

CHAPTER 139  
Police Division

EDITOR'S NOTE: In accordance with Ohio R.C. 737.13, the Director of Public Safety-Service has promulgated rules for the regulation, operation, discipline and guidance of the Police Division. Provisions relative to compensation received by members are not included herein since they are subject to frequent change. Fringe benefits are contained in Chapter 153.

139.01	Composition	139.05	Charges for police equipment and facilities
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CROSS REFERENCES

Director of Public Safety-Service as head - see CHTR. Art. IV, Sec. 4  
 Civil Service application - see CHTR. Art. V, Sec.3  
 Reductions, suspensions and removals - see Ohio R.C. 124.34 et seq.,737.12  
 Sick Leave - see Ohio R.C. 124.38  
 Police Chief Suspension - see Ohio R.C. 124.34, 124.40  
 Age and promotions - see Ohio R.C. 124.31, 124.44  
 Police protection contracts - see Ohio R.C. 737.04  
 Police Chief - see Ohio R.C. 737.06  
 Hours and leave - see Ohio R.C. 737-07  
 Classification of police personnel - see CHTR. Art. V, Sec. 3, Ohio R.C. 737.10, 737.13  
 General duties - see Ohio R.C. 737.11  
 Recovered property and disposition - see Ohio R.C. 737.29 et seq., 2933.41

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139.01 COMPOSITION.

The Police Division shall consist of the following officers and other members:

- (a) Regular members who shall be classified:
- (1) A Police Chief.
  - (2) Zero (0) Captains.
  - (3) Four (4) Lieutenants.
  - (4) Four (4) Sergeants.
  - (5) Twenty-four (24) regular Patrol Officers.

(b) Effective January 24, 2005 the Mayor shall have the authority to appoint from the current eligibility list, on a temporary basis, personnel to the position of regular Police Officer when necessary due to absence through disability or other cause.

(c) Supportive members who shall not be regarded as regular members and who shall be unclassified:

- (1) One (1) Executive Secretary;
- (2) Three (3) Para-Police Professionals/Secretaries, but only such number thereof to be employed as needed;
- (3) Such number of School Guards as are authorized by appropriation ordinances;
- (4) Such number of Park Guards as are authorized by appropriation
- (5) One (1) full-time Animal Control Officer.
- (6) Two (2) part-time Community Service Officers.
- (7) One (1) part-time Dispatcher.

(d) Assignment of regular members of the Police Division to Detective Duty is hereby authorized.

(e) Assignment of a regular member of the Police Division to duty as Executive Staff Assistant is hereby authorized.  
(Ord. No. 47-06. Passed 4/10/06.)

139.02 PHOTOSTAT AND PHOTOGRAPH CHARGES.  
REPEALED BY ORDINANCE 117-07  
(Ord. No. 117-07 Passed 12-10-07)

139.03 PRISONER DAILY FOOD ALLOWANCE.  
REPEALED BY AMENDED ORDINANCE 157-06  
(Ord. No. 157-06 Passed 1-9-07)

139.04 VEHICLE AND ACCESSORY EQUIPMENT STORAGE CHARGE.

(a) The facilities at 22401 Lake Rd. and 21012 Hilliard Blvd. are hereby authorized to be used for the storage of vehicles and accessory equipment that are in the temporary custody of the Police Division.

(b) The charge for each vehicle or accessory equipment stored at either facility is hereby established at Fifteen and 00/100 Dollars (\$15.00) per day per item. (Ord. 37-09. Passed 6-8-09.)

139.05 CHARGES FOR POLICE EQUIPMENT OR FACILITIES.

The following charges for the use of Police Division equipment and/or facilities by other law enforcement agencies are hereby established:

(a) A charge of Twenty-five dollars (\$25.00) for each breathalyzer examination conducted by a member of the Police Division plus an additional charge of Ten dollars (\$10.00) per month or portion thereof that each video tape of such examination is held pending final disposition of the matter. Such charges shall be waived for those law enforcement agencies with whom the City has a mutual reciprocal aid agreement.

(b) A charge of Seventy-Five dollars (\$75.00) per day or any portion thereof plus medical expenses incurred during incarceration for a prisoner in the Rocky River City Jail pending trial arraignment, release on bond, payment of fines or for any other such legal custody. Such charge shall not apply for a prisoner who is apprehended on warrants or capiases issued by the Police Division for another law enforcement agency or for a prisoner incarcerated for a period of less than three (3) hours. For those law enforcement agencies with whom the City has a mutual reciprocal aid agreement, one-half (1/2) the daily charge shall be waived.

(c) In addition to the above charges, the other law enforcement agency shall pay to the City for the court appearance time incurred by any member of the Police Division, to be computed on the basis of overtime hours, and for any cost incurred for the prisoner's clothing and medical needs.

(d) All funds so collected shall be paid into the General Fund. (Ord. 3-91. Passed 1-14-91).

139.06 AUXILIARY POLICE.

(a) Appointment of Members. There is hereby created within the Division of Police an auxiliary police unit to consist of not more than twenty-five (25) persons, the members of which shall be appointed by the Director of Public Safety-Service.

(b) Term of Service. Auxiliary police officers shall serve as long as the Director may direct, or until a resignation submitted by a member shall be accepted by the Director.

(c) **Qualification of Members.** The members of the auxiliary police unit may not be under the age of twenty-one (21) years at the time of their appointment, and shall meet such other requirements as provided by rules and regulations provided for in subsection (e) hereof.

(d) **Control of Unit.** The Director shall be the executive officer of the auxiliary police unit. The Chief of Police shall be the commanding officer and shall have control of the assignment, training, stationing and the direction of work. The auxiliary police unit shall have only such police powers and shall perform only such police duties as assigned by the Chief of Police, and shall act only when in prescribed uniform or portion of uniform.

The Mayor or Director shall prescribe the time and place such uniforms or portions thereof shall be worn. Such auxiliary members shall obey the chain of command of the Division of Police and shall take orders from all regular appointed members thereof.

(e) **Rules and Regulations.** The Director shall prescribe the rules and regulations for the organization, administration, conduct and control of the auxiliary police unit.

(f) **Uniform.** The Director is authorized to prescribe by rules and regulations the type of uniform or part thereof which shall be worn by members of the auxiliary police unit.

(g) **Service on Voluntary Basis; Compensation.**

- (1) All services performed by auxiliary policemen shall be on a voluntary basis.
- (2) Auxiliary policemen shall not be compensated for their services.
- (3) Auxiliary policemen shall not be entitled to any benefits of any relief or pension funds of the City or the State of Ohio, or any other similar benefit. Notwithstanding the foregoing, any Auxiliary Police shall be entitled to any and all relief under Workers' Compensation.  
(ORC 4123.01 et. seq.).

(h) **Non-liability.** This section is declared by Council as an exercise by the City of its police powers for the protection of the public peace, health, property, safety and general welfare. Neither the City, or agent or representative of the City, an officer appointed under the provisions of this section, or any individual, firm, partnership, corporation or the receiver, trustee or any agent thereof, who in good faith executes any executive order, rule or regulation promulgated pursuant to the provisions of this section, shall be liable for injury or damage sustained to person or property as the direct proximate result of such action. In addition to any other responsibilities or immunities, the members of the auxiliary police unit shall bear the same responsibilities and the same immunities as any other regularly employed member of the Division of Police, except as herein provided.  
(Ord. 110-67. Passed 3-25-68.)

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 139.07 FINGERPRINTING FEES

Rocky River Residents	no charge
Rocky River Businesses	\$10.00
Non Residents/Non Businesses	\$15.00

(Ord. 123-88 Passed 12-12-88.)

## 139.08 DEPOSIT OF CONFISCATED, UNCLAIMED OR FORFEITED FUNDS AND DEPOSIT OF PROCEEDS FROM CONFISCATED, UNCLAIMED OR FORFEITED PERSONALTY

(a) Funds which are confiscated and/or unclaimed or abandoned in the course of regular City of Rocky River Police Division business and are thereby forfeited are to be held by the Police Division for at least two (2) years.

(b) Personalities that are confiscated, unclaimed, abandoned and thereby forfeited in the course of regular City of Rocky River Police Division business are to be held by the Police Division for at least two (2) years and then best liquidated by appraisal and then sold at fair market value.

(c) The Chief of Police and Director of Safety Services shall make ready a deposit of unclaimed, abandoned and thereby forfeited funds and the proceeds from confiscated, unclaimed or forfeited personalities which have been held by the Police Division for at least two (2) years and which are liquidated by appraisal and then sold at fair market value. The Director of Finance shall then deposit said confiscated, forfeited or unclaimed funds and/or the proceeds from confiscated, forfeited or unclaimed personalty into the Donations and Bequests Fund – Police Division Account.

(d) Prior to December 1<sup>st</sup> of each year the Director of Safety Service and/or the Chief of Police shall report to the Director of Finance as to what funds, if any, meet the criteria of sections (a) and/or (b) above and that are ready for deposit.  
(Ord. No. 138-06 Passed 11-13-06)

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