



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>MARCH 1, 2002</b>	REVISED DATE:	NO. PAGES: <b>1 of 2</b>	NUMBER: <b>4.2.06</b>
SUBJECT: <b>LIQUOR LAW ENFORCEMENT</b>			
ASSOCIATED MANUAL: <b>DETECTIVE BUREAU</b>		RELATED ORDERS: <b>3.4.06</b>	
CHIEF OF POLICE: <i>Edward F. Lohn, Chief</i>			

**PURPOSE:** To provide information on liquor control laws for the Cleveland Division of Police.

**POLICY:** The Division shall enforce liquor control laws.

**PROCEDURES:**

- I. Officers shall arrest and/or issue a Minor Misdemeanor citation, make a Record Management System (RMS) report and confiscate evidence for:
  - A. Open Container Prohibited – 617.07-(M4)
  - B. Open Container of Beer in a Public Place 617.07(b)(3). This prohibits beer consumption in a park.
  - C. Use or Sale of Intoxicating Liquor in a Park 559.46(a). This prohibits taking into or upon any park any intoxicating liquor, either for sale to others, for their own use, or for the use of others. No person shall sell, give away, or dispose of any intoxicating liquor in or upon any park. This violation is an unclassified misdemeanor and enforced by means of a minor misdemeanor citation.
  - D. Officers shall issue a citation in lieu of an arrest for a minor misdemeanor violation pursuant to ORC 2935.26 outlined in GPO 3.4.06 under procedures for Issuance of Citations or Warrant Summons.
  
- II. Officers shall arrest, make an RMS report and consult the prosecutor for:
  - A. Liquor Consumption in a Motor Vehicle prohibits the consumption of intoxicating liquor or beer in a motor vehicle - 617.04(a) –M4.

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- B. 617.12(a) Consumption of Intoxicating Liquor in Parks and Recreational Facilities prohibits the consumption of intoxicating liquor in any park, parkway, playground, ballfield, tennis court, skating rink, recreation center or model airplane field owned and controlled by the city, unless the sponsors of the event obtain a permit from the Director of Parks, Recreation and Properties 617.12(a) and is a (M1).

**III.** Evidence handling intact and/or open containers:

- A. Officers shall seal bottles with leak-proof caps by placing gummed tape over the replaced cap and recording their initials and badge number on the seal.
- B. For a container without a leak-proof cap, a sample (without ice), shall be placed in a clean urine specimen jar. Officers shall seal it with gummed tape empty the original container and confiscate it for evidence.
- C. Officers shall mark, tag, and enter evidence in the District/Unit Property Book.
- D. Intoxicating liquor, beer and related evidence shall be placed in the storage area until forwarded to the Property Unit.

**IV.** When there is a criminal charge or civil-only cases and the containers are intact, evidence shall be forwarded to the Property Unit.

**V.** The arresting officer may request a Forensic Laboratory analysis per the prosecutor if the evidence is required for presentation in a pending trial.

- A. Arresting officers shall make requests for substance analysis via telephone to the Forensic Laboratory Unit.
- B. Requests shall include the name of the prosecutor who ordered the analysis, the name of the suspect, and the report number.