



# CLEVELAND DIVISION OF POLICE

## GENERAL POLICE ORDER



EFFECTIVE DATE: DECEMBER 8, 2021	CHAPTER: 5 - Field Investigations	PAGE: 1 of 4	NUMBER: 5.05.02
SUBJECT: PROTECTION ORDER ENFORCEMENT			
CHIEF: <i>Calvin D. Williams, Chief</i>			

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

**PURPOSE:** To provide members with direction specific to the enforcement of protection orders under Ohio Revised Code [2919.27](#) and no contact orders under Ohio Revised Code [2951.08](#).

**POLICY:** It is the policy of the Cleveland Division of Police that members shall enforce all terms and conditions of a valid protection order, including those issued in another jurisdiction or court of another state, when there is probable cause that the protection order has been communicated to the respondent.

**DEFINITIONS:**

**Civil Protection Order (CPO)** - a civil order issued by Domestic Relations Court and the involved parties are family or household members; a CPO is enforceable once the order has been communicated to the respondent; when a CPO and a DVTPO are both in effect, the CPO should be enforced over the DVTPO.

**Civil Stalking or Sexually Oriented Offense Protection Order (SSOOPO)** - a civil order issued by the Common Pleas Court to protect victims of stalking; the relationship between the involved parties is inconsequential and is enforceable once the order has been communicated to the respondent.

**Communicated** - pursuant to Ohio Revised Code (ORC) Section 2919.27(D) a protection order is considered to have been communicated to the respondent, and thus becomes enforceable, when they have been personally served with the protection order; or shown the protection order or a copy of the order by another individual; or informed of the issuance of the protection order by a law enforcement officer, judge, or magistrate.

**Criminal Protection Order (CRPO)** - a criminal order issued by either the Municipal or Common Pleas Court and accompanies a criminal charge; the parties involved are not family or household members; the order is only valid while the criminal charge is pending before the court and is enforceable upon being issued by the court and communicated to the respondent.

**Domestic Violence Temporary Protection Order (DVTPO)** - a criminal order issued by either the Municipal or Common Pleas Court and accompanies a criminal charge; the parties involved were family or household members at the time of the offense; the order is valid only while the criminal charge is pending before the court and is enforceable upon being issued by the court and communicated to the respondent.

**Juvenile Protection Order (JPO)** - a civil order issued by the Juvenile Division of the Common Pleas Court, the respondent is a juvenile, and is enforceable once the order has been communicated to the respondent.

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**No Contact Order** - an order issued by a judge to a defendant to have no contact with or to stay away from the victim as a condition during court proceedings or of their bond or probation; the respondent may be arrested for a violation of a no contact order under ORC 2951.08. Conditions for arrest of a person on probation or under community control sanction.

**Petitioner** - the party making a motion; the one filing the petition or order with the court is usually called the petitioner.

**Respondent** - the party who is required to answer a petition for a court order or writ requiring some action, to halt an activity, or to obey a court's direction; the respondent is equivalent to a defendant in a criminal case or a lawsuit, but the potential result from the lawsuit is a court order and not monetary damages; in juvenile court a person under 18 years of age.

**Restraining Order** - an order issued out of a civil court action prohibiting the respondent from contacting, harassing, threatening, or abusing the petitioner; the respondent may not be arrested for the violation of a restraining order.

## PROCEDURES:

### I. General Guidelines

- A. It is not necessary to possess a copy of a protection order or a no contact order for enforcement.
- B. Arrest shall be the preferred course of action when there is probable cause that a suspect has violated a valid protection order or no contact order and is on scene when officers arrive.
- C. The terms and conditions listed in a protection order or no contact order can only be changed by the issuing court.
  1. The terms and conditions are not waived if the petitioner invites, encourages, or initiates contact with the respondent.
  2. The petitioner cannot be charged with violating their own protection order, even if the petitioner initiated or encouraged contact with the respondent.

### II. Member Responsibilities

- A. When investigating a violation of a protection order, members shall separate the parties and prevent the suspect from approaching the victim or entering any place that may be restricted by the protection order.
- B. Members shall recognize some persons may be unfamiliar with technical names of court orders; when there is reasonable suspicion that a court order exists, members shall attempt to verify the type and scope of the order.
- C. Protection orders shall be verified through the Communications Control Section (CCS) Channel 9.

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1. Members shall confirm through Channel 9 that protection orders issued by an Ohio court are in effect and have been communicated prior to any enforcement action for violation of the order.
  2. Protection orders issued by a court outside of Ohio.
    - a. Members shall make a reasonable effort to verify through Channel 9 that the order is in effect and has been communicated prior to any enforcement action for violation of the order.
    - b. When verification that the protection order was communicated cannot be made, a copy of a protection order shall be presumed valid and shall be enforced when the copy shows all of the following:
      - i. The order has not expired.
      - ii. Names of the involved parties.
      - iii. Issue date.
      - iv. Terms and conditions against the respondent are specified.
      - v. Name of the issuing court.
      - vi. A signature of a judicial officer.
    - c. The following are not required on a victim's copy of a protection order to be considered valid:
      - i. Attached certification form.
      - ii. Original signature of the issuing authority.
      - iii. Raised seal or stamp from the issuing court.
      - iv. Registered with the enforcing jurisdiction.
- D. No contact orders can be verified through the court in which they were issued and are valid for the duration of that court case.
- E. When an arrest is made in connection with violation of a protection order, or where probable cause exists, but the suspect is not on scene:
1. Members shall complete a Violation of a Protection Order incident report including a Danger Assessment-Law Enforcement (DA-LE) if applicable (refer to General Police Order 5.05.01 Enforcement of Domestic Violence Statutes).
    - a. The case shall be forwarded to the proper investigating unit for follow up.

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- b. A Violation of a TPO case shall be investigated by the detective or unit who filed the TPO.
  - c. A Violation of a CPO case shall be investigated by the detective unit of the district of occurrence with exception to those cases that fit the demographics of cases normally investigated by the Domestic Violence Unit.
- 2. The assigned detective shall conduct a thorough investigation and consult with a prosecutor.
- F. In situations where a respondent is present and a protection order has been issued but the respondent has no knowledge of the protection order, and it has been verified that the protection order has not been communicated, members shall inform the respondent of the existence of the protection order and the duty to refrain from any further contact.
- 1. The notification shall be recorded on the wearable camera system.
  - 2. Members shall document the notification in their duty report and/or Mobile Computer Aided Dispatch entry.
  - 3. Lack of knowledge of the existence of a protection order does not excuse the respondent from any additional crimes they may have committed (i.e., trespassing, telecommunications harassment, etc.).
- G. Violation of a no contact order.
- 1. No contact orders are commonly issued by a judge in a criminal case when a victim is unwilling to follow through with obtaining a TPO.
  - 2. An arrest based on probable cause of violating a valid no contact order can be made using ORC 2951.08.
- H. Violation of a restraining order.
- 1. Members shall not arrest someone who violates a restraining order unless the suspect has outstanding warrants or has committed a separate criminal violation.
  - 2. Members shall advise the victim to a private attorney or the court issuing the order.

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