



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: <b>MARCH 01, 2002</b>	REVISED DATE: <b>March 20, 2013</b>	NO. PAGES: <b>1 of 3</b>	NUMBER: <b>2.3.04</b>
SUBJECT: <b>PROBABLE CAUSE: ESTABLISHING AND FILING FOR WARRANTLESS ARRESTS</b>			
ASSOCIATED MANUAL: <b>WARRANT UNIT</b>		RELATED ORDERS:	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

*This General Police Order has been revised in its entirety.*

**PURPOSE:** To establish procedures for the filing of probable cause for warrantless arrests.

**POLICY:** To meet the requirements of the United States Supreme Court ruling in County of Riverside (CA) v. McLaughlin (1991), the Division of Police shall ensure that probable cause is established and filed with the Cleveland Municipal Clerk of Courts within 24 hours of a warrantless arrest. All warrantless arrests shall be accompanied by the completion of the Affidavit Establishing Probable Cause form (Attachment A) checking off the “Warrantless Arrest” box.

The completion of an Affidavit Establishing Probable Cause form is not required for persons arrested on a warrant or for persons arrested using a Misdemeanor Complaint Summons Citation where the citation contains the appropriate statement of facts and is properly notarized. Arrests made using a Uniform Traffic Ticket (UTI) also require the completion of the Affidavit Establishing Probable Cause form.

**PROCEDURES:**

**I. Officer’s Responsibilities:**

- A. Officers/detectives making a warrantless arrest shall follow up the arrest with the completion of a Record Management System (RMS) report endorsed by the appropriate district/bureau/unit supervisor.
- B. Officers/detectives shall properly complete the Affidavit Establishing Probable Cause (PC affidavit) form, checking only the “Warrantless Arrest” box on the form, and ensuring that the form is presented to a supervisor for review and notarization.

PAGE: 2 of 3	SUBJECT: PROBABLE CAUSE: ESTABLISHING AND FILING FOR WARRANTLESS ARRESTS	GPO NUMBER: 2.3.04
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- C. In the case of officers working secondary employment, the supervisor in the district of occurrence shall handle this function; or as the case may be, a supervisor that is also concurrently working that secondary employment.
- D. Officers/detectives shall fax the RMS report per established protocol.
- E. Officers shall make copies of both the RMS report and the PC affidavit form.
- F. Copies of the RMS report and PC affidavit form and the original RMS report shall be filed in the normal manner (in a district station that would be placing the paperwork in the file basket where all RMS reports are placed after being faxed to the Record Intake and Review Unit).
- G. Felony, Combination Felony/Misdemeanor, Escalating Misdemeanor, and Misdemeanor arrests where the arresting detective is also handling the charging duties (reference GPO 4.1.06):
1. Officers/detectives shall file the original PC affidavit form in a file basket designated solely for original PC affidavit forms.
  2. Officers/detectives shall ensure that proper follow-up is completed in charging or releasing of arrested persons as applicable.
  3. Detectives shall handle the charge/release of escalating misdemeanors generated by the Patrol Section regardless if the misdemeanor has been determined to not have “escalated” to a felony. This is necessary to ensure that persons are charged/released within the 36 hour requirement.
- H. Non-UTT Misdemeanor Arrests (reference GPO 4.1.12):
1. Officers shall complete a second PC affidavit form checking only the “Statement of Facts” box on the form and ensuring that the form is presented to a supervisor for review and notarization. This second form is required by the Record Section supervisor to file charges on the misdemeanor arrest.
  2. Officers shall then attach originals of both PC affidavit forms (one with only the Warrantless Arrest box checked and the other with only the Statement of Facts box checked) to a copy of the accompanying

PAGE: 3 of 3	SUBJECT: PROBABLE CAUSE: ESTABLISHING AND FILING FOR WARRANTLESS ARRESTS	GPO NUMBER: 2.3.04
-----------------	--	-----------------------

RMS report and place both in a file basket designated solely for original PC affidavit forms.

3. Officers assigned to investigative units are not required to route the misdemeanor charging process through the Record Section, but rather may opt to handle the charging process as is normally handled in their investigative unit, as long as all the filing requirements are met.

I. The PC affidavit form establishing probable cause for a warrantless arrest shall be completed before the end of the arresting officer's tour of duty. Only one officer's name may appear on the Officer/Detective/Complainant line.

J. When completing the PC affidavit form, officer's shall begin the narrative with the day, date, time, and location (e.g. On Friday, April 20, 2012, at approximately 1020 hours at a residence located at 1234 Maple Street...or an approximate location e.g. in the vacant field located on Oak Street between First and Second Streets).

K. When arresting on a UTI such as Driving Under Suspension (DUS), officers must articulate the probable cause for the traffic stop (ran red light) that led to the discovery of the DUS; as well as include time, date, and location on the PC affidavit form for all UTIs

## II. Supervisor's Responsibilities:

A. Supervisors shall review and sign the RMS reports of their subordinate officers and shall ensure that all arrests are supported by the elements of the offense(s) articulated in the RMS report.

B. A supervisor reviewing the PC affidavit forms shall ensure that the probable cause articulated in the PC affidavit form is the same as and is supported by the facts contained in the RMS arrest report.

C. Officers-in-Charge (OIC) shall ensure that copies of the RMS arrest reports and accompanying original PC affidavit forms are hand delivered to the Record Section **daily at 0230 hours, 0830 hours, and 1530 hours.**