



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: MARCH 1, 2002	REVISED DATE:	NO. PAGES: 1 of 1	NUMBER: 3.4.19
SUBJECT: OPEN CONTAINER CITATIONS/ARRESTS			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE:			

PURPOSE: To set guidelines for officers to arrest and/or cite individuals for violation of Cleveland Codified Ordinance 617.07 – Open Container Prohibited.

POLICY: The Cleveland Division of Police shall use the Multi-Purpose Misdemeanor Complaint Form as the affidavit and charging instrument for Open Container violations. Officers shall not consult the prosecutor for open container violations.

PROCEDURES:

- I. When issuing a citation for Open Container, officers shall check the “Misdemeanor Complaint and Summons” block in the upper left corner. **Checking any other choice renders the affidavit invalid.** Officers shall complete the remainder of the form according to established Division procedures.

- II. Officers shall make a Records Management System (RMS) report for Open Container cases. Officers shall mark, tag and enter evidence into the logbook.

The **only** exception to the RMS report requirement is if the suspect destroys or pours the evidence out of an open **commercial container**, so no evidence is available. In these situations, the officer shall write, “Destroyed By Suspect” to the right of the “Evidence” block on the citation. Officers shall include a complete description of the commercial container in the narrative section. EXAMPLE: “One 40 ounce glass bottle of Colt .45 Malt Liquor, observed partially full in defendant’s possession, bottle cold to the touch, strong odor of an alcoholic beverage from the bottle.” If necessary, narrative may be continued on the back of the white copy.