



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: JUNE 22, 2023	CHAPTER: 5 - Field Investigations	PAGE: 1 of 6	NUMBER: 5.05.01
SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES			
CHIEF: <i>Dornat A. Drummond, Chief</i>			

Substantive changes are italicized

PURPOSE: To provide direction specific to the enforcement of domestic violence statutes with arrest as the preferred course of action for anyone who commits the offense of domestic violence.

POLICY: **It is the policy of the Cleveland Division of Police** that members shall thoroughly investigate any incident of domestic violence and in cases where there is evidence of domestic violence, members shall arrest the primary physical aggressor ensuring compliance with Ohio Revised Code 2935.03 and 2919.25.

DEFINITIONS:

Affinity - relationship by marriage between a person and the blood relations of their spouse (brother-in-law, sister-in-law, father-in-law, mother-in-law).

Consanguinity - kinship; blood relationship; the connection or relation of persons descended from the same stock or common ancestor (i.e. brother, sister, mother, father).

Domestic Violence (ORC 2919.25) - no person shall knowingly cause or attempt to cause physical harm to a family or household member; no person shall recklessly cause serious physical harm to a family or household member; no person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

Domestic Violence Incident - any offense, that has as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Family or Household Member [ORC 2919.25 (F)(1)(a) and (b)] - means any of the following who is residing with or has resided with the offender: a spouse, a person living as a spouse, or a former spouse of the offender; a parent, a foster parent, or a child of the offender, or another person related by consanguinity or affinity to the offender; a parent or a child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender; and the natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

PROCEDURES:

- I. General Guidelines
 - A. Members responding to or notified about a possible incident involving domestic violence shall:

PAGE: 2 of 6	SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES	NUMBER: 5.05.01
-----------------	---	--------------------

1. Not leave the victim alone prior to ensuring that the victim is safe, treated for injuries, and notified about available support for domestic violence victims beyond the police.
 2. Complete an incident report when there is a violation of the domestic violence statutes even if:
 - a. The victim does not want a report to be made.
 - b. There are no arrests.
 - c. The suspect is not or cannot be identified.
 - d. The member believes the allegation is false.
 3. Not give special privilege or consideration to *any suspect*.
- B. For any member of the Division of Police who is a suspect in a domestic violence incident, the protocols in General Police Order 5.05.03 Domestic Violence Incidents Involving Cleveland Division of Police Officers shall be followed.

II. Field Investigations

- A. Mediation shall not be an alternative to arrest for violations of the domestic violence statutes.
- B. Members shall separate the parties for purposes of investigation and shall make every effort to identify and arrest the primary physical aggressor by considering the following:
 1. Any history of domestic violence or any other acts by either person involved that members can reasonably ascertain.
 2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense.
 3. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of use of force against any person, and the reasonableness of that fear.
 4. The comparative severity of any injuries suffered by the persons involved.
 - a. Any injuries shall be identified and photographed.
 - b. Medical treatment options shall be provided.
 5. If both parties are present and the primary physical aggressor cannot be identified, members shall request a supervisor.

PAGE: 3 of 6	SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES	NUMBER: 5.05.01
-----------------	---	--------------------

- a. The supervisor shall respond to the scene to determine the appropriate response.
 - b. **Arresting both persons involved shall be the last resort.**
 - c. Arrests shall be based on probable cause and ORC 2935.03.
- C. In cases where the suspect is no longer on scene, officers shall make an effort to positively identify them by attempting to obtain the following:
1. Full name.
 2. Date of birth.
 3. Social security number.
 4. Current address.
 5. Driver license/identification card number.
 6. Vehicle license plate number.
 7. One person photographic lineup (only acceptable if the suspect is known by the person identifying them).
- D. Members shall request the victim complete and sign the Misdemeanor Complaint Statement (Form C of C 71-2141).
1. If the victim is a minor, a parent/guardian shall complete and sign the form; if the parent/guardian is the offender refer to General Police Order 5.07.02 Endangering Children.
 2. As necessary, members shall give directions on how to complete the complaint statement, however the victim or parent/guardian must sign the form; if the victim or parent/guardian refuses to sign the form, the primary physical aggressor shall be arrested regardless of form signature
 3. The Misdemeanor Complaint Statement (Form C of C 71-2141) shall be uploaded to the LERMS case; once uploaded, the original shall be retained by the officer.
- E. Members shall collect all evidence at the scene.
1. Physical evidence shall be entered into property; if the domestic violence offense involves the use or threatened use of a weapon, members shall attempt to seize the weapon and enter it into evidence.
 2. If there are signs of physical injury or damage to property, members shall ensure that photographs are taken.

PAGE: 4 of 6	SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES	NUMBER: 5.05.01
-----------------	---	--------------------

- a. Photograph all reported injuries, visible or not, and any other evidence at the scene including evidence that that corroborates a subjects statement (e.g., overturned furniture, kicked in door, damaged phone, torn or blood/vomit/urine soaked clothing, and any other items that are deemed important).
 - b. Digital photographs shall be uploaded to the LERMS case.
 - c. The use of the wearable cameral system (WCS) is not an alternative to photographing evidence.
- F. Members shall make the victim aware of the availability of temporary protection orders and shall encourage victims to participate in the prosecution.
1. Members shall provide a copy of the Ohio Attorney General’s booklet, Ohio Crime Victim’s Rights and the Domestic Violence Information Card.
 2. Members shall write their names, badge numbers, the incident report number and date on the card.
 3. Members shall show the victim the local contact information for support and advocacy on the card.
- G. Members shall administer the Danger Assessment for Law Enforcement (DA-LE) for domestic violence involving intimate partners (Refer to section IV.B.).
- H. If it is necessary for a victim to leave their residence as a protective measure:
1. Members shall assist victims by transporting them a reasonable distance to haven with family, friends, a domestic violence shelter, or other accommodation.
 2. If victims are moved for safety, members shall include a contact person as a subject in the incident report, including their address and telephone number, AND select subject type NON-DISCLOSURE SUBJECT for privacy of the victim’s location; this information shall never be disclosed in the narrative.
- I. When an arrest is made in connection with domestic violence, or where probable cause exists, but the suspect is not on scene:
1. The victim shall be advised to the appropriate investigative unit.
 2. The assigned detective shall conduct an investigation and present it to a prosecutor for potential charges.
- III. Misdemeanor or Felony Domestic Violence Determination
- A. The offense of domestic violence threats always remains a misdemeanor and those victims shall be referred to the City prosecutor.

PAGE: 5 of 6	SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES	NUMBER: 5.05.01
-----------------	---	--------------------

- B. Other domestic violence offenses are an escalating misdemeanor or a felony, and victims will be contacted by the appropriate investigative unit.
- C. If a victim has suffered serious physical harm and is a family or household member of the suspect, the suspect would be in violation of both the Felonious Assault (ORC 2903.11) and Domestic Violence (ORC 2919.25) statutes.

IV. Reporting

- A. The investigating member shall make an incident report when there is a violation of the domestic violence statute and shall include:
 - 1. A detailed description of the suspect, victim, and scene that includes the member's observations.
 - 2. An accurate description of the victim's relationship to the offender using the drop-down list in Field Based Reporting (FBR) and also articulating the relationship in the narrative of the report.
 - 3. A statement regarding positive identification of the suspect (Was the suspect positively identified? If so, how?).
 - 4. When applicable, a description of why an arrest was not made and/or any additional actions members took to locate the suspect.
 - 5. A detailed description of any injuries and medical treatment options offered, provided, and/or refused.
 - 6. If the victim was pregnant at the time of the offense, and if the suspect knew the victim was pregnant.
 - a. If so the member shall note the information in the first line of the incident report narrative (e.g., Domestic Violence/Unborn Child/Arrest) and provide the relevant details to that effect in the narrative section of the report.
 - b. Per state statute [(ORC 2919.25 (D) (5)], it is felony of the fifth degree if the suspect knew that the victim was pregnant at the time of the violation; this circumstance shall be noted in the incident report.
 - 7. A statement that the Ohio Crime Victim's Rights booklet and Domestic Violence Information Card were given to the victim.
 - 8. Previous incidents of domestic violence that the victim or suspect were involved in, documented or not.
- B. Members shall complete the Danger Assessment for Law Enforcement (DA-LE) (Attachment) for domestic violence involving intimate partners.

PAGE: 6 of 6	SUBJECT: ENFORCEMENT OF DOMESTIC VIOLENCE STATUTES	NUMBER: 5.05.01
-----------------	---	--------------------

1. The DA-LE shall be completed for all domestic violence incidents involving intimate partners, regardless of sexual orientation.
 - a. If a victim declines the DA-LE, the member shall check the “Victim Declined Risk Screen” box at the top of the form.
 - b. If the member is unable to administer the DA-LE, the members shall note the reason in the incident report.
2. A case shall be considered high-risk when:
 - a. *Seven* or more questions are answered in the affirmative.
 - b. When fewer than *seven* questions are answered affirmatively or the DA-LE was unable to be completed, but the member believes that the incident should be considered for further review, members shall check the Further Review box on the DA-LE and document their justification for high-risk review on the DA-LE form.
3. Members shall upload the DA-LE to the LERMS case.

V. Prosecutor Consultations

- A. Members attending a prosecutor review where papers are obtained shall immediately notify the Bureau of Special Investigations of the prosecutor’s name and the case number if available.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.