



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 2, 2021	CHAPTER: 3 - Arrestees	PAGE: 1 of 3	NUMBER: 3.04.02
SUBJECT: WARRANTLESS FELONY AND ESCALATING MISDEMEANOR ARRESTS			
CHIEF: <i>Calvin D. Williams, Chief</i>			

Substantive changes are italicized

PURPOSE: To establish the Cleveland Division of Police procedures for the charging or releasing of persons arrested for felony and/or escalating misdemeanor crimes.

POLICY: *It is the policy of the Cleveland Division of Police* for detectives to conduct investigations of felony and escalating misdemeanor crimes expeditiously, without diminishing the quality of the investigation.

DEFINITIONS:

Escalating misdemeanor - a group of reportable misdemeanor charges which may escalate to the felony level, based upon specific criteria, particular behavior and or actions by the defendant. (i.e., committing subsequent offenses, etc.) A non-exhaustive list of escalating misdemeanors can be found [here](#).

PROCEDURES:

I. General Guidelines

- A. Members making warrantless felony and/or escalating misdemeanor arrests shall follow up the arrest with the completion of an *incident report* reviewed for *probable cause* and endorsed by a supervisor.
- B. Members shall properly complete and file the Affidavit Establishing Probable Cause (PC affidavit) form and check the Warrantless Arrest box (*Refer to General Police Order 3.04.01 Probable Cause/Warrantless Arrest*).

II. Investigative Unit Responsibilities

- A. Felony and all escalating misdemeanor suspects, regardless if they have escalated to a felony, taken into custody without a warrant shall be charged or released within **36 hours** of the time of arrest.
- B. Each investigating unit shall have a written procedure involving warrantless felony and/or escalating misdemeanor arrests.
 - 1. Investigations shall be assigned to on-duty detectives.
 - 2. Commence without delay when no unit supervisor is available.
 - 3. Assignments include investigations from the Bureau of Special Investigations (BSI) General Office.

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- a. The BSI General Office Unit shall advise the *unit* responsible for conducting the follow-up investigation, upon receipt of the arrest notification.
- b. If an incident involves multiple felony crimes creating joint investigative responsibilities between *units*, (e.g., Aggravated Burglary, Rape, etc.) the BSI General Office shall assign the case following guidelines established by the BSI Commander as approved by the Chief of Police.

C. The Officer-in-Charge of the *unit* responsible for the follow-up investigation shall:

1. Assign the case to the first available detective.
2. Maintain an assignment logbook where all case assignments and dispositions are tracked. The OIC shall refer to the Detective Manual for the correct format.
3. *Conduct a weekly* case review in the LERMS to verify arrestee release status and proper completion of all investigations.

D. Detectives shall complete the final disposition of any arrest assigned to them.

1. Once a detective is assigned a case, that detective shall charge on all counts, felony, and misdemeanor.
2. The detective shall obtain the case number from the Municipal Clerk of Court's office regarding the misdemeanor charges.
3. For felony prosecution, the assigned detective shall ensure that the Grand Jury Packages are *submitted through LERMS to the Cuyahoga County Prosecutor's Office County Crime Portal* within seven days of the suspect's arrest. The final disposition shall be noted in the unit logbook.

III. Charging a Person in Custody

- A. The charge or release process for warrantless felony arrests must be completed within 36 hours from the time of the arrest.
- B. The detective charging a suspect in custody shall complete the PC affidavit form and check only the Statement of Facts box.
 1. The PC affidavit used for charging may be sworn to by a supervisor authorized to:
 - a. *Administer oaths and acknowledge law enforcement documents per GPO 1.02.11 Administering Oaths and Acknowledging Documents.*
 - b. Act as a Notary Public

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2. If a supervisor or Notary Public is not available, the form shall be sworn to at the Municipal Clerk of Courts.

IV. Release No Formal Charges (RNFC)

- 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 arrestee.
 2. Inform the *Cuyahoga County Corrections Center (CCCC)* of the release of the arrestee *and forward the FDR to CCCC staff.*
 3. Place the FDR in the Receipt Basket and enter the disposition in the logbook.
 4. BSI General Office personnel shall make all computer entries.
 5. Detectives shall refer to the Detective Manual for additional details on the charging/releasing process.

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