

## MEMORANDUM

TO: Mayor Mark R. Frye  
Members of Sylvania City Council  
FROM: Danilynn Miller, Chief of Police  
Leslie B. Brinning, Director of Law  
DATE: February 17, 2026  
RE: Proposed Ordinance No. 37-2026

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We have had the opportunity to compare Proposed Ordinance No. 37-2026 to the City's existing Sylvania Police Division Policies and the Employee Handbook. Below are the proposed Ordinance Sections as well as any relevant corresponding City Police Policy or Handbook Policy.

SECTION 1. This ordinance shall be known and may be cited as the "Sylvania Resource Conservation And Equal Access Ordinance." The purposes of this ordinance are to:

1. Promote public safety by fostering trust and cooperation between immigrant communities and City officials.
2. Ensure that limited City resources are used to address local public safety and community needs rather than federal civil immigration enforcement; and
3. Establish clear guidelines regarding the City's role with respect to federal immigration enforcement activities.
4. Establish that access to and eligibility for City services, benefits, programs, and protections shall be afforded to all persons and shall not be conditioned upon or affected by an individual's immigration status

SECTION 2. For purposes of this ordinance, the following terms shall have the meanings indicated:

- (a) "City" means the City of Sylvania, Ohio, and any of its departments, agencies, divisions, boards, commissions, officers, and employees, including the Sylvania Police Division.
- (b) "City resources" means any funds, personnel time, equipment, property, databases, records (whether paper or electronic), facilities, or other assets owned, controlled, or maintained by the City.
- (c) "Immigration enforcement" means any investigation, arrest, detention, surveillance, or information-gathering conducted for the primary purpose

of enforcing federal civil immigration laws, including but not limited to actions undertaken by or on behalf of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

(d) “Immigration status” means a person’s presence in, and/or authorization to remain in, the United States under federal immigration law, including but not limited to status as a U.S. citizen, lawful permanent resident, visa holder, refugee, asylee, undocumented person, or any other category recognized by federal law.

(e) “Civil immigration detainer” or “ICE detainer” means any request, notice, or order, including DHS Form I-247 or any successor form, from federal immigration authorities asking a law enforcement agency to maintain custody of an individual beyond the time they would otherwise be released, or to notify such authorities of an individual’s release, where such request is based solely on alleged violations of federal civil immigration law and is not accompanied by a judicial warrant or court order.

(f) “Judicial warrant” means a warrant issued by a federal or state judge or magistrate that is based on probable cause and authorizes the arrest, detention, or search of a person or property. “Judicial warrant” does not include administrative immigration warrants, forms, or orders issued solely by federal immigration officers, including those labeled “Warrant for Arrest of Alien” (Form I-200) or “Warrant of Removal/Deportation” (Form I-205).

**SECTION 3.** The City of Sylvania declares it to be the policy of the City to treat all persons equally who reside in, work in, or travel through the City, regardless of their immigration status. City policies and practices shall be guided by the principle that municipal resources are not to be used for federal civil immigration enforcement except as expressly required by federal or state law or by a lawfully issued judicial warrant.

*Sylvania Police Division Policy 413.2 – It is the policy of the Sylvania Police Division that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.*

*Sylvania Police Division Policy 401 – Bias-Based Policing (See Attached)*

*Sylvania Employee Handbook Sections 1.2 and 1.3 - The City of Sylvania is an equal opportunity employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, whistleblower status, or any other characteristic protected by applicable*

*federal, state or local laws. The City is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and all other terms, conditions, benefits, and privileges of employment.*

*The City will make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would cause significant difficulty or expense for the City. A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. If an employee needs assistance to perform their job duties because of a physical or mental condition, notify the Human Resources Office.*

*The City will accommodate the sincere religious beliefs of its employees to the extent such accommodation would not cause difficulty or expense for the City. If you wish to request such an accommodation, please contact the Human Resources Office.*

*Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Human Resources Office. Retaliation against individuals who raise issues of equal employment opportunity is strictly prohibited. If an employee feels they have been subject to any such retaliation, they should bring the matter to the attention of the Human Resources Office. To ensure our workplace is free of artificial barriers, violation of this policy, including any improper retaliatory conduct, will lead to discipline, up to and including termination. All employees must cooperate with all investigations. A failure to cooperate with an investigation pursuant to this section is a separate event for the purpose of discipline.*

## ***Employee Conduct***

### ***A. Unlawful Discrimination and Harassment***

*The City is committed to providing an environment that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his/her membership in a protected class such as: race, color, creed, religion, or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, veteran status, sexual orientation, genetic information, whistleblower status, or any other characteristic protected by applicable federal, state or local law. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.*

#### ***1. Definitions***

*Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises and other job opportunities, based upon that individual's membership in that protected class.*

*Harassment is a form of discrimination. Harassment is unwelcome conduct that is based upon a protected classification. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued employment; and/or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.*

*Sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Harassment on the basis of an employee's membership in any protected classification is unlawful, will not be tolerated, and must be reported.*

## *2. Examples*

*Unlawful discrimination and harassment do not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.*

*If the City determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including, termination. The corrective action will be designed to stop the unlawful conduct and prevent its recurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.*

**SECTION 4. No City officer, employee, or agent, including but not limited to any member of the Sylvania Police Division, shall:**

- (a) Use City resources to investigate, inquire into, or collect information about an individual's immigration status, citizenship, place of birth, or national origin except:
  - (A) when required by federal or state law for the provision of a specific City service or benefit; or
  - (B) when necessary for the investigation of criminal activity and there is reasonable suspicion that such information is directly relevant to that criminal investigation, and even then, such inquiry shall be as limited as possible.

***Sylvania Police Division Policy 413.3 – Immigration Violations: Victims and Witnesses. To encourage crime reporting and cooperation in the investigation of***

*criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio Constitutions.*

- (b) Use City resources to stop, question, arrest, detain, or place an immigration hold on any person based solely or primarily on: (A) a known or suspected immigration status; (B) a civil immigration detainer or other administrative immigration request not supported by a judicial warrant; or (C) a person's race, ethnicity, national origin, primary language, or apparent foreignness.

*Sylvania Police Division Policy 413.4 – Detentions. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.*

*An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC Section 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.*

*If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC Section 1357(g)(10)).*

*An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.*

*An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.*

*Sylvania Police Policy 413.7.1 – Immigration Detainers. No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.*

(c) Provide any City resources, including but not limited to office space, databases, equipment, or personnel, for the purpose of assisting federal immigration authorities in conducting immigration enforcement operations, including interviews, surveillance, checkpoints, arrests, or raids, except where such assistance is: (A) pursuant to a judicial warrant; or (B) expressly required by federal or state law.

*Sylvania Police Policy 413.7 - Information Sharing. No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC Section 1373):*

- (a) Sending information to, or requesting or receiving such information from federal immigration officials;*
- (b) Maintaining such information in department records;*
- (c) Exchanging such information with other federal, state or local government entity*

(d) Enter into, renew, or extend any agreement, contract, memorandum of understanding, or similar arrangement that has as its primary purpose the deputizing or designating of City personnel to perform federal civil immigration enforcement functions, including but not limited to agreements under Section 287(g) of the Immigration and Nationality Act.

SECTION 5. Except where required by federal or state law, or pursuant to a judicial warrant:

(a) No City officer, employee, or agent shall share with federal immigration authorities any non-public personal information about an individual, including but not limited to home or work address, release date from custody, court appearance dates, contact information, or family information, when the request is made for an immigration enforcement purpose.

*Sylvania Police Policy 413.7 - Information Sharing. No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC Section 1373):*

- (a) Sending information to, or requesting or receiving such information from federal immigration officials;*
- (b) Maintaining such information in department records;*
- (c) Exchanging such information with other federal, state or local government entity*

(b) Nothing in this ordinance shall be construed to prohibit the sharing of information that is: (A) already public; (B) necessary for the investigation or prosecution of a non-immigration-related criminal offense; or (C) required under 8 U.S.C. § 1373 or any other

federal or state statute that expressly mandates the sharing of specific information concerning an individual's citizenship or immigration status, provided that such sharing shall be as limited as legally permissible.

**SECTION 6.** The Sylvania Police Division and any other City agency that operates or controls a detention facility shall not honor or comply with any civil immigration detainer, request to maintain custody, or request to provide advance notice of an individual's release that is based solely on alleged federal civil immigration violations, unless such request is accompanied by: (A) a judicial warrant; or (B) a court order requiring such action. No person shall be detained by the City beyond the time they would otherwise be entitled to release from custody, solely or in part on the basis of a civil immigration detainer or other request from federal immigration authorities that is not supported by a judicial warrant or court order.

***Sylvania Police Policy 413.7.1 – Immigration Detainers.*** No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

***Sylvania Police Policy 413.5 – Arrest Notification to Immigration and Customs Enforcement.*** Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

**SECTION 7.** City officers, employees, and agents shall not inquire into or request documentation concerning an individual's immigration status in the course of providing City services, benefits, or protections, unless such inquiry is: (A) expressly required by federal or state law as a condition of providing a specific service or benefit; or (B) necessary to comply with auditing or reporting requirements clearly imposed by law.

***Sylvania Police Division Policy 413.2 – Policy.*** It is the policy of the Sylvania Police Division that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

***Sylvania Police Division Policy 413.3 – Immigration Violations: Victims and Witnesses.*** To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio Constitutions.

**SECTION 8.** The Sylvania Police Division shall not inquire into the immigration status of a crime victim, witness, or person reporting an emergency, unless: (A) required by law; or (B) there is reasonable suspicion that the information is directly relevant to the investigation of a specific criminal offense, and such inquiry is necessary and narrowly tailored.

*Sylvania Police Division Policy 413.2 – Policy. It is the policy of the Sylvania Police Division that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.*

*Sylvania Police Division Policy 413.3 – Immigration Violations: Victims and Witnesses. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio Constitutions.*

**SECTION 9.** Federal immigration authorities shall not be granted access to non-public areas of City buildings, facilities, or property for immigration enforcement purposes without: a judicial warrant or court order specifically authorizing such access; or the express written consent of the Mayor or the Mayor's designee, upon consultation with the City Law Director, and only where such access is required by federal or state law. Nothing in this section shall be construed to prohibit federal officers from entering public areas of City buildings open to members of the general public during normal business hours.

*Sylvania Police Policy 413.6 – Federal Requests for Assistance. Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.*

**SECTION 10.** Except where otherwise required by federal or state law, eligibility for City services, benefits, programs, and protections shall not be conditioned upon or affected by an individual's immigration status. All City departments and divisions shall, to the maximum extent permitted by law, administer their services and programs in a manner that does not require disclosure of immigration status and that clearly communicates that services are available regardless of immigration status.

*Sylvania Police Division Policy 413.2 – Policy. It is the policy of the Sylvania Police Division that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire*

*community and recognizing the dignity of all persons, regardless of their national origin or immigration status.*

***Sylvania Police Division Policy 413.3 – Immigration Violations: Victims and Witnesses.*** *To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio Constitutions.*

**SECTION 11.** No City officer, employee, or agent shall retaliate against, or discriminate against, any person, City employee, or contractor for:

- (a) asserting rights under this ordinance;
- (b) refusing to provide information related to immigration status, except where such information is specifically required by law; or
- (c) filing a complaint, participating in an investigation, or otherwise opposing practices prohibited by this ordinance.

***Sylvania Police Policy 321.5.3 – Standards of Conduct: Discrimination, Oppression, or Favoritism.*** *Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.*

***Sylvania Police Policy 315 – Discriminatory Harassment.*** *Attached.*

**SECTION 12.** Within 90 days of the effective date of this ordinance, the Chief of Police shall incorporate this ordinance into the standard operating procedures of the Sylvania Police Division and shall provide periodic training and guidance to ensure continued compliance.

**SECTION 13.** Nothing in this ordinance shall be construed to:

- (a) Prohibit or restrict any City officer or employee from cooperating with federal law enforcement authorities in the investigation or prosecution of criminal activity unrelated to civil immigration enforcement, including but not limited to trafficking, terrorism, or violent felonies.
- (b) Prohibit compliance with any valid judicial warrant or court order.

(c) Conflict with any applicable federal or state statute that expressly mandates particular actions by local governments with respect to information regarding an individual's citizenship or immigration status. This ordinance shall be interpreted and applied to the fullest extent possible consistent with such laws.

(d) In the event any provision of this ordinance is found to conflict with federal or state law, that provision shall be interpreted and applied in a manner that most closely effectuates the purpose of this ordinance while complying with such law.

SECTION 14. Compliance with this ordinance is a condition of employment for all City officers and employees. Violations may be grounds for appropriate disciplinary action, up to and including termination, in accordance with applicable laws, collective bargaining agreements, and City policies. Any person who believes that a City officer or employee has violated this ordinance may file a written complaint with the Mayor's office or the City's designated civil rights or human relations officer, as applicable. The City shall establish and publicize a process for receiving, investigating, and responding to such complaints.

#### Potential Legal Issues:

1. The language in the legislation could be interpreted as a violation of the Ohio Revised Code's prohibition on creating a sanctuary city. The Ohio Attorney General is charged with enforcing that section of the Code that could potentially put the City's federal grant funding at risk.
2. Section 14 is potentially problematic in both the enforcement of the Section and the Labor unions could also assert a claim against the City for unilaterally changing conditions of employment.

## Discriminatory Harassment

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

### 315.2 POLICY

The Sylvania Police Division is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 315.3 DEFINITIONS

Definitions related to this policy include:

#### 315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to policy and to a work environment that is free of discrimination.

#### 315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

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participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### **315.3.3 SEXUAL HARASSMENT**

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct that has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### **315.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communications between supervisor and member.

#### **315.4 RESPONSIBILITIES**

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission (ORC § 4112.02).

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Department of Human Resources, or the Public Service Director.

Any member who believes, in good faith, that the member has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **315.4.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Department of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### **315.4.2 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

#### **315.4.3 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Department of Human Resources, or the Public Safety Director for further information, direction, or clarification.

#### **315.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

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#### **315.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

#### **315.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Department of Human Resources, or the Public Safety Director.

#### **315.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **315.6 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- (a) Approved by the Chief of Police, the Public Service Director, or the Department of Human Resources, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

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#### **315.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **315.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Sylvania Police Division's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement. This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

#### 401.1.2 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards: 3.2017.6.

See attachment: [OCLEAC Standards Compliance Checklist Updated 2018.pdf](#)

### 401.2 POLICY

The Sylvania Police Division is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited in all enforcement actions, including traffic contacts, field contacts, and asset seizure and forfeiture efforts.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to

# Sylvania Police Division

## Policy Manual

### *Bias-Based Policing*

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a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a self-initiated traffic stop, the officer shall report the gender and race or ethnicity of the driver.

#### 401.4.3 ATTORNEY GENERAL REPORTS

The Operations Captain should ensure that procedures are in place for the submission of bi-monthly reports relating to certain traffic citations (e.g., texting while driving, driving while distracted) to the Ohio Attorney General's Office consistent with the requirements of ORC § 4511.992.

### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
  1. Supervisors should document these discussions in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Terminal (MDT) data, and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  1. Supervisors should document these periodic reviews.
  2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
  1. If biased-based profiling occurs, corrective measures shall be taken, in accordance with the Personnel Complaints Policy.

## *Bias-Based Policing*

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- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### **401.6 ADMINISTRATION**

The Operations Captain should prepare a documented annual review of department practices, collected data, and citizen concerns and complaints and submit an annual report to the Chief of Police. The report should also include a documented review of department activities with potential for bias. This may include traffic and field contacts, asset forfeiture efforts, and any corrective measures taken. The annual report should not contain any identifying information about any specific complaint, member of the public, or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

#### **401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC**

The Chief of Police or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

### **401.7 TRAINING**

Training on fair and objective policing and a review of this policy shall be conducted annually and include:

- (a) Explicit and implicit biases.
- (b) Avoiding improper profiling.

#### **401.7.1 ADDITIONAL REQUIREMENTS**

Annual training should also include bias-based policing issues and relevant legal aspects, such as: field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

## Attachments

**OCLEAC Standards Compliance  
Checklist Updated 2018.pdf**



## STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

### STANDARD 8.2015.1

#### USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation / report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

#### GUIDING PRINCIPLES

##### USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

##### USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2015.2

### RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

### GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

*↓ For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

### STANDARD 8.2016.3

#### COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. identification of agency specific programs;
- c. methods for sharing and receiving information within the agency's service area; and
- d. initial read and sign over agency community engagement directive for all agency personnel.

#### GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

### STANDARD 12.2016.4

#### BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of the camera captured data;
- d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- e. requirements for a documented review of camera captured data; and
- f. initial read and sign for users and supervisors

#### GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.5

### LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- a. obtaining complete and accurate information callers requesting law enforcement assistance;
- b. accurately classifying and prioritizing requests for assistance; and
- c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

### GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

↓ *For agency completion: Agency Compliance Feedback for Tele-communicator Training*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 3.2017.6

### BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. training on bias based profiling issues and relevant legal aspects;
- c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- d. data collection on all self-initiated traffic stops; and
- e. annual administrative review that is made available to the public.

### GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

↓ *For agency completion: Agency Compliance Feedback for Bias Free Policing*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

**STANDARD 3.2018.7**

**INVESTIGATION OF EMPLOYEE MISCONDUCT**

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. describe formal complaint process, outline how and where to file a complaint;
- c. outline procedures for accepting, processing, and investigating the complaint;
- d. have a timeline for the resolution of the complaint;
- e. include safeguards to protect legal and contractual rights of employees; and
- f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

**GUIDING PRINCIPLES**

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting. Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

*↓ For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #