative Lieutenant will deal with them before the report is completed and information is released to the public. All press releases should be coordinated with the Detective's Unit and released through the P.I.O.'s Office.
3. The report of the incident should include, but is not limited to, the following:
 - a. A chronological narrative of the incident in detail, including all events prior



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- to, during, and immediately after the shooting.
- b. The names and addresses of all civilian witnesses, if any, and the names of other agency members present, or involved, their rank, division and duty assignments.
 - c. Whether agency members were involved or present at the incident and in uniform or civilian clothing.
 - d. Whether vehicles were marked or unmarked and the vehicle numbers.
 - e. A description of the scene to include lighting, weather conditions, obstacles, wind, foliage, trees, furniture, type of ground cover or flooring and any other natural or man made element which could have a bearing on the incident.
 - f. A description of injuries sustained by any person present at the time of the incident, which is not attributed to a police action.
 - g. A description of the member's weapon, ammunition discharged, number of rounds fired, direction, approximate distance, weapon serial number, type of holster, and any other pertinent information.
 - h. A description of weapon or weapons used by all those involved.
 - i. A list of other police, fire and ambulance personnel present at the scene, including names, when possible.
 - j. All available information on the suspect.
 - k. A detailed sketch of the scene.
 - l. Written or transcribed recorded statements from all witnesses, including civilian and agency members.
4. Upon completion, the report will be forwarded to the County Attorneys' Office for review and to the Administrative Lieutenant for administrative review and presentation to the Merit Review Board if necessary. The Administrative Lieutenant will submit a final report plus conclusions to the Chief of Police.
- W. Reassignment Pending Preliminary Administrative Review
The officer or officers involved in a shooting incident whether or not there is an injury will be temporarily reassigned to non-enforcement related duty for a minimum of two weeks, pending a preliminary administrative review of the shooting incident. The Chief of Police reserves the right to deviate from the above.
- X. In-Custody Deaths
In the event of an in-custody death, the following procedures will be followed:
1. Immediate Supervisors Will:
 - a. Respond to the scene immediately.
 - b. Immediately notify the Shift Supervisor.
 - c. Request the on-duty or on-call detective respond to the scene of the incident.
 - d. Review the agency Use of Defensive Tactics Report Form (OCP 87) and submit the original copy to the Administrative Lieutenant, via the chain of command, along with a copy of the Incident Report. Only Part 1 of the Use



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of Defensive Tactics Report Form (OCP 87) should be completed.

- e. Request personnel assigned to the Forensics Unit respond to the scene of the incident.
 - f. File a report of the incident in the Administrative Lieutenant.
2. Operations Lieutenant Will:
 - a. Notify the Chief of Police.
 - b. Ensure the officer's immediate supervisor has carried out all responsibilities.
 - c. Immediately notify the Administrative Lieutenant who will contact the on-call Public Information Officer.
 3. The Detective's Division will be responsible for the investigation of all in-custody deaths.
 4. Upon completion the Detective Division will be forwarded to the Administrative Lieutenant for administrative review and presentation to the Merit Review Board. The Administrative Lieutenant will submit a final report plus conclusions to the Chief of Police.
- Y. Killing of a Seriously Wounded or Dangerous Animal When Necessary
1. An officer may discharge his/her firearm to kill a seriously wounded or dangerous animal when all other disposition is impractical. If possible, the officer shall follow the below listed procedures:
 - a. Contact sergeant and obtain approval.
 - b. Exhaust all efforts to notify the owner (if any) to obtain owner's permission to destroy animal.
 - c. The safety of persons in the vicinity must be given due consideration.
 2. An Incident Report shall be made detailing the circumstances. Disposal of the carcass shall be handled in accordance with agency policies concerning Animal Control Services.
- Z. Retraining
- In July of every calendar year, all Oldham County Police Department's supervisory personnel will read orally the preceding Use of Force Policy to their subordinates. Upon completion of the reading of the Use of Force Policy, the supervisor will complete the appropriate documentation for inclusion in the officer's personnel file. A test consisting of 10 questions will be administered and a score of 100% or the test is to be reviewed with the officer and given again until they have it correct.



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USE OF FORCE REPORTING REQUIREMENTS

<i>RESPONSE LEVELS</i>	<i>USE OF DEFENSIVE TACTICS</i>	<i>INCIDENT REPORT</i>
1 Presence	No	No
2 Field Interview Stance	No	No
2 Dialogue	No	No
2 Verbal Direction	No	No
2 Touch	No	No
3 Transporters	No (Yes: If Injuries - Known or Suspected)	Yes
3 Pain Compliance	No (Yes: If Injuries - Known or Suspected)	Yes
3 Take Downs	No (Yes: If Injuries - Known or Suspected)	Yes
3 Restraint Devices	No (Yes: If Injuries - Known or Suspected)	Yes
3 Counter Moves	No (Yes: If Injuries - Known or Suspected)	Yes
3 Chemical Agent	Yes	Yes
4 Intermediate Weapons	Yes	Yes
5 Incapacitation	Yes	Yes
6 Deadly Force	Yes	Yes



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Effective Date March 1999
Review Date August 1, 2004



Review of Deadly Force Incidents

The Operations Lieutenant will evaluate, in explicit and fact-finding fashion, each aspect of an officer-involved use of deadly force. Such evaluation will include:

- a thorough review of the criminal investigation report
- a thorough review of the Internal Investigation Report
- hearing of direct testimony, if necessary, from employees and witnesses

The Administrative Lieutenant will develop findings and make recommendations to the Chief of Police in the following areas:

- whether the shooting was within policy, out of policy, or accidental
- policy considerations
- tactical considerations
- training considerations
- quality of supervision
- discipline considerations
- the post-shooting investigative process and quality

The Chief of Police shall make the final decision whether disciplinary action is to be taken against the officer, and the nature and extent of the action.



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Background

PepperBall Projectiles are plastic spheres that are filled with Capsaicin II powder. A high pressure air launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the Capsaicin II powder.

PepperBall Projectiles subdue suspects with a combination of kinetic impact and Capsaicin II powder. The sting of the impact of the PepperBall Projectiles causes a psychological impression of being shot, which is combined with the strong irritation of the Capsaicin II powder to the suspect's nose and lungs. When inhaled, the Capsaicin II powder within the PepperBall Projectiles leads to coughing, shortness of breath, and in some instances vomiting. Some individuals experience eye irritation as well. Response to inhaling the Capsaicin II powder in PepperBall Projectile varies among individuals. In most cases the symptoms last between five and 10 minutes. The PepperBall launching system can deliver the projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts.

Deployment Guidelines

Although classified as a less-lethal device, the potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall System shall avoid intentionally striking those body areas unless a life-threatening situation exists. The use of the PepperBall System falls within the "At Department Discretion" category of the department's Situational Use of Force Options chart. Personnel encountering a situation that requires the use of the PepperBall System, when feasible, shall immediately notify the field sergeant. This system can be used before the arrival of the field sergeant when the situation dictates such use. The field sergeant shall respond to all PepperBall System deployments where the suspect has been hit. The field sergeant shall make all notifications and reports as required by the department's Use of Force policy. Nothing in this policy abrogates the department's Use of Force policy in the manual of Policy and Procedures.

Training

Only qualified, department-trained personnel shall be allowed to deploy and use the PepperBall System.

Evaluation



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Each deployment of a PepperBall System shall be documented on the evaluation form (see below). This includes when the launcher is only directed toward or seen by the suspect whether or not the launcher was used. Only non-incident deployments are exempt from the evaluation form requirement (e.g., training, accidental discharges, or product demonstrations).



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Effective Date April 6, 2004
Revision Date October 28, 2004



ADVANCED TASER PROCEDURE

PURPOSE

This procedure sets forth the Oldham County Department policy regarding deployment of an Advanced Taser.

INFORMATION

The Advanced Taser provides a force option in which the officer does not have to get dangerously close to a threat before deploying the tool. The Advanced Taser may reduce the need for other types of physical force by the officer(s).

The Advanced Taser is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques. Advanced Tasers fall into the category of **less lethal force technology and equipment**.

The department approved X26 Advanced Taser fires two probes up to a distance of **21 feet** from a replaceable air cartridge. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, the X26 transmits powerful electrical pulses along the wires and into the body of the target through up to two inches of clothing.

This Electro-Muscular Disruption technology uses a powerful **26-Watt** electrical signal to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the X26 to physically debilitate a target regardless of pain tolerance or mental focus.

The X26 Advanced Taser is laser-sighted – the top probe will follow the front, rear, and laser sight; the bottom probe will travel at an 8-degree downward angle below the aim point/laser sighted area. The rule of thumb for the bottom probe is that it drops 1 foot for every 7 feet that it travels.

The X26 Advanced Air Taser has a dataport. It stores the time and date when it was fired. This data protects officers from claims of excessive use of force by providing complete and accurate documentation of each firing.

Without the air cartridge attached, an Advanced Taser also acts as a touch stun system when brought into immediate contact with a person's body.

An Advanced Taser may be used to control a dangerous or violent subject when it is reasonable to do so.



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PROCEDURE

I. OPERATIONAL GUIDELINES

- A. Authorized Advanced Tasers shall be issued to and used only by officers who have completed the Department's Advanced Taser training program.
- B. Requests for an Advanced Taser equipped officer shall be made through the Operations Lieutenant.
- C. Each discharge of an Advanced Taser shall be documented utilizing the Use of Defense Tactics Form excluding the daily test.
- D. While it is not possible to guaranty that any device will function properly each and every time, it is recommended that each officer conduct a daily spark test with the Taser weapon to confirm that the device is functioning properly.
- E. The X26 is programmed to give a **5-second** electrical current. The operator can shorten or extend this time. The probes or wires should not be touched during this time period, as you would also receive the same electrical current. In addition, officers should avoid stepping on or tripping over the wires.
- F. The preferred target area when deploying an Advanced Taser should be the center mass of the body. The face, neck and groin area is to be avoided if at all possible.
- G. Expired and expended air cartridges are replaced through the Supply.
- H. **The Advance Taser has the ability to ignite flammable liquids.** It will not be deployed at subjects who have come in contact with flammables or in environments where flammables are obviously present. Some police departments' self-defense sprays are flammable and could be dangerous to use in conjunction with the Advanced Taser. Our authorized OC Spray is non-flammable. Do not deploy the Advanced Taser in highly flammable methamphetamine labs, etc.
- I. Proper consideration and care should be taken when deploying the Advanced Taser on subjects who are in an elevated position or in other circumstances where a fall may cause substantial injury or death (e.g. pregnant woman). Officers must be prepared to justify such a deployment.
- J. The Advanced Taser will never be used punitively or for the purposes of coercion. It is to be used as a way of averting a potentially injurious or dangerous situation.

II. OFFICERS DISCHARGING AN ADVANCED TASER SHALL



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- A. Request the response of a supervisor.
- B. Request the response of an EMS unit.
- C. Persons who have been subjected to the Advanced Taser, or the probes, shall be treated as follows:
 - 1. Officers should inspect the probes upon removal to ensure that the entire probe and its barb have been removed. If any part of the probe breaks off in the subject and remains embedded in the subjects skin, medical personnel will be summoned to assess the subject: If any circumstances arise where the subject should receive further medical attention, the subject will be transported to a medical facility for removal of the probes. Medical treatment will be provided for any who requests it.
 - 2. If the probes used are no longer impaled in the skin the subject may be released to the custody of the officer(s) pending EMS evaluation.
 - 3. Medical personnel will remove any probes that are hard to remove or located in sensitive areas; such as the head, neck and groin.
 - 4. Officer(s) shall obtain medical clearance from the emergency room physician before transporting the subject to a detention facility. This can be obtained from the attending physician or EMS if treated on the scene.
- D. Complete the Use of Defense Tactics Form and submit with the Incident Report.
- E. The air cartridge probes used are considered "sharps" and shall be discarded in the biohazard container that all units carry. Officers must use protective gloves when handling.

III. SERGEANT'S RESPONSIBILITIES

- A. Respond to scenes where the Advanced Taser has been deployed.
- B. If not already on the scene, summon EMS.
- C. Insure that officers who use the Advanced Taser complete the Use of Tactics Form.
- D. Photographs should be taken of the impact area and included in the report.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

Criminal investigations shall be conducted by all appropriate officers of the Oldham County Police. The closest available patrol officer shall be dispatched to the scene.

The goal of the agency in any crime investigation is the successful arrest and prosecution of the perpetrator.

BASIC INVESTIGATIVE PROCEDURE

Direct action (non-investigative in character) is sometimes possible.

Preliminary investigation is begun when direct action is not possible.

Continued investigation develops further information once immediate needs are met.

Apprehend the offender, if known.

Prepare the case for presentation in court.

RESPONDING TO CRIME SCENES

Upon arriving, the officer will make arrests if applicable, render aid to the victim, secure the crime scene and begin a preliminary investigation. When an assessment of the situation has been made, the officer will advise radio of the circumstances surrounding it. A supervisor will confer with the patrol officer at the scene and they will, in coordination, determine the need for dispatching a detective to the scene. If the decision has been made to request a detective, the supervisor shall contact the detective supervisor who shall make the decision on assigning detective personnel. If it is determined by the responding officer and supervisor that the officer can handle the investigation, then the responding officer will continue with the investigation.

In all Part I or serious crimes, a detective or detective supervisor will be notified and may respond to the scene; however the detective may not necessarily adopt the case. If the detective is dispatched to the scene and does not adopt the case but does provide assistance, then that detective may only need to supplement the officer's case. If the detective adopts the case, then the assisting patrol officer may only need to supplement the detective's case.

When a detective is required, the responding officer will continue to collect data at the scene so that a status report may be given to the detective upon arrival. When the case is turned over to a detective, the detective will take charge of the investigation. Uniformed patrol officers and the detectives should coordinate their efforts so that the investigation will advance in a smooth and orderly fashion. If at all possible, the responding officer will remain at the scene and will assist the detective until the crime scene aspect of the investigation is completed. The responding patrol officer may also continue the investigation beyond the crime scene in coordination with the detective with permission from the appropriate supervisor.



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Effective Date: March 1 1999
Review Date: January 19, 2005



POLICY

1. Criminal Cases - A case report (UOR-1) shall be completed in every felony case, in every misdemeanor case for which a citation will not suffice, and in every instance where there is an allegation that a criminal offense has been committed against a victim's person or property.
2. Non-criminal Cases - Non-criminal cases (e.g., suicides, accidental injuries, or deaths, etc.) shall be reported on UOR-1 forms – Utilizing the technical code followed by a descriptive caption (e.g., Non-criminal Investigation: Accidental Death). The block for other located in item number four shall be marked and item numbers five and six shall be left blank.

PROCEDURE

Establishing and maintaining mutual trust is the central goal of community policing and community partnerships. Oldham County Police recognize the need for cooperation with the community. In the fight against serious crime, we have encouraged our community members to come forth with relevant information. In addition we have spoken to neighborhood groups, participated in business and civic events, worked with social agencies, and taken part in educational and recreational programs for school children.

Community partnership means adopting a policing perspective that exceeds the standard law enforcement emphasis. This broadened outlook recognizes the value of activities that contribute to the orderliness and well-being of our neighborhoods. These activities have included helping accident or crime victims, helping resolve domestic and neighborhood conflicts (e.g., family violence, landlord-tenant disputes), controlling automobile traffic, providing emergency social services and referrals to those at risk (e.g., adolescent runaways, the homeless, the intoxicated, and the mentally ill).

These services help develop trust between the police and the community. This trust will continue to enable the police to gain greater access to valuable information from the community that could lead to the solution and prevention of crimes, will bring about support for needed crime-control measures, and will provide an opportunity for officers to establish a working relationship with the community. The entire police department must be involved in enlisting the cooperation of community members in promoting safety and security.

Community policing expands police efforts to prevent and control crime. The community is no longer viewed by police as a passive presence or a source of limited information, but as a partner in this effort.

While building trust will not happen overnight; it will require an ongoing effort. In our efforts to continue to build upon this trust, **Oldham County Officers will recontact the victim of any**



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felony crime, within 7 calendar days, and personally provide a copy of any UOR and form OCP 6. Let this be our opportunity to create a close alliance with the community. It should not be limited to an isolated incident or series of incidents. The partnership between the police and the community must be enduring and balanced. It must break down the old concepts of police versus civilian.

The more conspicuous police presence of the long-term patrol officer in itself may encourage community response. But it is not sufficient. The entire police organization must vigorously enlist the cooperation of community residents in pursuing the goals of deterring crime and preserving order.

UOR-1 FORM

The UOR-1 form will serve as the face sheet for all Oldham County Police criminal and non-criminal investigative reports and supplements.

Specific instructions for completion of the UOR-1 available in the UOR manual and shall be followed consistently in criminal case reporting. In non-criminal cases that information which applies shall be entered on the UOR-1 and UOR-2 forms.

UOR-2 FORM (CONTINUATION PAGE)

The UOR-2 form will serve as the narrative portion of any criminal or non-criminal case report (when a narrative report is needed) and be an attachment to the UOR-1. It will likewise serve as the narrative portion of any supplemental case reports (when a narrative report is needed) and be an attachment to the UOR-1.

Specific instructions for completion of UOR-2 are printed on the back cover of UOR-2 form pads and shall be followed consistently.

FUNCTIONS OF THE UNIFORM OFFENSE REPORTING SYSTEM

The Uniform Offense Reporting System will serve as a mechanism whereby:

1. Investigative officers follow a criminal case to its ultimate conclusion.
2. Administrators obtain a thorough profile of criminal activity which may be used in crime prevention, etc.
3. Non-criminal cases will be uniformly reported and a profile of non-criminal investigations may be obtained for administrative purposes.



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CASE NUMBERS

A separate case number and UOR-1 will be used for each different offense in cases of multiple offenses for crimes which occur at the same time and place. A case number will be assigned and an UOR-1 completed on each offense with a copy of the narrative or investigative report (UOR-2) attached to each UOR-1.

SUBMISSION DEADLINES

A copy of all initial case reports (UOR-1) shall be submitted by the end of the shift unless a supervisor grants an extension. It is not necessary that the case be solved/closed before it is submitted.

SPECIFIC CRIMINAL INVESTIGATION REPORTING PROCEDURES

1. It is necessary to complete a UOR-2 for every case, including minor cases where no leads exist. A UOR-2 is necessary for all cases:
 - A. Witness.
 - B. Suspect or arrest.
 - C. Identifiable stolen property (NCIC or LINK entry).
 - D. Evidence of investigatory value.

Information on M.O./synopsis, a description of stolen property and a brief summary of the investigation will be entered on the UOR-2.

2. Case Closure Procedure - Cases which are closed as a result of lapse of time will be closed by stamping in red ink "CLOSED-TIME" at the bottom right-hand corner of a photocopy of the original UOR-1. An additional UOR-1 and UOR-2 will no longer be required to close a case as a result of lapse of time. Only one individual, the investigative sergeant or case review officer, shall have the authority to close cases in this manner. A "CLOSED-TIME" stamp will be issued to the case review officer.
3. Typing Reports - All UOR-2's will not be typed. Only reports that leave the Department (cases going to court and those provided to other criminal justice agencies) will be typed, and reports on important cases such as homicide will be typed at the discretion of the Assistant Chief of Police.
4. Handling of Investigative Misdemeanor Cases, such as Code 400 and 800 Assault Cases - If a warrant is served or the officer observes the violation No UOR-2 will be filed with the case.



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5. Juvenile Traffic/Misdemeanor Cases (citable offenses) -The officer will issue a citation rather than opening a case and the citation will serve as a summons. Regular juvenile procedures will then be followed except a copy of the citation will be attached to the petition rather than a copy of the UOR-1. The word "JUVENILE" will be written instead of the juvenile's name on all citations except traffic offenses of juveniles 16 and over.
6. Quality Control - Responsibility for ensuring quality control shall be shifted to the squad/detective sergeants. It will be at the sergeant's discretion if a particular officer must complete the quality control checklist. A sergeant may not require this of an officer who consistently meets quality control standards, but may require this of newer officers and those officers whose investigations do not consistently meet quality control guidelines.
7. Early Case Closure - Supervisors shall be given more discretion in case closure.
8. Misdemeanors may be closed after the 90-day review if all leads have been exhausted.
 - A. Felonies reported on the UOR-1 (no UOR-2's information) may be closed after the 90-day review if all leads have been exhausted, subject to the supervisor's discretion.
 - B. Felonies which have been supplemented with a UOR-2 should remain open for at least six months and closed once all leads are exhausted, subject to a supervisor's discretion.
9. Thirty Day Follow-up - Thirty day follow-ups may be discontinued in the following instances:
 - A. The victim lives out-of-state.
 - B. The crime was reported for insurance purposes.
 - C. The property stolen was of insignificant value.

The decision for not doing a follow-up will be vested with the sergeant who could monitor the follow-ups during the quality control review. Letters and telephone communications can be substituted for actual visitations to help reduce man-hours.
10. Fingerprint Cards - The officer will take the prints, sign the cards as the official taking the fingerprints, have the subject sign the cards, write in the case number and complete the Arrest Data Sheet. The cards will then accompany the case report and the clerk will type the remaining sections.
11. Case Assignment - In order to stimulate quality investigations, assignments of officers to criminal cases should be done by a supervisor rather than a radio operator.

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POLICY

The Oldham County Police may utilize one of the most important and valuable sources of information available - the informant.

Any contact with informants must be based on legal and ethical proscriptions.

PROCEDURE

The history and background of all prospective informants must be checked, prior to interview if possible, and this information passed along to the respective supervisor.

Prior to using any prospective informant, or prospective informant's information, the prospective informant shall be interviewed by a Department supervisor. The interviewing supervisor shall make the final decision as to whether or not the prospective informant is used. This does not preclude the detective interviewing the prospective informant first in order to determine his/her worth. However, the prospective informant shall not be used until interviewed by a supervisor.

If the informant is accepted for use, an informant card shall be completed and submitted to the Assistant Chief of Police or his designee. If possible, a photograph of the informant shall be attached to the informant card.

The Assistant Chief of Police or his designee shall assign code numbers to the informants and shall maintain an index system on all criminal informants utilized in the Department. The Assistant Chief of Police or his designee shall be responsible for maintaining strict security over this file, and under no circumstances will the contents of the file be divulged to any person(s) without the authorization of the Chief of Police. The case prefix and a sequential number shall be used as the code number, (i.e., 07-4).

Any informant outlay must have the approval of a supervisor, and should be witnessed by someone other than the payor. Informant outlays totaling over \$500.00 shall be coordinated through the Chief of Police. If exigent circumstances require unwitnessed outlays, a supervisor shall be notified as soon as practical and proper justification made in writing to the Assistant Chief of Police.

Any and all expenditures provided a criminal informant shall be properly receipted by the informant. The expenditures shall be recorded on the supplement to the Monthly Expenditure Report and noted on the back of the Informant Profile by the Assistant Chief of Police or his designee.

At no time will a criminal informant be employed as an agent provocateur or to commit any illegal acts under the guise of the Oldham County Police Department.

Prior to employing electronic monitoring devices with a criminal informant and/or any other person who voluntarily submits (consent taping), a consent form must be signed and witnessed by the consenting party. Consent forms shall be filed with the case report by the Assistant Chief of Police or his designee.

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Any time an informant is being used in an undercover operation, his activities shall be monitored as closely as possible by both the control officer, and a supervisor.

Any time an informant is being used in an undercover investigation for an extended period of time, a monthly meeting shall be held between the case officer(s) and the Department Supervisor(s). This meeting will center around the progress of the informant, any problems associated with the informant, any change of tactics that may be necessary because of the behavior of the informant, and a decision on whether to continue using the informant.

Department supervisors and officers shall assure all informants understand the following procedures:

We will in no way attempt to intercede in any court action pending against him; however, we will, at his/her request, inform the proper prosecutor of the assistance he/she has rendered.

1. The officer he/she is assisting, and the officer's immediate supervisor, are in complete control of the investigation, and the informant must understand that lack of cooperation by him/her will cause the immediate termination of his/her service.
2. An informant is assisting an officer of the Oldham County Police; he/she is not an employee or agent of the Oldham County Police.

Commanding officers shall approve any discussion with the prosecuting attorney regarding utilizing someone charged with a criminal offense as an informant. If approval by a prosecuting attorney is obtained, the accused defense attorney must be informed. If the informant is on probation, his/her probation officer must be informed of his/her activity as an informant.

Officers working with informants of the opposite sex is permitted as long as the officer(s) with the informant is under the constant surveillance by another officer. It is recommended that officers work with informants that are of the same sex they are.

The development of a voluntary informant necessitates a certain amount of personal contact, conversation, etc.; therefore, care must be taken so that a close personal relationship, or friendship, does not develop. A friendly but businesslike attitude should be maintained. To avoid possible problems with informants the following guidelines shall be followed.

1. The informant should never be housed with the investigator. If necessary to provide a room for the informant, it should be a separate room.
2. Agency business should never be discussed in front of the informant.
3. The informant should not know any more about our methods of operations, equipment, automobiles, etc., than necessary for the particular detail.
4. Do not socialize or party with an informant after working hours.
5. Never allow an informant to carry firearms or other weapons of any kind.
6. Never permit an informant to use excessive amounts of alcohol or use illegal drugs in your presence.
7. Under no circumstances should informants be given all the information on a case. By withholding information, the reliability of informants can be checked when they are debriefed.

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JUVENILES

The Department does not encourage the use of juvenile informants; however, in the event it is deemed necessary that a juvenile be used, the following guidelines apply:

1. A signed waiver by the parent/guardian will be required and shall be submitted with the case report.
2. The officer may confer with the prosecuting attorney.
3. The case officer shall, upon the development of a juvenile informant, make a written request to the Chief of Police, through channels, submitting along with the request a copy of the signed waiver. The case officer shall receive the Chief of Police's written approval prior to engaging the juvenile into the investigation.
4. The safety and well being of any juvenile informant will be of paramount importance and the safety of same shall be the responsibility of the case officer.
5. The case officer shall refer to the provisions of the Unified Juvenile Code prior to his decision of engaging or requesting for the engagement of any juvenile to participate as an informant to a criminal act.

JUDICIAL PROCEEDINGS

County Police officers shall not intercede in any court action pending against an informant or promise informant's protection from prosecution for any violation of the law. However, if an informant has proven reliable and has contributed to the effectiveness of the agency, the agency shall, at the informant's request, inform the proper prosecutor of the assistance rendered.

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Effective Date March 1, 1999
Review Date December 27, 2000

POLICY

This agency is to conduct raids within the limits of the Kentucky Constitution, appropriate rules and statutes, and according to the following procedures.

RAID PROCEDURES

For each and every raid conducted, an officer-in-charge shall be designated. This officer shall be responsible for the following functions:

1. A raid plan.
2. A report covering all aspects and phases of the raid, to include, but not limited to the following:
 - (a) Securing property recovered.
 - (b) Securing property raided.
 - (c) Presenting case to the court when prosecution is warranted.
 - (d) Conducting a debriefing with all members of the raiding party.

Each member of the raiding party shall be responsible for:

1. Carrying out instructions given by raid commander.
2. Making a detailed report of his actions during the raid, which includes, but not limited to:
 - (a) Writing a detailed narrative report.
 - (b) Reporting all seized property tagged and marked according to instructions.
 - (c) Filing the above reports and turning them in at debriefing.

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Effective Date March 1, 1999
Review Date December 27, 2000

POLICY

The Oldham County Police shall use every verbal and tactical alternative to secure the safe release of any person being held hostage, and at the same time provide for the safety of County Police personnel and general citizenry involved.

OBJECTIVES

The basic objective is to protect the lives of the hostage and other innocent citizens, to provide for the safety of County Police personnel, and to apprehend the wanted suspect(s).

The secondary objective is to recover property and provide for the proper collection of evidence.

PROCEDURE

Officers who respond to possible hostage-related situations should maintain the highest degree of alertness possible.

Once officers are on the scene, they should obtain as much pertinent information as possible. This would include but would not be limited to:

1. Are the criminals armed?
2. If yes, what type and how many?
3. How many criminals are there?
4. Where are the criminals located?
5. How many hostages are there?

What assistance will be required at the scene? At the same time that information is being gathered every effort should be made to stabilize the situation. This would include but would not be limited to:

1. Securing avenues of escape.
2. Establishing checkpoints for the control of pedestrian and vehicular traffic.
3. Providing for the safe evacuation of citizens from the affected area.

As soon as possible, forward the information that was gathered to the police department. Advise arriving personnel regarding any element of the situation that might endanger the safety of these officers.

SUPERVISORY FUNCTION

Oldham County Central Dispatch shall immediately dispatch a supervisor to the scene. A decision shall be made whether or not the Special Response Team should be activated. Upon arrival, this supervisor shall take charge and direct Oldham County Police operations at the scene until properly relieved.

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The supervisor shall notify the dispatcher, who shall notify the Assistant Chief of Police, who shall notify the Chief of Police of the situation. The Chief of Police shall be advised periodically as the situation develops.

The department detective supervisor shall be notified and shall respond to the scene to handle the investigative aspects of the situation.

NEGOTIATION PHASE

The officer in charge shall appoint a negotiator who shall assume responsibility for securing the release of the hostage(s). The negotiator may be from the uniform or investigative ranks of the agency or a member of the Special Response Team. Every effort should be made to obtain release through negotiations.

ALTERNATIVE TO NEGOTIATION

If negotiations fail, the decision to use the necessary force to effect the arrest should come from the Special Response Team Commander or higher authority, unless the wanted subject(s) poses imminent danger to anyone present before proper authorization can be obtained. If this decision is made, a tactical plan of operation must be devised.

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POLICY

Officers will ensure that every effort has been made to contact the barricaded suspect in an attempt to persuade the suspect to voluntarily surrender before force is used.

DEVELOP A TACTICAL PLAN

Once the suspect is isolated, time is to the benefit of the officers and the full resources of the agency are available to assist officers in removing the suspect from the location.

SUPERVISION AT SCENE OF BARRICADED SUSPECT

When officers arrive at the scene of a barricaded suspect, the highest-ranking officer or senior officer is in command. In situations which develop from radio calls or spontaneous activities, the senior officer present is in command unless relieved by a ranking or senior officer (or as set out in AM-B-3).

PROCEDURE BY THE RADIO DISPATCHER

When the dispatcher receives information concerning a possible barricaded suspect, the dispatcher should immediately notify a department supervisor. The dispatcher shall provide information regarding the specific location of the barricaded suspect; information as to the gunfire involved hostages and other necessary data. The dispatcher will advise all responding personnel of pertinent information.

PROCEDURE FOR FIRST OFFICER AT THE SCENE

The first officer on the scene of a barricaded person will notify Oldham County Central Dispatch of pertinent details, requesting the presence of a supervisor and necessary assistance. A decision shall be made whether or not the Special Response Team should be activated.

In addition to notifying Oldham County Central Dispatch, the first officer will do the following:

1. Keep the barricaded person and/or building under surveillance from a safe vantage point, notifying dispatch of the officer's position.
2. Advise dispatch of potential hazards so that officers can be routed safely, avoiding exposure to barricaded persons.
3. Divert vehicular and pedestrian traffic if necessary.
4. If possible, ascertain the identity and mental condition of the barricaded person and reason for the behavior.
5. Refrain from any forceful action or premature attempts to dislodge the barricaded person.
6. Acquaint the ranking supervisor with all necessary information.

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PROCEDURE FOR RANKING SUPERVISOR

A ranking supervisor assuming command will request and deploy officers as needed. The supervisor will follow the guidelines listed below:

1. Order an immediate evacuation of the affected area, if necessary.
2. Detail the proper officers to secure and protect any premises ordered evacuated.
3. Establish a "danger perimeter" and keep all officers, bystanders and others outside.
4. Keep a chronological log of all details made and action taken.
5. Determine advisability of terminating utilities into building so as to inconvenience barricaded suspects. Telephone service should not be terminated, as it is valuable in communicating with barricaded persons.
6. Become familiar with the building that the person is barricaded within by noting the location of doors, windows, skylights, stairs, elevators or any opening that could be used as a manner of entrance or exit.
7. Make a final decision regarding "use of force."

USE OF CHEMICAL AGENTS

To minimize injury to suspects, officers and others or to avoid property damage, the use of a chemical agent such as tear gas may be necessary in circumstances where a serious danger to life and property exists and other methods of control or apprehension would be ineffective and more dangerous.

USE OF FORCE AGAINST BARRICADED PERSONS

The final decision to use force should not be made without consultation with assisting agencies.

1. The supervisor shall take into consideration all actions that might cause a fire and, if necessary, have fire-fighting equipment available.
2. The supervisor shall consider any support equipment that may be needed such as floodlights, ropes and ambulances.
3. Disconnect or cut off service into building if such action is deemed necessary.
4. Firearms generally will be used as defensive weapons to protect human life and not as offensive weapons without specific orders from the ranking supervisor present.
5. The time element should not be of great importance in removing barricaded persons. Premature aggressive action on the part of police may precipitate similar action by the barricaded suspect resulting in potential danger to police and innocent bystanders or occupants.
6. The procedure used by officers will vary with the circumstances of each situation and, therefore, the tactics and amount of force will be determined by the supervisor at the scene.

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POLICY

In incidents involving bombs, hazardous devices, explosives or bomb threats, officers shall consider the preservation of human lives as of paramount importance.

No attempt shall be made on the part of any member of this agency to dismantle any suspected or apparent bomb unless the member is a hazardous device coordinator. (See OM-C-10)

PROCEDURE FOR BOMB THREATS

Bomb threat evaluation involves assessing the credibility of the message and selecting one of three (3) possible alternatives:

1. Take no action.
2. Search the facility without evacuation.
3. Evacuate and search.

Decisions concerning the evacuation of the premises should be vested with the threatened organization's managerial or supervisory personnel with support from the County Police. Any officer of the Oldham County Police who receives a transmittal of a bomb threat will:

1. Acquire as much information as possible from the informant.
2. Contact the persons in charge of the threatened institution by the fastest means of communication available and inform them of the details of the threat and that assistance will be arriving as quickly as possible.
3. Notify dispatch by the fastest means of communication available.

A commanding officer receiving notice of such threat will dispatch the nearest unit to the scene and, if the incident dictates, assign a supervisory officer to the scene for the purpose of:

1. Overseeing County Police officers' involvement in evacuation and search activities.
2. Coordinating County Police activities with those of other agencies on the scene. The ATF and FBI also have investigative authority in bomb threats and bombings.
3. Evaluating the need for additional assistance.
4. Submitting periodic and detailed reports to the Chief of Police.

The commanding officer will also assure that local authorities are apprised of the situation.

PROCEDURES WHEN FINDING A SUSPICIOUS DEVICE OR BOMB ON PREMISES

When a suspicious device or bomb is found on the premises, the officer-in-charge shall order an immediate evacuation and contact the hazardous device coordinator from the Kentucky State Police or the Jefferson County Police Department. All

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officers involved with the incident shall observe the following safety precautions:

1. No radio transmissions on portable radio within 300 feet of device.
2. No radio transmissions on mobile radio within 500 feet of device.
3. If the device is inside a building, open all doors and windows.
4. If photographs are necessary, do not use flash on the camera until the device is examined by the coordinator.
5. Do not touch or move the device.
6. If the lights are on, do not turn them off if the lights are off; do not turn them on.
7. Do not change any appliance controls, e.g., furnace, air conditioning.
8. If flashlights are used, adapt the light with a red lens, as too much light could activate a photoelectric cell.
9. After initial evacuation, do not allow any officers or unauthorized persons to enter the area until the Hazardous Devices coordinator examines the device and gives the authorization.

NOTE: Items 1, 2, 3, 4, 6, 7, and 8 should be followed when searching an area for a device. If communications are needed during the search, an intercom, telephone or runner should be used.

PROCEDURES WHEN BOMBINGS OCCUR

Any officer of the Oldham County Police who receives a report of an actual bombing will:

1. Take the necessary steps to establish the validity of the report.
2. Notify dispatch by the fastest means of communication available.
3. Make immediate requests for additional assistance when essential to rescue operations and to protect the scene.

Any commanding officer receiving a confirmed notice of an actual bombing will immediately notify the Chief of Police and assure that local agencies having jurisdiction in the area are apprised of the situation and, if the incident dictates, assign a supervisory officer to the scene for the purpose of:

1. Overseeing County Police officers' involvement in rescue and security activities.
2. Coordinating County Police activities with those of other agencies on the scene until the hazardous device coordinator arrives on the scene. The FBI and ATF have investigative authority in cases involving explosives.
3. Evaluating the situation to determine the need for additional assistance.
4. Advising the Assistant Chief of Police of pertinent facts relating to the situation.
5. See that police lines are established at a safe distance from the threatened building or structure.
6. Assigning an officer to investigate and report his findings through normal investigative procedure.

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REPORTING PROCEDURES

The commanding officer will:

1. Keep the Chief of Police informed by whatever means possible as to the developments on each incident as they occur.
2. Use the UOR-1, as in any other criminal case.
3. Include the following to the Chief of Police as they occur by what ever means possible :
 - a. All bombings and bomb threats.
 - b. All reported thefts of explosives and/or related materials.
 - c. All arrests for explosive-related offenses.

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POLICY

No Oldham County Police officer shall accept a firearm from any court to be retained by the officer for personal use.

KENTUCKY PENAL CODE

Upon the conviction of any person for the violation of any law of this Commonwealth in which a deadly weapon is used, displayed, or unlawfully possessed by such person, the court shall order the weapon forfeited to the state and sold, destroyed, or otherwise disposed of in accordance with KRS 500.090.

This section provides for the forfeiture of deadly weapons used in the commission of crimes in accordance with the provisions of KRS 500.090 so as to provide a uniform procedure for the disposition of all property. The prior law, KRS 435.235, directed confiscation but allowed the weapons to be "donated to any officer of the federal, state, or county government, or sold by the sheriff of the county." The new provisions of KRS 500.090 require the weapons to be returned to the lawful owner if they were stolen and allow the weapon to be retained for official use only, destroyed, or sold if the property of the defendant or if no owner can be found.

WEAPONS COLLECTION

Officers should not routinely request the court to award weapons to the Oldham County Police Department. However, if an extraordinary weapon or circumstance exist, the Chief of Police should be contacted for advice. Weapons released to the Oldham County Police Department due to court ordered forfeiture should include the following or similar language within the court order:

"This weapon is forfeited to the Oldham County Police Department for its retention, use, or destruction at the discretion of the Oldham County Police Department."

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POLICY

All requests by agency personnel for installation and use of any electronic surveillance equipment must be formally reviewed and approved in compliance with the following procedures.

PROCEDURES

All requests for installation and use of electronic surveillance equipment must be routed to the Sergeant in charge of the Detective's section for review and approval. The request will be in memorandum form and include the case number and the reason that the electronic surveillance is needed, including what expects to be discovered by using the device; where the electronic surveillance equipment will be located; and who will be responsible for monitoring it. All electronic surveillance shall be reported in the case file.

PEN REGISTERS

All requests for installation and use of a pen register device must be made as set out in the Procedures.

If approved, the Chief of Police will forward a letter to the United States Attorney requesting that an order be prepared and issued to the United States District Court for the installation of the pen register.

The pen register should be located in a room or building that can be properly secured and controlled by the Oldham County Police. The pen register device should not be installed in a private home except by special approval of the Chief of Police. The Telephone Company shall be notified and may assist in the installation.

A County Police supervisor will be assigned the responsibility of overseeing the collection of information from the electronic surveillance equipment. The supervisor shall also be responsible for seeing that any court order(s) is exactly complied with.

A record of all County Police use of pen registers will be maintained by Criminal Investigations for a period of three (3) years.

ELECTRONIC TRACKING DEVICES

Requests to use electronic tracking devices ("bird-dogs") must be made as set out in the Procedures. The memorandum shall also specify information that a crime has been committed or is about to be committed and that an occupant of a particular vehicle is involved, complete with a description of the vehicle and estimated length of time the device will be on the vehicle. If the device is to be installed on a consenting party's vehicle, the signed consent form must be attached.

Whenever any electronic tracking device is installed on any vehicle or other property, the officer who is monitoring the device will not intrude into any

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constitutionally protected zone of privacy except under exigent circumstances or after obtaining a search warrant.

RECORDED CONVERSATIONS

Supervisory approval must be obtained before any conversation may be recorded if any party to the conversation will be unaware of the fact that the recording is being done.

If the officer is recording a conversation to which he is not a party, express written consent must be obtained beforehand from one of the parties to the conversation.

Recorded conversations shall not be copied, transcribed or disseminated except under controlled conditions and with supervisory approval. The case report must indicate the number of copies made and to whom and for what purpose they have been disseminated.

In order to foster free and open communication as well as trust within the Department, no employee of the Department shall unilaterally record a conversation with another employee without his knowledge and consent. If the situation justifies it, permission to confidentially record such a conversation can be obtained from the Chief of Police.

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POLICY

It shall be the policy of the Oldham County Police to become proactive in combating burglaries and thefts.

PROCEDURE

To effectively implement the agency's policy on combating burglaries and thefts, the commanding officer shall implement the following steps:

1. Revitalize and expand local crime prevention efforts.
2. Instruct officers in proper investigative techniques and report writing, encouraging quality reporting.
3. Monitor criminal cases and provide officers with follow-up assistance toward successful clearance of cases by arrest.
4. Identify targets and set priorities regarding burglary and theft rings and dealers in stolen property.
5. Develop local plans to use available resources to aggressively combat burglaries and thefts.
6. Provide support and training for these programs at meetings to ensure that supervisors and officers are familiar with what is expected of them by the commanding officer.
7. Provide increased supervision of personnel and programs to ensure the success of local efforts.
8. Work actively with the community in reaching the objectives of this policy.

CRIME PREVENTION

Commanding officers, supervisors and all assigned personnel shall become actively involved in the crime prevention efforts. Sufficient time will be permitted for officers to adequately perform these activities within the guidelines of the patrol policy as set forth under OM-B-1.

The commanding officer shall assign a patrol officer to coordinate all crime prevention programs and to ensure that officers are provided adequate supervision, equipment, knowledge, technical assistance and supplies needed to perform these tasks. He will maintain contact with the Public Affairs Officer to keep abreast of new programs in this area and to solicit its expertise, resources and training to be provided officers during department meetings or other times convenient for all concerned parties.

Officers shall be required to conduct a security survey when response is made to a burglary/theft complaint. When extenuating circumstances exist, a follow-up contact may be made with the victim within 30 days following the complaint, at which time the security survey will be completed by the officer. The Sergeant Detective Supervisor shall be responsible for ensuring that the survey is completed and attached to the criminal case when submitted for review.

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All personnel are encouraged to cooperate in the development and implementation of new crime prevention programs. Specific emphasis shall be placed upon educating the public regarding crime prevention, utilizing media resources and improving working relations with other law enforcement officials to more effectively combat the crime problem.

INVESTIGATION OF BURGLARIES AND THEFTS

It shall be the responsibility of the Oldham County Police to investigate all burglaries and thefts reported to the County Police. The officer shall investigate every complaint as completely as possible.

Officers should use sufficient time to search the crime scene, collect and package evidence properly before submitting it for analysis, interview victims, witnesses and possible witnesses, request on-scene and follow-up assistance when necessary, and perform other investigative procedures, keeping utmost in mind the goal of clearing the case by arrest.

It shall be the responsibility of the commanding officer and his supervisory staff to require officers to prepare and submit quality investigations. Individualized training shall be provided by the commanding officer or his designee to officers who lack in the areas of investigative technique, interviewing procedures or quality report submission. Commanding officers, supervisors and officers shall continually strive toward the successful conclusion of every criminal investigation by arrest of the perpetrator.

LOGGING REPORTED INCIDENTS

In cases where the victim is reporting by telephone the case for insurance purposes only, the officer will complete a UOR. This decision is to be made on each case by the supervisor for stricter control.

ANTI-FENCING ACTIVITIES

The Detective Sergeant shall be responsible for gathering intelligence information regarding fencing activities. In order to develop a systematic plan for identifying the fence, the following indicators may be utilized:

1. Statistical - three main indicators signal the active presence of fencing activity: (a) high rates of theft combined with low clearance rates for theft, (b) low arrest rates for theft, and (c) low property recovery rates.
2. Observational - two broad categories: (a) those fences located by actual surveillance, and (b) those learned by the observation of thieves, informants and the debriefing of prisoners.
3. Collateral - indicators involving other crimes directly associated with fencing operations such as sales tax fraud, tax evasion, licensing regulations, false documents, drugs, loan sharking, bribery, extortion and

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other corrupt practices.

Once these fences are identified, a variety of strategies must be developed to eliminate the operation. The Detective Sergeant shall prioritize the targets of the anti-fencing effort and proceed on that basis.

The Detective Sergeant may use uniform and/or detective personnel, coupled with supervisory leadership, to develop his plan of attack toward reducing burglaries and thefts in this area of responsibility. Each situation should be handled on a case-by-case basis and a continual evaluation of technique and progress should be made by the Detective Sergeant.

Interaction with other law enforcement agencies can play a vital role in this effort. The sharing of intelligence information and development of better relations with these agencies should yield successful results.

The public should receive information about anti-fencing programs through the media. The business sector, after being educated in fencing and the anti-fencing efforts, can also be a useful tool in this program.

CRIMESTOPPERS ORGANIZATIONS

Crimestoppers Organizations are non-profit, private organizations that accept and disperse donations for rewards for information concerning crimes. For officers to become involved with a crimestoppers organization, the limitations on use of the information obtained from these organizations are as follows:

1. Records of a crimestoppers organization concerning a report of criminal activity shall not be compelled to be produced before a court except on the order of the Circuit Court;
2. Records of a crimestoppers organization relating to reports of criminal acts shall be confidential; and
3. A person who accepts a report of criminal activity on behalf of a crimestoppers organization shall be guilty of unlawful disclosure of information if the person, intentionally or knowingly, divulges to a person not employed by a law enforcement agency the identity of the person who made the report without the consent of that person.

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POLICY

Whenever any officer needs to leave Kentucky in order to pursue any investigation or any law enforcement activity whatsoever, that officer shall comply with the following procedures.

PROCEDURES

Notification shall be made to the investigating officer's commander of the circumstances which require the officer to proceed outside the jurisdictional boundaries of Kentucky and express approval obtained from the Chief of Police prior to departure.

No officer shall enter another state to pursue any investigation or take any law enforcement action whatsoever unless and until that officer has familiarized himself with the law of that state concerning the carrying of concealed weapons and the law concerning the status, powers and responsibilities of peace officers from other jurisdictions who are pursuing investigation in that state.

Where it is anticipated that reimbursable travel expenses will be incurred, an out of state travel order must be issued from the office of the Chief of Police prior to the incurring of any such travel expenses.

Notification shall be made to the primary law enforcement agency with statewide jurisdiction in the state to be entered. This notification shall identify the investigating officer or officers and describe the vehicle in which he/they will be traveling. The notification shall also describe the nature of the investigation and the reasons for entry into that state to pursue it. The notification shall request that an officer meet our officer/officers at a designated location to assist. A similar notification shall be sent to the local law enforcement agency that has jurisdiction over the locality within which the investigation or activity will be conducted.

No investigation or law enforcement activity of any nature whatsoever shall be engaged in prior to meeting with the appropriate law enforcement officers from the other state and locality pursuant to the notification procedures set forth in proceeding paragraphs.

No investigative activity shall be engaged in unless done in the presence of the officers from the other state and with their full knowledge and consent.

The officers from the other state shall be expressly informed that they are in complete control and that no activity whatsoever will be undertaken without their knowledge and approval.

If any arrest is to be made, it shall be made solely by the officer or officers from the other state or local jurisdiction.

If an arrest is made, the prisoner shall be transported by the officers from the other state or local jurisdiction to the nearest available judge or proper jurisdiction for initiation of appropriate legal proceedings.

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The prisoner shall not be transported back to Kentucky until a court order is obtained or until extradition has been formally and voluntarily waived.

These procedures are subject to waiver in emergency situations. No situation shall be deemed to be an emergency unless the crime under investigation is a felony involving the use or threatened use of physical force likely to result in death or serious physical injury; or unless the officer is in hot pursuit of a suspected felon; or unless action must be taken to prevent injury to the officer himself or to another person.

OUT OF STATE COURT APPEARANCES

No officer shall participate in any judicial proceedings in any jurisdiction other than the Commonwealth of Kentucky without first informing the Chief of Police of the request and the details of the matter under inquiry. Officers shall not participate in such judicial proceedings unless approval is granted by the Oldham County Attorney and the Chief of Police.

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INTRODUCTION

Domestic violence is a serious crime against the individual and the community. The failure of any law enforcement officer to properly respond and handle a domestic call, no matter how frequent, will expose individuals and the community danger up to and including death. Because domestic violence can and does result in death of individuals, every response to a domestic call, no matter how often, shall be treated the same as any other serious crime against a person.

Every response to a domestic call shall include a substantive investigation of the incident when justified by the facts. Such investigations shall involve the gathering of background information, the gathering of physical evidence including pictures, clothing, and statements from direct and indirect witnesses including children and neighbors.

Every response to a domestic call, no matter how frequent, requires that every step possible be taken to insure the safety of the victim, including providing a safety plan and, if necessary, transporting the victim and children, if appropriate, to another or more secure location.

Officers should be aware that these cases are not only physically dangerous but they also present the risk of significant civil liability if officers respond inappropriately and the victim is injured or killed. While officers are protected by statute and offered qualified immunity for acting in good faith to protect victims of domestic violence, there is no such statutory immunity for failure to protect. See KRS 403.755(2), 403.7529(3) and 403.755(2).

PURPOSE

This domestic violence policy is designed to provide officers and support personnel with clear definitions, directions, and guidelines for providing and promoting a consistent, effective response to domestic violence crime in order to accomplish the following goals:

- Make an arrest for any violation of an Emergency Protective Order (“EPO”), any violation of a Domestic Violence Order (“DVO”). Any violation of a Foreign Protective Order (“FPO”) or any violation of a condition of release or bond when authorized by state law;
- Reduce the incidence and severity of domestic violence crime;
- Afford maximum protection and support to adult and child victims of domestic violence through coordinated services of law enforcement and victim assistance; and
- Reduce the risk of civil liability for officers, supervisors and administrators, and the employing unit of government.

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POLICY

A. To accomplish these goals, every officer shall:

- Make an arrest when authorized by state law as the preferred response, instead of using dispute mediation, separation or other police intervention techniques;
- Treat all acts of domestic violence as criminal conduct;
- Respond consistently and appropriately to every domestic violence incident, regardless of race, religion, creed, national origin, gender, sexual orientation, disability, and socioeconomic status, including cases where any of the alleged parties may be a law enforcement officer, public official or prominent citizen; and
- Immediately report all known or suspected cases of domestic violence and abuse, adult abuse, or child abuse as required by state law;
- Receive training on domestic violence as required by state law.

Note: Every officer shall document action taken (arrest or non-arrest) on the JC-3 form.

B. The following facts may be used as background information to complete a domestic violence investigation for prosecution but may not be used as justification for the officer's failure to arrest.

- The marital status of the suspect and the victim;
- Whether the suspect lives on the premises with the victim (except as may be necessary to qualify the parties as "members of an unmarried couple");
- The potential financial consequences of arrest;
- Whether there have been previous law enforcement responses to domestic calls at this address;
- Verbal assurances that the violence will cease;
- The Victim's emotional status;
- Whether physical injuries suffered by the victim can be personally observed at the time of the law enforcement response.
- The location of the incident (i.e., public or private);
- Speculation that the victim may not follow through with the prosecution, or that the arrest may not lead to a conviction;
- The victim's initial reluctance regarding an officer-initiated arrest;
- The fact that the victim and suspect are of the same gender; or,
- The use of alcohol or drugs by either or both parties.

IV. PROCEDURES

A. Communications: General Responsibilities

1. In progress domestic violence calls shall receive a high priority response.

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Communications will:

- Use professional communications skills, obtain all pertinent critical information (see attached checklist);
 - Promptly relay all important information to the law enforcement officer including any information available through the LINK-NCIC Domestic Violence File;
 - Update the responding officer with additional information obtained from the caller by keeping them on the line unless they perceive themselves to be in danger;
 - Dispatch two officers when available.
2. Communications personnel should request the following information.
- Location of incident, victim and perpetrator;
 - Type of incident (verbal/physical);
 - Need for emergency medical assistance including injuries and severity;
 - Weapons involved or accessible, descriptions, and locations;
 - Name and telephone number;
 - Other people involved including children/witnesses;
 - Perpetrator's DOB/SSN, previous history of domestic violence including previous law enforcement responses outstanding warrants;
 - Alcohol and or drug use;
 - Has perpetrator left scene, vehicle description, direction of travel;
 - Apparent hazards to responders including animals.
 - Threats made by perpetrator.
3. Safety of Complainant
- Communications personnel should attempt to maintain telephone contact with the complaining party in order to monitor the situation and provide the most recent information until the officer arrives;
 - If the complainant must leave the telephone to seek safety, advise the caller to lay the phone down and not disconnect so the communications personnel can monitor the situation;
 - If the complainant is calling away from the scene advise them to remain there until the law enforcement officer arrives. Advise the responding officer of their location;
 - For officer safety update the responding officer with all new information so he may approach the scene with as much information as possible;

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- Advise the responding officer of additional calls from the residence including those requesting to cancel the call but do not advise the officer to cancel the call;
- Any interrupted or disconnected calls should be responded to if the location is known.

B. On-Scene Investigation, Arrest and Post Arrest Procedures

1. General Responsibilities at the Scene

When responding to domestic violence calls, officers should:

- Respond promptly to the call – utilize two officers when available;
- Establish control;
- Assess the situation for risks to all parties including children;
- Attend to the emergency medical needs of those involved;
- Interview parties/witnesses separately and away from the line of sight and hearing of the perpetrator; (use direct quotes of witnesses about their fears and concern);
- Effect an arrest of the perpetrator as the preferred response, if legally possible;
- Seize any weapons used in the incident;
- Inform the victim of rights;
- Provide victim information on legal remedies and community services available for protection and safety planning;
- Assist the victim in securing medical attention which shall include arranging for the transporting of the victim to obtain medical attention;
- Assist the victim in transportation to a safer location;
- Assist the victim in securing legal protection (warrant, protective order) which may include transporting the victim to obtain the legal protection, if appropriate;
- Report all actual and suspected incidents of abuse to the Cabinet for Family and Children, Department for Social Services using the “Child Abuse, Adult Abuse, and Domestic Abuse Standard Report” form (JC-3);
- If the exigent circumstances have ceased, obtain a consent to search or obtain a search warrant when appropriate;
- Collect and photograph all relevant evidence required for successful prosecution [use body map with checklist to document injuries];
- Arrange for follow up photographs of the victim in order to demonstrate the extent of the injuries that may later come more obvious;
- Attend to any children or dependent adults;
- Check LINK and NCIC for outstanding warrants, history file on protective orders and whether there are any active “EPO’s”, “DVO’s” or Foreign Protective

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Orders (FPO's). [For various reasons not all valid domestic violence orders may be in the LINK system]

2. Arrests

- a. Arrest is the preferred response to domestic violence crimes, whether felonies or misdemeanors. All arrests shall be made in conformity with Kentucky State law, agency policy and procedures.
- b. Warrantless arrest for domestic violence related felonies shall be made in the same manner as in all other felony crimes; when a felony is committed in the officer's presence or he has probable cause to believe that the perpetrator has committed a felon. KRS 431.005(1)(b) and (c).
- c. Misdemeanant arrests without a warrant:
 - (1) As long as there exists probable cause to believe an offender has intentionally or wantonly caused injury to a family member or a member of an unmarried couple any peace officer may arrest for Assault in the Fourth Degree. KRS 431.005(2)(a).

- Notes: (1) Under previous law, in order to arrest for Assault in the Fourth Degree, the officer had to determine whether the offender would present a danger or threat of danger to others if not immediately restrained. However, as of July 1996, that requirement is no longer in effect. KRS 431.005(2)(a).
- (2) A "Peace Officer" for purposes of this provision now includes fulltime state park ranger, or a part-time paid law enforcement officer, who has completed a Kentucky Law Enforcement Council approved education training program prescribed by statute. It also includes full time officer of the Department of Fish and Wildlife who are exercising authority under KRS 235 and full time university safety and security officer appointed pursuant to KRS 164.950 to 164.970. KRS 431.005(3).
 - (3) In cases of third and subsequent fourth-degree assault committed in the domestic violence context, defendants may be prosecuted for a Class D Felony rather than a Class A misdemeanor. The decision whether or not to seek the enhancement and prosecute for a felony violation rests with the prosecutor. KRS 508.032.

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- (2) If there is probable cause to believe that any condition of a bond or pre-trial release has been violated and the officer has verified that the offender has had notice of the conditions, he shall arrest the offender without a warrant. KRS431.005(4).

Note: Effective July, 2000, pre-trial release conditions (KRS 431.064) issued for defendants charged with violations of Chapter 508 (assault) and 510 (sex offenses) shall be entered into the computer system of the Administrative Office of the Courts and from there be accessible to LINK terminal agencies. KRS 431.064. While some agencies may be able to find the pre-trial release condition, law enforcement agencies should not assume that the absence of a pre-trial release condition provision of the computer system necessarily signals that no such pre-trial release condition exists.

- (3) The officer may arrest without a warrant for any other misdemeanor committed in his presence, ex: terroristic threatening, menacing. KRS 431.005(1)(d).
- (4) Emergency Protective Orders [“EPO”]
 - (a) Emergency Protective Orders are immediately enforceable upon service or notice to the respondent of the contents;
 - (b) The law enforcement officer should check through the LINK-NCIC Domestic Violence File to verify service of the Emergency Protective Order (caution: some EPO’s may not have been entered yet into the LINK system);
 - (c) If personal service has not occurred the officer shall immediately give the respondent notice of the contents of the emergency protective order;
 - (d) After notice has been given to the respondent its terms are binding and enforceable for subsequent acts;
 - (e) The law enforcement officer shall then make arrangements for personal service of the “EPO” if possible and make notification to the communications center of this department and notification to the responsible agency for LINK entry for the orders.
 - (f) Officer, having probable cause, shall arrest without a warrant respondents who have violate the Emergency Protective Order, who have received service or notice of the issuance of the EPO. KRS 403.760(2)
 - (g) The “no contact” condition found in protective orders, shall be defined as having no contact at all including such allegedly

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innocent activities as sending flower. No contact conditions also have been found to have been violated by placing a series of hang up calls to the victim's residence, even if such calls involve no verbal communications between the parties. Welch v. Commonwealth, KY. App., 988 S.W. 2d 506 (1999).

Note: Information regarding notice and arrangements for service shall be marked on the JC-3 form.

- (5) Domestic Violence Orders ["DVO"]
 - (a) "DVO's" shall be enforced immediately upon issuance.
 - (b) The officer shall make sure that the conditions for which an arrest is made are prohibited in the "DVO"
 - (c) Officers, having probable cause shall arrest without a warrant respondents who have violated the Domestic Violence Order. KRS 403.760(a).
 - (d) The meaning of "no contact" in the context of the DVO if the same as that for EPO, see (4)(g) above.

Note:

- (1) 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 the officer serving the order. The officer to whom the license is surrendered shall forthwith transmit the license to the court issuing the order. The license shall be suspended until the order is terminated, or until judge who issued the order terminates the suspension prior to the termination of the underlying domestic violence order or emergency protective order, in writing and by return of the licenses upon motion by the license holder." KRS 237.110(11);
- (2) The meaning of this statutory provision is not completely clear and law enforcement officers should be aware of any court decision, which interpret the authority of a law enforcement officer in this situation. However, when the DVO or EPO specifically requires the surrender of the license, and the office has probable cause to believe the respondent has not surrender the license, law enforcement

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officer should arrest the respondent for violation of the EPO/DVO.

(6) Foreign Protective Orders [“FPO”]

(a) General

- (1) All out of state protective orders shall be enforced as written including provision which grant relief not available in Kentucky;
- (2) All foreign protective orders are presumed valid upon presentation to the law enforcement officer. Foregoing protective orders do not have to have been entered into the LINK system to be valid and enforceable;
- (3) Some foreign protective orders may have been filed of record and may be verified through LINK.

(b) Arrest procedures

- (1) When a foreign protective order is presented to the law enforcement officer by complainant the officer shall;
 - (a) Determine whether the order is current;
 - (b) Determine whether the conduct complained of is prohibited by the order.

Note: For different reasons some foreign protective orders do not have expiration dates on them (ex: some states have lifetime orders). 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.

- (2) The officer shall inquire of the complainant whether the protective order has been filed with the circuit clerk’s office.
 - (a) 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 as long as the order appears

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valid on its face. All foreign protective orders have a rebuttable presumption of validity. KRS 403.7529.

- (3) The officer shall assume that the respondent was given notice of domestic violence order and its contents;
- (4) If the officer has probable cause to believe the respondent has violated the terms of the protective order he shall arrest the respondent as having violated a protective order; KRS 403.763.
- (5) All peace officers shall make arrests for a violation of a foreign protective order in the same manner as a violation of an emergency protective order or domestic violence order as if it had been entered by a Kentucky Court. The charge shall be a violation of a protective order.

- Notes: (1) This shall not preclude officers from arresting the perpetrator for other violation of the Kentucky Penal Code.
- (2) Law enforcement officers are not expected to be aware of any changes of a foregoing protective order that are not clearly on the order itself, or, if the order is on LINK, if the changes are not indicated on LINK;
 - (3) It is the obligation of the victim to notify the court of changes in the order.

d. 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 was the primary aggressor and whether one party acted in self-defense;
- (2) If the officer is able to determine who is the primary aggressor, the officer should arrest that party;

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- (3) Where there is probable 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.

- (5) Factors to consider in mutual violence situations to determine the primary aggressor:
 - (a) The history of domestic disputes/violence between the persons;
 - (b) The degree of injury inflicted upon each person keeping in mind that many injuries to the head and body may not be visible at the time;
 - (c) Objective and testimonial evidence from the parties and other persons at the scene including children;
 - (d) Whether one person acted in self-defense;
 - (e) The current behavior of the parties, including the presence of fear, the level of fear, and who is afraid of whom.

Note: An injury inflicted in self-defense is not a basis for an arrest for a violation of a mutual protection order.

C. Obtaining Warrant/Protective Orders

1. When a domestic violence crime has allegedly been committed, and the officer is unable to arrest the alleged perpetrator under the provisions discussed above, the officer shall assist the victim in obtaining an arrest warrant and/or protective order;
2. The officer may apply for an arrest warrant himself when he has sufficient information to establish probable cause;
3. The officer may consult with his supervisor;
4. Prosecution is the preferred response even if the officer has to take the initiative;
5. The victim's non-cooperation shall not be considered when seeking warrants;
6. If the offense occurs after normal working hours the Oldham County Police Department will follow the 24-hour access policy established by the Oldham County District Court System. That procedure is to complete the JC-3, EPO/DVO, fax or

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personally deliver to the Oldham County District Judge that is on call. If a District Judge is unavailable, arrangements should be made to contact a Circuit Court Judge for a signature.

D. Duty to victim whether or not an arrest has been made

1. Whether or not an arrest has been made, if the officer has reason to suspect that a family member, member of an unmarried couple, or household member has been the victim of domestic violence, the officer is required by KRS 403.785(2) to use all reasonable means necessary to prevent further domestic violence, including but not limited to:
 - (a) Remaining at the scene as long as the officer reasonably suspects there is danger to the physical safety of the individuals present without the presence of a law enforcement officer;
 - (b) Assisting the victim to obtain medical treatment, including offering to transport, or arranging for the transportation of the victim to the nearest medical treatment facility capable of providing the necessary treatment; and
 - (c) Advising the victim of rights and services available.

Notes:

- (1) These “rights and services” include information about criminal complaint procedures, availability and enforcement of civil protective orders, availability of emergency shelter services, protective services of DSS, and other community resources. This would include advising the victim of the availability of VINE (Victim Information and Notification Everyday). VINE provides the victim who has obtained a Protective Order with information concerning the perpetrator’s attempt to purchase a weapon. It also provides information concerning the release of the perpetrator from incarceration. Many of these rights and services are printed on the “Victim Rights Information” tear-off portion of the JC-3 form;
 - (2) Tearing off the victim rights information portion of the JC-3 form and giving it to a victim may not fully satisfy this duty. The responding officer should also offer to explain the form to the victim.
2. In order to protect the victim and provide access to a safe environment the officer should:
 - a. Provide a copy of a safety plan, if available;
 - b. Inform the person of local procedures for victim notification.

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3. Whether or not an arrest has been made, the officer shall report any known or suspected adult or child abuse, neglect or exploitation immediately, or any known or suspected domestic violence or abuse within 48 hours to the Cabinet for Families and Children, Department for Social Services using the JC-3 form.
 - a. Death of an adult or a child does not relieve the officer of the responsibility to report the circumstances surrounding the death related to abuse or neglect.

E. Special Circumstances

1. Agency Assigned Service of an Emergency Protective Order
 - a. Emergency Protective Orders (“EPO”) assigned by the District or Circuit Court for service by this agency shall receive high priority response. These orders shall be segregated from other orders or warrants to be served.
 - b. Upon service of the order on the respondent, the officer shall immediately notify the communications center of this agency and in turn the law enforcement agency in the issuing jurisdiction responsible for entry of domestic violence protective orders on the LINK-NCIC Domestic Violence File.
 - c. The officer should promptly arrange for a copy of the order with the verified service to be delivered to the entering agency for modification to the LINK-Domestic Violence File record.
2. Offender or Victim has Left the Scene
 - a. If probable cause exists that an alleged perpetrator has committed an assault on a family member or member of an unmarried couple, or has violated a protective order, a domestic violence order, or a foreign protective order, but the perpetrator has left the scene, the responding officer shall interview all available witnesses, record or document these interview, and collect all available physical evidence.

Note: In order to arrest the perpetrator the officer does not have to make a determination that the perpetrator will present a danger or threat of danger to others if not immediately restrained. KRS431.005 (2)(a).

- b. If the officer is unable to arrest the alleged perpetrator within a reasonable time, the officer should assist the victim in seeking an arrest warrant and/or emergency protective order to deter future domestic violence;

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- c. If probable cause exists that there has been an assault on a family member or a member of an unmarried couple or that a protective order has been violated, but the victim has left the scene, the responding officer shall, in addition to investigating the offense at the scene, attempt to locate the victim, determine whether the victim needs medical assistance and continue the investigation when and where the victim is located;
- d. Effecting an arrest consistent with state law is the preferred response even when one party or the other has left the scene. This may include an arrest based on probable cause or the officer applying for an arrest warrant himself.

Note: Every law enforcement officer should check his local policies to determine whether he should apply for the arrest warrant.

- e. In 1998, legislation amended the crime of Fleeing or Evading Police in the First Degree to include defendants fleeing after committing an act of domestic violence. The crime is a Class D felony. KRS521.100.

3. Domestic Violence Perpetrator is a Juvenile

- a. Officers shall handle juvenile perpetrators of domestic violence in the same manner as when the alleged perpetrator is an adult perpetrator;
- b. If a juvenile is taken into custody, officers shall process the juvenile under the provision of the Juvenile Code (KRS Chapters 600-645);
- c. Officers should not release juvenile perpetrators at the scene;
- d. Officer should contact the Court Designated Worker (CDW) for an alternative placement for the juvenile perpetrator.

4. Special Needs Victims

- a. Some domestic violence victims have special needs because of their relationship to the perpetrator, limited physical or mental abilities, or some other factor. The factors make it extremely difficult for them to report their victimization, call for assistance, or participate fully in the investigation and prosecution of their case.
- b. Such special needs victims may include:
 - Pregnant women,
 - Physically or mentally disabled persons,

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- Alcoholic or chemically dependent persons,
 - Males,
 - Adolescents, and,
 - Culturally diverse populations.
- c. Officers should treat all victims respectfully and as seriously as any other criminal case;
- d. Officers should refer these victims to specialized support services to ensure the victim receives protection, physical assistance, medical treatment or other services as needed.
5. Marital Rape/Sexual Assault

Responding officers shall follow all procedure 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.

6. Children, Dependent Adults and Elderly Adults

Even where a spouse or partner is the primary victim, officers shall take appropriate action on behalf of children, dependent adults, and elderly adults at the scene who may be the direct or indirect victims of violence.

7. Domestic Violence Stalking

- a. Officers should complete a full report and investigation where a domestic violence victim alleges that he or she has been stalked. Stalking is elevated from a misdemeanor to a felony when (a) protective order is issued to protect the victim, (b) a criminal complaint is currently pending by the victim against the defendant and the defendant has received notice of such, (c) the defendant has been convicted, within the last five years, of a felony or a Class A misdemeanor concerning the victim, (d) or the stalking was committed while the defendant had a deadly weapon. 2000 legislation also provided a specific definition for “protective order” to include EPO’s, DVO’s, foregoing protective orders, pre-trial release conditions under KRS 431.064 and any condition of bond, conditional release probation, parole, or pre-trial diversion order designed to protect the victim from the offender. KRS 508.140 and 150.

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- b. Officers should advise stalking victims to notify this agency of subsequent incidents.
 - c. Caution: Research shows a close relationship between acts of stalking behavior and the commission of acts of domestic violence.
8. Special Relationship/Prominent Citizen
- a. A responding officer shall notify his supervisor when he responds to a domestic violence call involving a public official, or a prominent citizen.
 - (1) A responding officer and supervisor shall apply this policy equally to all members of the community;
 - (2) This applies whether the person is the victim or the perpetrator.
 - b. A responding officer shall notify his supervisor when he responds to a domestic violence call involving law enforcement personnel.
 - (1) When possible the investigation should be handled by an officer at least one rank higher than the party involved;
 - (2) The investigating officer shall notify the supervisor on duty of the investigation.
 - c. 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.
 - (1) This applies whether the person is the victim or the perpetrator.
9. Duty to Warn
- a. Officers who receive warnings from mental health professionals under the provisions of KRS 202A.400 of threatened violence against an identifiable victim or victims should attempt to contact the intended victim or victims;
 - b. Officers should inform the victim of the threatened violence, advise him or her of all available legal remedies and assist the victim in accessing those legal remedies;
 - c. Officers should discuss alternative safety plans with the intended victim, provide transportation to a safe location if necessary, and give other indicated assistance;

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- d. Officers and supervisors should decide what further investigation or action (e.g., increased patrol, alert to all shift officers, etc.) is indicated;
- e. Officers and supervisors should fully document the report of threatened violence, all attempts by officers to contact the intended victim or victims, actions taken on behalf of the intended victim or victims, and all further recommended investigations or actions.

10. Involuntary Hospitalization

- a. If the officer believes the domestic violence perpetrator has a mental health condition which indicates that the person is an imminent danger to self or other, the officer needs to follow the provision set forth in KRS 202A;
- b. This statute should not be used as a substitute for an arrest.

Note: Check local procedures for the placement of this individual in an appropriate facility.

11. Duty to Notify/Federal Gun Ban

The federal government prohibits certain DVO respondents, and those defendants convicted of a misdemeanor crime of domestic violence, from possession of a firearm or of ammunition. 18 U.S.C. Section 922. Local law enforcement should notify the bureau of Alcohol, Tobacco and Firearms if made aware of respondent possessing a firearm in violation of federal law. Further, in 2000, legislation provided that “designated law enforcement agencies; shall make ‘reasonable efforts’ to provide victims with notice that a perpetrator has attempted to purchase a firearm in violation of the federal gun ban. KRS 237.095

F. Other Related matters

1. Confidentiality

The actual location of any spouse abuse center, or other emergency shelters, shall not be communicated by any electronic means. Such information shall be communicated only on a face-to-face, need-to-know basis to other law enforcement personnel.

2. Training

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KRS 403.784 requires that each officer receive initial training, followed at least every two years by continuing education courses, developed by the Justice Cabinet concerning the dynamics of domestic violence, effects of domestic violence on adult and child victims, legal remedies for protection, lethality and risk issues, model protocols for addressing domestic violence, available community resources, victims services, and reporting requirements.

3. Good Faith Immunity from Liability

- a. Officers who reasonably perform their duties in good faith have immunity from civil and criminal liability under the following situations:
 - (1) Enforcing Emergency Protective Orders or Domestic Violence Orders. KRS 403.755(2).
 - (2) Enforcing foreign protective orders. KRS 403.7529(3).
 - (3) Making a report or investigation for adult abuse or neglect. KRS 209.050; KRS 403715(5).
 - (4) Making a report or investigation for child dependency, abuse or neglect. KRS 620.050(1); 403.715(5).

V. DEFINITIONS

A. General Definitions

1. **“Domestic Disturbance or Dispute Call”** means a call involving an argument or disagreement between family members, unmarried couples, or household members.
2. **“Domestic Violence Call”** means a call where an adult, child, or a family member or member of an unmarried couple is alleged to be the victim of:
 - Physical injury or fear of imminent physical injury (explicit or implied threats);
 - Sexual abuse or in fear of imminent sexual abuse;
 - Unlawful imprisonment/kidnapping;
 - Property crime;
 - Stalking, or,
 - Violation of terms or conditions of a protective order by the other party.

Note: These calls are the types of cases which, by statute, must be reported to the Department for Social Services on the JC-3 form.

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3. **“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 arrest, file charges, or see the perpetrator prosecuted.
4. **“Exigent Circumstances”** means those circumstances or emergencies which authorize officers to enter a dwelling without consent or a warrant. Examples of such emergencies are:
 - Hot pursuit of a fleeing felon;
 - The imminent destruction of evidence;
 - The need to prevent a suspect’s escape;
 - The risk of danger to the police or others;
 - 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 three 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)

5. **“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”.

- Notes: (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.

B. Domestic Violence and Abuse Definitions

1. **“Domestic Violence and Abuse”** means not only causing physical injury, serious physical injury, sexual abuse, or assault between family members or members of an

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unmarried couple, but also causing fear of such imminent physical injury, serious physical injury, sexual abuse, or assault. KRS 403.720(1).

2. **“Physical Injury”** means substantial physical pain or any impairment of physical condition. KRS 500.080(13).
3. **“Family Member”** means a spouse, including a former spouse, a parent, a child, a stepchild, or any other person related by blood or marriage within the second degree. KRS 403.720(2). KRS 431.005(2)(b) also lists grandparents.
4. **“Member of an Unmarried Couple”** means 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. KRS 403.720(3); KRS 431.005(2)(c).

Notes: (1) The following individuals are included: the parent of the victim’s child even if the parties are not married, any children of that couple or member of an unmarried couple who are living together or formerly lived together;

(2) The statutes do not define “couple” or “living together”. Officers should make a determination of whether or not parties are a “couple” or “living together” without being influenced by gender or sexual orientation or whether or not sexual activity is involved.

(3) “While no published Kentucky cases exist, other states have liberally construed domestic violence statutes of as to serve the goals of protecting victims of domestic violence. See *Yankoskie vs. Lenker*, 526 A.2nd 429 (Pa 1987). (Fact that a respondent maintains a residence apart from the petitioner is not dispositive. Relevant factors to consider are: duration of the relationship, frequency of contact between the parties, whether the parties are financially independent and whether the parties have engaged in tasks towards maintaining a common household). “Domestic violence statutes afford protection to same-sex couples just as they do to the others enumerated therein. The General Assembly has not given preferential treatment to same-sex couples, rather, it has provided for equal treatment under the law for homosexual victims of domestic violence.” See *Ireland v. Davis*, Ky. App., 957 S.W.2d 310 (1977).

C. Protective Orders

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1. **“Emergency Protective Order” (“EPO”)** means an ex parte court order (an order issued at the request of one party without a hearing) issued under the provision of KRS 403.740 against a family member or a member of an unmarried couple who has been determined to present an immediate and present danger and which is valid for up to 14 days (the date of expiration should appear on the order).

Notes: (1) The officer seeking to enforce the order shall determine that certain conduct has been prohibited on the order form or in the LINK system – he cannot assume that any particular provision is in force;

(2) He must also determine whether service or notice of the order has been completed.

2. **“Mutual Protection Order”** is an order of protection against both 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. KRS 403.735(2).

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.

3. **“Domestic Violence Order” (“DVO”)** means a court order issued under the provision of KRS 403.750 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).

4. **“Foreign Protective Order” (“FPO”)** means any judgement, decree, or order of protection issued by a court of any state of the United States or tribal court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265. KRS 403.7521(1). Foreign Protective Orders shall be enforced as written.

Note: The out-of-state orders may not have an expiration date and may even contain provisions which could not otherwise be issued by a Kentucky Court.

D. Adult Abuse or Neglect/Exploitation Definitions

1. **“Abuse”** means the infliction of physical pain, mental injury or injury of an adult. KRS 209.020(7).

2. **“Adult”** means:

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- (a) A person eighteen (18) years of age or older who because of mental or physical dysfunctioning is unable to manage his own resources or carry out the activities of daily living or protect himself from neglect, or a hazardous or abusive situation without assistance from others and who may be in need of protective services.
 - (b) A person without regard to age who is the victim of abuse and neglect inflicted by a spouse. KRS 209.020(4).
3. **“Exploitation”** means 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. KRS 209.020(8).
4. **“Neglect”** means a situation in which an adult is unable to perform or obtain for himself the services which are necessary to maintain his health or welfare, 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 a person deprives his spouse of reasonable services to maintain health and welfare. KRS 209.020(15).

E. Abused or Neglected/Dependent Child Definitions

1. **“Abused or Neglected Child”** means 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:
- a) Inflicts or allows to be inflicted upon the child physical or emotional injury (defined term) by other than accidental means;
 - b) Creates or allows to be created a risk of physical or emotional injury (defined) to the child by other than accidental means;
 - c) Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, parental incapacity due to alcohol and other drug abuse as defined in KRS 222.005 (12);
 - d) Continually or repeatedly fails to provide essential parental care and protection for the child, considering the age of the child;
 - e) Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;

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- f) Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 - g) Abandons or exploits such child;
 - h) 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 religious beliefs shall not be considered a negligent parent solely because he 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; and
 - i) Fails to make sufficient progress toward identified goals as set forth in the court approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for 15 of the most recent 22 months. KRS 600.020(1).
2. **“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(19).
3. **“Emotional Injury”** means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his age, development, culture, and environment as testified to by a qualified mental health professional.
4. **“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(42).
5. **“Physical Injury”** means substantial physical pain or any impairment of physical condition.

F. Stalking Definitions

- 1. **“Stalking”** means an intentional course of conduct directed at a specific person which seriously alarms, annoys, intimidates or harasses; which serves no legitimate

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purpose; and which would cause a reasonable person to suffer substantial mental distress. KRS 508.130(1).

2. **“Course of Conduct”** means a pattern of conduct composed of two or more acts, evidencing a continuity of purpose; it does not include constitutionally protected activity. KRS 508.130(2).

G. Other Definitions

1. **“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.
2. **“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).
3. **“Peace Officer”** for purposes of this policy means:
 - a. A full-time sworn officer of the Kentucky State Police, a full-time sworn officer of the Kentucky Horse park, a commissioned full-time state park ranger, a full-time state water patrol officer, full-time officer of the Division of Law Enforcement with the Department of Fish and Wildlife Resources who is exercising authority under KRS Chapter 235, a full-time city policeman, a full-time county policeman, a full-time university safety and security officer appointed pursuant to KRS 164.950 to 164.970, a full-time city-county policeman, a duly elected sheriff, or a full-time paid deputy sheriff; or,
 - b. A part-time law enforcement officer, or a special paid deputy, who has completed a Kentucky Law Enforcement Council approved education and training program referred to in KRS 403.784. KRS 431.005(3).

H. The Violence Against Women’s Act Federal Crimes

I. Substantive Crimes:

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1. **“Interstate Domestic Violence”** means; crossing a state line in order to commit domestic violence and subsequently committing the act. This crime occurs when:
 - a. 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,
 - b. 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 U.S.C. sec. 2261 (a)(1).

2. **“Interstate Domestic Violence”** means: causing another to cross a state line due to domestic violence. This crime occurs when:
 - a. 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,
 - b. 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).

3. **“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:
 - a. 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; or
 - b. Would violate the protection order if the conduct occurred in the jurisdiction in which the order was issued; and,
 - c. Subsequently engages in conduct, which violates the protection order. 18 U.S.C. sec. 2262 (a)(1).

4. **“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:

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- a. 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,
- b. 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).

J. Federal Gun Ban:

1. Certain respondents to DVO's and certain defendants convicted of a misdemeanor crime of domestic violence are prohibited from possessing a firearm or ammunition. 18 U.S.C. 922(g)(8) and (9).
2. DVO respondents who are banned from firearm or ammunition possession:
 - a. Respondents to DVO's which protect the respondent's "intimate partner" or child of such "intimate partner".
 - b. "Intimate partner" means the spouse of the person [respondent], the former spouse of the person, an individual who is a parent of the child of the person, and individual who cohabitates or has cohabited with the person. 18 U.S.C. S Section 921(32).
 - c. Antique firearms and service weapons are exempted from the gun ban. 18 U.S.C. Section 925 (a)(1).

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Effective Date March 1, 1999

Review Date June 4, 2002

I. POLICY

The Kentucky Controlled Substance Act, KRS 218A.410 et seq, 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 of 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.

II. PURPOSE

The purpose of this policy is to standardize the Oldham County Police policies and 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 for the Oldham County Police Department when involved in the seizure and forfeiture of property. Substantial compliance will further the goal of uniform practice throughout the State.

III. 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 Oldham County Police has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or,
 - (d) The Oldham County Police has probable cause to believe the property is subject to forfeiture pursuant to KRS 218A.410.

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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 Oldham County Police 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 holders(s), if any.
5. The seizing the Oldham County Police 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 or agent should complete an offense or seizure report, particularly describing the circumstances attendant to the seizure and forward same to the Commonwealth attorney who will be handling the forfeiture action.

B. Seized Vessels, Vehicle & Aircraft Storage and Maintenance

1. At the time of seizure, the Oldham County Police should have vessels, vehicles, aircrafts, etc. transported or towed to a secure storage facility or other appropriate storage location as may be authorized by the agency. If the law enforcement agency has its own towing service, it should be used whenever possible to minimize costs.
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

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property (e.g., 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 a secure location 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-condition. 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 of 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 aircraft and vessels, the seizing Oldham County Police shall ensure that such maintenance is provided within a reasonable time after seizure, with such care continuing through the pendency of the forfeiture action. Appropriate agency forms should be maintained with seized property to document special or required maintenance.
6. Oldham County Police personnel shall make periodic inspections of all property which has been seized subject to forfeiture to insure 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 Oldham County Police may seize real property only with process:
 - a. Real property subject to forfeiture may be seized pursuant to final judgement and order of forfeiture by the court with jurisdiction over the forfeiture action; or,
 - b. Real property may be seized prior to final judgement by the agency if it obtains a seizure order from the court following a

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hearing. Seizure prior to judgement is only permissible on a showing by the commonwealth that seizure is necessary to preserve the property pending final judgement.

2. Real property which is seized prior to final judgement must be maintained at time-of-seizure condition. On-going Businesses, including agricultural enterprises, must be continued. For this reason, seizure of real property prior to final judgement of forfeiture is not recommended.
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 218A.450. A lien is preferred over pre-judgement 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 immediately. Under these circumstances, the seizing agency shall not assess any towing charges, storage fees, administrative costs, maintenance costs, etc. against the claimant, unless so authorized by the appropriate court.
2. In all other instances, if a seized vessel, vehicle, aircraft, etc. is to be released to the lawful owner, the seizing agency may assess against the owner the actual costs 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.

IV. RETENTION FOR OFFICIAL USE, SALE, AND DISTRIBUTION

A. RETENTION OF VEHICLES

1. Any vehicle seized and subsequently forfeited to the Oldham County Police Department may be retained by that agency for official use.

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2. Any vehicle retained may be sold by the Oldham County Police Department. 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 Oldham County Police Department 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 Substances 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 a property 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 Oldham County Police Department retains the first \$50,000 from sale of assets itemized in any final order of forfeiture. Of that, 10% is paid to the office of the Commonwealth Attorney which handled the forfeiture action.
2. The Oldham County Police Department retains 45% of all sale proceeds in excess of direct sale expenses and \$50,000. No portion of these proceeds is required to be shared with a prosecutorial office.
3. All proceeds from sale of forfeited property must be expended for specific law enforcement purposes.

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4. All sale proceeds in excess of the above proscribed amounts shall be paid into the Asset Forfeiture Trust Fund as managed by the Office for Investment and Debt Management of the Commonwealth of Kentucky.
5. 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 in to 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 property division and include the determination in the final order of forfeiture.

V. 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 and the Kentucky Justice Cabinet.
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 forfeitable 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 and a copy shall be forwarded to the Kentucky justice Cabinet.
4. A copy of all final orders of forfeiture shall be forwarded to the Kentucky Justice Cabinet by the appropriate Commonwealth's Attorney.

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5. Fiscal reports itemizing costs of sale, proceeds retained by a law enforcement agency, proceeds paid to a local prosecutor, and proceeds paid into the Asset Forfeiture Trust fund, shall be sent to the Kentucky Justice Cabinet within thirty (30) days after each sale of forfeited property.
6. Agencies shall notify the Kentucky Justice Cabinet of each forfeited vehicle retained for official use of sold for the benefit of the agency.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

Any officer of the Oldham County Police Department subpoenaed or requested to appear as a witness for the defense in any criminal proceeding, shall notify his supervisor prior to any court appearance. The notification shall be in writing and contain details regarding the subpoena or request.

The supervising officer may, at his discretion, cause the appropriate prosecuting attorney to be notified of said subpoena or request and the details pertaining thereto.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

It is the policy of the Oldham County Police to govern the use of investigative techniques in reverse role undercover operations and to effect the identification, apprehension and prosecution of any offender that engages in or conspires to engage in violations of KRS 218A and its subsections.

DEFINITIONS

Reverse role undercover operation: an investigation in which an undercover agent poses as a drug seller rather than a drug buyer.

Major trafficker/trafficking organization: an illicit business enterprise composed of one or more members. These members' assets normally permit procurement of significant quantities of cocaine, marijuana or other illicit controlled substances.

Peripheral offender: an individual who is insulated from direct involvement in criminal acts, but whose financial or other support facilitates the continuation of criminal acts, and/or is involved in some form of organized criminal activity and who derives some portion of his assets, income or livelihood from the illicit drug trade.

PROCEDURE

The object of the reverse role drug investigation is to identify and target major trafficker/trafficking organizations and their members, as well as to neutralize the threat posed by such organizations through prosecution of their members and seizure of their assets in accordance with the provision of law.

An officer may not consummate a reverse role undercover operation without first obtaining prior authorization from the Branch Commander. That authorization will not be granted unless, in the judgment of the Branch Commander, all of the following conditions have been met:

1. The investigation is targeted against a major trafficker/trafficking organization, its members and/or a significant peripheral offender.

The authorization request is to be accompanied by:

1. Intelligence information concerning the target organization, its members and/or the significant peripheral offender (e.g., criminal history check, NCIC check, etc.).
2. A plan which specifies the operation and the methods to be used in attaining the objectives, including:
 - a. The time, date and place of the proposed transaction.
 - b. Security measures, including the use of specialized equipment, which will be employed to protect covert officers, the contraband and ensure apprehension of the suspect(s).
 - c. The type, quantity or quality of contraband needed and the nature of its intended use (e.g., sample testing, etc.).

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Effective Date March 1, 1999

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Written approval for the operation has been given by the Commonwealth Attorney or other prosecuting authority in whose jurisdiction it is to be conducted. Verbal approval followed up in writing is acceptable, if time presents a problem. However, if samples are to be provided, it must be specifically authorized in written approval prior to the transaction.

Canvassing of Other Law Enforcement Agencies

The respective Branch Commander will initiate measures to ensure that appropriate law enforcement agencies are canvassed to ensure that the buyer is not another law enforcement agency. They shall include:

1. The respective post commander.
2. The U.S. Drug Enforcement Administration (D.E.A.).
3. The Federal Bureau of Investigation (FBI).
4. Federal and local task forces operating in the area.
5. Local law enforcement agencies involved in drug investigations.

Establishing Culpability

The predisposition of the intended buyer must be articulated. This may be shown through conversations with or drug purchases from the suspect(s). Conversations should be recorded, if possible with the following information on the tapes: 1) person making the call, person's agency and phone number; 2) date and time of call; and 3) person being called. Every conversation should be recorded and submitted as evidence. Use the correct drug name for the drug being negotiated for. Prior to making any telephone call, prepare a list of important items to be discussed.

Conduct of the Investigation

Only officers familiar with undercover investigations will be authorized to assume the role of the seller in a reverse role transaction. No informant(s) shall assume control of the drugs.

When possible, obtain 35mm photographs and/or video recordings. Make sure the date and time of recording is on the video film. Prep the videotapes with the same information as the telephone calls. Try to have audio recording on all video recording. Always have a back-up recorder.

Drugs presented in the reverse role shall come from inventory established for that purpose. The supervisor in charge of the investigation is responsible for ensuring precautions are taken to prevent loss or theft of the drugs. The drugs to be used shall be weighed before and after the transaction. Whenever possible, a KSP lab technician should conduct the examination of the drugs before and after the transaction. The drugs shall at all times remain in control of the undercover officer(s). Drugs will be returned immediately to the property officer upon completion/termination of the transaction.

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Effective Date March 1, 1999

Review Date March 1, 1999

A transaction is deemed to have occurred when the buyer presents payment or that which is intended for payment of the drugs or the intended buyer assumes possession of the drugs.

Sampling of drugs requires written approval of the prosecutor having jurisdiction. No sample shall be given to the buyer prior to the actual reverse transaction. Should any testing occur, it shall be documented in the case report.

Should it become apparent that the transaction cannot be completed within these guidelines, the operation will immediately be terminated.

EXCEPTION

Nothing contained in this directive, either explicit or implied, is meant to regulate participating by Oldham County Police personnel in reverse role undercover operations initiated by the U.S. Drug Enforcement Administration (D.E.A.) or any other federal law enforcement agency for which the controlled substance(s) is to be supplied and controlled by that federal agency. In those instances, verbal authorization of the post/section commander is sufficient for participation.

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Oldham County Police Department

Effective Date March 1, 1999
Review Date February 6, 2001

POLICY

The Department must be prepared to effectively deal with hostage situations, barricaded suspects, terrorist attacks and other similar high-risk situations. This task can best be accomplished with a centralized group of highly disciplined, well-trained officers using special equipment and tactics. The Special Response Team shall deal with such situations in a judicious manner, presenting minimal hazards to the safety of residents, passersby, police officers and offenders.

SELECTION/REQUALIFICATION/ROTATION

Rigorous guidelines are required to ensure the mental, physical and psychological adeptness of new Special Response Team (SRT) members. SRT candidates shall:

1. Be selected from voluntary entries on the Oldham County Police Department.
2. Have a minimum of two years' experience as an Oldham County Police sworn officer.
3. Demonstrate an aptitude for compatibility with existing SRT members.
4. Be interviewed by the Special Response Team Section commander and existing SRT members.
5. Be recommended for SRT membership by the Special Response Team Section commander.
6. Be selected for SRT membership by the Chief of Police.

After selection to the SRT, to maintain qualification, SRT members shall:

Have their performance of duties evaluated yearly and documented by Special Response Team Section commander and meet the standards as they are listed in Section 6, SRT Standards, and page 4 of 4.

UTILIZATION

The SRT may be utilized in the following circumstances:

1. Hostage situation.
2. Barricaded suspects.
3. Marijuana search & surveillance.
4. High-risk warrant service.
5. Terrorist threats or attacks.
6. "Officer down".
7. Fugitive tracking and missing person searches.
8. Rescue efforts.
9. Labor unrest.
10. Dignitary protection.
11. Court security.
12. Prisoner transportation.
13. Any other activity or situation deemed necessary by the agency.

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CALL-OUT PROCEDURES

To ensure effective and efficient utilization of the centralized SRT on a countywide basis, officers shall adhere to the following call-out procedures:

1. The Chief of Police, the Assistant Chief of Police, or their designee shall determine when the SRT is needed within Oldham County. If a need is determined, the request shall be made in the following manner:
 - a. During normal business hours, the request shall be made to the Chief of Police. The request shall be made by the fastest means of communication possible.
 - b. After normal business hours, the request shall be made to the Assistant Chief of Police.
 - c. The request shall include the nature of the situation, the location, the number of OCP units involved, and the efforts expended to resolve the situation.
 - d. The Assistant Chief of Police shall continually update the Chief of Police as the situation warrants.
 - e. The decision to activate the SRT shall be made by the Chief of Police, or the Assistant Chief of Police, after consultation with the supervisor, or his designee at the scene of the incident.
 - f. The Chief of Police, or the Assistant Chief of Police, shall instruct Oldham County Central Dispatch to contact the SRT commander of the decision to activate.
 - g. The severity of the situation, the need for rapid response, the distance, the weather, and other considerations shall determine the mode of transportation to the situation site.
2. Once the SRT has been activated and has arrived on the scene, it shall operate under the direction of the Special Response Team Commander:
 - a. The Chief of Police, the Assistant Chief of Police, or their designee, and the SRT commander shall keep in constant communication.
 - b. The Chief of Police, the Assistant Chief of Police, or their designee shall determine the means to be utilized to successfully resolve the situation.
 - c. Once the Chief of Police, the Assistant Chief of Police, or their designee have determined what course of action to pursue, the method of achieving the Chief of Police's objectives shall be left to the discretion of the SRT commander.
 - d. The Chief of Police, the Assistant Chief of Police, their designee, or the SRT Commander shall have the authority to terminate an SRT tactical operation at any time.
3. **Other agency requests for utilization:**
 - a. The request for utilization of the SRT by another law enforcement agency shall be made to the Chief of Police, the Assistant Chief of Police, or their designee. Local law enforcement officials shall be informed that, once the SRT is activated, the entire situation comes under the direct control of the Oldham County Police Department.

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Review Date February 6, 2001

- b. Once the request has been received, the Chief of Police, the Assistant Chief of Police, or their designee shall instruct Oldham County Central Dispatch to dispatch a department supervisor to assess the situation.
- c. If, after consultation with the supervisor on the scene, the Chief of Police, the Assistant Chief of Police, or their designee determines the need for SRT assistance, he shall make his request in the manner prescribed in this policy.

4. **Containment teams:**

- a. Department supervisors, or their designee, shall be responsible for containment, prior to arrival of the SRT.
- b. All officers assigned to the department shall be trained in containment.
- c. Containment procedures shall be utilized during hostage and barricade suspect situations. Officers utilized in the containment function shall assist the SRT with perimeter control; however, they shall not directly participate in any SRT tactical operation.

5. **Negotiation teams:**

The department shall have one (1) two-officer hostage negotiation team.

- a. Negotiation teams shall be responsible for the actual negotiations during a hostage or barricade suspect situation and come under the direct supervision of the SRT commander.

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 Review Date February 6, 2001

6. **SRT Standards:**

**150
 Drag/Fifty
 Feet**

<u>Sec.</u>	<u>Points</u>	<u>Body %</u>	<u>Bench Press</u> <u>Repetition</u>	<u>Points</u>
8.5	3	70	<u>S</u> 1	3
8	6	70	2-4	6
7.5	9	70	5-7	9
7	12	100	1	12
6.5	15	100	2-4	15
6	18	100	5-7	18
5.5	21	100	8-10	21
5	24	100	11-13	24
4.5	27	100	14-16	27
4	30	100	17+	30

**One
 Mile
 Run**

<u>Time</u>	<u>Points</u>	<u>Time</u>	<u>Points</u>
10:41-11:00	3	9:01-9:20	18
10:21-10:40	6	8:41-9:00	21
10:01-10:20	9	8:21-8:40	24
9:41-10:00	12	8:01-8:20	27
9:21-9:40	15	8:00 or less	30

Oldham County Police Department

Effective Date March 1, 1999
Review Date December 27, 2000

POLICY

County Police officers shall adhere to procedures that provide adequate security for prisoners and officers and that ensure arresting officers are returned to their field assignments as quickly as possible. The agency shall ensure that the procedures facilitate the restoration of order by means of lawful arrest and preservation of all available evidence.

PURPOSE

The following procedure will work only when the commanders have exercised prior planning and proper instructions are developed and presented to all personnel involved.

RESPONSIBILITIES OF THE COMMANDING OFFICER

The commanding officer shall:

1. Organize maximum mobilization procedures for the personnel assigned listing name, address and phone numbers of all units.
2. Possess sufficient knowledge of assigned personnel so they can be assembled and deployed on emergency notice on 24-hour availability.
3. Organize, train and equip assigned units to function as a team and to carry out the responsibilities assigned to each unit.
2. Organize and maintain sufficient forms and equipment to carry out the duties and responsibilities of the unit.
3. As soon as practical, place the units assigned on a shift basis so that units are available to handle their duties and responsibilities.
4. Coordinate with other divisions or other assigned police agencies for the most efficiency in carrying out the function.

PROCEDURE FOR HANDLING PERSONS TAKEN IN CUSTODY DURING CIVIL DISORDERS

In civil disorders where extremely large number of persons arrested will be processed, the following procedures will permit the arresting officers to remain in their assignments while preserving due process of law.

Units for mass arrest procedures shall be composed of the following elements:

1. Arresting officer.
2. Arrest identification teams shall serve in situations where it is not feasible for the arresting officers to deliver persons arrested to the buses, paddy wagons or holding areas. The arrest identification teams shall be deployed on the streets as directed by the appropriate commander. The arrest identification teams shall be composed of County Police squads or such officers as directed by the operations commander.
3. Photo evidence teams shall take photos of the prisoners, evidence, identification cards and, if possible, the arresting officer. The photo evidence teams shall be deployed at locations directed by the commander.

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Effective Date March 1, 1999
Review Date December 27, 2000

4. The transportation team shall provide transportation to a holding area or detention center for prisoners. The transportation team shall use such vehicles as the commander directs.
5. The rear area processing team shall be responsible for conducting searches, fingerprinting and other processing steps for prisoners. The rear area team shall be deployed at the holding area.

Procedure for processing prisoners arrested:

1. Arresting officers shall deliver or summon the arrest identification team to the scene of arrest to process and relieve them of the responsibilities of prisoners.
2. The photo unit shall take a photo of the prisoner, evidence seized if any, and the arresting officer.
3. If the arresting officer is unable to be photographed with the prisoner, a small card with the unit number of the arresting officer and the appropriate charge shall be photographed with the prisoner. The unit number card may contain the name of the arresting officer and unit number. Officer information should be filled out prior to deployment to a disturbance.
4. The arresting officer shall remove the handcuffs, if used to effect the arrest of the prisoner.
5. The arrest identification unit shall place with a felt tip pen in one or more conspicuous places an identification number on the prisoner to assure identification throughout the procedure.
6. The photo unit shall cause the arresting officer to supply sufficient information to the photo unit to assure positive identification connecting the prisoner, evidence seized and the officer.
7. The arrest identification unit shall obtain the basic data needed to prepare the case report.
8. The arrest identification unit shall secure all evidence seized in connection with the arrest of the prisoner. The officer who seized the evidence shall mark each item to assure the "chain of custody."
9. The transportation team, upon receiving the prisoners, shall secure each prisoner by handcuffs, if needed, and take possession of personal items removed from the prisoner by the arresting officer, placing them in a manila envelope which has proper labels with the prisoner's name and case number.
10. The processing unit, after receiving the prisoner at the holdover or detention center, shall conduct a thorough search of each prisoner and fingerprint the prisoner where applicable.
11. The processing unit shall remove any item of personal property remaining on the prisoner and place the property in the corresponding envelope provided by the transportation team.
12. The processing unit shall be responsible for security of evidence and personal property.
13. The processing team shall cause the prisoner to be taken without delay to an area designated by the court for the purpose of obtaining a complaint and warrant against each accused for the crime or crimes with which the prisoner is charged. No hearing shall be conducted at this time because of the workload and unavailability of the arresting officer.
14. All pertinent information relating to the arrested person shall be attached to the photograph of the arrested person and delivered to the

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arresting officers. This will assist the officer in completing a supplementary report and aid him in court.

MULTIPLE AGENCIES

In circumstances where multiple units, e.g., National Guard, State Police or Other police agencies are involved, the commander shall ensure that the appropriate agencies are coordinated as to what units provide the necessary services toward the processing and transporting of prisoners.

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POLICY

The primary duties of officers of the Oldham County Police who respond to the scene of civil disputes where no crime has been committed are to preserve the peace and to prevent a crime from occurring.

OBJECTIVES

The officer's role in the family dispute situation is more that of a mediator and peacemaker than that of an enforcer of the law. Crucial to this objective is neutrality, tact and patience.

A common sense approach is essential and innovative responses will often be required.

INITIAL CONTACT

1. If at all possible, a backup officer should be utilized for the safety of all concerned.
2. Be alert for the safety of all officers and take precautions at all times.
3. Avoid profanity, cockiness or belittlement of the problems.
4. Indicate neutrality.
5. Make a visual search of the scene for availability of weapons and their use.

RESTORATION OF CALM

If violence is occurring, intervene and arrest if necessary.

1. Remain calm, firm and neutral.
2. Ascertain relationships between disputants and others that may be present.
3. Separate the disputants if possible.

FACT FINDING

Gather information, which will assist in the effective evaluation and handling of the problem.

1. Exercise patience at all times, but especially when mental illness may be involved.
2. Exercise tact and sensitivity in asking questions.

COURSE OF ACTION

Except where a crime has been committed necessitating arrest, the efforts of the officer should be directed to mediating the disputes.

1. If appropriate, techniques of diversion should be utilized with parties being referred to other agencies.

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2. If an arrest is necessary, be alert for possible intervention of the person's friends or relatives, especially where force may be necessary to effect the arrest.
3. In an abuse case, an officer may make an arrest without a warrant when he has reasonable grounds to believe that if a person is not arrested he will present a danger or threat of danger to others if not immediately restrained and the officer has probable cause for believing that the said person has intentionally or wantonly caused physical injury to his spouse, parent, grandparent, child or stepchild. Within twelve hours following such an arrest, an officer shall return to the abused person, if the abused person is an adult, and request that a signed, written statement be made by the abused person stating that an abuse occurred and stating who committed it. If the abused person refuses to sign the statement, the charges shall be summarily dismissed and the defendant shall be released from custody.
4. Since no substantive offense of domestic abuse is created by statute, arrests authorized under KRS 431.005 (2) would be for assault or some related offense depending upon the type or degree of physical injury involved.

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POLICY

The Oldham County Police shall maintain absolute impartiality during any labor dispute and shall enforce the law in a fair and consistent manner. All parties to the dispute shall be accorded complete equality of treatment.

PROCEDURE

Whenever reasonable grounds exist to believe that a labor dispute will escalate into a violent civil disturbance, the following procedures shall be adhered to:

1. The scene of potential disturbance will be monitored by moving patrol or by intelligence reports. Uniformed officers will not stop at the scene unless specifically directed to do so by higher authority or unless necessary to take enforcement action for an observed or reported violation of law. Every effort will be made to maintain a low profile.
2. Officers shall not be deployed at the scene of any labor dispute unless such deployment is necessary to respond to acts of violence or to prevent the closure or blockage of a public highway.
3. The Chief of Police shall be immediately notified of any decision to deploy officers at the scene of a labor dispute. A liaison officer shall be assigned to open lines of communications with the courts and with all parties to the dispute. Every effort shall be made to obtain compliance with the law and with any court orders that have been issued.
4. Officers will not be assigned to police duty on company property unless reasonable grounds exist to believe that a specific property or site will be the location of an imminent criminal act.
5. Officers will not serve or execute any civil process unless specifically directed to do so by a court of competent jurisdiction.
6. All officers and communications personnel will be informed of the detail and given sufficient instructions to assure uniformity of actions.
7. Oldham County Police cruisers will not be parked upon major traveled portions of the roadway or upon company properties except under emergency conditions. Cruisers parked in inappropriate places for emergency action will be expeditiously moved after the emergency has terminated.
8. Officers shall not interfere with the establishment of lawful picket lines nor shall any officer cross a lawful picket line except in the execution of official duty.

The mission of the Oldham County Police Department during labor disputes is to keep the peace and enforce the law without fear or favor, and to maintain a professional and objective relationship with both labor and management.

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POLICY

The Oldham County Police shall, depending on the availability of resources, provide canine services for law enforcement purposes.

PURPOSE

Available canine resources and training shall, to the extent possible, be directed towards crime scene search, suspect apprehension techniques, crowd control, drug detection, tracking, building search, and search and rescue missions.

GOALS AND OBJECTIVES

1. Provide a higher level of police response to better serve the citizens of Oldham County.
2. Develop preventive patrols as a deterrent to burglaries as well as other crimes.
3. Apprehend suspects developed by other methods of investigation.
4. Decrease assaults on, and injuries to, police officers sustained during the apprehension of violent suspects.
5. Promote community awareness of the Oldham County Police efforts to serve and protect.

ORGANIZATIONAL STRUCTURE

Available canine resources shall, to the extent possible, be organized into teams. The administrative functions of the canine teams shall be the responsibility of the Canine Unit Coordinator. The Canine Unit Coordinator shall be directly responsible for initial handler training, in-service training, and records maintenance. Organizationally, the canine teams are assigned to the Special Operations Section. The Operations Director may assign the canine team(s) to a special assignment. In these situations, they will be under the direct control of the special assignment commander.

REQUESTS FOR CANINE ASSISTANCE

Canine teams are available to any Oldham County Police officer, or to any other law enforcement officer, for law enforcement purposes. Any officer requesting a canine team shall have the request authorized by his/her supervisor, when practical. All mutual-aid requests shall be coordinated through the Special Operations Section. However, the decision to apply or not to apply a canine to a specific operation shall remain with the handler.

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TRACKING

1. The scene of the crime should be kept clear of all persons.
2. When tracking a known armed suspect, it is recommended that at least two (2) officers go with the canine team. The officers should be willing and able to keep up with the team. At least one (1) officer shall remain on the scene and maintain radio contact with the canine team.
3. When conditions exist that prevent the canine from tracking, the canine team shall stand by until relieved by a supervisor.
4. Since human odors mingle easily, the presence of a group of people makes it difficult for the canine to distinguish the suspect's odor. Therefore, the scene (including the escape route) should be kept free of curious onlookers.

BUILDING SEARCH

When a building has been secured overnight, the odors within the building tend to dissipate. A burglar who breaks into and enters a secured building will introduce a "new" strong odor. To take full advantage of the canine sense of smell, and the fact that the burglar is the only fresh human odor, only the canine, the handler, and back-up officer(s) should enter the search area.

1. Should an officer believe an unauthorized person to be in the building, he/she should summon help to surround the building and call for a canine team to search the building.
2. All such searches will normally be conducted off leash.
3. Before releasing the canine to search, an oral warning will normally be given that there is a trained police canine on the scene and that the canine will be released to search the building.
4. The back-up officers must pay strict attention to the handler's briefing before the search.

SCHOOL SEARCH

1. All requests from school authorities for the use of drug detection canines in schools must be made by the school superintendent, school principle or a school resource officer and must be directed to the Chief of Police or the Assistant Chief of Police.
2. If the request is approved, prior to the use of the drug detection canines, the requesting party shall be expressly advised that the discovery of any controlled substances, or the development of probable cause to believe that any controlled substances may be found in any place on school property, shall result in a criminal investigation, with consequential arrest and prosecution, where appropriate.
3. The Oldham County Police shall not assist in any administrative search or detention. Oldham County Police involvement means that the matter will be regarded by the courts as criminal in nature, rather than administrative.
4. If the use of the drug detection canines in schools develops probable cause to believe that controlled substances are present, a search warrant shall be sought. A warrantless search shall be conducted only if the officer has reasonable grounds to believe that evidence or contraband will

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be lost or destroyed if the time is taken to seek the issuance of a search warrant.

CROWD CONTROL

1. Canines may be used for crowd control, if necessary to protect life and property and with the approval of a member of the command staff.
2. All such crowd control efforts shall be conducted on leash. If possible, whenever canines are used to control a crowd, at least two (2) teams should be used.
3. The teams should be backed-up by at least one (1) officer per team to take charge of any arrested persons.
4. When moving a crowd, the canine should be kept in a straight line and restrained. Forward movement shall be slow and steady in order to give the crowd time to move. **At no time shall the canine run into a crowd.**
5. If a riot formation is being utilized, the canine may be deployed by the on-scene supervisor.
6. When used for crowd control and a canine bites results, every attempt shall be made to identify the bitten person. If an identification is not made, a complete physical description of the person shall be recorded. This information can be used later to help identify the person should he/she seek medical attention.

OTHER ASSIGNMENTS

1. Other uses of the canine teams include, but are not limited to:
 - a. Barricade situations.
 - b. Hostage incidents.
 - c. Sniper incidents.
 - d. Searches for escapees.
 - e. Serving warrants when resistance may be expected.
 - f. Raids - all types.
 - g. Searches for lost persons.
 - h. Containment.
 - i. Surveillance (e.g., marijuana fields, marinas, deserted vacation areas, or probable crime locations).
 - j. Searches for evidence.
 - k. Narcotic detection.
 - l. Explosive/weapons detection.
 - m. Cadaver detection.
 - n. Public relations. (Note: Requires at least two weeks' notice).

USE OF FORCE

Departmental policies regarding Use of Force (OM-B-4) shall be followed.

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WARNING NOTICE

Suspects shall be warned of imminent use of a canine in apprehensions and should be afforded the opportunity to surrender.

STATUTORY CANINE CARE REQUIREMENTS

Canines shall be tended, at a minimum, in the manner described in KRS Chapter 258 (Dogs): "Rabies Control" and "Dog and Livestock Protection."

USE OF MUZZLE

All canines shall be muzzled when in probable physical contact with the public.

EXPLOSIVE/WEAPONS AND NARCOTIC TRAINING AIDS

Explosive/weapons training aids shall be acquired from the Hazardous Devices Unit by the Canine Unit Coordinator, then issued to the individual canine handlers.

Narcotic training aids shall be acquired from the state and federal court systems by the Canine Unit Coordinator. A court order explicitly stating that the controlled substances will be used for detector canine training shall be obtained. The Canine Unit Coordinator shall submit the substances to the Central Forensic Lab, accompanied by a KSP-26 form. The Central Forensic Lab shall issue the substances back to the Canine Unit Coordinator, accompanied by a KSP-35 form (in duplicate). The Canine Unit Coordinator shall then obtain a DEA Research License and issue the substances to the individual canine handlers.

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POLICY

When an incident arises involving explosives, bombs, bombings, hazardous devices or related incidents, a hazardous devices coordinator should respond to the incident. The coordinator will be the only officer who will handle suspected live bombs, explosives or dangerous chemicals. However, certain protective measures may be completed at the direction of the coordinator, while he is enroute to the scene.

HAZARDOUS DEVICES OF MILITARY ORIGIN

Recovery of military ordnance may be referred to the 43rd Ordnance Detachment (EOD), or the 17th Ordnance Detachment (EOD) through the Coordinator.

In an emergency situation involving military type explosives or any other type explosives, a military EOD Team will respond, if the coordinator is not available.

Emergency situations, for military response, are defined as "required to save human life, prevent immediate human suffering or major property damage or destruction".

RESPONSIBILITIES OF COORDINATOR

The hazardous device coordinator has the following general responsibilities:

1. Conducting preliminary investigation of incidents involving explosions where hazardous devices may have been used.
2. Rendering safe suspected bombs and explosives. Searching the scene for additional explosives, and assisting the assigned investigator as needed.
3. Handling and removing all bombs, explosives and chemicals recovered at the incident scene.
4. Disposing of explosives and chemicals. All explosives and chemicals recovered will be disposed of as close as practical to the incident scene.
5. Storing of explosives and chemicals within the following guidelines:
 - (a) Only explosives and chemicals necessary for the accomplishment of the Hazardous Devices Program will be stored.
 - (b) Only explosives and chemicals labeled as evidence will be a stored, all other explosive recovered will be disposed of at or near the recovery site.
 - (c) All explosives and chemicals will be stored in accordance with Alcohol, Tobacco and Firearms Regulation (Code of Federal Regulations, Title 27, Part 55) and Department of Mines and Minerals Bureau of Explosives and Blasting Regulation (805 KAR 4:087, 4:090 and 4:100).
6. Preparing and participating in training programs as requested.
7. Transportation of explosives to be destroyed or stored. All explosives will be transported with the requirements of U.S. Department of Transportation, Code of Federal Regulations Title 49, SubPart C, and Parts 177.834 and 177.835.

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8. Maintaining necessary records and filing reports to designated personnel and required agencies. An explosive incident report will be completed on each incident where explosives or explosive related materials are involved.
9. Maintaining liaison with explosive ordnance disposal units (Army, Navy and Air Force), Federal Agencies, State and Local Police, and Fire Departments as they relate to the Hazardous Devices Program.
10. Maintaining and storing of all specialized equipment used in the Hazardous Devices Program.

The hazardous device coordinator may provide the following types of specific technical assistance:

Conducting VIP search support.

1. Checking suspicious packages or mail.
2. Providing capability for gaining entrance to a barricaded subject.
3. Reconstructing a bomb scene.
4. Recovering taggants for explosive identification.
5. Venting overturned railroad cars or trucks by explosives. Also, can crater or channel so as to confine drainage or leakage to local area.
6. Re-igniting a chemical to reduce poison vapor.
7. Neutralizing and disposing of:
 - (a) Dynamite (old or new).
 - (b) Military explosives (most types).
 - (c) General manufactured explosives.
 - (d) Blasting caps.

PROCEDURES

Any member of the agency called to a location where an explosive or suspected explosive device is found should cause the immediate evacuation of all persons to a safe area or to a distance of at least 500 feet. Under no circumstances should any officer other than the coordinator attempt to disarm or move a suspected explosive device. The officer shall contact his supervisor, who will arrange for the coordinator to be notified.

1. Upon arrival, the hazardous device coordinator will contact the officer in charge of the scene and coordinate all actions involving the incident through the officer in charge.
2. The coordinator shall advise the officer in charge if additional evacuation, protective measures or additional assistance is necessary.
3. Upon completion of any incident involving hazardous devices, the coordinator shall complete commercial or military explosives, and an explosive incident report. The hazardous device coordinator will retain one copy of the report and the Special Operations Commander will retain the original.

The hazardous devices coordinator retains the option of making all technical decisions which will, in his opinion, affect his safety, that of the general public or the outcome of the hazardous devices operation on the scene in situations where it is within the sole jurisdiction of the Oldham County Police. In instances where the jurisdiction lies with another agency, the coordinator shall assist in any way possible and offer technical advice upon request.

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POLICY

The Oldham County Police recognizes that Marijuana Eradication is dangerous. In order to afford the maximum protection possible to the officer and to ensure the effective and efficient use of the agency's resources and intelligence information, it is necessary that officers comply with the following procedures.

PROCEDURE

There shall be established at the Department one Marijuana Coordinator and an Alternate Coordinator, who shall both be supervisors. The Marijuana Coordinator shall be responsible for the collection and classification of marijuana intelligence information, within the department. The Marijuana Coordinator shall be responsible for coordinating all marijuana search and surveillance activity conducted by any County Police personnel operating within the Department. Selection of the Marijuana Coordinator shall be determined by the Chief of Police. The Department Marijuana Coordinator shall periodically forward to the Detective's Section, intelligence and/or information about marijuana production within Oldham County.

The Department Marijuana Coordinator shall maintain a clearance system and a detailed map for each location that is subject to search or has been searched. A detailed map of the suspect marijuana field shall include the most accurate location possible. Officers conducting marijuana searches or surveillance shall notify the Marijuana Coordinator or Alternate as to the location of the suspected field, the number of units participating in the search or surveillance, if the officer(s) expects to be out of radio contact and any other pertinent information regarding marijuana fields.

A minimum of three (3) officers shall be utilized when conducting any open field marijuana search or surveillance. These officers shall be equipped with the following items:

1. Issued sidearm - a minimum of 18 rounds of ammunition for the weapon.
2. At least one (1) shotgun and at least four (4) additional rounds of ammunition.
3. Three (3) portable hand held radios.

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All personnel conducting marijuana searches or surveillance shall dress in such a manner as to be readily recognizable as Oldham County Police officers unless otherwise authorized by the Marijuana Coordinator. Any officer from another agency assisting in the search or surveillance shall be recognizable as a Police Officer. Any officer participating in an open field marijuana search or surveillance shall wear the issued soft body armor. It shall be permissible to remove the issued soft body armor, only after a marijuana field has been searched and secured, and it is apparent that no further danger exist.

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POLICY

The Oldham County Police Department shall respond to all accidents upon request that occur within Oldham County, and to investigate and report each accident on prescribed forms. It shall be the duty of each officer to:

1. Go to the scene and render assistance to the injured, protect the property involved and restore traffic movement to its normal flow as quickly and safely as possible.
2. Take whatever enforcement action is necessary within prescribed legal and administrative regulations.
3. Obtain and record the facts upon the prescribed forms. No bias shall be injected into the development of information. Information for the report should be as thorough and accurate as possible in order for officials to make legitimate civil settlements and in order to compile sufficient statistical data for all official agencies involved in traffic programs.

TYPES OF ACCIDENT INVESTIGATION PROCEDURES

Normal - Principals and witnesses present, cars approximately as they came to rest and physical evidence unaltered.

1. Late Investigated Accidents - Knowledge of accident gained and investigation made after some lapse of time.
2. Hit-and-Run - Generally, operator knowingly causes damage and flees scene without making identity known.
3. Property Damage - One or more vehicle(s) has struck or has been struck by another vehicle, object or fixed object.
4. Death or Injury Accident - One or more vehicle(s) has struck or has been struck by another vehicle, object or fixed object, and injury or death results from the action.
5. DUI Accidents - One or more vehicle(s) has struck or has been struck by another vehicle, object or fixed object, and injury or death may have resulted from the action. Evidence at the scene indicates the operator of the vehicle may be under the influence of alcohol or drugs.
6. Hazardous Material - Vehicles which were carrying hazardous materials as listed in the 2000 hazardous material emergency response manual.
7. Private Property - Accidents which occur on private property, parking lots, driveways, etc.

MOTOR VEHICLE ACCIDENT REPORT FORM

Processing in the field:

1. The investigating officer will complete form KSP 74 at the scene of the accident, or will utilize the form for notes at the scene of the accident.
2. All completed forms shall be printed in black ink, or typewritten.
3. All names, addresses, phone numbers and other information (excluding the investigating and/or approving officer's signature) shall be printed. All entries on the form must be clearly legible.
4. If for any reason an accident report cannot be fully completed prior to the deadline as specified, a brief note shall be attached to the

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incomplete report to explain why, and a supplementary accident report shall be forwarded in accordance with instructions hereinafter provided.

- (a) When an incomplete report is submitted, the information lacking on it shall be forwarded on another accident report form when additional information becomes available.
 - (b) The investigating officer shall write at the top of the first page of the second report the word "Supplementary."
 - (c) The investigating officer need not duplicate information contained in the original report, except to provide enough to identify the supplementary report with the original. Such information as date, time and location is adequate to assure this identification.
 - (d) The investigating officer shall retain the form used as notes for the original report to assure completion of the information needed on the supplementary report.
5. Each officer investigating an accident is held responsible for submitting a complete and accurate report of the accident. No portions of the report can be left open or incomplete without an acceptable explanation. The commanding officer shall be held responsible for assuring that reports submitted by officers under their control are complete and accurate, and shall be responsible for assuring that supplementary reports to incomplete initial reports are submitted.
 6. All deceased drivers in fatal accidents shall be tested for alcohol and/or drugs.
 7. All accident reports shall be relayed or personally carried to the police department prior to 1600 hours the day following the day of the accident.
 8. The investigating officer shall submit two copies, an original and a duplicate, of the accident report for each accident.

Processing at the police department:

The department supervisors shall cause accident reports submitted to the department by County Police officers to be reviewed for completeness, accuracy, and legibility.

- (a) The reviewing officer shall initial each report in the appropriate space.
 - (b) If the report is incomplete, inaccurate or for any reason unsatisfactory, the reviewing officer shall require the investigating officer to make the necessary corrections as soon as possible.
1. All reports shall be reviewed and processed in time to reach the Records Section of the Kentucky State Police within three days.
 2. Officers shall report all information on fatalities and personal injury accidents immediately and the information shall be relayed by teletype to Kentucky State Police Headquarters.

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POLICY

Oldham County Central Dispatch personnel receiving accident calls shall immediately determine if an Oldham County Police officer is available. If no officer is available, the calling party shall be advised of the approximate time it will take to get an Oldham County Police officer to the scene, and if the parties will remain, a response shall be made regardless of how far the officer has to travel to get there.

If the calling parties are willing to wait, the Oldham County Police is obligated to and shall in every instance, make a response.

If the accident is of an emergency nature and no Oldham County Police officer is available, all possible assistance shall be forwarded to the scene and, if necessary, the nearest police officer or department notified.

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POLICY

The Oldham County Police shall utilize speed measuring devices to aid in reducing traffic accidents and to obtain compliance with the legal speed limit.

ASSIGNMENT OF RADAR UNITS

Radar units will be assigned by the Assistant Chief of Police.

INSTRUCTORS

1. An instructor must be a currently certified radar operator with a minimum of 200 hours of operational experience or three years of field experience in traffic enforcement.
2. Instructors shall be certified by the Department of Criminal Justice Training Academy as a radar instructor.
3. At least one officer at the police department shall be designated and trained as radar instructor.
4. The department radar instructor will train and test the officers at the department level if it is deemed necessary by the Chief of Police.

OPERATOR CERTIFICATION

1. No officer shall issue a radar-based traffic citation unless holding a current departmental radar operator certification.
2. An officer above the rank of patrolman whose duties do not involve the regular use of traffic radar will not be required to be operator certified.
3. All certifications shall expire three (3) years from the date of issue.

RE-CERTIFICATION

1. All eligible officers who hold certification about to expire may be re-certified.
2. Re-certification will involve successful completion of additional training and testing in radar operational skills.

OPERATIONAL PROCEDURES

1. The radar operator shall verify the calibration of the radar unit at the beginning of the shift and again at the completion of the shift.
2. Any radar unit that fails to successfully verify, in any phase, shall be immediately removed from service.
3. The following priorities should be considered in determining radar patrol assignments:
 - (a) High-accident areas involving speed.
 - (b) Areas of legitimate speed complaints by citizens.

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4. When a radar is being used in the stationary mode, every precaution must be taken to insure that the patrol car is not causing a traffic hazard.
5. Enforcement action will not be made on the basis of a speed reading alone. Supporting evidence (visual speed estimation, vehicle in beam, audio speed estimation, and proper verification) will be obtained in addition to the radar speed reading.

SERVICING RADAR

Officers are not to attempt any repair to the radar unit. All repairs are to be made by a certified radar shop technician. The Assistant Chief of Police is to be notified when service is required. Prior to submitting a radar unit for service, it will be screened by the Assistant Chief of Police. The exact deficiency shall be noted and submitted along with the unit where possible.

TUNING FORK CALIBRATION AND OFFICER INSTRUCTIONS

It shall be the responsibility of the radar officer for the calibration of each radar unit's tuning forks every two (2) years, and whenever a radar unit is sent in for repair to the radar shop.

Both (high and low) forks for each radar unit shall always be tested on the same day. Check the readings obtained, with the chart accompanying the calibrator, to ensure the fork is within tolerance.

A new tuning fork Certificate of Accuracy should then be issued, to be kept with the radar unit.

A tuning fork which does not calibrate accurately (out of tolerance) is to be removed from service immediately and replaced.

It is the officer's responsibility to see that his tuning forks are tested for accuracy at periods not to exceed two (2) years.

If a radar unit does not calibrate exactly, that radar is not to be operated.

TUNING FORK CALIBRATOR

This calibration may be conducted in accordance to a schedule in agreement with the radar instructor at the Kentucky State Police Post 5.

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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 be investigated and enforced.

PROCEDURE

1. Two uniform officers shall conduct road checks.
2. Visibility shall be considered when choosing the location of any checkpoint. Cruiser lights, spotlights and or take-down lights may be utilized to light up a checkpoint area.
3. The checkpoint site shall have a location for the operator of a vehicle to pull safely off the roadway and the conducting of any field testing performed safely.
4. The checkpoint site shall be selected in advance of the road-check, using ocp form 7, and an alternate site may also be selected and shall be approved by a department supervisor.
5. A record shall be maintained captioning the following data: DUI arrests, A.I. arrest, any other arrests, cases open, cases closed, courtesy notices issued, citations issued and a total number of vehicles inspected. This information is to be recorded on ocp form 7.
6. Emergency roadblocks and roadblocks due to extenuating circumstances shall be conducted in accordance with OM-B-14.

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POLICY

Officers shall see the Administrative Clerk to receive a citation book. When receiving the citation book the Administrative Clerk will record the beginning and ending citation number in the citation control ledger kept with the citation books.

Officers may invalidate incorrectly completed or issued citations prior to the issuance of the citation. All copies of the voided citation shall be submitted to the Assistant Chief of Police with a brief explanation for invalidation. All copies of the citation shall be forwarded to Records Section of the Oldham County Police Department for final disposition.

In compliance with KRS 431.455, sworn personnel shall not invalidate or destroy any copy of a uniform citation which has been lawfully issued. Any citation to be invalidated after its issuance and acceptance by a violator shall be invalidated by a judicial process initiated through the district/circuit court clerk in the county of issuance. Failure to conform to this statute is a Class B Misdemeanor.

CRITERIA FOR USE OF THE COURTESY NOTICE

1. It may be used for less serious moving infractions (with the noted limitations).
2. It may be used for defective or inadequate equipment infractions.

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POLICY

The purpose of the Accident Reconstruction Program is to investigate and reconstruct selected vehicular traffic accidents. Accident reconstruction personnel shall enhance the overall quality of accident investigations through the use of their technical and analytical skills in developing comprehensive reconstruction accident reports.

PROCEDURE

The responding investigating officer of a traffic accident shall obtain supervisory approval in order to utilize an accident reconstruction officer to supplement the officer's report.

Accident reconstruction officers should be utilized in traffic accidents involving fatalities or serious physical injuries which demonstrate a need for their expertise. When an accident reconstruction officer is unavailable within the Oldham County Police Department, an accident reconstruction officer from the Kentucky State Police may be utilized. The Assistant Chief of Police shall ensure that a supervisor coordinates the use of accident reconstruction personnel in these instances.

An accident reconstruction officer's assistance to other police agencies must be authorized by the Assistant Chief of Police or the Chief of Police.

An accident reconstruction officer shall be utilized to investigate all accidents involving County Police vehicles in which death or serious physical injury occurs to any person. An accident reconstructionist shall review, reconstruct and supplement police vehicle accidents resulting in injury to any person or if there is substantial property damage.

QUALITY CONTROL OF REPORTS

The responding investigative officer of a traffic accident has the responsibility of completing the Uniform Police Traffic Accident Report (KSP-74) when an accident reconstruction officer is unable to respond to the accident scene. The responding investigative officer and accident reconstruction officer shall coordinate their investigative activities during a traffic accident investigation. The original Uniform Police Traffic Accident Report (KSP-74) and all supplementary reports will be filed in accordance with General Order AM-C-6 (Page 10). The Traffic Accident Supplementary Report and/or the Uniform Offense Supplementary Report should include, among other information, all computations or documentation of calculations regarding mathematical formulas used in the completion of a traffic accident investigation by an accident reconstruction officer.

A case report and support documents shall be completed in any accident reconstruction officer's traffic accident investigation when criminal proceedings may result. A department supervisor will make the final determination in the opening of criminal case reports involving accident reconstruction officer's traffic accident investigations.

Oldham County Police Department

Effective Date March 2, 2001

Review Date March 2, 2001

POLICY

The general public relies upon the Oldham County Police Department for assistance and advice when faced with the many routine and emergency traffic situations. Often there is no other private or public agency available to provide such services. The Oldham County Police Department expects officers to perform such services diligently and responsibly, mindful of the expectations of the community.

PROCEDURE

1. Highway Emergencies.
 - a. Officers arriving upon the scene of any highway emergency shall request Oldham County Central Dispatch to obtain necessary services and then provide emergency first aid, fire suppression, and obtain addition assistance as the situation requires, pending arrival of appropriate emergency services.
2. Hazardous Highway Conditions.
 - a. Officers locating debris in the roadway shall remove it or request Oldham County central Dispatch to notify The Kentucky State Highway Department or the Oldham County Road Department to have it removed from the road to a safe location.
 - b. Officers shall report all highway defects to Oldham County Central Dispatch.
 - c. Requests or suggestions for additional or new highway safety features will be forwarded through the chain of command to the Chief of Police, who will forward the request to the appropriate department or agency it the situation warrants. These requests will specify the services or actions requested and the location.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

It shall be the responsibility of the Chief of Police or his designee(s) to devise and implement crime prevention programs that are suitable to the agency and that can be of service to the public. Crime prevention shall be a routine duty within the everyday schedule of police duties.

GUIDELINES

The agency shall maintain programs that encourage members of the public to take an active role in preventing crime. Neighborhoods should be encouraged to establish volunteer security programs that involve the public in crime prevention and reduction.

The public shall be provided with information and assistance regarding means to avoid being victimized by crime.

Neighborhood volunteers shall be encouraged to report suspicious situations and to identify themselves as volunteers and provide necessary information.

The agency shall participate in programs that involve trade, business, industry and community participation in preventing and reducing commercial crimes.

Officers, upon request, shall conduct security inspections of businesses and residence and recommend measures to avoid being victimized by crime.

PROCEDURES

When crime prevention programs are effected, public affairs officers shall enact an extensive public awareness campaign of the program to the community leaders and general public.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 14, 2001

POLICY

The Oldham County Police will designate one officer at the department whose duties will be the maintenance of Public Information programs.

DUTIES OF PUBLIC INFORMATION OFFICER

Primary duties of Public Information include:

1. Being available on a regular and continuing basis to convey information related to County Police activity, and having such information available for release to news media on a timely basis.
2. Being familiar with the news media organization and members of the working press within the area, making contact with them regularly to explain County Police programs.
3. Gathering and selecting photographs and information with related identifying facts for release to the public through the news media.
4. Acting as a liaison between the County Police and news media representatives at the scenes of incidents or disasters.
5. Taking direct responsibility for working with other County Police personnel assigned to the department to promote effective relations with the news media, and dealing with requests for cooperation from officers or personnel in an effective and timely manner.
6. Speaking before civic, business and fraternal organizations, explaining County Police programs and encouraging public support for agency activities.
7. Making services available to local school systems for assembly programs, classroom presentations and other related activities in the school systems at all grade levels.
8. Working with driver education instructors within the high school to teach proper driving techniques.
9. Keeping informed of local traffic problems within the county, and developing public programs dealing with those situations.
10. Becoming familiar with crime problems within the County area and making citizens aware of them.
11. Providing traffic safety and crime prevention programs to meet the needs of the public.
12. Developing programs to inform and meet the needs of County Police officers as to the ongoing programs within the agency.
13. Promoting the agency image in general.

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Effective Date March 1, 1999

Review Date March 14, 2001

14. The Public Information officer shall inform the Chief of Police through the chain of command, of any information from the public or news media that concerns Oldham County.

GUIDELINES FOR WORKING WITH THE NEWS MEDIA

The following guidelines are designed to assist agency officers in meeting their responsibility to the media:

1. All felony and serious misdemeanor arrests will be reported to both written and electronic media.
2. All personnel who are involved in unusual arrests, human interest stories or other newsworthy activities should relate this information to a supervisor or to the Public Information officer who may release the information to the news media.
3. The Chief of Police, Assistant Chief of Police, department supervisory personnel and Public Information officers should be acquainted with news media personnel and familiar with the operation of the media outlets within their respective areas. Patrolmen should develop a working relationship with those media personnel within their assigned work areas.
4. Public Information officers and all others who speak to or meet with any group must stress that the Oldham County Police Department is a full-service police organization with an emphasis on combating criminal activity and traffic-related deaths.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

The Oldham County Police Department shall establish a single security perimeter at crime and disaster scenes and maintain a positive working relationship with representatives of the news media.

PROCEDURES

When circumstances require that a disaster/crime scene be secured, the commanding officer on the scene should establish the single security perimeter beyond which no individual other than personnel actually involved in the operation should be permitted. The size and shape of the perimeter may vary at the discretion of the commanding officer under the immediate circumstances.

The commanding officer on the scene should make arrangements to extend such professional courtesies to media representatives as may be possible, consistent with the nature of the specific operation at hand. The Public Affairs officer who is assigned to the department should be designated by the commanding officer to assist him in his relationships with the media.

There is no authority of personnel of the Oldham County Police Department to confiscate or expose photographic film of media employees or citizens who may be present at a disaster or crime scene, unless such film and/or camera equipment is to be taken as evidence and handled according to established procedures and legal requirements.

Officers shall provide the radio dispatcher with sufficient information to notify the appropriate agencies who are obligated to furnish various emergency services.

Oldham County Police Department

Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

The Oldham County Police shall cooperate with members of the news media seeking information about investigative activities. Certain information must be withheld from the news media in order to protect the constitutional rights of a suspect or an accused, to avoid interfering with an agency investigation, or because it is legally privileged.

RESPONSIBILITY

1. News releases on incidents under investigation by a patrolman or a detective will only be made by the investigating officer, supervisors or other authorized authority.
2. News releases concerning Oldham County Police personnel, confidential and restricted information shall be released upon the approval of the Chief of Police or other authorized authority.

SCOPE AND CONTENT OF INFORMATION RELEASES

The scope and content of each release of information must be determined according to the facts of each situation.

NEWSMEN ENTERING CLOSED AREA

Duly authorized representatives of any news service, newspaper, radio or TV network may enter an area that is closed because of a menace to public health or safety after proper authorization from a command officer. The decision to assume the risk of danger remains with the individual newsman involved and it is not the responsibility of officers to provide for the safety of those newsmen who voluntarily choose to subject themselves to danger.

ALLOWING NEWSMEN TO ENTER AREA

Police lines (actual or constructive) may be established to prevent persons from entering the area of a crime scene or other police incident. Dependent upon the tactical situation and the likelihood of jeopardizing police operations, members of the news media may be allowed in such areas.

While newsmen may be permitted in the area of a crime scene or other police incident, they do not have the authority to be within an area which has been secured to preserve evidence or at any location where their presence jeopardizes police operations.

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Effective Date March 1, 1999

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Public Affairs officers should be notified immediately upon the establishment of police lines or secured areas and may elect to proceed to the scene to assist the news media representatives.

If appropriate, permission to enter a crime scene may be given by the investigating officer or supervisor, if present. Permission to enter the area of a serious police incident should be authorized by command officers present or by the Chief of Police.

REQUEST FOR WITHHOLDING PUBLICATIONS OR BROADCASTS

Reporters and photographers have no legal rights beyond those guaranteed to any citizen of the Commonwealth. Newsmen may photograph or report anything they observe when legally present at an emergency scene. Where publication of such coverage would interfere with an official investigation or place a victim, suspect or others in jeopardy, the officers should advise the newsmen and their superiors of the possible consequences of publication. Officers may not interfere with newsmen's activities as long as that performance remains within the confines of the law.

NEWS RELEASES FROM RADIO ROOM

It is a practice for news media representatives to contact each department for the purpose of soliciting information upon which news stories might be based. Proper response and courtesy shall be furnished by personnel answering the inquiry. Oldham County Central Dispatch personnel may release routine information concerning accidents, weather, traffic conditions and other occurrences in Oldham County. Oldham County Central Dispatch personnel shall not release details of any investigations without proper authority. A release statement will be prepared by the investigating officer, Public Affairs Officer or a supervisor and the dispatcher may release the statement. If the person answering the inquiry does not have the pertinent information concerning the incident, a check should be made with the duty officer to ascertain if there are any incidents that can be reported to the press. The duty officer shall be any department supervisor.

PRE-ARREST RELEASES

When a crime occurs, news media may be furnished pertinent facts relating to the crime. Items of evidence which, if disclosed, would be prejudicial to the solution of the case should not be made public.

Where the identity of a suspect has been established, it may be desirable to publicize descriptions, artists' sketches or other information which could lead

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to the identification and arrest of a suspect. Suspects who are interviewed but not charged should not be identified. General statements as to the findings of physical evidence, such as weapons or proceeds of the crime and the issuance and service of some search warrants, may be released. Specific statements, such as descriptions of evidence or weapons, may not be released. Information as to how a weapon or proceeds of the crime were located should not be released.

Fugitive cases may require wide publicity. While, as a general rule, prior records of convictions should not be publicized, it may be desirable in the public interest to disclose such records of fugitive when the patterns of their crimes indicates that the public may be the victims of fraud or personal injury. The circumstances and facts in each case will be the controlling factors in such decisions. In some fugitive cases, it may be necessary to withhold information when its publication would hinder the apprehension of the wanted person. Common sense should dictate the manner in which fugitive cases are handled with a positive view toward public interest and the safety and protection of agency officers and other law enforcement agencies.

Fugitives who have a past history of being armed or who have shown a tendency for violent acts shall be described as being dangerous and why, so that an arresting officer will be well aware of dangerous aspects involved in the apprehension of such a subject.

POST-ARREST RELEASE

Personnel authorized to deal with the news media may supply any relevant information to an arrest provided it cannot be construed as prejudicial to a fair trial. Information which may be given out includes the following:

1. Defendant's name, age, residence, employment, marital status and similar background information.
2. Substance of the charge on which the arrest was made and the identity of the complainant, when such information does not create a danger for the complainant. It may be desirable to withhold identification of persons preferring charges when such persons are the victims of a sex crime and publication of their identity would cause serious embarrassment to them.
3. Identity of the investigating and arresting agency, the police officers involved and the duration of the investigation, if of a non-prejudicial nature.
4. Circumstances surrounding the arrest including time and place, resistance, pursuit, possession and use of weapons and description of items seized at the time of arrest.
5. Members of this agency shall not assist in posing defendants for news releases, but the efforts of such cameramen should not be hindered during the course of any normal movements of members or defendants which expose defendants to public view.

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POST-ARREST

To avoid prosecution of a criminal matter by prejudicing the right of a defendant to a fair trial, members of this agency shall not make statements to the news media in the period between arrest and trial relating to the following:

1. Existence of a confession, admission or statement by an accused person, or the absence of the same.
2. Re-enactment of a crime, or the fact that a defendant may have shown investigators where a weapon was lost or where other evidence was located.
3. Reference to a defendant such as "a sex crazed maniac," "a deprived character," "a typical gangster," etc.
4. Examinations or tests that the defendant may have taken or may have refused to take.
5. Normal tests given in DUI cases which may have been refused or submitted to may be released. The results of such test shall not be released to the news media at any time.
6. Statements as to the guilt or innocence of a defendant.
7. Identity, credibility or testimony of any prospective witness.
8. Information of a purely speculative nature. When there is a question as to whether or not an item should be released, that item should not be released until a decision has been made by a commanding officer or supervisor.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

The breath test shall be the primary test of the Oldham County Police Department and blood testing shall be the alternative test for determining the alcohol content of persons arrested for operating a motor vehicle while under the influence of intoxicating beverages or other substances which may impair one's driving ability.

USE AND ASSIGNMENT OF BREATHALYZER UNITS

Breathalyzer units will be inventory controlled by the Kentucky State Police Forensic Laboratory.

OPERATOR CERTIFICATION

1. All breathalyzer tests are to be conducted by certified operators.
2. An officer above the rank of patrolman or in specialized assignment, whose duties do not involve the regular use of a breathalyzer, will not be required to be operator certified. His tests would be performed by a certified operator.

RE-CERTIFICATION

1. All eligible officers who hold certification about to expire may be re-certified.
2. Re-certification will involve successful completion of additional training and testing in breathalyzer operational skills.

OPERATIONAL PROCEDURES

1. The breathalyzer operator shall verify the operation of the breathalyzer unit at the beginning of the test and again at the completion of the test.
2. Any breathalyzer unit that fails to successfully verify, in any phase, shall be immediately removed from service.
3. A breathalyzer technician shall keep at each testing site a Breath Alcohol Testing Log. Into each log shall be entered, by the breathalyzer operator, at the time of breathalyzer operation, a record of all on-site breath test results and breathalyzer unit maintenance.
4. Enforcement action will not be made on the basis of a breathalyzer reading alone. Supporting evidence (visual observation, field sobriety test, vehicle operation/control and proper verification) will be obtained in addition to the breathalyzer training.

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Effective Date March 1, 1999

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POLICY

All Kentucky State Police breathalyzer equipment shall be kept in the highest possible state of operating efficiency. Oldham County Police personnel shall not operate a breathalyzer unless it is fully operational.

SERVICING BREATHALYZERS

Officers are not to attempt any unauthorized repairs to the breathalyzer unit. Certain minor repairs can be made by the breathalyzer technicians. The Kentucky State Police post breathalyzer technician is to be notified when service is required. Prior to submitting a breathalyzer unit to the Forensic Laboratory for servicing, it will be screened by the post breathalyzer technician. The deficiency shall be noted and submitted using proper forms before the unit is delivered to the Forensic Laboratory.

Those breathalyzer units not subject to repair at Kentucky State Police post level are to be delivered to the Forensic Laboratory. The Forensic Laboratory will either repair or forward the breathalyzer to the vendor for repairs. Upon completion of the repairs, the breathalyzer will be delivered to and validated by the Forensic Laboratory representative.

The Central Forensic Laboratory will coordinate the return of the breathalyzer to the post. The Forensic Laboratory representative will be the agency individual who can certify in court that the instrument was satisfactorily calibrated and the correct operational condition has been verified.

PROCEDURE

1. The breathalyzer and associated equipment shall, in the event of failure, be put in complete readiness for immediate service as soon as practical.
2. When breathalyzer repairs are necessary, the commanding officer shall authorize the repair of that breathalyzer by the Kentucky State Police breathalyzer technician. If the repairs are beyond his scope, the instrument will be delivered to the Forensic Laboratory for repairs.
3. All necessary breathalyzer maintenance shall be performed by the post technician unless emergency circumstances dictate otherwise, or it is not within his level of maintenance.
4. The post breathalyzer technician shall perform a complete preventive maintenance and test procedure on all Kentucky State Police breathalyzer equipment monthly.

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5. Each employee shall be responsible for notifying the post breathalyzer technician, if any breathalyzer instrument is not fully operational.
6. Additional specific duties/tasks of the post breathalyzer technician shall including maintaining all breathalyzers assigned to the post as outlined in the maintenance manual.
- 7.(a) Forensic Laboratory Responsibilities:
Perform recalibration and re-certification of all breathalyzer alcohol concentration instruments, simulators, simulator solutions.
- (b) Maintain all records that could be subpoenaed in court that originated at the Communications Section or Central Laboratory or from the technician.
- (c) Provide assistance in operator and maintenance training.

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Effective Date March 1, 1999

Review Date March 1, 1999

VIOLATION NOTICE

1. A uniform traffic citation will contain the following designation for breathalyzer results in the space provided for description of violation:
 - (a) Breath Alcohol Concentration U/301 at .16:00 hours on 01/01/99 - (Instrument Serial Number).

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

The Oldham County Police may utilize the Preliminary Breath Testing Device as a pre-arrest breath test to aid in reducing traffic accidents by improving enforcement of statutes concerning the operation of a motor vehicle while under the influence of alcohol and/or drugs.

PROCEDURES

1. The Preliminary Breath Test (PBT) should be used only after all of the other field sobriety tests that the officer intends to give the suspect have been completed.
2. Units shall not administer the PBT to a violator after he has been placed under arrest.
3. Units shall not make an arrest for DUI based solely on the results of a PBT.
 - (a) If the suspect appears to be under the influence of intoxicants yet tests less than .10% on the Preliminary Breath Test and the officer still believes the suspect's ability to operate a motor vehicle is impaired, he shall arrest the suspect and request that a blood test be administered.
4. Before administering the PBT, the officer should advise the suspected violators of the following:
 - (a) They are not required to submit to the test and their refusal to submit shall not be used against them in a court of law or any administrative proceedings.
 - (b) Submission to or refusal of this test does not relieve them of the obligation to submit to an evidential alcohol test as prescribed by law should they be charged with driving under the influence.

ASSIGNMENTS OF PRELIMINARY BREATH TESTING DEVICES

PBT devices will be inventory-controlled by the Supply Officer of the Oldham County Police Department, and made available to individual officers.

OPERATORS

All units assigned to use the PBT devices shall have received at least four hours of instruction in the operation and use of the device in addition to being a certified breathalyzer operator.

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MAINTENANCE OF DEVICES

Each operator shall be aware of correct operational performance and will return the device to a properly trained breathalyzer technician, as defined by 500 KAR 8:020, Section 2, for maintenance at least once every 90 days, and/or at any time the PBT fails to perform properly.

Oldham County Police Department

Effective Date March 1, 1999
Review Date March 1, 1999

POLICY

The Oldham County Police shall offer an annual school bus inspection program to all school districts upon request.

PROCEDURE

The inspections shall be conducted by County Police personnel designated by the Chief of Police. An inspection form shall be completed by County Police personnel and presented to the appropriate school official. County Police personnel shall not conduct a follow-up inspection of school buses found to be deficient unless specifically requested to do by school officials.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

The Oldham County Police Department shall respond to requests for emergency relays of a humanitarian nature. Those requests for relays of blood, human organs, poison antidotes or any item deemed necessary to save a human life shall, if found to be of a true emergency status, receive the full cooperation of the Oldham County Police Department.

PROCEDURE

Any request for relay that specifies an emergency nature, regardless whether the request is made through the Chief of Police, Assistant Chief of Police, or by a duty supervisor as to whether the request is of a true emergency nature.

If at all possible, the duty supervisor shall ascertain the nature of the emergency request, the requesting party, the destination and, if applicable, the degree of emergency.

The supervisor, upon authorizing an emergency relay, shall cause the radio dispatcher to contact all other agencies involved in the emergency relay and request their assistance.

Officers shall utilize "Signal 9" response to an emergency relay only on authority of the appropriate supervisor.

Officers responding to humanitarian emergency relays shall exercise due caution, taking into account the degree of seriousness of the incident, traffic conditions and weather conditions.

When circumstances require use of excessive speed, the emergency equipment shall be in use as specified by law.

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Effective Date March 1, 1999
Review Date March 1, 1999

POLICY

Oldham County Police officers may provide escorts, participate in non-emergency relays and serve as drivers for non-police vehicles for special details.

ESCORTS

All officers providing escort services must have authorization from their supervisor. Ranking officers may use the following as guidelines to provide services with regards to escort requests. All other requests for escort service shall be considered for merit by proper authority to determine the appropriate action to be taken. Escorts may be authorized for:

1. Security of monies, valuable merchandise or other items for county, state or federal agencies.
2. VIP's when requested by the proper authority.
3. Equipment that is hazardous because of size or requires emergency movement.

Officers shall not escort vehicles with injured or ill persons unless extenuating circumstances exist. In all cases, the department shall be notified immediately and the duty supervisor advised of such action.

NON-EMERGENCY RELAYS

Relays of persons and property shall only be provided when authorized by the immediate supervisor.

During routine relays of persons and property, all traffic laws shall be adhered to.

OFFICERS USED AS DRIVERS

Officers can be used as drivers of non-police vehicles and for special details only when authorized by the appropriate supervisor.

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Effective Date March 1, 1999

Review Date March 1, 1999

POLICY

All officers of the County Police shall become familiar with emergency services provided by military aircraft and air ambulance services and should utilize such services whenever practical.

Officers shall cooperate with and assist aircraft whenever assistance is needed. Officers shall not use emergency services by military aircraft as a substitute for available civilian services, but in conjunction with civilian services, or where military aircraft is more accessible or feasible.

RESOURCES

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC (MAST) PROGRAM, AIR AMBULANCE SERVICES

The MAST concept provides for military helicopters to function as air ambulances. It provides crew members, medical equipment and supplies to be maintained in a state of readiness in order to respond efficiently and effectively to serious civilian medical emergencies.

A medical emergency is defined by MAST and air ambulance services to be a situation where an individual's condition requires that he be air-evacuated to a medical trauma center as soon as possible to prevent death or aggravation of illness or injury.

The initial decision to request a MAST or air ambulance unit is based solely on the judgment of the law enforcement officer, physician or other responsible official at the scene of an emergency such as a highway accident, gunshot wound or heart attack.

PROCEDURES

The following procedures shall be followed by County Police members when requesting assistance from an emergency aircraft program:

1. Determine if the need for air evacuation exists.
2. Officers shall make requests for MAST or air ambulance units through the nearest department supervisor.
3. The radio dispatcher will notify the nearest MAST or air ambulance dispatcher.
4. The County Police radio dispatcher will then notify the requesting officer when the MAST or air ambulance unit is airborne and of its estimated time of arrival at the scene.
5. The officer at the scene shall attempt to obtain the following information for the helicopter pilot:
 - (a) Any hazards to flight (radio towers, power lines, etc.).
 - (b) Type and size of landing area; a landing zone where the slope

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- of the terrain is no greater than eight degrees is preferred.
- (c) The number of patients, types of injuries and condition of patients (if known).
 - (d) Types of markings used to identify landing zones; each corner of the landing zone is to be marked with fuses.
 - (e) Type of lighting for night operations.
6. The officers should clear an area of at least 100 x 100 feet for a helicopter landing pad. The County Police cruiser should be parked in such a manner that the headlights indicate the direction in which the helicopter will come in over the top of the cruiser. The following guidelines should be followed after the helicopter lands at the scene of the emergency:
- (a) Keep spectators away from the aircraft.
 - (b) Do not approach the aircraft from the rear under any circumstances.
 - (c) Do not allow a vehicle to be driven closer than fifty feet to the aircraft.
 - (d) Carry no item that will extend above the height of the individual, such as portable radios with extended antennae.
 - (e) Do not assist the helicopter crew with the patient unless requested to do so.
 - (f) Advise the air medical team if the patient received any prior medical treatment at the scene of an emergency.
 - (g) County Police officers shall advise their dispatcher of the departure of the Air Medical team.

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POLICY

The County Police shall assist in the protection and preservation of lives and property at the scene of an aircraft accident. Agency officers shall notify and cooperate with the proper investigating authorities.

AIRCRAFT ACCIDENT DESCRIPTION

For the purpose of this General Order, the term "aircraft accident" will have the following meaning: Any aircraft incident which results in damage to the aircraft or injury to personnel.

AUTHORITY

1. National Transportation Safety Board - The NTSB has the responsibility of determining the probable cause of all civil aircraft accidents but has delegated the task of investigating certain accidents to the Federal Aviation Administration.
2. Federal Aviation Administration - The FAA will be an interested agency at all aircraft accidents involving civil aircraft. The FAA will be advised of all aircraft accidents and, in turn, will immediately notify the additional agencies or military authorities as the circumstances dictate. The notification of the FAA should be given through the FAA flight service station located nearest the accident site. In the event an FAA flight service station cannot be contacted, the notification may be given to an FAA air traffic control tower. The location and telephone number of the FAA flight service stations and air traffic control towers are listed in the radio room of Oldham County Central Dispatch.

SERVICES RENDERED BY THE OLDHAM COUNTY POLICE

The services listed below will be performed by the Oldham County Police to the extent that they may be required. The individual

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situation and availability of manpower will dictate the order and extent to which they will be performed.

1. Rescue the occupants. Any necessary acts may be performed to permit the removal of injured occupants.
2. Notify the nearest FAA flight service station.
3. Locate and identify any witnesses.
4. Guard the wreckage.
5. Keep all spectators at least 1000 yards from a military crash to protect them from a possible explosion. Guard the aircraft until authorized military personnel arrive.
6. Record and identify the position occupied by any personnel or items removed from the wreckage prior to the arrival of the proper investigating authorities.
7. Inform the county coroner so that fatally injured occupants of civil aircraft may be removed. The NTSB requests that fatally injured occupants be held for pathology and toxicology examinations prior to embalment. Removal of fatally injured occupants from military aircraft will be done only at the direction of military authority, except in cases when proper decorum dictates immediate removal.
8. Officers shall not speculate as to the cause of the accident.
9. Complete an Aircraft Accident Report (or its equivalent) on all aircraft accidents involving civil aircraft. The completed report will be forwarded by the department to the Operations Director.

OFFICIALS TO BE NOTIFIED

1. Appropriate officials shall be notified in all aircraft accident/incident/violation situations. A listing of these individuals, their positions and phone numbers shall be maintained in the radio room for this purpose.
2. Notify the county coroner in fatal crashes.
3. After necessary information has been obtained, send a detailed teletype to Kentucky State Police Headquarters.
4. Notify the Public Affairs Officer to handle press

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relations. Refer any calls from news agencies to the Public Affairs Officer or supervisor in his absence.

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POLICY

The Oldham County Police shall respond to Automatic Telephone Alarm Systems in areas of the Commonwealth where there are no local alternatives for service. Response to these alarms shall be pursuant to a pre-existing alarm system response agreement between the subscriber of the alarm system and the police department. Alarms received from alarm systems without an alarm system response agreement shall not be ignored, but alarm subscribers shall be contacted and informed that a response agreement with the police department is necessary for future responses for service. (The subscriber of an automatic alarm system is defined as the person responsible for the location at which the activated alarm reports illegal or unauthorized entry or activities.)

PROCEDURE

SUBSCRIBERS TO THE DEPARTMENT MONITOR SYSTEM

INSTALLATION REQUIREMENTS FOR THE DEPARTMENT ALARM MONITOR SYSTEM

A central control module shall be installed at the department, and each subscriber to this system shall have its alarm system monitored by inclusion in the module. All installations and maintenance items including labor, materials and any repairs shall be the responsibility of the subscriber. All monitors shall be installed neatly and shall meet all local electrical codes.

AUTHORIZATION FOR INCLUSION IN THE DEPARTMENT ALARM MONITOR SYSTEM

The Chief of Police shall authorize the inclusion of any Automatic Telephone Alarm System that directly contacts the police department. This alarm monitoring shall be continuous; unless discontinued at the discretion of the Chief of Police or as directed by this Order.

PRE-SERVICE REQUIREMENTS AND CAUSE FOR REMOVAL FROM THE DEPARTMENT ALARM MONITOR SYSTEM

The Chief of Police shall have a pre-service crime prevention survey conducted at the location at which inclusion in the department alarm monitor system has been requested. Unless conducted previously, the appropriate crime prevention programs shall be implemented at the premise prior to initiation of inclusion in the department alarm monitor system. The subscriber must sign the agency's written agreement to comply with the stated agency regulations and procedures for inclusion in the program. The subscriber shall be responsible for both maintaining their alarm equipment at the alarm location in proper working condition and for being in compliance with agency requirements. Any deviation

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from the agreement may, at the discretion of the Chief of Police, be cause for removal of the subscriber from the department alarm monitor system. Subscribers shall cause adjustments to be made whenever the alarm malfunctions.

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DESIGNATED CONTACT PERSONNEL FOR THE DEPARTMENT ALARM MONITOR SYSTEM

Every subscriber in the department alarm monitor system shall supply telephone numbers at which designated personnel can be reached on a 24-hour, seven- (7) day per week basis. These persons shall have the capacity to allow agency personnel access to the location and to reset the alarm. Each subscriber shall furnish the department with a code word, if requested. This code word shall be used to assert the authenticity of those persons responding to communication from post due to an alarm. If the person answering the telephone responds with the code word as agreed, and advises the alarm is false, an officer shall not respond to the call. In all other cases, the alarm shall be investigated.

RESPONSE TO NON-SUBSCRIBER AUTOMATIC TELEPHONE ALARM SYSTEMS

Oldham County Police shall respond to calls from automatic telephone alarms that are not included in the department alarm monitor system. During the initial response to the alarm location, agency policy shall be explained to these persons. Subscribers shall complete an agency alarm agreement immediately after the initial response to an alarm and shall comply with those regulations. Subscriber shall be advised that failure to sign the agreement form or comply with any stated regulation shall be cause for the agency not to respond to automatic telephone alarms. The requirements for automatic alarms from private residences shall not include code words or 24-hour contact persons, but shall include addresses, phone numbers and names of persons other than the subscriber authorized to enter the location to investigate alarms in the absence of the subscriber.

FALSE ALARMS

A list of all false alarms shall be maintained by Oldham County Central Dispatch radio room supervisor or his designee. A computer printout shall be maintained monthly listing all false alarms received. The radio room supervisor, or his designee shall monitor this list and shall advise the Chief of Police or his designee when a subscriber has had five (5) false alarms. After five (5) false alarm calls from a location have been received and responded to, the radio room supervisor or his designee shall inform the subscriber that failure to adjust the alarm equipment or otherwise comply with the terms of the alarm response agreement shall result in the termination of the monitoring of the system by the department. If after this warning, another false alarm is received, the service shall be discontinued at the discretion of the Chief of Police. The Chief of Police may reinstate the service at his discretion with proof of compliance with agency regulations.

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**OLDHAM COUNTY POLICE
AUTOMATIC TELEPHONE ALARM RESPONSE AGREEMENT
RULES AND REGULATIONS
SUBSCRIBER TO THE DEPARTMENT ALARM MONITOR SYSTEM**

The Oldham County Police shall respond to Automatic Telephone Alarm Systems by prior agreement, or in areas where there are no local alternatives for this service. The Chief of Police shall have the authority to place an alarm system in the department alarm monitor system. The Chief of Police may revoke this privilege at any time for cause. Revocation of the subscriber's alarm monitoring privilege is warranted, but not limited to the following circumstances:

1. Five (5) or more false alarms in a six- (6) month period shall be cause for removal. The subscriber shall be notified after five (5) false alarms of his obligation to repair or nullify the cause of the false alarms if the subscriber's privilege to remain in the system is to be maintained. The Chief of Police may terminate this privilege after five (5) false alarms, and it shall be his decision if service will be renewed and the specific terms of that renewal.
2. The County Police reserve the right to charge a fee for responding to false alarms after five (5) false alarms are answered at a location. Any fee charge shall be announced prior to its implementation. Nonpayment of any assessed fees shall be cause for removal.
3. Failure of subscriber designated personnel to respond to the alarms for entry to the alarm location and reset/repair of the alarm system. Private subscribers shall designate persons to respond to alarms. These persons should have the capacity and permission of the subscriber to enter, and allow entry of agency personnel into the alarm system location. These persons relationship to the subscriber shall be noted on the agreement form.
4. Failure to respond correctly with the subscriber's code word for a false/malfunction/inadvertent alarm. Each subscriber, if requested by the Oldham County Police, shall supply a code word. In the event of an alarm, the County Police Department will call the subscriber. The individual who answers must supply the correct code word without a prompting from the department, unless an alternate procedure is authorized. If the code word is not given as required, an officer shall respond to the call regardless of the information given by the subscriber's personnel. In the event the subscriber calls the police department prior to the department's call to the subscriber, the code word must also be given as required to prevent response to the call.
5. Failure to accurately provide or update alarm system information. The subscriber shall supply a written location for the alarm location that shall include sufficient information to positively identify the alarm

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location. The information shall include, but shall not be limited to road and building numbers, direction and distance from a permanent landmark, and a description of the building that would distinguish it from other buildings and would lead to a positive identification by responding officers. The accuracy of information contained within the agreement form is extremely important for both effectiveness of response and officer safety. Agreements not fully completed will not be considered for service. Updates or changes to subscriber information shall be transmitted to the post immediately. Monitoring of alarms shall not be executed until an acceptable agreement is on file at the police department. The subscriber should retain a copy of the agreement and the associated regulations at the alarm location or office to facilitate any necessary changes.

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**OLDHAM COUNTY POLICE
AUTOMATIC TELEPHONE ALARM RESPONSE AGREEMENT
SUBSCRIBER TO THE DEPARTMENT ALARM MONITOR SYSTEM**

Code Word _____

Alarm Company Address _____

_____ Phone (____) _____

I, _____, the subscriber, request that the Oldham County Police extend to me the privilege of responding to the commercial/private residence automatic telephone alarm system installed at the following building and address:

Name/Business _____

Telephone Number of Subscriber (____) _____

Address/Exact Location of Subscriber _____

Additional Information/Special Circumstances

Guard Dog(s) Yes _____ No _____

Names/phone numbers/dates and times of personnel assigned to 24-hour coverage for response to subscriber's alarm. Personnel are responsible for allowing access to the location and alarm reset. (List personnel on the back of the form)

I have received a copy of the Oldham County Police Rules and Regulations governing County Police response to Automatic Telephone Alarm Systems. I understand, and agree to comply with all listed requirements of the program. I understand that inclusion in the program is a privilege and this privilege may be revoked for cause. Cause shall include, but is not limited to, five (5) or more false alarms or failure to comply with the stated rules. Any discontinuation of service by the subscriber shall be reported to the Oldham County Police Department.

Signature of Subscriber Date

Signature of Chief of Police Date

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Name _____ Phone (_____) _____

Date/Time of Coverage _____

Reviewed by _____ Action taken _____

Date/Time of Coverage _____

Reviewed by _____ Action taken _____

Date/Time of Coverage _____

Reviewed by _____ Action taken _____

Date/Time of Coverage _____

Reviewed by _____ Action taken _____

Date/Time of Coverage _____

Reviewed by _____ Action taken _____

Reviewed by _____ Action taken _____

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Name _____ Phone (_____) _____

False Alarm Date/Time _____

Reviewed by _____ Action taken _____

False Alarm Date/Time _____

Reviewed by _____ Action taken _____

False Alarm Date/Time _____

Reviewed by _____ Action taken _____

False Alarm Date/Time _____

Reviewed by _____ Action taken _____

False Alarm Date/Time _____

Reviewed by _____ Action taken _____

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Reason for Termination _____

Termination Date _____ Authority _____

Renewal Date _____ Authority _____

I, _____, the subscriber, request that the Oldham County Police extend to me the privilege of responding to the commercial/private residence automatic telephone alarm system installed at the following building and address:

Name/Phone No. of Subscriber _____

Name/Phone No. of Business _____

Name/Address/Phone No. of Person Responding to the Alarm, if Different from Above

Address/Exact Location of Subscriber or Business (Alarm Location)

Additional Information/Special Circumstances

Guard Dog(s) Yes _____ No _____

Names/phone numbers/addresses of persons authorized to enter the alarm location in response to subscriber's alarm. Personnel are responsible for allowing access to the location and alarm reset. (Listed on next page)

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I have received a copy of the Oldham County Police Rules and Regulations governing County Police response to Automatic Telephone Alarm Systems. I understand, and agree to comply with all listed requirements of the program. I understand that inclusion in the program is a privilege and this privilege may be revoked for cause. Cause shall include, but is not limited to, five (5) or more false alarms or failure to comply with the stated rules. Any discontinuation of service by the subscriber shall be reported to the Oldham county Police Department.

Signature of Subscriber Date

Signature of Chief of Police Date

Date Service Initiated _____

For private residence place names of those authorized to enter your residence and escort officer in your absence. For businesses, list personnel assigned to respond to alarms on a 24-hour basis.

Name _____ Phone (____) _____

Date/Time of Coverage _____

Name _____ Phone (____) _____

Date/Time of Coverage _____