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| <b>Administering Oaths</b>            |               |             |



## I. Introduction

The Ohio Revised Code, Section 2935.081, grants a peace officer who has completed the appropriate training the authority to administer oaths and acknowledge criminal and juvenile court complaints, summonses, affidavits, and returns of court orders in matters related to the peace officer's official duties.

## II. Policy Statements

- A. Sworn Division personnel shall only administer oaths after completing the appropriate training.
- B. Sworn Division personnel shall only administer oaths and acknowledge criminal complaints while engaged in official police duties for the following:
  1. A law enforcement officer
  2. An official from a school located within the City limits of Columbus
  3. A City of Columbus Recreation and Parks Department official
- C. Sworn Division personnel shall not perform any act that is specifically required of a notary public if they do not possess a current notary public commission.
- D. Division personnel in the following permanent assignments shall obtain and maintain a notary public commission, and have their notary public stamp/seal available during duty hours:
  1. Patrol Administrative Sergeant
  2. Information Desk Officer
  3. Second and Third Watch Patrol Lieutenant
  4. Other personnel as determined by the Division
- E. Division personnel shall complete the procedures and purchases necessary to obtain or maintain a notary public commission while on duty and during their regularly assigned shift when possible.
- F. Division notaries public shall not collect fees for notary services provided while on-duty.
- G. On-duty Division notaries public may notarize any law enforcement document requiring notarization, **such as** form BMV 2255.

### III. Procedures

#### A. Administering Oaths for Affidavits by Sworn Division Personnel

1. Explain the elements of the crime listed in the affidavit to the complainant.
2. Explain to the complainant that he or she will be put under oath to swear or affirm that the affidavit is true to the best of his or her knowledge.
3. Place the complainant under oath. **For example**, “Do you swear or affirm that the facts in this affidavit are true to the best of your knowledge?” An affirmative response is binding.
4. Witness the complainant sign the affidavit after an affirmative response. Pre-signed affidavits shall be re-signed and witnessed.
5. Circle “Peace Officer,” then sign and date the affidavit.

#### B. Personnel obtaining or maintaining a notary public commission

1. Determine what entity handles notary commissions for your county of residence by:
  - a. Contacting the Ohio Secretary of State Office or checking on the website ([www.sos.state.oh.us](http://www.sos.state.oh.us)), or
  - b. Contacting the Columbus Bar Association.
2. Contact that county entity and determine the procedures to obtain a notary public commission.
3. Follow all procedures and pay all fees required to obtain a notary public commission.
4. After the notary public commission is granted:
  - a. Purchase a notary public stamp and seal.
  - b. Keep the notary public stamp and seal available when on-duty.
  - c. Maintain the notary commission as required by policy.
5. Forward a letter through your chain of command to request reimbursement of fees paid and include:
  - a. A copy of the notary public commission documentation, and
  - b. Original receipts for paid fees and/or the purchase of the notary public stamp and seal.

#### C. Administering Oaths for Affidavits by Notary Public

1. Follow the procedures set forth in Section III,A,1 through A,4.
2. Circle “Notary Public,” affix the notary public stamp and seal on the affidavit, and then sign and date.