

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0015

Sponsored by: County Executive FitzGerald/County Sheriff and Director of Law	An Ordinance establishing the Sheriff's Department, and divisions and sections within the Department; and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Germana	

WHEREAS, Article V, Section 5.08 of the Cuyahoga County Charter provides that "all powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff;" and,

WHEREAS, O.R.C. § 311.07(A) provides that the general powers and duties of a county sheriff include, among others, the duty to preserve the public peace, and to execute warrants, writs and other process directed to the sheriff by any lawful and proper authorities of this state and of other states; and,

WHEREAS, O.R.C. § 341.01 provides that the county sheriff shall have charge of the county jail and all persons confined therein; and,

WHEREAS, Article III, Section 3.09(2) of the Cuyahoga County Charter provides Council with the power "to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County;" and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County Sheriff.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Section 202.07 of the Cuyahoga County Code is hereby enacted as follows:

Section 202.07: Sheriff's Department

A. The Sheriff's Department is hereby established, and it shall be its own appointing authority pursuant to the relevant provisions of the Cuyahoga County Charter.

B. The Sheriff's Department shall be under the direction of the County Sheriff. The Sheriff's Department and its employees shall aid and assist the County Sheriff in carrying out the powers, duties, and responsibilities that are assigned to the Sheriff by the general law, the County Charter, and by County law. With the approval of the County Executive, the Sheriff shall employ and supervise such number of deputies, assistants, and employees as are reasonably necessary to carry out the Department's functions. All employees assigned to the County Sheriff are hereby assigned to the Sheriff's Department. Nothing in the Cuyahoga County Code is intended to limit the ability of the County Executive and the County Sheriff to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law or County law.

C. The Sheriff's Department shall include, but is not limited to, the following divisions:

1. Division of Civil Court Orders whose responsibility shall be to carry out court orders.
2. Division of Corrections whose responsibility shall be the administration and operation of the Cuyahoga County Corrections Center;
3. Division of Law Enforcement whose responsibility shall be the law enforcement duties of county sheriffs.
4. Division of Protective Services whose responsibility shall be the provision of security services for county offices and buildings where the County Sheriff determines that such services should be provided using County personnel. Protective Services Officers shall be considered County security personnel who are not law enforcement officers. The Sheriff shall determine the training necessary for the certification of Protective Services Officers. Such training shall, at a minimum, include satisfactory completion of programs that have been approved by the Ohio Peace Officer Training Commission designed to qualify persons for positions as security guards.

D. Authority to Carry Weapons:

1. Employees of the Sheriff's Department who are authorized to carry weapons pursuant to general law shall comply with all state and federal laws governing certification and re-certification necessary to carry weapons.

2. Where general law does not govern the certification and re-certification of employees to carry weapons, the following provisions shall apply:
 - a. The Sheriff may issue firearms, other intermediate weapons (e.g., pepper spray), and/or hard controls (e.g., handcuffs) to any employees in the Sheriff's Department who are specifically pre-authorized by the Sheriff and are designated in the Department's written policies and procedures. The Sheriff shall have the power to commission employees in the Sheriff's Department to carry firearms if the employee has successfully completed the firearms training and requalification programs that are required by law for Deputy Sheriffs. The Sheriff may permit employees to carry intermediate weapons and hard controls if the employee has successfully completed required training as determined by the Sheriff.
3. The Sheriff shall ensure that the Department's continuum of force policy applies to all employees who carry weapons. All employees who carry weapons shall properly secure firearms or other weapons, while on duty and off as required by the Sheriff.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Mr. Germana, the foregoing Ordinance was duly enacted.

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers and Connally

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 11, 2013

Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorship Requested on the Floor: July 23, 2013

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