

TRAINING TASK: DISTURBANCES LANDLORD/TENANT/NEIGHBOR PROBLEMS

TASK # 34

Purpose

The officer will recognize the differences in civil vs. criminal violations of law in these situations.

Preceding Task:

Interview and Interrogation
Suspicious Subjects/Solicitors
Offenses Against Public Peace

I. Statute and City Ordinances

- A. 648.04 Disorderly conduct
- B. 648.05 Disturbing the Peace
- C. 2911.21 Criminal Trespass

II. Policy and Procedure

- A. Training Bulletin: The Law #6 Landlord Tenant Disputes
- B. Training Bulletin: Police Procedure #5 Property Disputes During Divorce and Auto Repossessions
- C. Training Bulletin: Police Procedure #6 Theft of Rental Property

III. Operational Procedure

- A. Handling Disturbances, neighbor, and landlord and tenant problems
 1. Develop tentative plan en route to call
 2. Assess the status of the call and level of immediate threat
 3. Make safe entry into location
 4. Physically position disputants
 5. Calm disputants
 6. Explore reason for dispute
 7. Determine and conduct action to prevent further violence and/or solve problems
 - a. Be neutral and get disputants to solve own problem if possible
 8. Document incident especially if future disputes look inevitable

- a. Memo
 - b. FI card
- B. Landlord and tenant disputes
1. Absence of criminal violation, usually civil in nature
 2. Helpful information
 - a. Security deposits subject to 5% interest if over \$500 or 1 month rent
 - b. Fail to return security deposit is civil
 3. Landlord duties
 - a. Comply with housing laws and regulations
 - b. Habitable condition and working condition, running water and heat
 - c. Give reasonable notice to enter unless emergency
 - a. Court says 24 hours
 4. Tenants duties
 - a. Keep safe and clean and use properly
 - b. No damage
 - c. Not disturb neighbors
 - d. Allow landlord or agent entry if notice given
 5. Landlord may evict tenant
 - a. Contact Kettering Municipal Court
 6. Withholding of rent
 - a. Pay rent to date
 - b. Give notice in writing to landlord of needed repairs
 - c. Thirty days to make repairs, if not done
 1. Withhold rent and pay Clerk of Kettering Court the rent
 2. Get Court involved
 7. Referral parties to:
 - a. Private attorney
 8. Take criminal report or memo if necessary

I acknowledge that I received training in the skills and knowledge necessary to perform in the above Training/Task Topics, and I am able to perform at an acceptable level.

 Probationary Officer Date

 Supervisor Date

 FTO Date