

RECORD OF ORDINANCES

Ordinance No. 2021-64Passed DECEMBER 1, 2021

SPONSOR: SAFETY COMMITTEE

AN ORDINANCE ESTABLISHING THE AUXILIARY POLICE PROGRAM WITHIN THE MOGADORE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Village Council have determined the need to re-establish and maintain an Auxiliary Police Unit; and,

WHEREAS, the Mayor and Village Council have determined that it is in the best interests of the Village to continue the Auxiliary Police Department to continue to carry out several supportive functions for the department including but not limited to transporting evidence to BCI, court documents to courts, handle junk motor vehicle paperwork, monitor community service for Diversion program, assist with zoning enforcement and provide guidance for the grade school safety patrol program.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

SECTION 1: That the Auxiliary Police Unit shall be within the Mogadore Police Department. (*See R.C. 737.161(A)*).

SECTION 2: That an Auxiliary Police Officer is a law enforcement officer as defined by R.C. 2901.01(A)(11)(d). The Auxiliary Police Unit shall have full power as certified by the State of Ohio and the Village of Mogadore.

SECTION 3: That each Auxiliary Police Officer shall be vested with full police powers under the direction of the Chief of Police only while in the prescribed uniform or portion of uniform as prescribed by the Chief of Police.

SECTION 4: That the maximum number of Auxiliary Police Officers shall be fifteen (15).

SECTION 5: That Auxiliary Police Officers shall be subordinate to the Mayor, Chief of Police, and ranking command staff. The Auxiliary Police Force shall be assigned duties from the Chief of Police, Sergeant, or Officer in Charge (OIC). All Auxiliary Police Officers shall be expected to obey any lawful order(s) of a superior officer to which they are assigned.

SECTION 6: That the Mayor shall be the executive head of the Auxiliary Police Unit, shall make all appointments and removals of auxiliary police officers, subject to any general rules prescribed by the legislative authority by ordinance, and shall prescribe rules for the organization, training, administration, control, and conduct of the auxiliary police unit. (*See R.C. 737.161(A)*).

SECTION 7: That each Auxiliary Police Officer may be removed by the Mayor or upon the recommendation of the Chief of Police with consent of the Mayor, with or without cause, at any time, solely at the discretion of the Mayor. Auxiliary Police Officers shall follow all departmental policies. These positions are only to be "at will employment" and may be terminated at any point.

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SECTION 8: That all Auxiliary Police Officers must be retired Law Enforcement Officers who retired with their agency in good standing and whose Ohio Peace Officer's State commission is in good standing. Although it is not the department's intent to utilize the retired officer's commission, by volunteering their services to carry out non-related typical police functions, the department agrees to keep the Auxiliary Officers' OPOTC (Ohio Peace Officer Training commission) commission active.

SECTION 9: That the Mayor retains the right to be very selective regarding who is accepted for this program. Candidates whose prior service proves a long history of excellent service need not be polygraphed or psychologically examined but may be subject to a polygraph examination and/or a psychological examination at the Mayor's discretion, or upon recommendation of the Chief of Police with consent of the Mayor.

SECTION 10: That all Auxiliary Police Officers shall conduct themselves pursuant to the Standard Operating Procedures established and approved by the Village of Mogadore Police Department.

SECTION 11: That the Chief of Police shall have exclusive control of the stationing and transferring of all auxiliary police officers, under such general rules as the Mayor prescribes. (*See* R.C. 737.161(A)). Auxiliary Police Officers are voluntary and will not be scheduled. Availability is set by the tasks needed to be carried out. Should an auxiliary officer fall below sixteen (16) hours/month or otherwise fails to volunteer time, their relationship with the department may be terminated.

SECTION 12: That Auxiliary Police Officers may assist in filling side jobs requested within or by mutual aid when neither a full-time officer nor part-time officer is not available.

SECTION 13: That the Police Department may assign other volunteer duties to anyone who wishes to volunteer a specific expertise that would benefit the police department under a non-commission status. In these cases, all that is needed is an FBI & BCI criminal background check, a valid driver's license, and the ability to pass LEADS security training. Typically, these functions will not require a uniform.

SECTION 14: That all Auxiliary Police Officers authorized to carry firearms shall supply their own duty firearm, to be approved by the Chief of Police. No weapons or ammunition are to be carried or used by Auxiliary Police Officers except those approved by the Chief of Police.

SECTION 15: That each Auxiliary Police Officer will be provided one police uniform approved by the Chief of Police. Each uniform shall remain the property of the Village, and any equipment purchased by an individual member of the auxiliary unit will remain the property of that individual. All uniforms and equipment used by auxiliary police officers shall be purchased only with the approval of the Chief of Police for uniformity.

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SECTION 16: That if any Auxiliary Police Officer leaves the unit for any reason, voluntary or otherwise, within twenty-four (24) hours, the former Auxiliary Police Officer shall surrender the uniform, any equipment issued by the Mogadore Police Department, and all badges, patches or emblems, identification cards or other items identifying the individual as a Mogadore Police Department Auxiliary Police Officer.

SECTION 17: That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

SECTION 18: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meeting open to the public, in compliance with all legal requirements, including R.C.121.22.

SECTION 19: This Ordinance is an emergency measure necessary for the preservation of the public peace, health, safety, convenience, and welfare of the Village of Mogadore and the inhabitants thereof, and permits the Village to regularly and timely implement this Ordinance hereby maintaining and even improving service levels within the Village, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after its passage and approval by the Mayor, or otherwise take effect and be in full force from and after the earliest period allowed by law.

Michael Raddish 12-1-21
President of Council Date

Paul C. ... 12-1-21
Mayor Date

Attest:

[Signature]
Clerk-Treasurer