University of CINCINNATI

Department of Public Safety
Police Division
Policies and Procedures

Title	**SOP Number**
Arrest, Processing, and Transportation of Detainees	**2.2.200**
Approval Signature 	
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Reviewed/Revised by	**Pages 24**
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I. **Purpose:** The purpose of this policy is to establish clear standards and procedures for arrests, searches, detainee processing, and transportation, to protect constitutional rights, ensure officer and detainee safety, and promote consistent enforcement practices.

II. **Policy:** It is the policy of the University of Cincinnati Police Division (UCPD) to conduct all arrest and search operations based on the standard of probable cause as required by the Fourth Amendment of the United States Constitution, statutory law, and applicable case law. All arrests and searches shall be documented, and those records shall be maintained according to law and Division policy.

In all arrest and search decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause. Personnel shall not consider race, ethnicity, national origin, gender, sexual orientation, socio-economic status, religion, citizenship status, and/or age in carrying out arrest activities, except when seeking one or more specific persons who have been identified or described in part by any of these characteristics.

When making the determination to initiate arrest and search proceedings, officers shall consider what is required by law and Division policy, as well as what is in the best interest of the University community. Officers shall remain objective and professional, and shall not allow emotions to influence their decision-making.

While officers conduct preliminary investigations as part of their regular duties, officers will not initiate or undertake any follow-up investigative action other than for exigent circumstances/emergency situations that require immediate police action without first informing their immediate supervisor or any on-duty supervisor. In instances requiring immediate police action, the officer must notify an on-duty supervisor as soon as possible after official action is taken. The on-duty supervisor must notify the Police Chief via the chain-of-command in accordance with UCPD policy 11.2.800 Command Staff Situational Awareness Notification.

III. Definitions

Alternate Officer: An officer who has sufficient knowledge and information to prosecute a case but is not listed as needed for court. This officer can substitute for the primary officer if necessary or can provide additional information helpful to the prosecution of a defendant.

Administrative Review: A documented evaluation of various types of police actions that do not require a formalized investigation; however, they are subject to a command-level evaluation for adherence to policies, training, and practices.

Arrest (Physical): A full seizure of a person based upon probable cause that the person committed a crime. A lawful arrest occurs when an officer has the intent to arrest a person, AND the officer has the authority to arrest the person, AND seizure of

the person occurs, AND the person understands they are under arrest. A full body search (defined) is permitted and required of every person physically arrested.

Arrest (Citation) – many law violations are appropriately handled by citing the offender on the appropriate document and sending them on their way, rather than by performing a physical arrest. Citation arrests do not authorize a search of the offender unless the officer has reason to believe that the suspect possesses weapons on his or her person and poses a threat to the officer's or another person's safety.

Body cavity search: An inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for the alleged commission of a crime. **A body cavity search is conducted by a licensed medical professional only and will never be conducted by UCPD personnel.**

Capias: An arrest warrant issued for the arrest of an offender/defendant in which the defendant has failed to appear in court as required or failed to follow an order of the court, such as paying a fine, attending a program, etc.

Consent: A clear and voluntary expression by a person to allow a law enforcement officer to search the person or property of the consenting party or property over which the consenting party has apparent control.

Contraband: Property or items that are unlawfully produced, possessed, or transported.

Detainee Processing: The performance of a series of actions to confirm and/or record the identity of a detainee, undertaken as a single, continuously monitored activity.

Duty to Disclose: An affirmative constitutional duty placed on law enforcement to disclose exculpatory evidence favorable to a defendant in a criminal proceeding. Police officers are required to provide potential exculpatory information to the prosecutor at the time a case is filed. The prosecutor has a further duty to provide this information to the defendant and/or the defendant's counsel. *Officers will document the existence of any known exculpatory evidence or statements during the investigative process in the report, and that information will be provided to the designated prosecutor in accordance with the Records Management policy.*

Exigent Circumstances: Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Fresh Pursuit: Immediate entry into a private residence or other private place without a warrant, without knocking, and without requesting permission or providing other notice of intent to enter when in continuous pursuit of a suspect who flees from the

officer or from a crime and goes from a public place to a private place to take refuge.

Full Body Search: A search that includes a complete search of the person, **on top of the clothing,** their clothing/pockets, etc., as well as any item in their actual possession, such as a purse or book bag.

In-Custody Death: The death of a person who is being detained by the University of Cincinnati Police Division.

Pat-Down: Also known as a "frisk" or "Terry frisk," is the external touching of the outer garments of an individual to search for weapons only and is conducted for the safety of all involved persons.

Pedestrian Stop and Field Interview: The brief detainment of an individual, based on reasonable suspicion, for the purposes of determining the individual's identity and resolving the officer's suspicions concerning criminal activity.

Primary Officer: The officer who can testify in court as to the probable cause that supports an arrest. This includes information establishing that a crime was committed as well as the particular facts and circumstances that establish that the defendant committed the crime. The primary officer should sign the necessary arrest paperwork and be designated as needed for court on the accompanying paperwork. In complex or multi-offense cases, it is possible to have more than one primary officer, but such cases require supervisory approval upon the filing of the case.

Probable Cause: Specific articulable facts and circumstances within an officer's knowledge of which the officer has reasonably trustworthy information sufficient to warrant a person to believe an offense has been or is being committed by the person being arrested. Probable cause is always required in order to obtain an arrest warrant, make an arrest without a warrant, obtain a search warrant, or conduct certain searches without a warrant.

Reasonable suspicion: In the present context, the totality of the circumstances in each incident or situation that provides an officer with a particularized and objective basis for suspecting legal wrongdoing. The process allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them. Reasonable suspicion is more than a hunch or feeling that an officer might have about an individual or circumstances. It is based on specific facts that, when taken together with rational inferences, reasonably warrant a stop. Reasonable suspicion justifies a stop. But, in order to arrest a person, the officer must establish probable cause.

Search: An examination by a police officer of a person, place, thing, or vehicle for contraband or evidence of a crime. A search is permitted based on consent, the presence of a search warrant, or a valid exception to the requirement for a search warrant.

Seizure: A taking by law enforcement of contraband, evidence of a crime, or a person into custody. A person is seized when, in view of all the circumstances surrounding an incident, a reasonable person would believe they are not free to leave. Seizures of persons must be based on reasonable suspicion or probable cause.

Strip Search: "Strip search" means an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually (no touching of genitalia, buttocks, breasts), while the person is detained or arrested for the alleged commission of a crime.

Warrant (Arrest): An order of the court granting the authority to arrest an offender. An original arrest warrant is one in which the offender has not yet been before a court of record on the matter.

IV. General Information:

A. Officers requiring interpreter services during an investigation should contact the UCPD Communications Center with that request. The Communications Center has contact information to obtain interpreter services on a 24/7 basis.

B. There is no legal requirement for the operator of a motor vehicle to physically possess their driver's license when operating a motor vehicle. In Ohio, a driver must be issued a valid driver's license and must furnish sufficient information to a peace officer, upon request, to satisfactorily prove they have been issued a valid driver's license. This proof must include the driver's name and sufficient personal information (i.e., DOB, address, etc.) that allows an officer to use existing law enforcement databases to verify the validity of the driver's license. Lacking physical possession of a driver's license does not, by itself, constitute probable cause to arrest the person.

C. The United States Supreme Court ruled in the case of Giglio v. United States (1972) that prosecutors are required to provide to the defendant or defendant's counsel in a criminal proceeding any information that may impeach the credibility of a witness. This duty extends to police officers. If an officer has a past record of misconduct that could impact their reputation for truthfulness, this information must be provided to the prosecutor, who must, in turn, provide that information to the defendant, and this information may be used by the defendant at trial.

D. When an adult is discovered with an active juvenile warrant, officers should contact the Hamilton County Juvenile Court Clerk's Office to obtain processing instructions.

E. Misdemeanor offenses are not extraditable. Persons wanted for outstanding misdemeanor warrants/capiases from another state may not be arrested or

detained in Ohio unless there are outstanding local charges.

F. All procedures of this policy apply uniformly to adult and juvenile detainees, unless otherwise noted.

G. When questioning, searching, detaining, arresting, interrogating, or interviewing juveniles, they shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner.

V. Procedure

A. Alternatives to arrest
In the case of non-violent misdemeanor violations where the offender is a student, Officers have discretion to counsel the offender and refer the incident to the Office of Student Conduct and Community Standards within Student Affairs for disposition. The Records Manager will forward the associated report to Student Affairs.
In the case of non-violent misdemeanor violations where the offender is a University of Cincinnati (UC) employee, officers have the discretion to counsel the offender and refer the incident to UC Human Resources.
In the case of non-violent misdemeanor violations where the offender is a University of Cincinnati (UC) visitor, officers have the discretion to counsel the offender and issue a verbal or written warning.
In all cases listed above, the officer will document the incident and disposition on an Information Report in the Report Management System (RMS).

B. Arrest without a warrant
1. An Officer shall arrest and detain without a warrant, until a warrant can be obtained:
    a. Any person observed violating any law of the State of Ohio or ordinance of the City of Cincinnati.
    b. Any person whom the officer has probable cause to believe is guilty of committing an offense of violence, criminal child enticement, public indecency, domestic violence, menacing by stalking, aggravated trespass, a theft offense, violating a protection order, or felony drug abuse within the jurisdiction of the University of Cincinnati police officer.
    c. Any person who the officer has probable cause to believe has been operating a motor vehicle in violation of 4506.15(A)(B)(C) OR 4511.19(A).
    d. When a felony has been committed or there is probable cause to believe a felony has been committed, any person without a warrant may arrest another whom they have probable cause to believe is guilty of the offense and detain them until a warrant can be obtained in accordance with Ohio Revised Code 2935.04.
    e. When a person has been arrested without a warrant the officer shall, without unnecessary delay, take the person before a court or magistrate and file or cause to be filed, an affidavit describing the offense for which the person was arrested in accordance with Ohio Revised Code 2923.05.

f. A person arrested without a warrant shall be informed by the arresting officer of that officer's authority to make the arrest and cause of the arrest. When a person is engaged in the commission of a criminal offense, it is not necessary to inform him of the cause of his arrest in accordance with Ohio Revised Code 2935.07.
g. In accordance with any applicable mutual aid agreements and laws, on-duty officers may, without request or prior notice, continue to conduct investigations that originate within UC's jurisdiction and continue into the jurisdiction of a department with which UCPD has an active mutual aid agreement (cooperating Agency).
    1) If enforcement action is anticipated, the location and nature of the investigation shall be reported to the cooperating Agency as soon as practicable.
    2) Reporting should be initiated via radio communication by one of the officers on scene switching to the appropriate radio channel and advising the cooperating Agency's dispatch.
    3) Subsequent arrests, search warrant service, or similar police actions shall be coordinated between UCPD and the cooperating Agency.

C. Felony Arrest:
1. Officers will make a physical arrest on all original felony charges, felony warrants, and felony capiases. Absent extenuating circumstances and approval by a command officer, no person will be cited or re-cited for a felony offense.
    a. Pre-existing felony warrants and capiases must be confirmed through the Hamilton County Central Warrant Processing Unit (CWPU) at 513-946-6200 or other issuing jurisdiction, prior to arresting the person, or the appropriate warrant processing unit outside Hamilton County.
2. Persons arrested for any original felony offense will be transported to the Hamilton County Justice Center, provided the issuing agency has assigned a pick-up radius covering the Cincinnati area. Persons found to be wanted on any warrant/capias that does not include the Cincinnati area within their pick-up radius will be released if there are no other outstanding local charges.
3. DNA Specimen Collection: ORC 2901.07 requires persons eighteen years of age or older who are arrested for a felony offense (including felony warrants/capiases) to submit a DNA specimen to the arresting law enforcement agency.
    a. Central Intake personnel at the Hamilton County Justice Center will handle DNA specimen collection and ensure proper verification and submission through the Ohio Law Enforcement Gateway (OHLEG).
4. Documents required to complete a felony arrest include but are not limited to:
    a. Complaint
    b. Affidavit
    c. Form 527 (Arrest form)
    d. Trial preparation form

If the arrestee is a student, the Records Manager will forward the report to Student Affairs. If further documentation is required for Administrative Review proceedings, it

will be provided in accordance with the Public Information policy. Administrative Reviews will not be delayed in lieu of criminal proceedings; criminal proceedings that may result can occur concurrently.

D. Misdemeanor Arrest and Misdemeanor Warrant Service
   1. All adults charged with misdemeanor offenses (original charges, traffic charges, and warrant service) are eligible for release via a citation (Form 527, Municipal Uniform Traffic Ticket (MUTT), Notice to Appear/Minor Misdemeanor citation (NTA) unless:
      a. charged with a sex offense (ORC 2907)
      b. charged with a weapons offense (ORC 2923)
      c. charged with menacing by stalking
      d. charged with OVI as a third offender
      e. charged with domestic violence
      f. living in an area where extradition will be necessary to ensure court appearance.
      g. Specific language in the arrest document requires physical arrest (i.e. probation violation warrant stating “physical arrest required” or specific instructions to arrest from the court issued within a capias)
      h. Wanted on a Hamilton County warrant with a case number that begins with the letter A, B, F, or P. These cases require disposal through the Common Pleas Court and thus require a physical arrest.
   2. Pre-existing misdemeanor warrants and capiases issued by the Hamilton County Municipal Court must be confirmed through the Hamilton County Central Warrant Processing Unit (CWPU) at 513-946-6200, issuing jurisdiction, or the appropriate warrant processing unit outside Hamilton County prior to arresting the person.
      a. If a misdemeanor arrest warrant or capias is issued by another Hamilton County jurisdiction, it must be verified by contacting the issuing jurisdiction. Upon verification, officers will make arrangements with the issuing jurisdiction agency for the disposition of the offender.
      b. If a misdemeanor warrant or capias is issued by a jurisdiction in Butler, Warren, or Clermont County, Ohio, it must be verified by contacting the issuing jurisdiction. Upon verification, officers will make arrangements with the issuing jurisdiction agency for the disposition of the offender. Acceptable dispositions include:
         1) Transporting the detainee to the UCPD Station and awaiting the issuing jurisdiction agency’s arrival to take custody of the detainee.
         2) Meeting the issuing jurisdiction agency at the nearest county line.
         3) Transporting the detainee to the HCJC if original charges are also being filed.
      c. Persons found to be wanted on any Ohio misdemeanor warrant/capias that does not include the Cincinnati area within their pick-up radius will be released if there are no other outstanding local charges.
   3. Documents required to complete a misdemeanor arrest may include but are not

limited to:
   a. Form 527 (Arrest form)
   b. Complaint
   c. Affidavit
   d. Municipal Uniform Traffic Ticket (MUTT)
   e. Notice To Appear (NTA)
4. If the arrestee is a student, the Records Manager will forward the report to Student Affairs. If further documentation is required for Administrative Review proceedings, it will be provided in accordance with the Public Information policy. Administrative Reviews will not be delayed in lieu of criminal proceedings; criminal proceedings that may occur concurrently.

E. Minor Misdemeanor Citations
1. A police officer **must** issue a citation to appear in court rather than physically arrest a person for any violation classified as a minor misdemeanor, regardless of the violator's place of residence, unless one of the following applies:
   a. The person requires medical care and is unable to provide for their safety. In this instance, always summon medical assistance first, prior to processing the person for the law violation.
   b. The person cannot or does not offer satisfactory proof of identity.
   c. The person refuses to sign the citation. Officers will attempt to ensure the person understands their signature is not an admission of guilt, prior to a physical arrest.
2. It is not legal to remove a person from the place they are found when issuing a minor misdemeanor citation unless the safety of the officer or the person is jeopardized if they are not moved a reasonable distance.
3. The right to conduct a pat-down or frisk is not automatic if a person has committed a minor misdemeanor violation. An officer may only pat down or frisk a person being issued a minor misdemeanor citation if the officer can articulate reasonable suspicion that the person is armed and poses a threat to the officer.
4. There is no right to search a person incident to a minor misdemeanor citation. Absent proper consent, any further search of a minor misdemeanor offender is improper. If consent to search is granted, officers shall complete UCPD Consent to Search without a Warrant, Form-4, prior to conducting the search. If the officer is unable to access the consent form, he/she shall capture the advisory and consent on their BWC.
5. Once consent is given, the person who is consenting retains the right to change their mind, withdraw consent, stop the search, or limit the search at any time.

F. Capias Arrests
1. When an officer becomes aware that a capias exists for a person, the officer must confirm the validity of the capias before arresting the person by having the UC Communications Center call the Hamilton County Central Warrant Processing Unit (CWPU) at 513-946-6200.
   a. All Hamilton County Municipal Court capiases require a physical arrest

unless CWPU grants permission to re-cite the person after the confirmation process.

b. If a minor misdemeanor capias is issued by another Hamilton County jurisdiction, it must be verified by contacting the issuing jurisdiction. Upon verification, officers will make arrangements with the issuing jurisdiction agency for the disposition of the offender. Acceptable arrangements include:
   1) Maintain the detainee in custody and await the issuing jurisdiction agency's arrival to take custody of the detainee within a reasonable time period.
   2) Meet the issuing jurisdiction agency at an agreed upon location
   3) Transport the detainee to the HCJC

c. If a verified capias only involves a Stay to Pay failure, and the offender has the willingness and means to pay the outstanding charge in total, the officer will transport the offender to the Hamilton County Clerk of Courts' Office at 1000 Sycamore Street to pay the outstanding fine/fees. Upon payment, the Clerk will recall the capias, and the officer can then release the offender.

2. Documents required to complete a misdemeanor arrest include, but are not limited to:
   a. 527 form (Arrest form) or Notice to Appear (NTA)

G. Enforcement Action Involving a Student, Staff, or Faculty Member
1. Officers shall immediately notify their supervisor upon the physical arrest of any student, staff member, or faculty member of the University of Cincinnati by UCPD.
   a. The supervisor shall notify the chain-of-command, including the Police Chief, via email before the end of the shift. After review, the Police Chief shall ensure the notification is forwarded to the Director of Public Safety, the Vice President for the Office of General Counsel, and the Chief Human Relations Officer for the University.
   b. In the event of a high-profile incident/arrest, the supervisor shall expedite the notification of the chain of command by telephone call, ensuring the Police Chief is contacted in accordance with UCPD policy 11.2.800 Command Staff Situational Awareness Notification.
   c. Any member becoming aware that another agency has physically arrested any student **(felony arrest only for student)**, staff, or faculty member shall follow the same notification protocol.
2. Officers shall immediately notify their supervisor of any enforcement action, allegation of criminal activity involving any **student athlete** of the University of Cincinnati.
   a. The supervisor shall notify the chain-of-command, including the commander of the Field Operations Bureau. The Field Operations Bureau Commander shall make notifications as necessary to the Athletics Department, as well as the Assistant Police Chief.

H. Observations and response to criminal violations while off-duty
1. If an off-duty officer observes a criminal violation within the jurisdiction of the

UCPD that requires enforcement action, the officer will contact UC Communications Center.
   a. This provision does not apply to officers working details within UCPD's jurisdiction.
   b. In exigent circumstances that require the officer to intervene immediately, the officer may take immediate action. Immediately upon stabilizing the scene, the officer must summon an on-duty supervisor to respond and assist.
2. Off-duty officers observing a criminal violation necessitating enforcement action outside of UCPD jurisdiction will contact the appropriate jurisdictional police agency to handle the matter.
   a. In exigent circumstances that require the officer to intervene immediately, the officer may take immediate action. Immediately upon stabilizing the scene, the officer will contact the appropriate jurisdictional police agency to respond and take over.
   b. Immediately thereafter, the officer must contact an on-duty UCPD supervisor to respond and assist.
3. In all instances where an off-duty UCPD officer takes law enforcement action, the responding supervisor will:
   a. Respond to the scene, if within 60 miles of UCPD jurisdiction. If beyond 60 miles, the Police Chief will determine the next steps.
   b. Determine the circumstances, parties involved, agencies involved, etc.
   c. Assist the off-duty officer involved to the degree possible
   d. Prepare an administrative review on an Internal Correspondence Memo, Form-5, to the Police Chief containing all pertinent details.

I. Supervisory Review of Arrest
   1. Supervisors shall review all arrests.
   2. Officers must contact their supervisor as soon as practical for a review of all arrests in which the detainee:
      a. Has obvious physical injuries, no matter when the injury was incurred.
      b. Claims physical abuse by the officer or wishes to file a complaint against the officer or the UCPD.
      c. Is charged with Assault on a Police Officer or Resisting Arrest
      d. Is refused admittance into HCJC for any reason.
      e. Requires an interview or observation by a supervisor as per other UCPD policies.
      f. Is being arrested for any felony.
   3. Upon notification, the supervisor will meet with the officer and the detainee, conduct a visual observation of the detainee, speak briefly with the detainee to determine any outstanding issues or complaints, and review the completed paperwork.

J. Officers Needed for Court
   1. When preparing necessary paperwork for any arrest or citation, only the primary officer needed to successfully prosecute the case will be listed as needed for court. If additional officers are required to successfully prosecute a complicated

or multiple-incident case, then supervisory approval is required prior to filing the charges.

a. Supervisory approval will be noted on the Arrest Report (Form 527)
b. Alternate officers who could prosecute the case if the primary officer is unavailable for court should be listed on the related ARMS report.

K. Securing, Searching, Processing, Interviewing, and Transporting Detainees

1. Any officer managing any person in custody has a duty to protect the detainee from harm or injury. Officers assigned to maintain or transport a detainee will not become involved in any other activity, barring extreme exigent circumstances.
2. Officers are responsible for minor and adult dependents of a physically arrested person. An example of an adult dependent is an adult with physical or mental impairments. Officers shall work with the arrested person to devise a safe and acceptable disposition for the care of any dependents. In the event the arrested person cannot or will not assist with making arrangements, officers can contact 241-KIDS for minors and 421-LIFE for dependent adults.
3. Persons in physical custody may only communicate with a physician or a member of their immediate family when practical, with the approval of the arresting officer. Officers will assist arrested persons with contacting family members as necessary to prevent undue alarm. When dealing with a juvenile detainee, the officer will contact a parent or guardian as soon as practical.
4. During a custodial interrogation, officers will not prevent the person in custody from communicating with their attorney if requested.
5. Handcuffing – When possible, handcuff all detainees with their hands behind their backs. Apply handcuffs between the hand and the protruding wrist bone with the detainee's palms facing out and the key holes facing up if possible.
   a. Apply handcuffs directly over the skin, not over clothing or jewelry. Handcuffs should be reasonably snug but not so tight as to bite into the skin or restrict blood flow. Handcuffs should be double locked to prevent unintentional tightening.
   b. Do not leave handcuffed individuals prone on the ground. Once under control, handcuffed persons should be moved to a seated or standing position immediately.
   c. Pregnant or up to six-week post-partum female detainees/arrest.
      1) In accordance with ORC 2901.10 and 2152.75, officers may handcuff a pregnant or post-partum female detainee following arrest, transportation, and routine processing and booking.
      2) Based on this section of the ORC, the **preferred course of action** for a pregnant or up to six-week post-partum female detainee is to issue a summons and release at the scene.
      3) If physical detainment or arrest is required, handcuffs should be applied with hands in front of the female's body, versus the standard behind-the-back position.
      4) The suspect should be transported and/or released from custody as soon as possible.
      5) Two officers will transport any pregnant or postpartum female up to six

weeks after childbirth as a detainee.

6) Before the transport, if requested by the detainee or if there are obvious signs of distress, local Emergency Medical Service (EMS) will be called to the scene to check on the condition of the pregnant or up to six-week post-partum female detainee.

d. For large detainees, two sets of handcuffs may be looped together to allow for more comfortable handcuffing.
e. When necessary or appropriate, persons who are handicapped or injured may be handcuffed in the front.
f. Detainees will not be handcuffed together.
g. Handcuffed persons will be removed from public view as soon as possible.
h. Persons being detained for an investigatory stop or the issuance of a citation may be temporarily handcuffed if they exhibit behavior that creates a reasonable belief they may flee or become resistive or assaultive.
i. The practice of restraining a person's ankles or feet and connecting ankle restraints to handcuffs (also known as hog-tying) is prohibited.
j. Officers may remove handcuffs from an arrested person if, in their judgment, it benefits the police mission and does not create any undue risks. Examples of such situations include a detainee requiring medical treatment, being processed for an OVI, or being interviewed.
k. When transferring a detainee from one set of handcuffs to another, it is preferable to apply the second set under the first set, prior to removing the first set.
l. The use of flex cuffs is prohibited unless approved by a supervisor. Flex cuffs may be approved when handling mass arrest situations or civil disturbances.

6. Detainee Searches
   a. Physically arrested persons should be handcuffed prior to being searched. Officers searching handcuffed detainees should do so from behind the detainee.
   b. Officers accepting a detainee from another officer shall perform a separate search of the detainee.
   c. Whenever possible, utilize an officer of the same gender as the detainee to conduct the search. This includes requesting an officer of the same gender from a neighboring jurisdiction to come to the scene if available.
      1) When opposite gender searches must occur, they will be done with the blade edge of the hand and will be limited to the discovery of weapons. Then transport the detainee to the appropriate facility for a same-gender search.
7. Detainee processing, interviews, and interrogation
   a. Generally, detainees will either be processed at the location of the arrest and released with a citation or transported directly to the appropriate detention facility. If the detainee requires additional processing to complete any associated paperwork, testing, interview, interrogation, etc., the following procedures will apply:

1) Processing at the UCPD facility shall be completed expeditiously.
2) When entering the UCPD facility, the detainee will be taken directly to the Processing Room.
3) Before entering the Processing Room, the officer will visually inspect the room to ensure there are no weapons or contraband present.
4) After the Processing Room has been visually inspected, the detainee will be instructed to enter the room and remain seated. No weapons are permitted inside the Processing Room while a detainee is present. Any officer entering the Processing Room to interact with the detainee shall first secure all weapons, including firearms, ASP batons, and other authorized weapons, in the designated lockbox outside the Processing Room. Weapons shall remain secured until processing is complete.
6) The arresting officer will document the date and time the detainee was brought in/out of the Processing Room, and the reason the detainee was brought to the facility on the Processing Room Log Sheet, Form 6, outside the Processing Room.
7) The Processing Room door does not have a locking mechanism. Under no circumstances will an officer attempt to secure the Processing Room door.
8) Detainees will not be secured to any fixed objects.
9) The arresting officer is responsible for the supervision of the detainee unless custody has been transferred to another officer or investigator. A transfer of custody may be formal or informal and occurs whenever another officer or investigator accepts responsibility for supervising the detainee, including temporary situations such as watching the detainee while the arresting officer attends to other duties.
10) To prevent escape, the detainee will be visually monitored in person or through the room window at all times.
11) The Processing Room will have a duress alarm monitored by the Communications Center, should the officer have an emergency or need assistance in the Processing Room. In addition, the officer may use his/her radio emergency button to request emergency assistance.
12) In situations involving multiple simultaneous arrests, alternative UCPD facilities, such as interview rooms or conference rooms, may be used for detainee processing when the designated Processing Room is unavailable or insufficient. Detainee processing conducted in these alternate locations shall adhere to the same procedures, security requirements, and operational principles established for the Processing Room to the greatest extent practicable. When the physical layout or operational circumstances make compliance with a specific requirement (e.g., securing weapons in a lockbox outside the room) impracticable, officers shall use reasonable measures to maintain officer safety, detainee security, and the integrity of the processing environment while minimizing unnecessary exposure to weapons.
13) Before a custodial interrogation, the detainee must be advised of his or her rights. Officers may have the detainee sign the UCPD Notification of

Rights, Form-3.

14) Custodial interrogations of suspects in any violent crime as defined in ORC 2933.81 shall be electronically recorded (audio and video).
    a) The recording must be preserved until after all appeals, post-conviction relief proceedings, and habeas corpus proceedings are final and concluded.
    b) All electronic recordings will be clearly identified and catalogued for preservation. The recording should start by identifying the person being interviewed, identifying who is in the room for the interview, referencing the case, location, date, and time of the interview.
    c) Officers wishing to conduct a custodial interrogation of an inmate at the Hamilton County Justice Center that requires electronic recording under ORC 2933.81 shall contact the Intake Supervisor at 513-946-6707 to make arrangements for the use of their secured interview facility.
    d) Ohio prisons have similar facilities available should the need arise to conduct a custodial interrogation of a prison inmate.
    e) If the detainee is a juvenile, an attempt will be made to notify the parents or custodians before the interview.
    f) No more than two officers will interview a detainee at a time, and interviews will go no longer than four hours without a break.
    g) Detainee requests for water or the use of the restroom will be accommodated.

8. Transporting Detainees – Officers will not leave a detainee or person in their custody unattended for any reason. This includes instances occurring in the field, the patrol vehicle, the UCPD station, and at the Hamilton County Justice Center or some other government facility. This duty terminates when custody of the detainee/person is clearly transferred to another officer or agency.
    a. All detainees will be searched before transport.
    b. All physically arrested detainees will be transported promptly to the appropriate facility following any necessary investigation and/or processing.
        1) Adults are transported to the Hamilton County Justice Center, located at 1000 Sycamore Street
        2) Juveniles are transported to the Hamilton County Juvenile Court Youth Center, located at 2020 Auburn Avenue
        3) Adults and juveniles arrested outside of Hamilton County will be transported to the appropriate facility in that county.
        4) Adult and juvenile detainees should be transported separately when feasible.
    c. Officers shall activate their BWC and IVRS for the duration of time they are transporting a detainee.
    d. Only marked vehicles equipped with a screen will be used to transport detainees. The sliding partition of the screen should be closed during transport.
    e. Detainees will be handcuffed during transport and may also be leg shackled if there is reason to believe they are an escape risk.

1) If the detainee is physically disabled in a manner that will not allow for normal detainee handcuffing and transport procedures to be followed, before transport, the officer will contact the supervisor to help determine the best method of transporting the detainee in a manner that will maintain safety and security.

f. The seatbelt must always be fastened on the detainee for transport.
g. Notify the Communications Center when transporting a detainee and upon arrival at the final destination, giving the starting and ending mileage of the police vehicle.
h. Notify a supervisor immediately if a detainee is refused admittance into any holding facility for any reason.
i. If the need arises for medical care or if the detainee claims the need for medical care, summon appropriate medical response and immediately notify a supervisor.
j. Officers involved in the use of force involving a detainee shall not be the transporting officer for that detainee.
k. Search the seating area of any vehicle used to transport a detainee both immediately before and after the detainee transport.
l. When multiple detainees are anticipated, the Cincinnati Police Department, the Hamilton County Sheriff's Office, and the Clermont County Sheriff's Office have vehicles available for transporting multiple detainees.
m. Upon arrival at the detention facility, officers must secure their firearms and any other weapons required by the facility in their vehicle or in the lock box provided by the facility.
n. Officers will then remove the detainee from the vehicle and deliver the detainee and necessary paperwork to the facility intake officer.
o. Officers should not remove the handcuffs or shackles until inside the secured area of the intake facility.
p. Officers will verbally communicate, and document on the 527 Arrest form any knowledge of medical, mental health, or security concerns posed by the detainee (suicidal, escape risk, etc.) when transferring custody of the detainee to another officer or agency.
q. Officers will obtain a copy of the 527-arrest form confirming the transfer and receipt of the detainee. Officers will include this copy with the submitted report to be kept in agency records.
r. Officers will not cross state boundary lines with a detainee, unless a court has granted extradition of the detainee from one state to another. Arrests made in another state must be processed into the local holding facility in that state pending an extradition hearing.

9. Custody Disposition
   a. Whenever a person is taken into custody, the officer shall document the details of the individual's release in the **Custody Disposition** section within Axon.
10. Medical Aid and Treatment
   a. If a detainee becomes sick or injured while in custody of UCPD, as soon as practical, an officer(s) shall provide appropriate medical care consistent with

his or her training. This shall include providing first aid, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility.

b. An officer shall always request Emergency Medical Service (EMS) to the scene in the following instances:
   1) An individual claims injury or sickness
   2) An injury to the individual is observed
c. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If an audio or video recording is made of a contact with the individual, any refusal should be included, if reasonably possible.
d. If it is determined by EMS that the detainee requires transport to a medical care facility, the UCPD officer responsible for the person shall follow immediately behind the medical transport vehicle to the hospital or medical care facility.

11. In-Custody deaths
    a. Should an in-custody death occur, the officer on the scene shall:
       1) Call for medical aid
       2) Immediately notify the supervisor
       3) Secure the scene and any evidence
    b. Once notified, the supervisor shall
       1) Ensure medical aid has been requested
       2) Secure the scene and any evidence
       3) Separate any witnesses if possible
       4) Notify the Police Chief immediately for an investigation assignment
    c. At the direction of the Public Safety Director, an outside investigative entity (Cincinnati Police Department, Blue Ash Police Department, Clermont County Sheriff's Office, Hamilton County Sheriff's Office, Ohio State Highway Patrol, Ohio Bureau of Criminal Investigation) may be immediately requested to respond and assume investigative responsibility for an in-custody death as defined by this policy. If requested, the designated outside investigative agency will investigate and report per its standard operating procedure (SOP). All outside investigations of an in-custody death will include, to the extent possible, appropriate crime scene analysis, review of the BWC(s), and In-Car Video Recording System. The investigating supervisor or command officer will brief outside investigative agency investigators if assigned.
    d. At the direction of the Director of Public Safety, and in consultation with the University of Cincinnati's Office of the President and Office of General Counsel, an independent consultant may be hired to conduct the administrative investigation for an in-custody death as defined by this policy. If such an independent consultant is retained, the designated investigator will investigate and report per their standard operating procedure (SOP).
12. Hospitalized Detainees – If an adult detainee requires observation or treatment at a hospital for an extended period of time, the shift supervisor will determine if an officer will maintain security of the detainee, or if a UC Medical Center Law

Enforcement Notification Form will be completed, or the detainee will be cited to court.

a. If directed by the shift supervisor, the officer will complete the UC Medical Center Law Enforcement Notification Form or the appropriate form at other medical facilities to hold the detainee and to notify UCPD before discharge.
    1) Notify hospital security and ask that they notify UCPD Communications Center when the detainee is ready for discharge.
    2) Put copies of the Hospital Hold form and other appropriate paperwork in the Emergency Communication Center.
b. Depending on charges, the on-duty patrol supervisor may assign an officer to be physically present to maintain custody of the detainee at the hospital or medical facility until discharge.

13. Search Information
    a. Police authority to search is derived from a search warrant or circumstances that fit into a clearly defined exception to the warrant requirement. The Fourth Amendment to the US Constitution regulates three main areas within search and seizure law.
        1) Searching of persons
        2) Searching Places and Items
        3) Seizing Evidence
    b. It is always preferable to secure a search warrant when time and circumstances permit.
14. Primary Exceptions to the Requirement for a Search Warrant
    a. Search Incident to Arrest – officers may conduct a full body search in situations where they make a physical arrest of a person. This includes a complete search of the person, their clothing/pockets, etc., as well as any item in their actual possession, such as a purse or book bag.
        1) The officer may also search the area within the arrested person's immediate control, which includes any area the arrested person could reach at the time they are arrested. This search must be contemporaneous with the arrest of the person. Any delay or movement of the arrested person voids the right to search the immediate area.
        2) Search incident to arrest does NOT carry with it the right to search the contents of electronic devices. In order to search or view the information contained in an arrested person's computer, cellular telephone, or other electronic device, the officer must obtain a separate search warrant.
        3) Search of a Motor Vehicle Incident to Arrest – the courts have ruled that once a person is removed from a vehicle and arrested, their ability to access items in the vehicle is severely limited. Therefore, officers may only search the passenger compartment (not the trunk) incident to arrest and may only search if it is reasonable to believe there is evidence present connected to the reason the person was arrested.
        4) Protective Sweep of a Residence Incident to Arrest – when an officer makes a physical arrest inside a residence, the officer has the right to look in spaces immediately adjacent to the room where the arrest occurred. This includes closets, adjoining rooms, etc. The purpose is to

look for additional persons who may be present, so the officer is not surprised by the sudden appearance of another person. No probable cause or reasonable suspicion is required for this level of protective sweep, and evidence or contraband observed in plain view may be seized.

5) A protective sweep of the entire residence may be conducted based on articulable, reasonable suspicion that another person(s) is present in the dwelling that could represent a risk of harm to the officer. This would allow an officer to quickly look anywhere in the dwelling where a person could be.

b. Plain View – Contraband and items of evidentiary value may be seized if the officer views the items from a place the officer has a right to be, AND can physically take possession of the item from a place the officer has a right to be
   1) The incriminating nature of the item must be immediately apparent, as this provides the necessary probable cause for the seizure.
   2) If an officer makes a plain view observation of contraband but cannot legally access the item, a search warrant is required to enter and make the seizure.
   3) Example #1 – An officer standing in a hallway of a residence facility observes evidence of a crime inside an open door of a residence. Although the officer can view the item, a search warrant is required to enter the residence to seize the item.
   4) Example #2 – An officer is invited inside a residence on a call for service. While inside, the officer observes illegal drug evidence on a tabletop. Since the officer has the right to be present and can physically access the contraband, no search warrant is required.

c. Motor Vehicle Search – the mobility of a motor vehicle causes the courts to consider vehicle searches differently than searches of people and structures. An officer may search a motor vehicle if the officer can articulate probable cause to believe contraband or evidence of a crime is contained there. The authority to search a motor vehicle extends to the trunk, the glove compartment, and any containers within the vehicle if they could reasonably contain the item being sought.

d. Motor Vehicle Inventory – Conducting a vehicle inventory is viewed by the courts as an administrative caretaking function. It allows a police agency to protect the owner's property from theft, it protects the police agency from unfounded complaints of theft or lost property, and it protects the police agency employees from dangerous items that may be present in the vehicle.
   1) For an inventory search to be justified, the officer must follow the agency's standardized procedure on Vehicle Inventories (see policy 61.4.300), and the officer must not act in bad faith or conduct the inventory for reasons beyond the administrative caretaking function.
   2) A Motor Vehicle Inventory Search will be considered reasonable if
      a) the car was lawfully impounded;
      b) the inventory was conducted after the impoundment;

c) the owner was not present or not available to make other arrangements for the safekeeping of the vehicle;
d) the inventory was prompted by valuables in plain view and was pursuant to standard agency procedure, and
e) the inventory was not a pretext to conceal an investigatory search.

e. Exigent Circumstances – The Fourth Amendment allows warrantless entry of police officers that would normally require a search warrant when officers are confronted with an emergency that requires immediate attention. Prevailing court decisions have defined 3 broad categories of exigent circumstances:
   1) A serious crime is in progress, or other circumstances exist that create an imminent risk to lives or property.
   2) Evidence will be destroyed or lost if officers postpone taking action until a search warrant is obtained.
   3) Officers are in fresh pursuit of a fleeing felon who takes refuge inside.

   An entry based on exigent circumstances is only valid for the duration of the emergency. Once the emergency is abated, the officers may conduct no further search without obtaining a warrant or exercise some other defined exception to the warrant requirement. If no warrant is being obtained and no exception to the warrant requirement exists, the officers must make arrangements to exit the area.
f. Consent – The discretionary use of consent searches must be carefully controlled in order to maintain community support as we work to provide a safe environment. Officers shall only request consent to conduct a warrantless search in circumstances where the officer has articulable suspicion that evidence of a crime, weapons, or contraband will be recovered. Random requests to search are not permitted, except those described in Police Canine Program, 9.1.900. The courts place great scrutiny on consent searches because the consenting person is waiving their rights under the Fourth Amendment by allowing officers to conduct a warrantless search. The keys to determining whether a consent search is valid are:
   1) Whether consent was given voluntarily. Consent is not voluntary if it is obtained by deception, duress, or coercion.
   2) Whether the person giving consent has the authority to do so.
   3) That no other person with authority to deny consent is present and is refusing to give consent.

   Officers shall complete the UCPD Consent to Search without a Warrant, Form-4, prior to conducting a search. If the officer is unable to access the consent form, (s)he shall capture the advisory and consent on their BWC. Once consent is given, the consenting person retains the right to change their mind, withdraw consent, stop the search, or limit the search at any time. Requests for consent will be captured in their entirety on the officer's BWC.
g. Third Party Consent – A third party's consent to search will be binding on the property owner, provided the third party has joint authority and control over the area to be searched, and the property owner is not present and objecting to the search.
   1) A landlord or property owner, including the University, does NOT have

joint authority and control over areas where others reside and cannot therefore provide valid consent to a warrantless search.
2) Likewise, a manager, resident advisor, or hotel employee does not have joint authority and control over the places where people reside, even temporarily, and therefore cannot provide a valid consent.
3) Roommates generally have joint authority and control over the common areas of the dwelling, such as the living area, the kitchen, the hallways, etc. Roommates do not have joint authority and control over each other's private spaces, such as separate bedrooms, sleeping areas, inside desk or dresser drawers, etc.

h. Crime Scene Searches – There is no "crime scene exception" to the warrant requirement. If the processing of a crime scene occurs in a public place or a place the officer has a right to be, then no warrant is required. Unless an exception to the warrant requirement exists sufficient to allow for the collection of evidence and/or the processing of a crime scene, then a search warrant must be obtained.
1) Consult the Investigative Unit for assistance in such instances

i. University-Owned Property –
1) Absent other legal exceptions, searches of individual rooms or apartments in University-owned residence halls or property as part of a criminal investigation may only be conducted with consent or a search warrant.
2) Absent other legal exceptions, searches of individual offices on University-owned property as part of a criminal investigation may only be conducted with consent or a search warrant.
3) Searches of common areas of University-owned residence halls (hallways, lobbies, study areas, common kitchens, etc.) for the purpose of recovering contraband may only be conducted based on articulable suspicion and with the approval of a supervisor. Random searches are prohibited.

j. Pedestrian Stop and Pat-Down (Terry Stop and Frisk)
1) Officers may conduct a Pedestrian Stop (Terry Stop) of a subject(s) when there is reasonable suspicion that the person(s) has committed, is committing, or is about to commit an infraction of the law.
2) A pat-down (frisk) for weapons is not an automatic and inclusive process of a pedestrian (Terry) stop. A pat-down (frisk), after a stop, requires articulable suspicions supporting that the officer believed the individual may be armed and dangerous, based on the subject's activity prior to or during the stop.

15. Body cavity or Strip Searches – Body cavity or Strip searches may be conducted only with the approval of a Captain or above, and by the authorized personnel or medical official, for the purpose of recovering contraband or the recovery of item(s) that could create a medical emergency for the subject.
a. If a "Strip Search" is deemed necessary, it will be done in accordance with ORC 2933.32.
1) A "Strip search" means an inspection of the genitalia, buttocks, breasts,

or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually (no touching of genitalia, buttocks, breasts), while the person is detained or arrested for the alleged commission of a crime.

2) A strip search may **only** be conducted by designated Division personnel of the same identified sex as the individual being searched
   a) Under conditions that provide privacy from **all** but those authorized to conduct the search
   b) Searches must be conducted safely; no sharp instruments may be used to remove objects
3) Strip searches may be conducted when there is probable cause or with consent. An officer must obtain consent or a search warrant for a strip search unless exigent circumstances make it impractical to obtain a warrant. Examples of such exigent circumstances include:
   a) The evidence would be destroyed or would dissipate while the officer sought a warrant.
   b) Failure to immediately obtain the evidence would present a serious threat to the safety of any one of the persons involved in the search or arrest.
   c) The individual is believed to have a weapon located in their private area
   d) Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the subject is concealing a weapon, evidence, or contraband within a body cavity, the officer shall follow the protocols for conducting a “Body Cavity Search.”
   e) The on-duty supervisor will immediately be notified of the strip search conducted under exigent circumstances.

b. Strip Searches Involving Youth
   1) Juveniles shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner (refer to UCPD policy 8.4.100 Juvenile Procedures).
   2) Agency personnel are prohibited from conducting strip searches of juveniles.
   3) Strip or body cavity searches of juveniles shall not be conducted unless exigent circumstances exist, and may only be conducted by a physician, a registered nurse, or a licensed practical nurse who is registered or licensed to practice in Ohio.
   4) The following does not constitute a strip search or body cavity search: a. Removal or rearranging of clothing reasonably required to render medical treatment or assistance; b. Removal of articles of outer clothing, such as coats, ties, belts, shoes, etc. A weapons search that includes minor manipulation at or around the waistband of the pants, including untucking and shaking out a person’s shirt, which may expose the waistband of a person’s undergarments only.

c. If a "Body Cavity Search" is deemed necessary, it will be done in accordance with ORC 2933.32.
   1) A body cavity search is an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for the alleged commission of a crime. **A body cavity search is conducted by a licensed medical professional only and will never be conducted by UCPD personnel.**
   2) Should visual examination of a suspect during a strip search and/or other information lead an officer to believe that the subject is concealing a weapon, evidence, or contraband within a body cavity, the following procedures shall be followed:
      a) Unless there is a legitimate medical reason or medical emergency justifying a warrantless search, a body cavity search shall be conducted only after a search warrant is issued that authorizes the search and approval of a Captain or above.
      b) Body cavity searches shall be performed only by a qualified physician or other medically trained personnel directed by a physician.
      c) An officer of the same reported sex as the person being searched will be present when the search is conducted.
      d) Body cavity searches shall be performed with due recognition and regard for privacy and hygiene concerns.
      e) The authorized medical personnel searching shall furnish a copy of their report to the officer serving the search warrant.

d. Upon completion of a body cavity search or strip search, the officer conducting the search or the execution of a search warrant shall prepare an Interdepartmental Correspondence, Form-5, containing the following information:
   1) The facts upon which the law enforcement officer or employee of the law enforcement agency based his probable cause for the search, including, but not limited to;
      a) The nature of the offense with which the searched person is charged,
      b) The circumstances of the arrest, and, if known, any relevant prior convictions
   2) Name of the command staff member authorizing the search
   3) Name, sex, age, social security or control number, and address of the person searched
   4) Name of the person or persons who conducted the search
   5) Time and date of the search
   6) Place at which the search was conducted
   7) A list of all items, if any, recovered during the search

e. If the body cavity search was conducted before or without the issuance of a search warrant, or if the body cavity or strip search was conducted before or without the granting of written authorization, the legitimate medical reason or medical emergency that justified the warrantless search or made obtaining written authorization impracticable, the officer will complete an

Interdepartmental Correspondence, Form-5, containing the following information:

1) Name(s) of other officers involved in or present at the incident precipitating the search
2) The justification for the search
3) A copy of the written report shall be provided to the Assistant Police Chief immediately, and a copy shall be given to the person who was searched

L. Consular Notification and Access

1. If an arrestee is determined to be or claims to be a foreign citizen, the officer shall notify their supervisor and comply with the attached guidance provided by the U.S. Department of State.
2. The consulate notifications and access records will be documented in the associated incident report to include:
   a. What information was provided to the foreign national and when.
   b. The foreign national's requests, if any.
   c. Whether the consular officer was notified and, if so, the date and time and the means used to notify them (e.g., fax, email, or phone). If fax or email is used to notify the consular officers, keep the fax confirmation sheet or the sent email and submit it to Records with the incident report.
   d. Document any other relevant actions taken in the incident report.

References

UCPD policy 2.2.101 Pedestrian Stops and Field Interviews, and Pat-downs
UCPD policy 7.1.100 Use of Force
UCPD policy 4.2.100 Internal investigations and Complaints
UCPD policy 8.4.100 Juvenile Procedures
UCPD policy 11.2.800 Command Staff Situational Awareness Notification
UCPD policy 31.4.300 Wrecker Request and Towing Service
Ohio Revised Code section 2933.32