



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 2, 2021	CHAPTER: 3 - Arrestees	PAGE: 1 of 2	NUMBER: 3.04.03
SUBJECT: WARRANTLESS NON-ESCALATING MISDEMEANOR ARRESTS			
CHIEF: <i>Calvin D. Williams, Chief</i>			

*Substantive changes are italicized*

**PURPOSE:** To establish Cleveland Division of Police procedures for the charging or releasing persons arrested for non-escalating misdemeanor crimes.

**POLICY:** *It is the policy of the Cleveland Division of Police* that persons arrested for non-escalating misdemeanor charges shall be charged or released within **24 hours**.

**PROCEDURES:**

I. General Guidelines

- A. Members making warrantless non-escalating misdemeanor arrests shall follow up the arrest with the completion of an *incident report reviewed for proper probable cause and endorsed by a supervisor*.
- B. Members shall properly complete an Affidavit Establishing Probable Cause (PC affidavit) for the Warrantless Arrest and a second PC affidavit for the Statement of Facts. Each affidavit shall only have one box checked (Refer to General Police Order 3.04.01 Probable Cause/Warrantless Arrest).
  - 1. *Officers shall print two copies of the incident report and attach one copy to each PC affidavit.*
  - 2. *The report and affidavits shall be filed with the member's district/unit Officer-in-Charge (OIC).*
  - 3. *The district/unit OIC shall forward the paperwork to the Record Section.*
- C. *The Record Section supervisor or designee shall serve as a liaison between arresting officers and the Municipal Prosecutor's Office.*
- D. *Members assigned to investigative units shall not route misdemeanor charges through the Record Section. The charging process shall be handled as in General Police Order 3.04.02 Warrantless Felony and Escalating Misdemeanor Arrests, including:*
  - 1. *Charging for all misdemeanors regardless of having escalated to a felony.*
  - 2. *Charging for all misdemeanors accompanying a felony regardless of the felony charge being dropped.*

II. Record Section Supervisor Responsibilities

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- A. The Record Section OIC or designee shall ensure that the booking information is entered properly in the Division's misdemeanor arrest ledger book in the Record Section.
- B. The Record Section OIC or designee shall take the Statement of Facts forms and approved incident reports for the cases involved and consult with the Municipal Prosecutor's Office on-duty prosecutor for criminal charges for non-escalating misdemeanor crimes.
- C. The charge or release process for misdemeanors must be completed within 24 hours from the time of arrest.
- D. The Record Section OIC or designee will complete a Municipal Case Information Form (CIF) for each arrested and charged person.
- E. The Record Section OIC or designee will file the complaints at the Municipal Clerk of Courts Office.
- F. In cases where criminal charges are not issued by the Municipal Prosecutor's Office the Record Section supervisor shall make a LERMS entry of Released No Formal Charges (RNFC), notify Central Charging who in turn shall advise the *Cuyahoga County Corrections Center (CCCC)*.
- G. The Record Section OIC or designee shall ensure that the Division's misdemeanor arrest ledger book in the Record Section is updated to note the charging status of the arrested person.

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