



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



ORIGINAL EFFECTIVE DATE: March 1, 2002	REVISED DATE: March 20, 2013	NO. PAGES: 1 of 3	NUMBER: 4.1.06
SUBJECT: CHARGING AND RELEASING: WARRANTLESS FELONY AND ESCALATING MISDEMEANOR ARRESTS			
ASSOCIATED MANUAL: DETECTIVE MANUAL		RELATED ORDERS: 2.3.03, 2.3.04, and 4.1.12	
CHIEF OF POLICE: <i>Michael McGrath, Chief</i>			

Substantive changes are italicized

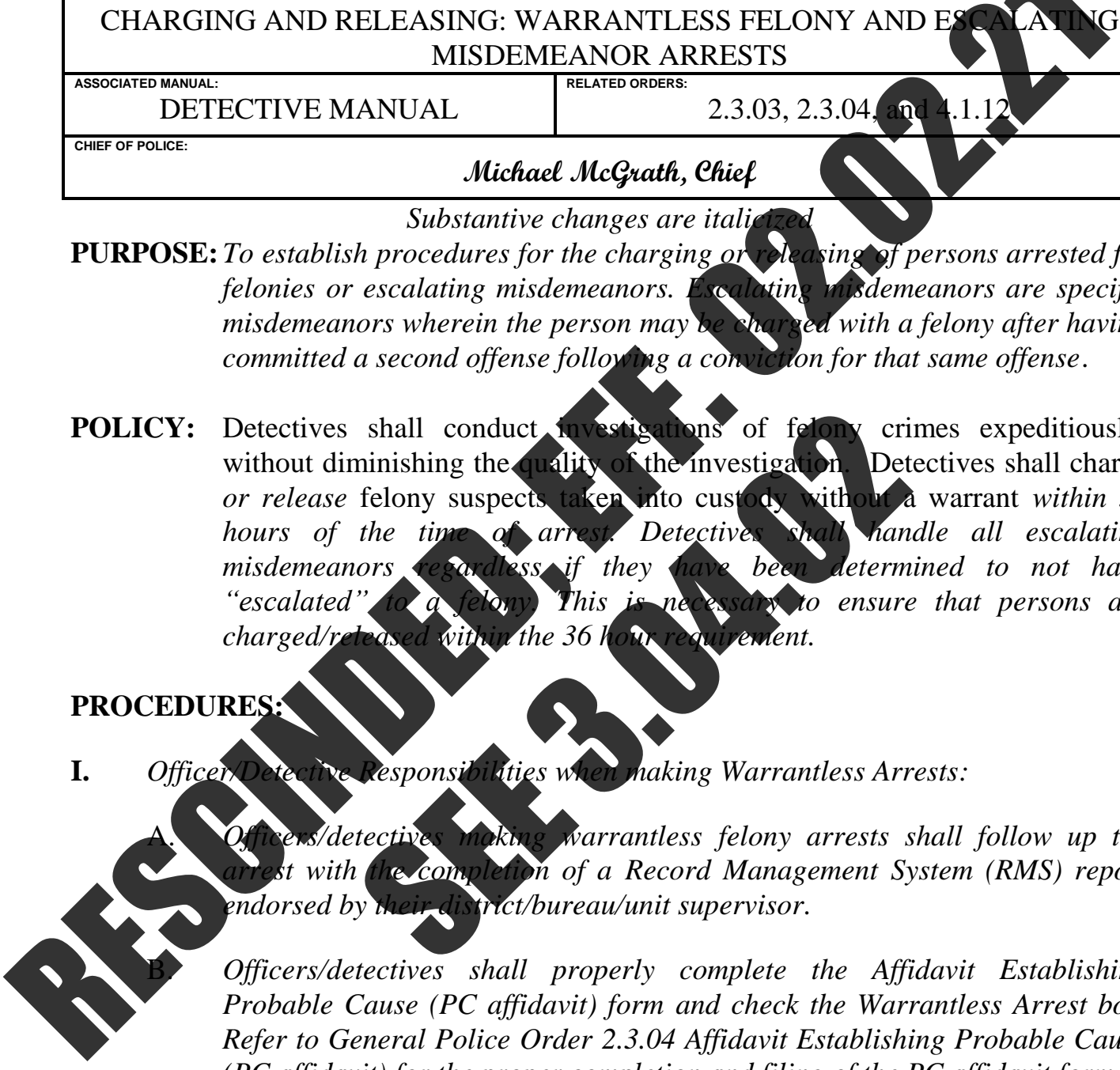
PURPOSE: *To establish procedures for the charging or releasing of persons arrested for felonies or escalating misdemeanors. Escalating misdemeanors are specific misdemeanors wherein the person may be charged with a felony after having committed a second offense following a conviction for that same offense.*

POLICY: Detectives shall conduct investigations of felony crimes expeditiously, without diminishing the quality of the investigation. Detectives shall charge or release felony suspects taken into custody without a warrant *within 36 hours of the time of arrest. Detectives shall handle all escalating misdemeanors regardless if they have been determined to not have "escalated" to a felony. This is necessary to ensure that persons are charged/released within the 36 hour requirement.*

PROCEDURES:

- I. *Officer/Detective Responsibilities when making Warrantless Arrests:*
 - A. *Officers/detectives making warrantless felony arrests shall follow up the arrest with the completion of a Record Management System (RMS) report endorsed by their district/bureau/unit supervisor.*
 - B. *Officers/detectives shall properly complete the Affidavit Establishing Probable Cause (PC affidavit) form and check the Warrantless Arrest box. Refer to General Police Order 2.3.04 Affidavit Establishing Probable Cause (PC affidavit) for the proper completion and filing of the PC affidavit form.*

- II. Case assignment for warrantless felony arrests:
 - A. Each investigative unit shall have a written procedure so investigations involving warrantless felony arrests are assigned to on-duty detectives and commence without delay when no unit supervisor is on-duty. This includes investigations assigned by the Bureau of Special Investigations (BSI) General



PAGE: 2 of 3	SUBJECT: CHARGING AND RELEASING WARRANTLESS FELONY ARRESTS	GPO NUMBER: 4.1.06
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Office.

- B. Upon receipt of the booking information, the BSI General Office Unit shall formally assign the case to the district detective unit or specialized unit responsible for conducting the follow-up investigation. If one incident involves multiple felony crimes creating joint investigative responsibilities between more than one investigative unit, (e.g. Aggravated Burglary/Rape/VSDL) the Bureau of Special Investigations (BSI) General Office shall assign the case in accordance with guidelines established by the commander of BSI as approved by the Chief of Police.
- C. The Officer in Charge (OIC) of the district detective unit or specialized unit responsible for the follow-up investigation shall assign the case to the first available detective(s).
- D. Detectives shall complete the final disposition of any prisoner assigned to them. Once a detective is assigned a case, that detective shall charge on all counts, felony and misdemeanor. The detectives shall obtain the case number from the Municipal Clerk of Court's office regarding the misdemeanor charges.
- E. *Each district detective unit and specialized unit OIC shall maintain an assignment logbook wherein all assignments and dispositions for those units are tracked. Refer to the Detective Manual for this logbook's format.*
- F. Unit OICs shall periodically review the logbook to determine the status of each suspect released to ensure that the investigations were properly completed.
- G. When the Division will pursue felony prosecution, the assigned detective shall ensure that the Grand Jury Packages are delivered to the Statement Unit within seven days of the suspect's arrest. The final disposition shall be noted in the logbook.

III. *Charging a person in custody:*

- A. *When charging a suspect in custody detectives shall use the Affidavit Establishing Probable Cause (PC affidavit) form and check only the "Statement of Facts" box.*

PAGE: 3 of 3	SUBJECT: CHARGING AND RELEASING WARRANTLESS FELONY ARRESTS	GPO NUMBER: 4.1.06
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- B. *The charge or release process for warrantless felony arrests must be completed **within 36 hours** from the time of the arrest.*
- C. *The PC affidavit form used by detectives for charging may be sworn to by a supervisor authorized to be a Notary Public. Otherwise, the form shall be sworn to at the Municipal Clerk of Courts. Note: supervisors who are Notary Public are reminded to strictly adhere to the rules of a Notary Public when taking an affirmation, i.e. the Notary Public shall state to the affiant, “Do you solemnly affirm that the statements in the affidavit are true under penalty of the law of perjury?” The affiant shall then sign the affidavit in the presence of the Notary Public. This process differs substantially from an acknowledgement wherein the Notary Public demands an oath only to show that the signature is actually of the person in the Notary Public’s presence.*

IV. Release: No Formal Charges (RNFC) of warrantless felony suspects:

- A. *A suspect that has not been charged within 36 hours from the time of arrest shall be released (RNFC).*
- B. The detective assigned to the case shall:
 - 1. Report to the BSI General Office and complete a Final Disposition Receipt (FDR) to release the prisoner.
 - 2. Inform the Division of Correction Central Prison Unit (CPU) of the release and ascertain the location of the prisoner.
 - 3. The detective shall inform the Corrections Officer (CO) of the release and fax the FDR to the CO.
 - 4. Place the FDR in the Final Disposition Receipt Basket and enter the disposition in the logbook.
- C. BSI General Office personnel shall make all computer entries.
- D. *Detectives shall refer to the Detective Manual for additional details on the charging/releasing process.*