

ORDINANCE NO. 2014-08-T&S

**AMENDING VARIOUS SECTIONS OF CHAPTER 153 OF THE
VILLAGE OF GREENHILLS CODIFIED ORDINANCES**

WHEREAS, Chapter 153 of the Village of Greenhills Codified Ordinances governs the Village of Greenhills Police Department; and

WHEREAS, the Chief of Police, in cooperation with the Municipal Manager and Law Director, has recommended a number of revisions to Chapter 153; and

WHEREAS, it is the desire of Council to amend Chapter 153 of the Village of Greenhills Codified Ordinances relating to the Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Greenhills, Ohio, 5 (five) members elected thereto concurring.

SECTION 1.

That Chapter 153 of the Village of Greenhills Codified Ordinances is hereby amended as set forth in Exhibit "B" attached hereto and incorporated herein by reference. Exhibit "A" identifies the additions and deletions incorporated into the modified ordinances.

SECTION 2.

That the all sections of Chapter 153 not specifically amended herein shall remain in full force and effect.

SECTION 3.

That this Ordinance shall take effect and be in force from and after the earliest period provided by law.

Adopted this 23rd day of September, 2014.

David Moore, MAYOR /s/

Kathryn L. Lives, CLERK OF COUNCIL /s/

CHAPTER 153 EXHIBIT "A"
Police Department

- 153.01 Composition.**
- 153.02 Duties.**
- 153.03 Uniform allowance.**
- 153.04 Bonds.**
- 153.05 Retirement. (Repealed)**
- 153.06 Action by police outside Municipality.**
- 153.07 Special police.**
- 153.08 Auxiliary police.**
- 153.09 Rules for appointment, promotion and removal.**
- 153.10 Age limits of original appointees.**
- 153.11 Service fees for nonresidents requiring police assistance in motor vehicle accidents.**
- 153.12 Service requirement allowance.**
- 153.13 Continuation of Police Department.**
- 153.14 Payment of employees' contribution to Police Disability and Pension Fund.**

CROSS REFERENCES

- Operating rules and procedure - see CHTR. §5.12
- Distribution of obscenity statutes by Attorney General - see Ohio R.C. 109.40
- Assistance of State Criminal Bureau - see Ohio R.C. 109.51 et seq.
- Forwarding fingerprints and other data to State Criminal Bureau - see Ohio R.C. 109.58 et seq.
- Peace officer training required for permanent employment - see Ohio R.C. 109.77
- Composition and control - see Ohio R.C. 715.05, 737.16
- General duties - see Ohio R.C. 737.11, 737.18
- Auxiliary police unit - see Ohio R.C. 737.161
- Probationary periods; final appointment - see Ohio R.C. 737.17
- Removal and appeal - see Ohio R.C. 737.171
- Recovered property and disposition - see Ohio R.C. 737.29 et seq.
- Police officer may arrest on view - see Ohio R.C. 2935.03, 2935.05, 2935.07
- False reports - see GEN. OFF. 525.02
- Impersonating an officer - see GEN. OFF. 525.03
- Resisting an officer - see GEN. OFF. 525.07, 525.09

153.01 COMPOSITION.

The Police Department of the Municipality shall be composed of a Chief of Police and such other members as may be deemed necessary from time to time by a majority of the members of Council. The Chief of Police shall be the executive head of the Police Department under the Municipal Manager. A Police Supervisor, appointed by the Manager, shall, in the absence or disability of the Chief, perform all the functions and exercise all the authority of the Chief. (Ord. 87-34T. Passed 9-1-87.)

153.02 DUTIES.

Police officers of the Municipality shall preserve the peace, protect persons and property and enforce all ordinances of the Council and all criminal and traffic laws of the State and the United States. (Ord. 72-23T. Passed 4-4-72.)

153.03 UNIFORM ALLOWANCE.

A uniform allowance will be provided to police officers as outlined in the Village of Greenhills Employee Handbook.

~~(a) — Full time members of the Greenhills police force shall be entitled to compensation for uniform care and maintenance at the rate of forty dollars (\$40.00) per month. Part time members of the Greenhills police force shall be entitled to compensation for uniform care and maintenance at the rate of fifteen dollars (\$15.00) per month.~~

153.04 BONDS.

Each police officer shall give bond in the sum of one thousand dollars (\$1,000) and the cost thereof shall be payable out of the Municipal Treasury. (Ord. 72-23T. Passed 4-4-72.)

153.05 RETIREMENT. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 87-26L, passed July 7, 1987.)

153.06 ACTION BY POLICE OUTSIDE CITY.

Any action taken by any member of the Police Department outside the territorial limits of the Municipality, if taken in pursuance of any police matter involving the Municipality or if taken in the line of cooperation upon official police business with any of the other governmental units of the County, which action is ordered or approved of by the Chief of Police of the Municipality, or, if done upon an emergency basis, is subsequently ratified by the Chief of Police, shall be considered to be an action performed in the course of his/her employment as a member of the Police Department.

(Res. 512. Passed 8-5-58.)

153.07 SPECIAL POLICE.

(a) In addition to the full-time police provided for in Section 153.01, the Municipal Manager may employ part-time special police as he or she believes necessary in the interest of public safety. (Ord. 72-23T. Passed 4-4-72.)

[The following section (b) has been taken intact from 153.09 section A, which also governed the appointment of Special Police Officers, with no changes other than those noted]

(b) Appointment of Special Police Officers.

(1) Special Police Officers shall be appointed to the Police Department, if vacancies occur, by the Municipal Manager from a list provided by the Police Chief. Candidates shall meet the following qualifications:

A. Be twenty-one years of age at time of appointment;

B. Be a "certified Police Officer" with the State of Ohio;

C. Pass a comprehensive background investigation and have no criminal convictions or extensive traffic history;
(Ord. 98-8T&S. Passed 3-3-98.)

D. Satisfactorily complete a psychological assessment by a licensed mental health professional;
(Ord. 03-21T&S. Passed 5-6-03.)

E. Pass a physical examination and drug screen;

F. Pass a physical agility evaluation; and

G. Pass an oral interview. Members of the Oral Board shall ~~consist of a Village Police Officer appointed by the Police Chief, a Council Safety Committee Member and an appointee of the Municipal Manager,~~ consist of qualified evaluators as selected by the Chief of Police and approved by the Municipal Manager.

(2) ~~The Municipal Manager shall select a candidate for appointment to the Police Department as a Special Officer from a list of candidates initially ranked by the interview committee and then provided to the Municipal Manager by the Police Chief with comment.~~

(3) ~~The Municipal Manager may select one of the top three names on the list for appointment.~~

(3) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the twelve months, he or she may be separated or, if his or her service was satisfactory to the Municipal Manager, appointed a Police Officer with the Police

Department ~~if~~ vacancies ~~exist~~. Special Police Officers shall be hired at a paid rate that reflects their experience and knowledge.

153.08 AUXILIARY POLICE. ~~Repealed.~~

~~The Municipal Manager is authorized to appoint, subject to confirmation by Council, such number of special policemen to be designated "auxiliary policemen", as he may from time to time believe necessary for the best interests of the Municipality.~~

153.09 RULES FOR APPOINTMENT, PROMOTION AND REMOVAL.

Pursuant to Charter §5.12 the following rules for the appointment, promotion and removal of members of the Police Department, including the Chief of Police, are hereby adopted.

The Village, an equal opportunity employer, does not discriminate in hiring or employment on the basis of race, color, religion, creed, national origin, sex, age, handicap or ancestry. The Village complies with the provisions of all valid applicable Federal, State, County, and City-Municipal laws and ordinances pertaining to equal employment opportunity.

~~(b)~~ Appointment of Police Officers.

(1) Elements and activities.

- A. Applications for at least one year, two years, unless otherwise determined extended by the Municipal Manager.
- B. A selection process is ongoing to develop a list of qualified candidates and the Police Department may solicit applications for police officers at any time.
- C. Recruitment, to participate in the selection process, is performed by the Municipal Manager-Chief of Police and the Police Department officers assigned by the Chief.
- D. The test is conducted at a pre-determined date, time and location.
(Ord. 98-8T&S. Passed 3-3-98.)
- ~~I. The top scores on the written test are invited, by letter notifying them of the location, date and time, to an oral interview, conducted by the Police Chief.
(Ord. 2005-20T&S. Passed 5-3-05.)~~
- M.F. Remaining qualified candidates shall be retained on the eligibility list until the next selection process, but for no more than two years, unless extended by the Municipal Manager.

(2) Pre-test qualifications

- A. Candidates for police officer positions, to continue in the selection process, must possess, at a minimum, the following qualifications:
 - 1. Be twenty-one years of age at the time of appointment;
 - 2. Basic Peace Officers Certification from Ohio, or another State Certification which may be transferable to Ohio;
 - 3. Valid operator's license; and
 - 4. No criminal convictions or extensive traffic history.

- B. Waiver of any of the above minimum requirements must be approved by the Chief of Police.
- (3) Written test.
- A. Only candidates meeting the pre-test qualifications may participate in the written test.
- ~~B. Candidates are notified by letter of the location, date and time of the written test.~~
- C. No study guides are used.
- D. The written test is used to determine:
1. Job-related reading comprehension and writing skills.
 2. Inter-personal skills which are determined to be most relevant to the potential for proper officer conduct; and
 3. Police officer knowledge - knowledge of legal issues.
- (4) Guidelines for interpreting applicant examinations.
- A. Written tests are scored ~~as soon as practicable within seven days of the test by outside agency/personnel.~~
- B. Security of test administration.
1. Candidates must display a valid operator's license bearing a photo for admittance into the test site.
 2. Applicant names are checked against a previously prepared test roster.
 3. ~~Specific rules and procedures relative to the administration of the test may be developed by either the Chief of Police or the Municipal Manager. Candidates are assigned a number and are required to place the number assigned on the cover of the test booklets.~~
 5. A list is compiled ranking the highest scores to the lowest; and
 6. Cut-off for continuation in the selection process for an oral interview is determined by the Chief, with the approval of the Municipal Manager
If there are only two or less candidates who are being considered for the oral interview, the Chief of Police, upon approval of the Municipal Manager, shall have the authority to open the process back-up and begin again by taking applications.
- (5) Oral examinations.
- A. ~~Candidates who are above the cut off to continue in the selection process are notified by letter of the place, date and time for an oral interview. Oral interviews are conducted within forty five days of the written test.~~
(Ord. 2005-20T&S. Passed 5-3-05.)
- ~~C. Candidates successfully completing the oral interview phase of the selection process are notified by letter within ten days of completion of the oral interviews. These candidates are eligible to participate in the next phases of the selection process if a position/vacancy occurs.~~
- ~~(6) Fitness assessment. Candidates who successfully pass the written test and oral interview must also pass the physical fitness assessment.~~
- (11) Re-application.

- A. The Police Department permits re-application, re-testing and re-evaluation of candidates not continuing through the selection process or not appointed to probationary status, unless the condition(s) which previously eliminated them from continuing in the process or being appointed to probationary status are of such a nature that another rejection is assured. Examples of conditions which would assure rejection are:
 1. Criminal history;
 2. Uncorrectable physical disabilities preventing the candidate from performing the physical duties of a police officer;
 3. Background which includes serious chemical abuse; and
 4. Background which includes violent behavior or personal traits.
- B. Due to the infrequency of recruiting efforts, there are no limitations to re-applications unless condition(s) exist as stated in subsection (b) (11) A. thereof to assure rejection.

(12) Selection process - job relatedness. The selection process used by the Police Department is intended to measure those traits or characteristics that comprise a significant part of the job.

~~A. The written test rates the abilities of candidates in reading comprehension and writing skills appropriate for a police officer. Prior research studies have consistently demonstrated the criticality of basic literacy skills as predictors of an individual's ability to complete police training successfully.~~

(14) Candidate information. At the time of formal application, candidates are informed in writing of:

~~(15)~~ Notification of ineligibility.

~~A. Candidates determined not eligible to participate in the selection process or candidates determined not eligible for appointment are informed in writing of such a decision.~~

~~B. Reasons of ineligibility include, but are limited to, the following:~~

~~A. Alls a general rule, all records of appointees and candidates not appointed to probationary status are maintained by the Chief for a period of at least two years in accordance with the Greenhills Police Department records retention schedule.~~

~~B. The Police Department complies with all Federal, State and local requirements for the privacy, security and freedom of information of all candidates, records and data.~~

~~A. At the time of their formal application, candidates are provided with a list of areas from which polygraph questions are:~~

~~B. Polygraph results will not be used as the single determinant of employment status.~~

~~C.D. The polygraph is an investigative aid. Together with other information, the polygraph may be sufficient to support decisions relevant to employment status.~~

(2019) Medical examinations.

A. As a condition of employment, a candidate selected to fill a position shall undergo a medical examination, including drug screening, at the Village's expense prior to appointment to probationary status. The purpose of the exam is to reveal any medical problems which may affect work performance or contribute to work related disabilities. The report from the medical exam must provide satisfactory proof that

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no medical problems exist which would affect the ability to perform the duties of police officer.

B. Only licensed physicians are used to certify the general health of candidates.

~~(21) Fitness assessment and medical exam records.~~

- (1) The position of Sergeant shall exist only at such times as the Municipal Manager, after consultation with the Police Chief, determines there is a need within the Department for a Sergeant. Promotions shall be made by the Chief of Police Municipal Manager upon the ~~favorable recommendation of the Police Chief and approval of the Municipal Manager and~~ Council. If the Municipal Manager determines that there is a need for a Sergeant, promotions will be given to an officer who meets prescribed promotion qualifications and who has performed the functions of a Police Officer in a manner which exemplifies good police work and credits the Police Department and Village.
- (2) Regular Police Officers shall be considered for promotion to Sergeant if they meet the following requirements:
 - A. The officer is an existing officer with the Village who has served the Village for a minimum of two years as a full-time police officer.
 - B. The officer has performed his or her duties as a police officer with the Village in an acceptable manner and has received an annual performance rating of satisfactory or better.
 - C. The officer has not been the subject of a formal disciplinary action in the twelve months prior to the application that resulted in a suspension, reduction in rank or pay scale, the loss of off days or similar discipline.
 - D. The officer has satisfactorily passed the most recent physical examination and drug screen.
 - E. The officer has attained or met the additional education requirements to qualify for a supervisory position.
 - F. The officer has participated in and satisfactorily completed either an assessment center process or a written law enforcement related examination obtained from a neutral source and administered by an outside agency. An individual who fails to satisfactorily complete the examination will not be considered for promotion to Sergeant for the promotion for which the test was administered and for any promotion within one year of the administration of the test. The candidate must achieve a 70% or higher on the written examination if one has been administered to move to the next phase of the process.
 - G. The officer participates in an oral interview before a Review Board consisting of qualified evaluators as selected by the Chief of Police and approved by the Municipal Manager ~~member of the Council Safety Committee, at least two ranking Police Officers from outside the Village Police Department, and the Police Chief and an appointee of the Municipal Manager.~~
 - H. ~~An officer who has been chosen as a finalist by the Review Board shall satisfactorily complete an assessment center or such other assessment tools as may be selected by the Review Board. The written examination score will be combined with the oral interview score to form an average in ranking the candidates.~~

(3) Upon completion of the evaluation process, the Police Chief shall select and promote any of the top three candidates from the list upon the approval of the Municipal Manager.

(4) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the probationary period, he or she may be returned to his or her original rank if the Chief of Police, upon the approval of the Municipal Manager, determines that his or her service is unsatisfactory if the position remains vacant or if his or her service is satisfactory to the Municipal Manager, he or she shall remain Sergeant for the Village. (Ord. 04-46T&S. Passed 11-2-04.)

(d) Promotion to Rank of Lieutenant.

(1) When a vacancy occurs for the rank of Lieutenant, the Police Chief shall request from the Municipal Manager permission to staff the vacancy.

(2) Upon receiving approval from the Municipal Manager, the Police Chief shall interview all eligible candidates. The rank of Lieutenant shall be filled from the rank of Sergeant. The Police Chief, with appropriate recommendation, shall present the name(s) of the candidate(s) to the Municipal Manager for appointment. If there is only one eligible interested candidate, his or her name shall be presented; if the candidate is not acceptable to the Municipal Manager, the position shall remain vacant until a candidate can be developed or may be filled by lateral entry.

(3) To be eligible for Lieutenant a candidate shall be at least a Sergeant in good standing for one year and possess the necessary management skills to assume additional supervisory responsibility. The individual shall also have continued his or her education to qualify for promotion. This may include police schools, formal education, self-study work and other training to improve working knowledge in criminal justice.

(4) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the probationary period, he or she may be returned to his or her original rank if he or she fails the probationary period and if the position remains vacant; or if his or her service is satisfactory to the Municipal Manager, he or she shall remain a Lieutenant for the Village.

(Ord. 98-8-T&S. Passed 3-3-98.)

(e) Appointment of Police Chief.

(1) When a vacancy occurs or is anticipated for the position of Police Chief, the Municipal Manager shall consult with the ~~Traffic Safety Committee~~ of the Village Council. The ~~Traffic Safety Committee and~~ Municipal Manager shall establish a Search Committee which will consist of qualified evaluators as selected by the Municipal Manager ~~two Village Council Members who serve on the Traffic Safety Committee, the Municipal Manager and the interim Police Chief for the Village.~~ Such Search Committee shall solicit applications for the position by advertising, networking or other means determined by the Search Committee. Candidates for the position may include candidates from within the Department and/or outside the Department. ~~Such applications shall be reviewed by the Traffic Safety Committee. Each candidate will be considered based upon the process outlined in this section.~~

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(2) Qualifications.

- A. Have a Bachelor's degree in Criminal Justice or Police Science, or is enrolled in a formal program to complete such degree. Equivalent experience and training will be considered.
- B. Satisfactorily complete relevant examinations as recommended by the Search Committee and determined by the Municipal Manager. Such examinations may include a physical examination, drug screen, and a personality test administered by a third party outside of the Village.
- C. Satisfactorily complete an assessment center or such other assessment tools as may be selected by the Traffic Safety Search Committee and, if deemed necessary, a current written law enforcement examination and general knowledge examination may be requested by the Municipal Manager.
- D. Participate in an interview before an Interview Panel consisting of the Search Committee and any other participants deemed necessary by the Municipal Manager
 - . E. Consent to a background and reference investigation to verify the integrity, education, social acceptance, and management skills of the candidate. This investigation shall be directed by the Municipal Manager using an appropriate agency.
- F. Have no criminal record or possess any personal traits or history that may discredit the Village or the Police Department.
- G. Have the necessary supervisory and police skills to be ready for promotion to the rank of Police Chief. The candidate shall be or have recently been a certified Police Officer of rank and position to qualify as a supervisor.
- ~~H. Agree to become a resident of the Village of Greenhills within one year of appointment unless waived by the Municipal Manager.~~

- (4) The successful candidate shall satisfactorily serve a six-month probationary period before his or her appointment as Chief of Police is permanent. At the end of the probationary period, if the Municipal Manager determines that he or she has not successfully met the requirements for the position, he/she may be separated from the Police Department or returned to his/her original rank.
(Ord. 04-36T&S. Passed 7-20-04.)

(f) Authority and Duty of Chief of Police.

- (1) The Chief of Police has exclusive authority over the stationing and transfer of all officers and employees within the Police Department.
- (2) The Chief of Police shall suppress all riots, disturbances, and breaches of the peace, and to that end may call upon the citizens for their aid. The Chief of Police shall:
 - A. He shall arrest all disorderly persons in the Village and pursue and arrest any person fleeing from justice in any part of the State.
 - B. He shall arrest any person in the act of committing any offense against the laws of the State or the ordinances of the Village, and forthwith bring such persons before the Mayor or other competent authority for examination or trial.

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C. Receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

D. Perform all duties imposed by Federal, State and local laws, rules and regulations.

E. Promulgate rules and regulations for the Police Department.

(3) General Powers.

A. The Chief of Police and the police force under him or her shall have the powers conferred by law upon police officer in all villages of the State, and such other powers, not inconsistent with the nature of their offices, as are conferred by ordinance.

B. The Chief of Police or any police officer of the Village may participate, as the director of an organized crime task force established under Ohio R.C. 177.02 or as a member of the investigatory staff of such a task force, in an investigation of organized criminal activity in any county or counties in this State under Ohio R.C. 177.01 to 177.03. (ORC 737.18)

(g) Disciplinary Action; Right of Appeal to Manager for Officers. The disciplinary process will be administered as outlined in the Village of Greenhills Employee Handbook.

~~(h) Removal Proceeding for Chief of Police.~~

153.10 AGE LIMITS OF ORIGINAL APPOINTEES.

No person shall be eligible to receive an original appointment to the Greenhills Police Department as a policeman or policewoman, unless such person has reached the age of twenty-one.
(Ord. 83-5T. Passed 1-18-83.)

153.11 SERVICE FEES FOR NONRESIDENTS REQUIRING POLICE ASSISTANCE IN MOTOR VEHICLE ACCIDENTS.

(a) The Village Police Department shall initiate service fees assessable against non- residents for the delivery of Police Department services, personnel, supplies and equipment to the scene of motor vehicle accidents. The rate of the service fees shall be that which is the usual, customary and reasonable costs (UCR), which includes any services, personnel, supplies and equipment and may vary based on the actual costs of the individual accident.

(b) The service fees shall be charged to the responsible or “at-fault” driver, initially filed to their motor vehicle insurance, representing an add-on-cost of the claim for negligent driving damages of the vehicles, property and/or injuries. The claim costs shall be filed to the insurance company, the owner of a vehicle, owner of property, or other responsible parties.

(c) The Municipal Manager may make rules or regulations, and from time to time may amend, revoke or add rules and regulations, relating to this section as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.

(d) All amounts collected as a result of this section shall be placed into a fund as established by the Finance Director to be used exclusively for personnel, supplies and equipment for the Police Department.

(Ord. 2010-36-TS. Passed 9-7-10.)

153.12 SERVICE REQUIREMENT ALLOWANCE.

Various allowances as provided by Council shall be administered as outlined in the Village of Greenhills Employee Handbook.

~~(a) Full time members of the Greenhills police force shall be entitled to compensation for maintenance of leather goods and equipment and for being armed and on stand by during off-duty hours while in the Village at the rate of one thousand dollars (\$1,000) per year.~~

153.13 CONTINUATION OF POLICE DEPARTMENT.

- (a) Since Greenhills has converted from a City to a Village, and Council deems it necessary to maintain continuity in the Police Department, the Chief of Police and all officers shall be reappointed at their present rank and pay grade.
- (b) All officers who have attained permanent status by January 1, 1982 shall be afforded the provisions of Ohio R.C. 737.171; any officer who has not attained permanent status shall serve a probationary period pursuant to Ohio R.C. 737.17.
- (c) All ordinances of the Municipality governing the administration of the Police Department that are not in conflict with this section shall remain in effect.
(Ord. 82-2T. Passed 1-1-82.)

153.14 PAYMENT OF EMPLOYEES' CONTRIBUTION TO POLICE DISABILITY AND PENSION FUND.

- (a) Council shall designate all participating employees' mandatory contribution to the Police Pension Fund as "picked-up" by the Village, although they shall continue to be designated as employee contributions. The amount of the employee's income reported by the Village as subject to Federal and State Income Tax, shall be the employee's total gross income, reduced by the then current percentage amount of the employee's mandatory retirement contribution. No employee's total salary shall be increased by such "pick-up" nor shall the Village's total contribution to the Police Pension Fund be increased thereby.
- (b) This "pick-up" provision shall apply to all participating employees of the Village of Greenhills.
- (c) This "pick-up" plan shall be effective with the first payroll date of 1983.
- (d) In the event that a majority of Village employees do not desire this "pick-up" plan, or if there is an adverse determination from the Internal Revenue Service affecting the qualifying status of this "pick-up" plan, this "pick-up" provision shall be null and void.
(Ord. 83-54F. Passed 12-19-83.)

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- Forwarding fingerprints and other data to State Criminal Bureau - see Ohio R.C. 109.58 et seq.
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- Police officer may arrest on view - see Ohio R.C. 2935.03, 2935.05, 2935.07
- False reports - see GEN. OFF. 525.02
- Impersonating an officer - see GEN. OFF. 525.03
- Resisting an officer - see GEN. OFF. 525.07, 525.09

153.01 COMPOSITION.

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153.02 DUTIES.

Police officers of the Municipality shall preserve the peace, protect persons and property and enforce all ordinances of the Council and all criminal and traffic laws of the State and the United States. (Ord. 72-23T. Passed 4-4-72.)

153.03 UNIFORM ALLOWANCE.

A uniform allowance will be provided to police officers as outlined in the Village of Greenhills Employee Handbook.

153.04 BONDS.

Each police officer shall give bond in the sum of one thousand dollars (\$1,000) and the cost thereof shall be payable out of the Municipal Treasury. (Ord. 72-23T. Passed 4-4-72.)

153.05 RETIREMENT. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 87-26L, passed July 7, 1987.)

153.06 ACTION BY POLICE OUTSIDE CITY.

Any action taken by any member of the Police Department outside the territorial limits of the Municipality, if taken in pursuance of any police matter involving the Municipality or if taken in the line of cooperation upon official police business with any of the other governmental units of the County, which action is ordered or approved of by the Chief of Police of the Municipality, or, if done upon an emergency basis, is subsequently ratified by the Chief of Police, shall be considered to be an action performed in the course of his/her employment as a member of the Police Department. (Res. 512. Passed 8-5-58.)

153.07 SPECIAL POLICE.

- (c) In addition to the full-time police provided for in Section 153.01, the Municipal Manager may employ part-time special police as he or she believes necessary in the interest of public safety. (Ord. 72-23T. Passed 4-4-72.)
- (d) Appointment of Special Police Officers.
- (2) Special Police Officers shall be appointed to the Police Department, if vacancies occur, by the Municipal Manager from a list provided by the Police Chief. Candidates shall meet the following qualifications:
- A. Be twenty-one years of age at time of appointment;
 - B. Be a "certified Police Officer" with the State of Ohio;
 - C. Pass a comprehensive background investigation and have no criminal convictions or extensive traffic history;
(Ord. 98-8T&S. Passed 3-3-98.)
 - D. Satisfactorily complete a psychological assessment by a licensed mental health professional;
(Ord. 03-21T&S. Passed 5-6-03.)
 - E. Pass a physical examination and drug screen;
 - F. Pass a physical agility evaluation; and
 - G. Pass an oral interview. Members of the Oral Board shall consist of qualified evaluators as selected by the Chief of Police and approved by the Municipal Manager.
- (2) The Municipal Manager may select one of the top three names on the list for appointment.
- (3) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the twelve months, he or she may be separated or, if his or her service was satisfactory to the Municipal Manager, appointed a Police Officer with the Police Department if vacancies exist. Special Police Officers shall be hired at a paid rate that reflects their experience and knowledge.

153.08 AUXILIARY POLICE. Repealed.

153.09 RULES FOR APPOINTMENT, PROMOTION AND REMOVAL.

Pursuant to Charter §5.12 the following rules for the appointment, promotion and removal of members of the Police Department, including the Chief of Police, are hereby adopted.

The Village, an equal opportunity employer, does not discriminate in hiring or employment on the basis of race, color, religion, creed, national origin, sex, age, handicap or ancestry. The Village complies with the provisions of all valid applicable Federal, State, County, and Municipal laws and ordinances pertaining to equal employment opportunity.

- (a) Appointment of Police Officers.
- (1) Elements and activities.
- A. Applications are accepted ongoing, and a list shall be valid for at least one year, unless otherwise determined by the Municipal Manager.

- B. A selection process is ongoing to develop a list of qualified candidates and the Police Department may solicit applications for police officers at any time.
- C. Recruitment, to participate in the selection process, is performed by the Chief of Police and the Police Department officers assigned by the Chief.
- D. The test is conducted at a pre-determined date, time and location.
(Ord. 98-8T&S. Passed 3-3-98.)
- E. Passing candidates may then be reviewed by a panel consisting of the Police Chief and other qualified evaluators. The candidates considered the best qualified after application, written test, oral interview and fitness assessment, are then selected by the Police Chief with the approval of the Municipal Manager.
- F. Remaining qualified candidates shall be retained on the eligibility list until the next selection process, but for no more than two years, unless extended by the Municipal Manager.

(2) Pre-test qualifications

- A. Candidates for police officer positions, to continue in the selection process, must possess, at a minimum, the following qualifications:
 1. Be twenty-one years of age at the time of appointment;
 2. Basic Peace Officers Certification from Ohio, or another State Certification which may be transferable to Ohio;
 3. Valid operator's license; and
 4. No criminal convictions or extensive traffic history.
- B. Waiver of any of the above minimum requirements must be approved by the Chief of Police.

(3) Written test.

- A. Only candidates meeting the pre-test qualifications may participate in the written test.
- C. No study guides are used.
- D. The written test is used to determine:
 1. Job-related reading comprehension and writing skills.
 2. Inter-personal skills which are determined to be most relevant to the potential for proper officer conduct; and
 3. Police officer knowledge - knowledge of legal issues.

(4) Guidelines for interpreting applicant examinations.

- A. Written tests are scored as soon as practicable
- B. Security of test administration.
 1. Candidates must display a valid operator's license bearing a photo for admittance into the test site.
 2. Applicant names are checked against a previously prepared test roster.
 3. Specific rules and procedures relative to the administration of the test may be developed by either the Chief of Police or the Municipal Manager.
 4. Based on the test scores, experience and other qualifications, the candidate(s) considered best suited for the positions will be invited to oral interviews.;
 5. A list is compiled ranking the highest scores to the lowest; and

6. Cut-off for continuation in the selection process for an oral interview is determined by the Chief, with the approval of the Municipal Manager. If there are only two or less candidates who are being considered for the oral interview, the Chief of Police, upon approval of the Municipal Manager, shall have the authority to open the process back-up and begin again by taking applications.
- (5) Oral examinations.
 - A. Oral interviews are conducted by the Oral Board, which shall consist of qualified evaluators as selected by the Chief of Police and approved by the Municipal Manager.
(Ord. 2005-20T&S. Passed 5-3-05.)
- (6) Re-application.
 - A. The Police Department permits re-application, re-testing and re-evaluation of candidates not continuing through the selection process or not appointed to probationary status, unless the condition(s) which previously eliminated them from continuing in the process or being appointed to probationary status are of such a nature that another rejection is assured. Examples of conditions which would assure rejection are:
 1. Criminal history;
 2. Uncorrectable physical disabilities preventing the candidate from performing the physical duties of a police officer;
 3. Background which includes serious chemical abuse; and
 4. Background which includes violent behavior or personal traits.
 - B. Due to the infrequency of recruiting efforts, there are no limitations to re-applications unless condition(s) exist as stated in subsection (b) (11) A. thereof to assure rejection.
- (7) Selection process - job relatedness. The selection process used by the Police Department is intended to measure those traits or characteristics that comprise a significant part of the job.
- (8) Selection criteria uniformity. Operational elements of the selection process, including time limits, oral instructions, written instructions, answer sheets, scoring formulas and notifications are clearly set forth and carried out identically for each candidate.
- (9) Notification of ineligibility.

Candidates determined not eligible to participate in the selection process or candidates determined not eligible for appointment are informed in writing of such a decision.
- (10) Candidates' records disposition.

All records of appointees and candidates not appointed to probationary status are maintained by the Chief in accordance with the Greenhills Police Department records retention schedule.
- (11) Polygraph examination
 - A. The polygraph operator administering the examination and evaluating the results in the selection process will have professional training and credentials in the use and interpretation of this investigative tool.
 - B. Polygraph results will not be used as the single determinant of employment status.

C. The polygraph is an investigative aid. Together with other information, the polygraph may be sufficient to support decisions relevant to employment status.

(12) Medical examinations.

A. As a condition of employment, a candidate selected to fill a position shall undergo a medical examination, including drug screening, at the Village's expense prior to appointment to probationary status. The purpose of the exam is to reveal any medical problems which may affect work performance or contribute to work related disabilities. The report from the medical exam must provide satisfactory proof that no medical problems exist which would affect the ability to perform the duties of police officer.

B. Only licensed physicians are used to certify the general health of candidates.

(b) Promotions to Sergeant.

(1) The position of Sergeant shall exist only at such times as the Municipal Manager, after consultation with the Police Chief, determines there is a need within the Department for a Sergeant. Promotions shall be made by the Chief of Police upon the approval of the Municipal Manager and Council. If the Municipal Manager determines that there is a need for a Sergeant, promotions will be given to an officer who meets prescribed promotion qualifications and who has performed the functions of a Police Officer in a manner which exemplifies good police work and credits the Police Department and Village.

(2) Regular Police Officers shall be considered for promotion to Sergeant if they meet the following requirements:

A. The officer is an existing officer with the Village who has served the Village for a minimum of two years as a full-time police officer.

B. The officer has performed his or her duties as a police officer with the Village in an acceptable manner and has received an annual performance rating of satisfactory or better.

C. The officer has not been the subject of a formal disciplinary action in the twelve months prior to the application that resulted in a suspension, reduction in rank or pay scale, the loss of off days or similar discipline.

D. The officer has satisfactorily passed the most recent physical examination and drug screen.

E. The officer has attained or met the additional education requirements to qualify for a supervisory position.

F. The officer has participated in and satisfactorily completed either an assessment center process or a written law enforcement related examination obtained from a neutral source and administered by an outside agency. An individual who fails to satisfactorily complete the examination will not be considered for promotion to Sergeant for the promotion for which the test was administered and for any promotion within one year of the administration of the test. The candidate must achieve a 70% or higher on the written examination if one has been administered to move to the next phase of the process.

G. The officer participates in an oral interview before a Review Board consisting of qualified evaluators as selected by the Chief of Police and approved by the Municipal Manager.

(3) Upon completion of the evaluation process, the Police Chief shall select and promote any of the top three candidates from the list upon the approval of the Municipal Manager.

(4) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the probationary period, he or she may be returned to his or her original rank if the Chief of Police, upon the approval of the Municipal Manager, determines that his or her service is unsatisfactory if the position remains vacant. (Ord. 04-46T&S. Passed 11-2-04.)

(c) Promotion to Rank of Lieutenant.

(1) When a vacancy occurs for the rank of Lieutenant, the Police Chief shall request from the Municipal Manager permission to staff the vacancy.

(2) Upon receiving approval from the Municipal Manager, the Police Chief shall interview all eligible candidates. The rank of Lieutenant shall be filled from the rank of Sergeant. The Police Chief, with appropriate recommendation, shall present the name(s) of the candidate(s) to the Municipal Manager for appointment. If there is only one eligible interested candidate, his or her name shall be presented; if the candidate is not acceptable to the Municipal Manager, the position shall remain vacant until a candidate can be developed or may be filled by lateral entry.

(3) To be eligible for Lieutenant a candidate shall be at least a Sergeant in good standing for one year and possess the necessary management skills to assume additional supervisory responsibility. The individual shall also have continued his or her education to qualify for promotion. This may include police schools, formal education, self-study work and other training to improve working knowledge in criminal justice.

(4) The successful candidate shall satisfactorily serve a twelve month probationary period. At the end of the probationary period, he or she may be returned to his or her original rank if he or she fails the probationary period and if the position remains vacant. (Ord. 98-8-T&S. Passed 3-3-98.)

(d) Appointment of Police Chief.

(1) When a vacancy occurs or is anticipated for the position of Police Chief, the Municipal Manager shall consult with the Safety Committee of the Village Council. The Municipal Manager shall establish a Search Committee which will consist of qualified evaluators as selected by the Municipal Manager. Such Search Committee shall solicit applications for the position by advertising, networking or other means determined by the Search Committee. Candidates for the position may include candidates from within the Department and/or outside the Department.

(2) Qualifications.

A. Have a Bachelor's degree in Criminal Justice or Police Science, or is enrolled in a formal program to complete such degree. Equivalent experience and training will be considered.

B. Satisfactorily complete relevant examinations as recommended by the Search Committee and determined by the Municipal Manager. Such examinations may include a physical examination, drug screen, and a personality test administered by a third party outside of the Village.

C. Satisfactorily complete an assessment center or such other assessment tools as may be selected by the Search Committee and, if deemed necessary, a current written

law enforcement examination and general knowledge examination may be requested by the Municipal Manager.

- D. Participate in an interview before an Interview Panel consisting of the Search Committee and any other participants deemed necessary by the Municipal Manager.
- E. Consent to a background and reference investigation to verify the integrity, education, social acceptance, and management skills of the candidate. This investigation shall be directed by the Municipal Manager using an appropriate agency.
- F. Have no criminal record or possess any personal traits or history that may discredit the Village or the Police Department.
- G. Have the necessary supervisory and police skills to be ready for promotion to the rank of Police Chief. The candidate shall be or have recently been a certified Police Officer of rank and position to qualify as a supervisor.

(3) Upon completion of the evaluation process, the Municipal Manager shall present a report to the Search Committee regarding the eligible candidates. After their review, the Municipal Manager shall then present a report to the full Council, which shall include the Municipal Manager's recommendations for the top three candidates. The Municipal Manager shall select the new Police Chief subject to the approval of the Village Council.

(4) The successful candidate shall satisfactorily serve a six-month probationary period before his or her appointment as Chief of Police is permanent. At the end of the probationary period, if the Municipal Manager determines that he or she has not successfully met the requirements for the position, he/she may be separated from the Police Department or returned to his/her original rank.

(Ord. 04-36T&S. Passed 7-20-04.)

(f) Authority and Duty of Chief of Police.

- (1) The Chief of Police has exclusive authority over the stationing and transfer of all officers and employees within the Police Department.
- (2) The Chief of Police shall suppress all riots, disturbances, and breaches of the peace, and to that end may call upon the citizens for their aid. The Chief of Police shall:
 - A. Arrest all disorderly persons in the Village and pursue and arrest any person fleeing from justice in any part of the State.
 - B. Arrest any person in the act of committing any offense against the laws of the State or the ordinances of the Village, and forthwith bring such persons before the Mayor or other competent authority for examination or trial.
 - C. Receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.
 - D. Perform all duties imposed by Federal, State and local laws, rules and regulations.
 - E. Promulgate rules and regulations for the Police Department.

(3) General Powers.

- A. The Chief of Police and the police force under him or her shall have the powers conferred by law upon police officer in all villages of the State, and such other powers, not inconsistent with the nature of their offices, as are conferred by ordinance.

B. The Chief of Police or any police officer of the Village may participate, as the director of an organized crime task force established under Ohio R.C. 177.02 or as a member of the investigatory staff of such a task force, in an investigation of organized criminal activity in any county or counties in this State under Ohio R.C. 177.01 to 177.03. (ORC 737.18)

(g) Disciplinary Action; Right of Appeal to Manager for Officers. The disciplinary process will be administered as outlined in the Village of Greenhills Employee Handbook.

153.10 AGE LIMITS OF ORIGINAL APPOINTEES.

No person shall be eligible to receive an original appointment to the Greenhills Police Department as a policeman or policewoman, unless such person has reached the age of twenty-one. (Ord. 83-5T. Passed 1-18-83.)

153.11 SERVICE FEES FOR NONRESIDENTS REQUIRING POLICE ASSISTANCE IN MOTOR VEHICLE ACCIDENTS.

- (a) The Village Police Department shall initiate service fees assessable against non-residents for the delivery of Police Department services, personnel, supplies and equipment to the scene of motor vehicle accidents. The rate of the service fees shall be that which is the usual, customary and reasonable costs (UCR), which includes any services, personnel, supplies and equipment and may vary based on the actual costs of the individual accident.
- (b) The service fees shall be charged to the responsible or “at-fault” driver, initially filed to their motor vehicle insurance, representing an add-on-cost of the claim for negligent driving damages of the vehicles, property and/or injuries. The claim costs shall be filed to the insurance company, the owner of a vehicle, owner of property, or other responsible parties.
- (c) The Municipal Manager may make rules or regulations, and from time to time may amend, revoke or add rules and regulations, relating to this section as they may deem necessary or expedient in respect to billing for these fees or the collection thereof.
- (d) All amounts collected as a result of this section shall be placed into a fund as established by the Finance Director to be used exclusively for personnel, supplies and equipment for the Police Department. (Ord. 2010-36-TS. Passed 9-7-10.)

153.12 SERVICE REQUIREMENT ALLOWANCE.

Various allowances as provided by Council shall be administered as outlined in the Village of Greenhills Employee Handbook.

153.13 CONTINUATION OF POLICE DEPARTMENT.

- (a) Since Greenhills has converted from a City to a Village, and Council deems it necessary to maintain continuity in the Police Department, the Chief of Police and all officers shall be reappointed at their present rank and pay grade.

- (b) All officers who have attained permanent status by January 1, 1982 shall be afforded the provisions of Ohio R.C. 737.171; any officer who has not attained permanent status shall serve a probationary period pursuant to Ohio R.C. 737.17.
- (c) All ordinances of the Municipality governing the administration of the Police Department that are not in conflict with this section shall remain in effect.
(Ord. 82-2T. Passed 1-1-82.)

153.14 PAYMENT OF EMPLOYEES' CONTRIBUTION TO POLICE DISABILITY AND PENSION FUND.

- (a) Council shall designate all participating employees' mandatory contribution to the Police Pension Fund as "picked-up" by the Village, although they shall continue to be designated as employee contributions. The amount of the employee's income reported by the Village as subject to Federal and State Income Tax, shall be the employee's total gross income, reduced by the then current percentage amount of the employee's mandatory retirement contribution. No employee's total salary shall be increased by such "pick-up" nor shall the Village's total contribution to the Police Pension Fund be increased thereby.
- (b) This "pick-up" provision shall apply to all participating employees of the Village of Greenhills.
- (c) This "pick-up" plan shall be effective with the first payroll date of 1983.
- (d) In the event that a majority of Village employees do not desire this "pick-up" plan, or if there is an adverse determination from the Internal Revenue Service affecting the qualifying status of this "pick-up" plan, this "pick-up" provision shall be null and void.
(Ord. 83-54F. Passed 12-19-83.)