



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>MARCH 1, 2002</b>	REVISED DATE:	NO. PAGES: <b>1 of 3</b>	NUMBER: <b>3.4.06</b>
SUBJECT: <b>ISSUANCE OF CITATIONS OR WARRANT SUMMONS</b>			
ASSOCIATED MANUAL:		RELATED ORDERS: <b>2.2.02</b>	
CHIEF OF POLICE: <i>Edward F. Lohn, Chief</i>			

**PURPOSE:** To state when officers shall issue a citation or warrant summons in lieu of an arrest.

**POLICY:** Officers of the Cleveland Division of Police shall arrest offenders when required by law. Members shall use the procedures in this order to determine whether to arrest or issue a citation or warrant summons if arrest is not mandated.

**PROCEDURES:**

- I. Per *Ohio Revised Code 2935.26* law enforcement officers shall issue a **citation** in lieu of an arrest for a minor misdemeanor violation unless one of the following applies:
  - A. The offender requires medical care or is unable to provide for one's own safety.
  - B. The offender cannot or will not offer satisfactory evidence of one's own identity.
  - C. The offender refuses to sign the citation.
  
- II. Officers of the Division shall issue a **warrant summons** in lieu of warrant arrest under the following conditions:
  - A. The warrant is a City of Cleveland traffic warrant or a non-violent misdemeanor warrant.
  - B. The warrant is not a *capias*, contempt of court or listed as an attachment.
  - C. The defendant can be identified and lives in Cuyahoga County or an adjacent county (Geauga, Lake, Lorain, Medina, Portage and Summit).

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D. There is no physical arrest made for other offenses.

**III.** When issuing a **warrant summons**, an officer shall:

A. Inform the Communication Control Section (CCS), upon confirmation of a warrant, if they will issue a warrant summons so that CCS can notify the Clerk of Courts during the same phone call. Officers shall advise CCS of the Multi-Purpose Complaint Form number used for the warrant summons (each warrant requires its own warrant summons).

B. Mark the Multi-Purpose Complaint Form with an X in the Warrant Summons Block.

C. Mark the box ordering personal appearance at Cleveland Municipal Court.

D. Release the defendant upon completion of the summons if another police department was holding the defendant.

**IV.** When there is an arrest for the cited misdemeanor or a related offense, the officer shall set the court date for the next date court is in session. Otherwise, officers shall set the court date 14 days from the date of issue, unless the Court date falls on a Saturday, Sunday or Court Holiday, or the violation is Driving Under Suspension and the vehicle is seized under *Ohio Revised Code 4507.38*, or a juvenile is cited for Driving Under the Influence.

A. District Six and the Bureau of Traffic shall set court appearance for 1430 hours. Districts One through Five (and all other Bureaus) shall set court appearances for 1330 hours.

B. If the date falls on a Sunday or court holiday, set the date for the next court date.

C. If the date falls on a Saturday:

1. For Juvenile Court, set the date for the Monday 16 days from the issue date (unless the Monday is a court holiday, then set the date for the Tuesday 17 days from the issue date).

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2. For other courts, set for the date for the Friday 13 days from the issue date (unless the Friday is a court holiday, then set the date for the Monday 16 days from the issue date).
- D. If the vehicle is seized under *ORC 4507.38*, the officer shall set the court date within five days from the date of issuance, weekends and court holidays counting as days.
  - E. If a juvenile is cited for DUI, the officer shall set the court date within five days from the date of issuance, weekends and court holidays counting as days.