PURPOSE: To prohibit issuing Uniform Traffic Tickets (UTTs) for violations of Section 2921.331 of the Ohio Revised Code (ORC), “Failure to Comply with Order or Signal of a Police Officer”. To provide guidelines for Record Management System (RMS) reports of felony violations under this section.

POLICY: The Cleveland Division of Police shall ensure the prosecution of persons suspected of committing felony violations.

PROCEDURES:

I. Compliance with Lawful Order of a Police Officer; Fleeing, CCO 403.02
   
   A. A person who fails to comply with a lawful order or direction of a police officer directing traffic, shall be cited on a UTT under section 403.02(A) of the City Traffic Code. A violation of section 403.02(A) is a minor misdemeanor.

   B. A motorist who refuses a police officer’s signal to stop a motor vehicle, flees or eludes a police officer and fails to comply with the officer’s signal to stop shall be cited on a UTT section 403.02(B), City Traffic Code, a misdemeanor of the first degree.

   C. Officers who arrest violators of City Ordinance 403.02(B) shall not attend prosecutor review.

II. Failure to Comply with Order or Signal of a Police Officer, ORC 2921.331

   A. Officers engaged in the pursuit of a suspect, with probable cause to believe a felony offense, under Section 2921.331(B) of the ORC has been committed, shall complete the preliminary investigation and necessary preliminary
reports subsequent to such pursuit. “Failure to Comply with Order or Signal of a Police Officer” is a Title 29 Criminal Offense; therefore, UTTs shall not be issued for violations of ORC 2921.331.

B. The arresting officer shall include the facts, to show the suspect committed a felony violation of section 2921.331(B) in the narrative of the RMS report.

C. Sector supervisors shall determine if a felony violation of 2921.331 has been committed.

EFL/TAH/LM/syd
Policy & Procedures Unit