



Cincinnati Police Department  
**STAFF NOTES**

October 20, 2009

*Colonel Thomas H. Streicher, Jr., Police Chief*

**I N S I D E**

**Planning Section**

- [Minor Misdemeanor Fines and Traffic Ticket Fines Increased](#)
- [Revisions to Procedures 12.400, Incident Reporting, Miscellaneous Reporting, 12.410, Criminal Warrants/Referrals, 12.412, Domestic Violence, 12.420, Reporting Vehicle Thefts and Related Offenses, 12.900, Processing Juvenile Offenders](#)
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**Training Section**

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**Chief's Office**

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**1. MINOR MISDEMEANOR FINES AND TRAFFIC TICKET FINES INCREASED**

The State of Ohio and the Hamilton County Municipal Court have increased the fines levied for most minor misdemeanors and traffic tickets. Infractions will carry a fine increase of ten dollars.

Form 655M, Minor Misdemeanor Fine Schedule, and Form 655T, Traffic Ticket Payout, will soon be revised. The fine increases are effective **Friday, October 16, 2009**. Personnel are directed to handwrite the correct fine amount on the appropriate form until the revised forms are printed.

**2. REVISIONS TO PROCEDURES [12.400](#), INCIDENT REPORTING, MISCELLANEOUS REPORTING, [12.410](#), CRIMINAL WARRANTS/REFERRALS, [12.412](#), DOMESTIC VIOLENCE, [12.420](#), REPORTING VEHICLE THEFTS AND RELATED OFFENSES, AND [12.900](#), PROCESSING JUVENILE OFFENDERS**

Procedures 12.400, Incident Reporting, Miscellaneous Reporting, 12.410, Criminal Warrants/Referrals, 12.412, Domestic Violence, 12.420, Reporting Vehicle Thefts and Related Offenses, and 12.900, Processing Juvenile Offenders, have been revised. The revisions reflect the Hamilton County Prosecutor's Office decision to no longer prosecute juvenile court cases initiated by the issuance of a Citizen Referral (Form 655R). When an investigation finds sufficient evidence and the suspect is a juvenile, the investigating officer will sign appropriate charges. Citizen Referrals will not be issued in cases involving a juvenile, including Unauthorized Use of a Motor Vehicle and Domestic Violence.

These revisions are effective immediately. Personnel should review the procedures in their entirety. The revised procedures are available on the Intranet and on the Department web page.

**3. HEALTHY LIFESTYLES**

Booklets with the 2010 Open Enrollment forms were distributed to each section/district/unit on September 29, 2009. Included in the booklet is information on Healthy Lifestyles, a voluntary incentive based health and wellness program, and the enrollment form for the program. Employees can utilize this form to enroll, or they can enroll online at [www.CityofCincinnati.trihealth.com](http://www.CityofCincinnati.trihealth.com).

Personnel currently enrolled in the program do not need to re-enroll.

**4. PROFESSIONAL DEVELOPMENT SERIES**

City Human Resources will be holding the next Professional Development Series sessions on Wednesday, November 18, 2009, at the Community Action Agency, 1740 Langdon Farm Road, Cincinnati, Ohio 45237. The sessions will last three hours each; the first from 0830–1130 and the second from 1330–1630 hours.

During the last presentation on May 4, 2009, managers and supervisors were provided a journal and an observation guide to record specific day to day occurrences within their work setting. The efforts in this documentation will be an integral part of the next session. Inside each journal was a tool leading managers through a thought provoking examination of their specific and individual work environments. The reactions and comments to these questions and thoughts are the basis for a portion of the interactive dialogue planned for the November 18<sup>th</sup> session. [Attached](#) to these Staff Notes is the journal handout for your reference. The actual journal is not necessary; any paper can be used as long as your thoughts and situations are captured effectively. Please bring your completed entries to the training on November 18, 2009.

Lieutenants and above are required to attend one of the sessions. DVD's of the presentations will be made available through the Police Academy for sergeants and other managers unable to attend. Registration for the Professional Development Series should be made through the Police Academy at 352-3562.

**5. THANK YOU LETTERS**

[Attached](#) to these Staff Notes are letters of appreciation and praise written to the Police Chief for the professionalism displayed by our Department and specifically the following personnel:

Captain David Bailey  
Sergeant Roger Robbins  
Police Specialist Frank McGraw  
Police Officer Jarrod Cotton  
Police Officer David Weidle  
Police Officer Pat Norton

Captain Teresa Theege  
Sergeant Richard Lehman  
Police Specialist Paul Meyer  
Police Officer Timothy Lanter  
Police Officer Melissa Cummins

## 12.400 INCIDENT REPORTING, MISCELLANEOUS REPORTING

### **References:**

Procedure 12.115, Handling Wild/Exotic Animals, Pit Bulls, Dangerous/Vicious Dogs, and Animal Reports  
 Procedure 12.135, Reporting False Alarms on a Form 315  
 Procedure 12.230, Fatal Crash Investigation and Placement of Related Charges  
 Procedure 12.315, Investigation of Rape and Other Sexual Assault Offenses  
 Procedure 12.403, Crime Victim/Witness Notification and Assistance  
 Procedure 12.405, Closure of Offense Reports  
 Procedure 12.412, Domestic Violence  
 Procedure 12.415, Reporting and Classifying Assault Offenses  
 Procedure 12.420, Reporting Vehicle Thefts and Related Offenses  
 Procedure 12.425, Reporting and Classifying Breaking and Entering Offenses  
 Procedure 12.430, Endangering Children Offenses  
 Procedure 12.615, Deceased Persons/Prisoners  
 Procedure 12.910, Missing Persons  
 Ohio Revised Code - 2901.01 Definitions  
 Ohio Revised Code - 5126.058 Memorandum of Understanding  
 Ohio Uniform Incident Report Training Manual  
 State Ex Rel Beacon Journal Publishing Company v Maurer, Sheriff, 91 OHIO ST.3<sup>rd</sup> 54 (2001 Ohio)

### **Definitions:**

#### **High Profile Criminal Investigations:**

- Critical firearm discharges by police officer(s).
- A police officer uses force against a person who is admitted to a hospital.
- A person fires a shot at a police officer.
- A police officer is killed or seriously injured.
- Any other investigation as identified by the Police Chief.

**Incident Reports** - Form 301, Incident Report; Form 301VVS, Victim/Vehicle Supplement; Form 301PS, Property Supplement; Form 301AS, Arrest Supplement; Form 303, Motor Vehicle Incident Report; and Form 304, Missing Report.

**Confidential Investigative Notes** - Form 311G, Confidential Investigative Notes – General; Form 311S, Confidential Investigative Notes – Suspects; Form 311N, Confidential Investigative Notes – Narrative; Form 311DV, Confidential Investigative Notes – Domestic Violence; and Form 311MO, Confidential Investigative Notes – Method of Operation Report.

**Mentally Retarded Person** – A person having significantly subaverage general intellectual function; existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

**Developmental Disability** - A severe and chronic disability characterized by all of the following:

1. It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Ohio Revised Code (ORC).
2. It is manifested before age twenty-two.
3. It is likely to continue indefinitely.
4. It results in one of the following:
  - a. In the case of a person under three years of age, at least one developmental delay or established risk;
  - b. In the case of a person at least three years of age but under six years of age, at least two developmental delays or an established risk;
  - c. In the case of a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.
5. It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

***Purpose:***

Establish Department guidelines governing the collection and preservation of facts and actions taken in the investigation of crimes and incidents.

Promote uniformity and standardization in reporting.

***Policy:***

Officers will conduct a preliminary investigation when called to the scene of an offense. They will fairly and impartially record all facts and actions. They will provide the required police service and complete an accurate and thorough report, submitting reports for serious offenses immediately. All other offense reports will be submitted before the completion of the reporting officer's shift.

Supervisors will respond on felony offenses of violence, as defined in section 2901.01 of the ORC, and all sexual assault offenses to ensure a proper preliminary investigation is conducted.

Criminal Investigation Section (CIS) will respond and maintain authority over all High Profile Criminal Investigations. CIS also has authority over any other investigation as directed by the Police Chief. Upon identification of a High Profile Criminal Investigation, a supervisor will contact the CIS desk to initiate their High Profile Criminal Investigation Standard Operating Procedure (SOP). This policy does not preclude the use of other investigative unit personnel.

Officers assigned to investigate cases where the victim is mentally retarded or developmentally disabled must notify the Hamilton County Board of Mental Retardation and Developmental Disabilities (MR/DD) Investigations Unit prior to beginning their investigation. Initial responding officers conducting the preliminary investigation of a criminal offense involving a mentally retarded or developmentally disabled victim must notify the MR/DD Investigations Unit if they are able to make an immediate arrest and successfully close the case, negating the need for it to be assigned to an investigator.

If it is not originally known that a victim is mentally retarded or developmentally disabled and an investigation has already begun, the investigating officer must make the appropriate notification after it is established that the victim suffers from mental retardation or developmental disability. Officers will contact the MR/DD Investigations Unit at (513) 794-3308, 24 hours a day.

***Information:***

The Police Department is required to conduct joint and cooperative investigations with the Hamilton County Board of MR/DD when the victim of a crime is either mentally retarded or developmentally disabled. The Police Department and the Hamilton County Board of MR/DD are required to share and disclose information during these investigations. The Cincinnati Police Department will assume the lead investigative responsibilities for all such investigations.

***Procedure:***

- A. Reporting Incidents (Completion of Reports)
  - 1. Print all information contained in the report with a blue or black ink, ballpoint pen. Make sure all three copies are legible.
    - a. Spell all names in full: last, first, and middle.
    - b. Business names consist of two names, e.g., Kroger Company.
    - c. Record sex as: M-Male, F-Female, or U-Unknown.
    - d. Race descriptions must be consistent with the following federal requirements and used on all Police Department reports:
      - 1) W – White.
      - 2) B – Black.
      - 3) I - American Indian or Alaskan Native.
      - 4) A – Asian.

- 5) U - Unknown, not described above.
- e. Record ethnicity as: H-Hispanic, or NH-Non-Hispanic.
2. Place of occurrence and/or street address must consist of the following:
- a. Street number - if intersection, use number closest to corner, e.g., Vine St. at Third, N.E. corner, use 300 Vine St.
- b. Street prefix, when applicable: North - N, South - S, East - E, and West - W.
- c. Street name - printed in full and correctly spelled.
- d. Street suffix - will consist of one of the following:

STREET DESIGNATOR CODE LIST

DESIGNATOR CODE

Alley	AL	Highway	HW
Avenue	AV	Lane	LN
Boulevard	BV	Park	PK
Bridge	BR	Parkway	PY
Circle	CR	Pike	PI
Court	CT	Place	PL
Drive	DR	Road	RD
Expressway	EX	Square	SQ
Street	ST	Viaduct	VI
Terrace	TE	View	VW
Trail	TL	Way	WY

- e. City
- f. State
- g. Zip Code
3. Reporting Area

- a. Do not enter a Reporting Area on any Police Department report. The Reporting Area is assigned when the location of the offense or incident is entered into the computer.
4. Ohio Revised Code (ORC) Section Number
    - a. Unless designated otherwise, all Department offense reports will reflect the appropriate ORC section number following the type of offense. These section numbers serve as codes to separate ORC statistics.
    - b. The following offenses are exceptions that require further coding. For reporting purposes only, use the additional indicated letters as a suffix to the ORC section number.
      - 1) Patient Abuse - 2903.34PA
      - 2) Gross Patient Neglect - 2903.34GPN
      - 3) Patient Neglect - 2903.34PN
      - 4) Grand Theft - 2913.02G
      - 5) Petty Theft - 2913.02P
      - 6) License Plate Theft - 2913.02L
      - 7) Recovered Stolen License Plate(s) - 2913.02LR
      - 8) Vehicle Theft - 2913.02V
      - 9) Recovered Stolen Vehicle - 2913.02VR
      - 10) Unauthorized Use of a Vehicle - 2913.03V
      - 11) Unauthorized Use of a Vehicle Recovery - 2913.03VR
      - 12) Vehicle Defrauding a Livery or Hostelry - 2913.41V
      - 13) Vehicle Defrauding a Livery or Hostelry Recovery - 2913.41VR
  5. Distribution of Crime Victims Pamphlet
    - a. When an offense report is made, Department personnel will provide the victim, his family, or dependents one copy of the "Information for Crime Victims" pamphlet and other information as described in ORC Chapter 2930.
      - 1) Refer to Procedure 12.403, Crime Victim/Witness Notification and Assistance, for crime victim notification.
  6. Confidential Investigative Notes

- a. Complete a Form 311G for every offense, except station reports and arrests. Record witnesses' names, addresses, and telephone numbers on the form. Also complete Forms 311S, 311N, 311MO, and 311DV when appropriate.
- b. On offenses involving an individual and/or business requesting the dollar amount taken not be publicized, include the amount on the Form 311G instead of on the Form 301. Use this option sparingly in unusual cases where the complainant is reluctant to reveal the amount taken.
- c. Enter "undetermined amount of US currency" on the Form 301PS, Property Supplement, in the "Property" section.

#### 7. Incomplete reports

- a. Mark reports taken in the field that require information not available at the time of the report "incomplete". The assigned investigator is responsible for completing the original report and executing any additional reports.

### B. General Rules for Offense Reporting

#### 1. Number of offense reports

- a. Make a report for each incident.

- 1) An incident is one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place, against one or more victims.

The concept of acting in concert provides that the offenders actually commit or assist in the commission of the crime(s). The offenders must be aware of, and consent to, the commission of the crime(s); or even if non-consenting, their actions assist in the commission of the offense(s).

The concept of same time and place provides that if more than one offense was committed by the same person or group of persons and the time and place intervals surrounding them were insignificant, all of the crimes comprise a single incident.

- a) Example: Five persons are robbed at gunpoint. One of the five is fatally shot.

- 1] Prepare a Form 301 with 5 victims.
- 2] In the "Offense" section, list all offenses committed.
- 3] Link the offense with victim in "Victim/Offense" link box.

- 4] Explain in the "Narrative" section the facts of each offense and how it relates to each victim.
- b. If a vehicle is stolen during a robbery, burglary, or breaking and entering, refer to Procedure 12.420, Reporting Vehicle Thefts and Related Offenses. This report gets an offense number.
    - 1) Prepare a Form 303.
    - 2) List all offenses.
    - 3) Explain in "Narrative" section.
  - c. When burglary or breaking and entering offenses occur involving multiple units carrying the same address and at the same time, prepare one Form 301 with the appropriate number of victims.
  - d. Report a number of thefts from a single victim, committed at the same place by the same person over an indefinite period, as one offense. List the approximate dates of the first and last known theft.
  - e. Report multiple parking meters or newspaper racks broken into in the same vicinity, same street, and about the same time on one offense report, provided the owner and district are all the same. The collator will issue one offense number for each incident.
2. Reporting responsibility
- a. The district of occurrence is responsible for the report. However, if the complainant responds to another district, section, or unit that district, section, or unit will make the report.
- EXCEPTION: Homicide supervisors will complete homicide and high profile criminal offense reports.
- 1) Immediately forward all copies of the report to the district of occurrence. Do not assign an offense number.
  - 2) Notify a supervisor for serious offenses requiring immediate follow-up.
    - a) If the offense occurred in another district, a supervisor from the district where the offense was reported will notify a supervisor from the district of occurrence for immediate follow-up.
    - b) Record the notification in the "Remarks" section of the report.
  - 3) Immediately notify the CIS desk to initiate the High Profile Criminal Investigation SOP when necessary.

- b. Two or more districts involved in a crime or series of crimes.
    - 1) In single or multiple crime situations, the district in which the most serious criminal offense occurs will complete and carry the report.
  - c. Criminal acts involving Cincinnati and other jurisdictions.
    - 1) The district of occurrence will prepare offense reports for Cincinnati offenses, including details of crimes committed in other jurisdictions.
  - d. When the district of occurrence is unknown, but is believed to be within the Cincinnati city limits, use the address of the reporting district and note in the "Remarks" section of the report the location where the offense occurred is unknown.
    - 1) Carry the offense report in the resident district of the complainant.
    - 2) If the complainant is not a Cincinnati resident, carry the report in the district where the offense was reported.
3. Use of language on Department reports
- a. Whenever profanity or obscene remarks are used in the commission of an offense, record the actual language on the report.
4. Offenses involving City property
- a. List the complainant as the City department assigned the property.
  - b. If the property belongs to another City entity, such as the Board of Education, list the name of the school as the "Complainant".
5. Firearms
- a. Report Lost or stolen firearms on a Form 301, Incident Report.
  - b. Recovered Firearms reported lost or stolen from outside the City of Cincinnati must be confirmed through the originating agency by contacting CIN1. Officers will not contact the originating agency for confirmation.
  - c. All Lost, stolen, or recovered firearms must be reported to Teletype and receive a teletype number.
  - d. Identifiable firearms with serial numbers or owner applied numbers will be entered as confirmed stolen or lost. Firearms

with no owner applied number or with the serial number unknown, will be reported as unconfirmed.

e When reporting lost or stolen firearms, or recovering lost or stolen firearms, fax a copy of the Form 301, Incident Report or Form 313, Firearm Report to Teletype. Reporting officers must call to confirm receipt of the fax and record the teletype number on the Form 301 or Form 313.

- 1) Teletype phone number 263-8124
- 2) CIN1 phone number 263-8121
- 3) CIN1 / Teletype fax number 263-8120

#### 6. Lost property

- a. If the property can be readily identified by a serial number, complete a Form 301.
  - 1) The use of serial numbers for reporting lost and/or stolen property includes the owner's social security number. The social security number is entered in the computer as an Owner Applied Number (OAN).
  - 2) If not identifiable, complete a Form 317, General Conditions Report.
- b. If the value of lost property exceeds \$500.00, complete a Form 301.
- c. Refer to Procedure 12.420 to determine what articles are reported on a Form 301.

#### 7. Found property

- a. If the property can be readily identified by official, serial, or owner applied number, i.e., driver's licenses, credit cards, cell phones, etc., complete a Form 301.
  - 1) Query found property through RCIC to determine if it was previously reported lost or stolen.
- b. If not identifiable, complete a Form 317.

#### 8. Property values

- a. A monetary value is not necessary for blank checks, blank driver's licenses, blank auto titles, etc. These are automatically grand thefts.
- b. Shoplifted items - list the value given by the complainant.
- c. Use the fair market value of articles, subject to depreciation.

- d. Use the victim's evaluation of items such as jewelry, watches, and other articles which decrease slightly in value or not at all.
  - e. Use the replacement or actual cost to the victim for new or almost new items, e.g., money orders with cash value but no name, etc.
  - f. List the replacement value given by the complainant of heirlooms, collector's items, antiques, museum pieces, etc.
  - g. The investigating officer will use good judgment and discuss with the complainant any values that appear to be inflated.
8. Unusual occurrences and attempt
- a. Incident reports
    - 1) Prepare a Form 301 to record unusual occurrences, which in the judgment of a supervisor, have no applicable ORC statute. Follow-up investigation may be appropriate.
      - a) In the "Administrative" section of the report, check the "Incident" (non-criminal) block.
  - b. Attempt: 2923.02
    - 1) Prepare a Form 301 to report attempts to commit a violation of any ORC statute listed in this procedure. In the "Offense" section, place an "A" (attempt) in the A/C block.
    - 2) For reporting purposes, the ORC section number will be for the offense that was attempted. Do not list the attempt section (2923.02) on any offense report.
9. Robbery/burglary of controlled substance from registrant
- a. The Controlled Substance Registrant Protection Act of 1984 amends Title 18 of the U.S. Code by creating Section 2118:
    - 1) A federal felony has been committed if a pharmacist, physician, drug wholesaler, researcher, or manufacturer is the victim of a robbery or burglary and any of the following elements are present:
      - a) The value of the drugs exceeds \$500.00.
      - b) The crime involves interstate activity.
      - c) A person is killed or seriously injured as a result of the crime.
    - 2) Section 2118 requires local law enforcement to conduct the preliminary investigation and notify the Federal Bureau of Investigation (FBI) if there is a violation of this section.

- a) The collator of the reporting district will ensure the FBI is notified in these instances.
- b) In cases of dual federal and state jurisdiction, the FBI will investigate or otherwise assist local law enforcement agencies in the investigation.

10. Reports requiring further investigation by Criminal Investigation Section (CIS)

- a. All district supervisors will notify CIS as soon as possible regarding offense reports requiring further investigation by CIS.
- b. Mark in the appropriate block who was notified.

EXCEPTION: If the offense is reported outside the working hours of Personal Crimes Unit (PCU) personnel, the district making the report will notify PCU after 0800 hours the next day. If the shift supervisor determines PCU should immediately respond to the scene, request recall through CIS.

11. Completing Forms 316 and 317

- a. The first officer on the scene will complete a Form 316, Minor Accident/Aided Case/Mental Health Response Report, Form 316A, Deceased Person Report, or Form 317, General Conditions Report, when necessary.
  - 1) Immediately notify the Homicide Unit if the deceased is either a:
    - a) Suicide or suspected suicide victim.
    - b) Child seven years of age or under.

C. Submission of Completed Reports

- 1. Do not attach the Form 311, Confidential Investigative Notes, to incident reports. They are to be submitted independently.

D. Supervisor's Responsibility

- 1. Check each offense report for correctness, legibility, and completeness of information.
- 2. Sign the report indicating approval.
  - a. The supervisor will forward the report to the district collator for assignment of an offense number.

- b. Return unapproved reports to the officer for correction or revision.

E. Offense Report Numbers - Processing by the Collator

1. Each district uses a separate block of offense report numbers that are assigned by the collator.
  - a. Each offense number has a total of eight numeric and alpha characters. The first character is the district number. The next two numbers are the last two numbers of the current year. The next five numbers are the offense number.
2. The collator will maintain reports in separate files.
  - a. Forms 301, Incident Report, are public record.
  - b. Forms 311, Confidential Investigative Notes, are not public record.
  - c. District/section/unit commanders may, at their discretion, grant police personnel the authority to access investigative files maintained therein.
3. District collators will prepare and send a report to CIS on the first of each month, listing all cases assigned to CIS.
  - a. CIS will return the reports to the district collators with the dispositions or the name of the officer assigned to each case.

F. Additions and Corrections

1. Handle additions or corrections to original offense reports and offense reports returned to units for changes as follows:
  - a. Use the original report number.
  - b. Check the supplement or correction block at top of report.
  - c. Complete the first three lines in the "Victim" section.
  - d. Make the necessary corrections or additions.
    - 1) Do not unfile or close the original report and make a new one.
  - e. In the "Report Date/Time" block, print the date the addition or correction is made.
    - 1) If after a given calendar month, the title of the offense on the report is changed, e.g., assault to robbery, make the standard correction and forward it to Records Section.

- a) Do not unfound or close the original report and make a new report.
- f. In the "Reporting Officer" block, print the name of the officer making the correction or addition.
- g. Under "Narrative", clearly state the additions or corrections.

Examples: Correction is to change the name of the complainant from Ed Brown to Charles Smith. Addition is stolen bicycle valued at \$100. Correction is total value changed from \$140 to \$240.

- 2. The collator will make the necessary computer corrections.

#### G. Routing Offense and Other Reports

- 1. District collators will route copies of reports via computer and mail as needed. The following is a list of reports distributed to various sections/units of the Police Department and other City departments:
  - a. Form 301 - general use
    - 1) Original to Records Section (after coding and computer entry).
    - 2) Copy for district files.
    - 3) Copies of all aggravated robbery, robbery of financial institutions, robbery, aggravated burglary, burglary, breaking and entering, patient abuse, kidnapping, attempt kidnapping, abduction, and attempt abduction sent to CIS via Interdepartmental mail.
    - 4) Copy of any theft report, including attempts, in which a form of deception was used, e.g., Pigeon Drop, Bank Examiner Scheme, Three Card Monte, etc., sent to CIS via computer terminal and Interdepartmental mail.
    - 5) Copy of rapes and all sex related crimes including public indecency, interference with custody, endangering children, unlawful sexual contact with a minor, and child enticement sent to PCU. Report any crime occurring on school grounds, or any offense with a juvenile as the complainant, attempts included, to PCU via computer terminal and Interdepartmental mail. Route offense reports of any crimes occurring on school grounds to the Youth Services Unit via Interdepartmental mail.
    - 6) Copy of any offense occurring on a liquor permit premises sent to the Central Vice Control Section via computer terminal and Interdepartmental mail.

- 7) When the words "drug" or "narcotic" appear on an offense report, a copy by computer is sent to terminals "CVCS" and "OPS2".
  - 8) Copy of any offense involving known or suspected gang members, or when the word "gang" appears on an offense report sent to the Intelligence Section.
  - 9) Copy of any report of an incident occurring on City park property sent to the Park Unit.
  - 10) A copy of any offense report involving a current University of Cincinnati student faxed to (513) 556-4940 or Xavier University student faxed to (513) 745-3861.
- b. Reports pertaining to homicides, deaths, etc.
- 1) Original to Records Section after coding and computer entry.
  - 2) Copy for district files.
  - 3) Copy to CIS by Interdepartmental mail.
  - 4) Copy to the affected district from the Traffic Unit via Interdepartmental mail if the offense is an aggravated vehicular homicide or vehicular homicide.
  - 5) Copy to Central Vice Control Section of any offense occurring on a liquor permit premise via computer terminal and Interdepartmental mail.
- c. Offense reports pertaining to vehicle thefts, recoveries, etc.
- 1) Original to Records Section after coding and computer entry.
  - 2) Copy for district files.
  - 3) Copy to CIS via computer terminal and Interdepartmental mail.
  - 4) Copy of auto recovery or recovered license plates to the district where the theft occurred.
- d. Form 304, Missing Report
- 1) Original to Records Section after coding and computer entry.
  - 2) Copy for district files.
  - 3) Copy to PCU via computer terminal and Interdepartmental mail.

- a) After 30 days, PCU will forward a copy of missing persons who have not been located to the Hamilton County Coroner's Office.
- e. Form 313, Firearm Report
  - 1) File the white and canary copy at the reporting unit.
  - 2) Attach remaining copies to the firearm.
  - 3) CIS will retrieve the pink copy from Court Property Unit.
- f. Form 316, Minor Accident/Aided Case/Mental Health Response Report
  - 1) Original and one copy for district files.
  - 2) Copy of all animal bites to the City Health Department.
- g. Form 316A, Deceased Person Report
  - 1) Original and one copy for district files.
  - 2) Copy to Records Section.
  - 3) Copy of found dead and suicides to CIS.
  - 4) Copy of unidentified found dead/suicides to PCU.
- h. Form 301 when used for incidents
  - 1) Original and one copy for district files.
- i. Form 317, General Conditions Report
  - 1) Original and one copy for district files.
  - 2) Copy to Records Section.
  - 3) Prepare a Form 317 for property damage incidents in which no criminal intent is evident.
    - a) Prepare a Form 317 indicating all pertinent facts of the incident if the property is damaged due to police action.
- j. Form 369, Tow Report
  - 1) Pink copy for district files.
    - a) Forward a copy of the Form 369 to Records Section.
  - 3) White copy to Impound Unit.

- 4) Yellow copy to wrecker driver.
- k. Form 558, Financial Crimes Complaint
  - 1) Retain the Form 558 in the district files. The district collator will assign an eight digit tracking number that will contain the district of offense, incident number for that district, and the year of the offense, e.g.; 03-0001-05.
  - 2) The district collator will send a control copy to the Financial Crimes Squad.

#### H. Reporting and Follow-up Investigation: Assignment and Responsibility

##### INVESTIGATION ASSIGNMENT LEGEND

Patrol Bureau Traffic Unit (PBT)

Patrol Bureau Shifts (PBS)

Patrol Bureau Civilian Clothes (PBC)

Criminal Investigation Section (CIS)

1. Assign offense reports having the necessary case assignment criteria for follow-up investigation and closure by designated units.
  - a. An offense report listing two or more offenses will be assigned for investigation based on the highest degree offense against a person. If there is a significant change in time, location, or events during the incident, the offenses may be assigned separately.
  - b. Assign incident reports involving High Profile Criminal Investigations to CIS, regardless of the offense or potential offense.
2. Prepare a Form 301 for the following offenses and attempted offenses:
 

2903.01	Aggravated Murder/Attempt Aggravated Murder	(CIS)
2903.02	Murder/Attempt Murder	(CIS)
2903.03	Voluntary Manslaughter	(CIS)
2903.04	Involuntary Manslaughter	(CIS)
2903.041	Reckless Homicide	(CIS)
2903.05	Negligent Homicide	(CIS)
2919.13	Abortion Manslaughter	(CIS)

NOTE: Refer to Procedure 12.615, Deceased Persons/Prisoners, when preparing a Form 301 for the above offenses.  
 2903.06 Aggravated Vehicular Homicide/Vehicular Homicide (PBT)

2903.06A Vehicular Death (PBT)

NOTE: When a person kills only himself by means of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, list the term "Vehicular Death" on the Incident Report. For reporting purposes, use ORC Section 2903.06A.

Prepare a Form 301 for all deaths occurring as a result of traffic crashes.

2903.08 Aggravated Vehicular Assault/Vehicular Assault (PBT)

NOTE: Refer to Procedure 12.230, Fatal Crash Investigation and Placement of Related Charges, when using 2903.06, 2903.06A, and 2903.08.

2903.11 Felonious Assault (PBC)

If victim is hospitalized and death appears imminent (CIS)

2903.12 Aggravated Assault (PBC)

If victim is hospitalized and death appears imminent (CIS)

2903.13 Assault (PBS)

If suspect is out of town or unusual circumstances exist (PBC)

NOTE: Refer to Procedure 12.415, Reporting and Classifying Assault Offenses, for completing an assault report on a law enforcement officer.

2903.14 Negligent Assault (PBS)

2903.16 Failing to Provide for Functionally Impaired (PBC)

2903.21 Aggravated Menacing (PBC)

2903.211 Menacing By Stalking (PBC)

2903.22 Menacing (PBS)

2903.31 Hazing (PBC)

2903.34 PA Patient Abuse (felony) (CIS)

2903.34PN Patient Neglect (misdemeanor) (PBC)

		12.400
2903.34GPN	Gross Patient Neglect (misdemeanor)	(PBC)
2903.341	Patient Endangerment (misdemeanor)	(PBC)
2903.341	Patient Endangerment (felony)	(CIS)
2905.01	Kidnapping	(CIS)
2905.02	Abduction (all cases)	(PBC)
2905.03	Unlawful Restraint	(PBC)
2905.05	Criminal Child Enticement	(CIS)
2905.11	Extortion	(CIS)
2905.12	Coercion	(CIS)
2907.02	Rape	(CIS)
2907.03	Sexual Battery	(CIS)
2907.04	Unlawful Sexual Conduct w/Minor	(CIS)
2907.05	Gross Sexual Imposition	
	Age 18 years and older	(PBC)
	Age 17 years and younger	(CIS)
2907.06	Sexual Imposition	
	Age 18 years and older	(PBC)
	Age 17 years and younger	(CIS)
2907.07	Importuning	(PBC)
2907.08	Voyeurism	(PBC)
2907.09	Public Indecency	(PBC)
2909.04	Disrupting Public Service	(PBC)
2909.05	Vandalism	(PBC)
2909.06	Criminal Damaging or Endangering	(PBS)
2909.07	Criminal Mischief	(PBS)
2909.08	Endangering Aircraft or Airport Operations	(PBC)
2911.01	Aggravated Robbery	
	All cases except financial institutions	(PBC)
	Aggravated Robbery of financial institutions	(CIS)

2911.02	Robbery	
	All cases except financial institutions	(PBC)
	Robbery of financial institutions	(CIS)
2911.11	Aggravated Burglary	(PBC)
2911.12	Burglary	(PBC)
2911.13	Breaking and Entering	(PBC)
NOTE:	When a robbery or burglary offense involves a controlled substance, refer to Section B.9.	
2911.211	Aggravated Trespass	(PBC)
2911.31	Safecracking	(PBC)
2911.32	Tampering with Coin Machines	(PBC)
2913.02G	Theft, Grand	(PBS)
	If unusual circumstances	(PBC)
2913.02P	Theft, Petty	(PBS)
	If unusual circumstances	(PBC)
	License Plate Validation Stickers	(PBC)
a.	The word "Grand" or "Petty" will precede the word "Theft" on theft offenses. Record the type of theft in "Larceny Type" block.	
2913.04	Unauthorized Use of Property	(PBC)
2913.05	Telecommunications Fraud	(PBC)
2913.11	Passing Bad Checks	
2913.21	Misuse of Credit Card	
2913.31	Forgery	
2913.32	Criminal Simulation	
2913.49	Identity Fraud	
a.	Officers are required to complete a Form 558 for the above listed offenses (2913.11, 2913.21, 2913.31, 2913.32, and 2913.49).	
	1) Amount of loss is \$2500.00 or less	(PBC)
	2) Amount of loss is greater than \$2500.00	(CIS)
b.	When completing a report for Identity Theft:	

- 1) Supply the victim with the phone number to the Financial Crimes Squad, (513) 352-3545.
- 2) Fax a copy of the Form 301 to the Major Offenders Unit at (513) 352-6473.
- 3) Mail the original Form 301 to the Financial Crimes Squad if the amount of the theft is over \$2500.
- 4) Mail a copy of the Form 301 to the Financial Crimes Squad if the amount of the theft is \$2500 or less.

2913.33 Making or Using Slugs (PBC)

2913.41 Defrauding a Livery or Hostelry (Non-Vehicular) (PBC)

- a. A breach of a rental agreement is a civil matter unless you can show criminal intent. Criminal intent can be inferred if the suspect provides a false name and address at the time of the rental or moves during the rental period without leaving a forwarding address.
- b. If criminal intent is established, an offense report should be made and a warrant referral issued. If no criminal intent can be established, the complainant should be advised to seek civil redress.
  - 1) If the offense is found to be a felony, or the suspect is a juvenile, no referral will be issued. The investigating officer will sign the appropriate charge.

2913.41V Defrauding a Livery or Hostelry (Vehicular) (PBC)

- a. Prepare a Form 301 in those cases where the vehicle has been returned to the owner. Otherwise, refer to Procedure 12.420, Reporting Vehicle Thefts and Related Offenses.

\*\*\*\*\*Report violations of the following statutes on a Form 301: 2913.02 (Theft); 2913.04 (Unauthorized Use of Property), and 2913.41 (Defrauding a Livery or Hostelry). If applicable, include all serial numbers, vehicle identification numbers, etc., on the items listed below for entry into NCIC stolen property files:  
 Sailboat  
 Rowboat  
 Pickup camper (out of truck)  
 Jack lift  
 Farm machinery not designed to carry the operator  
 Riding lawn mowers with no serial number (riding lawn mowers with a serial number are reported on a Form 303)

NOTE: Refer to Procedure 12.420 for those articles to be reported on a Form 303.

2913.44 Personating an Officer (PBC)

2917.21	Telecommunications Harassment	(PBC)
2917.31	Inducing Panic	(PBC)
a.	Bomb Threats - Insert "Bomb Threat" in parentheses when an evacuation occurs.	
2917.32	Making False Alarms	(PBC)
a.	Bomb Threats - Insert "Bomb Threat" in parentheses when no evacuation occurs.	
b.	Prepare a Form 301 for any false fire alarms when an arrest is made or a suspect known.	
1)	Complainant is the Cincinnati Fire Department.	
2)	Complainant's address is 430 Central Avenue.	
3)	Reporting person is the Fire Department officer in charge (OIC) at the scene. The OIC's address is the fire company where assigned.	
4)	List how the alarm was given in the "Remarks" section: telephone, etc.	
2919.13	Abortion Manslaughter	(CIS)
2919.22B	Endangering Children	(CIS)
2919.23	Interference with Custody	(CIS)
2919.25	Domestic Violence	(PBC)
2919.27	Violating Protection Order or Consent Agreement	(PBC)
2921.02	Bribery	(CIS)
2921.03	Intimidation	( * )
	*Will be investigated by the investigator assigned the original offense or incident.	
2921.04	Intimidation of Crime Victim or Witness	( * )
	*Will be investigated by the investigator assigned the original offense or incident.	
2921.05	Retaliation	( * )
	*Will be investigated by the investigator assigned the original offense or incident.	
2921.51	Impersonating a Peace Officer or Private Policeman	(CIS)
2923.161	Discharging a Firearm at Habitation or School	(PBC)
2927.12AM	Ethnic Intimidation/Aggravated Menacing	(PBC)

2927.12M Ethnic Intimidation/Menacing (PBC)

2927.12CM Ethnic Intimidation/Criminal Mischief (PBC)

2927.12CD Ethnic Intimidation/Criminal Damaging (PBC)

2927.12TH Ethnic Intimidation/Telephone Harassment (PBC)

3. Prepare a Form 303 for the following offenses/instances:

2913.02V Theft - Stolen Vehicles (PBC)

- a. Investigated by civilian clothes personnel in the district where the theft occurred.

2913.02VR Recovered Stolen Vehicle (PBC)

- a. Investigated by personnel in the district where the theft occurred.

2913.02L Theft - Stolen License Plate(s)  
(including expired plates) (PBC)

2913.02LR Recovered Stolen License Plate(s) (PBC)

2913.03V Unauthorized Use of a Vehicle (PBC)

2913.03VR Unauthorized Use of a Vehicle Recovery (PBC)

2913.41V Vehicular Defrauding of a Livery or Hostelry (PBC)

2913.41VR Vehicular Defrauding of a Livery or Hostelry  
Recovery (PBC)

NOTE: The district collator will enter a monetary value for stolen and recovered vehicles on the report. The value of a vehicle is determined by using the following Internet sites: <http://www.kbb.com/>, the Kelly Blue Book home page, or <http://www.nadaguides.com/>, the NADA guidebook home page. To ensure the recovery value is consistent with the reported value, the recovery district collator must contact the district collator where the larceny occurred.

4. Offenses investigated at the district level will be processed as outlined on the attached Incident Report Flow Chart.

I. Case Closure Audit

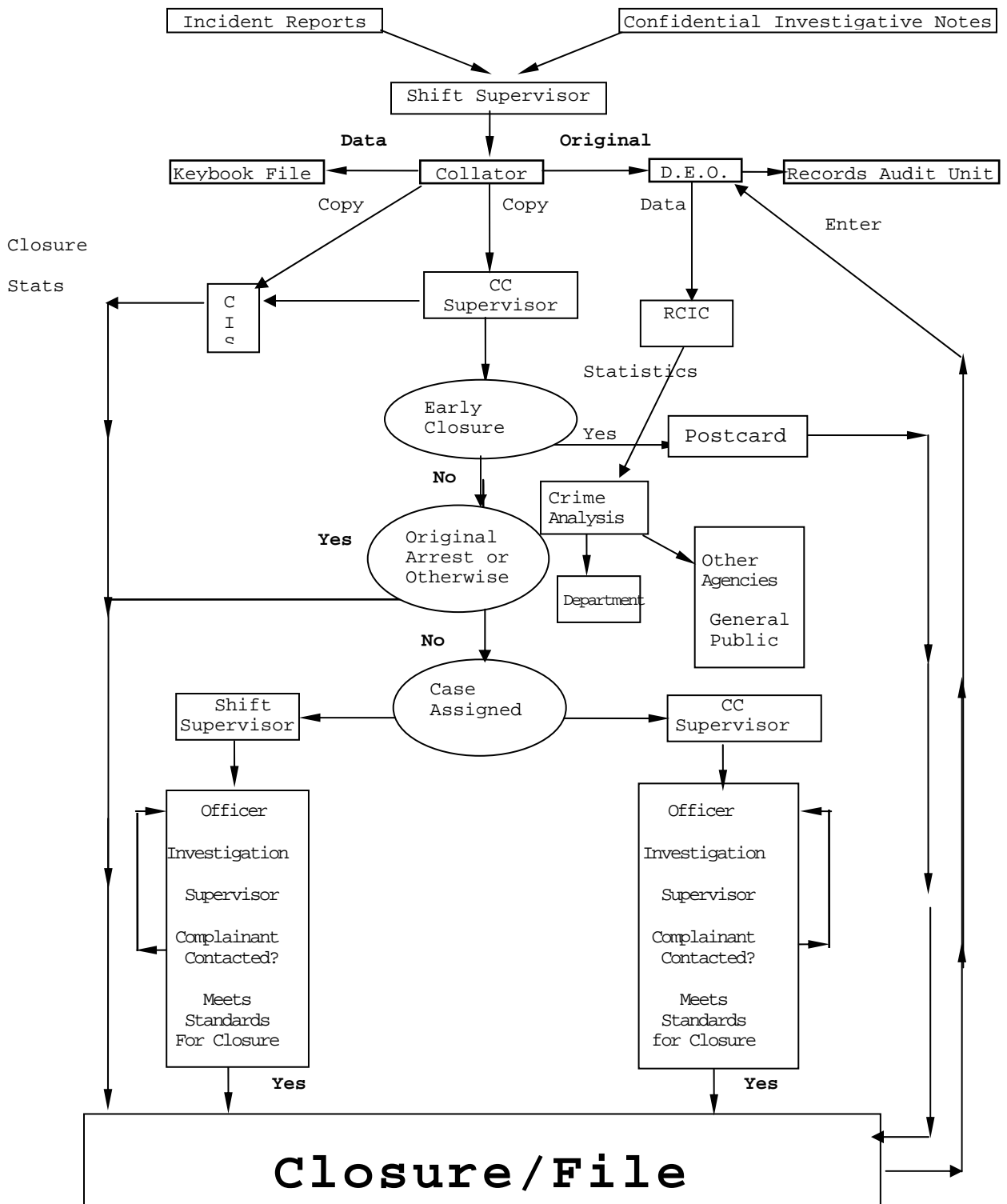
1. On a monthly basis, the district commander will ensure a random audit of cases closed by both investigative and uniformed personnel is conducted. Early closures will not be included in this audit.

- a. This audit will include:

- 1) A ten percent sample of inactive closures.
- 2) A ten percent sample of otherwise closures.

- 3) A ten percent sample of unfounded closures.
  - b. A district supervisor not assigned to the Investigative Unit will conduct this audit.
    - 1) The auditing supervisor will personally contact the complainant to ensure the report was properly closed and that the investigating officer properly notified them of the closure.
  - c. The district commander will ensure a monthly summary of the case closure audit is forwarded to him for review.
  - d. District commanders will ensure quarterly reports are biannually compiled and forwarded to the Patrol Bureau Commander (first and second quarter submitted during July, third and fourth quarter submitted during January).
- J. Investigation Requests from Other Law Enforcement Agencies
1. CIS will monitor and control investigative requests from law enforcement agencies outside the Cincinnati Police Department.
    - a. Document and forward all extensive investigative requests received from outside law enforcement agencies to CIS.
      - 1) CIS will assign the request within the Police Department.
      - 2) The district, section, or unit receiving the request will conduct the follow-up investigation, provide the requested assistance, if possible, and contact the outside agency advising them of the investigative results.
      - 3) Forward a Form 311, Incident Closure Report, to the CIS Commander. The Form 311 will contain the case disposition and state the outside agency has been contacted and advised.
        - a) Affected districts will handle routine requests for assistance from adjoining police agencies.

#### **INCIDENT REPORT FLOW CHART**



## 12.410 CRIMINAL WARRANTS/REFERRALS

### **Reference:**

Procedure 12.412, Domestic Violence

Procedure 12.400, Offense Reporting, Miscellaneous Reporting

### **Policy:**

Officers will establish probable cause for successful prosecution of an offense before filing criminal complaints. If after a preliminary investigation, probable cause is not met, officers will advise citizens that there is insufficient cause to sign a criminal complaint. Reportable offenses may then be reassigned to an investigator in an attempt to gather probable cause to make an arrest.

### **Procedure:**

- A. Private Citizen Reporting a Felony:
  - 1. Conduct a preliminary investigation.
  - 2. Complete an offense report, if required.
  - 3. Notify the responsible investigating unit.
    - a. That unit may respond immediately to pick up the complainant, or arrange for a meeting with the complainant at his home or at the unit.
  - 4. If the investigation reveals probable cause for successful prosecution, the investigating officer will:
    - a. File all appropriate criminal complaint(s).
    - b. Prepare the case for presentation through the court system.
  - 5. If the incident involves Domestic Violence, refer to Procedure 12.412.
- B. Private Citizen Reporting a Misdemeanor:
  - 1. Conduct a preliminary investigation.
  - 2. Complete an offense report, if required.
  - 3. If the investigation reveals probable cause for successful prosecution, the investigating officer will:
    - a. File all appropriate criminal complaint(s).
    - b. Prepare the case for presentation through the court system.

4. An officer making, or intending to make, an immediate arrest of the suspect, will respond to the Clerk of Courts Office with the complainant to file the appropriate complaint(s) (e.g., business owner, store security).
  5. If the investigating officer believes probable cause does not exist to file a criminal complaint, advise the citizen. In cases where further information may lead to establishing probable cause, advise the citizen that the case will be assigned to an investigator.
  6. If the incident involves domestic violence, refer to Procedure 12.412.
  7. Complete Form 655R, indicating a Business Complaint Warrant Referral when a business reports a misdemeanor offense (e.g., employee theft, shoplifting), the suspect is known, the suspect is an adult, and immediate arrest will not occur.
    - a) When a business reports a felony offense, the suspect is known, the suspect is an adult, and immediate arrest will not occur, refer to Procedure 12.410(A).
    - a) When a business reports a felony **or** misdemeanor, the suspect is known, the suspect is a juvenile, and immediate arrest will not occur, the investigating officer will sign appropriate charges. A Form 655R will not be issued.
- C. If an offense report is made, note the action taken in the "Remarks and Explanations" section of the report:
1. "Business Complaint Referral"
  2. "Warrant Signed by Police/Complainant"
  3. "Refused Service," etc.

## 12.412 DOMESTIC VIOLENCE

### **References:**

Procedure 12.400, Offense Reporting, Miscellaneous Reporting  
 Procedure 12.403, Victim of Crime Notification  
 Procedure 12.410, Criminal Warrants/Referrals  
 Procedure 12.413, Enforcement of Court Orders  
 Procedure 12.555, Arrest/Citation: Processing of Adult Misdemeanor and Felony Offenders  
 Procedure 12.705, Property Confiscation  
 Procedure 12.900, Processing Juvenile Offenders  
 ORC 2903.11 - Felonious Assault  
 ORC 2903.12 - Aggravated Assault  
 ORC 2919.25 - Domestic Violence  
 ORC 2919.26 - Motion for Temporary Protection Order; Form  
 ORC 2919.27 - Violating Protection Order or Consent Agreement  
 ORC 2935.03 - Officer's Authority to arrest without warrant; pursuit outside jurisdiction  
 ORC 2935.032 - Policies and procedures for responding to alleged Domestic Violence offense or violation of protection order  
 ORC 3113.31 - Definitions; jurisdiction; petition; hearing; protection orders; consent agreements  
 USC Title XVIII, Part 1, Chapter 110A, Section 2261 - Interstate Domestic Violence  
 USC Title XVIII, Part 1, Chapter 110A, Section 2262 - Interstate Violation of Protection Order  
 USC Title XVIII, Section 922 - Prohibition Against Disposal of Firearms to, or Receipt of Firearms by, Persons Who Have Committed Domestic Abuse

### **Definitions:**

**Mandatory Arrest:** Mandatory arrest is an immediate arrest based on probable cause that the offense of domestic violence has occurred and is supported by some evidence indicating the suspect committed the offense.

**Probable Cause:** Probable cause exists when facts and circumstances within the officer's knowledge, and of which he has reasonably trustworthy information, are sufficient to warrant a person of reasonable caution to believe the offense has been or is being committed, and the accused is or has committed the offense. Completion of the Victim's Statement section of the Form 655R, Victim Assistance/Citizen Referral, by the victim is probable cause pursuant to Ohio Revised Code (ORC) 2935.03(B).

### **Purpose:**

Provide officers with the knowledge to effectively respond to and investigate incidents of domestic violence.

**Policy:**

Officers will respond to the scene of reported incidents of domestic violence without delay.

Exercise extreme caution in disregarding backup officers, even if the offender is no longer present, in the interest of officer and victim safety. Give consideration to the potential of the offender returning to the scene while the officer is present or immediately thereafter.

Domestic violence is a violent crime. The involvement of family members does not lessen the use of arrest and prosecution as an effective deterrent.

Department policy regarding domestic violence is immediate arrest of the offender when probable cause exists. The formal arrest/court process is the most appropriate method of resolution.

Charge all appropriate cases with domestic violence, felonious assault, or aggravated assault in incidents arising out of a domestic violence offense, and make a mandatory arrest. If a felonious assault or aggravated assault is committed in a domestic violence offense, charge the suspect with the appropriate felony charge. Do not, in addition, charge the suspect with a misdemeanor domestic violence.

Officers will complete the Protection Order Supplemental Form for any of the following offenses in which the victim and suspect are family or household members:

2903.01 Aggravated Murder	2903.02 Murder
2903.03 Voluntary Manslaughter	2903.04 Involuntary Manslaughter
2903.11 Felonious Assault	2903.12 Aggravated Assault
2903.13 Assault	2903.15 Permitting Child Abuse
2903.21 Aggravated Menacing	2903.211 Menacing by Stalking
2903.22 Menacing	2905.01 Kidnapping
2905.02 Abduction	2905.11 Extortion
2907.02 Rape	2907.03 Sexual Battery
2907.05 Gross Sexual Imposition	2909.02 Aggravated Arson
2909.03 Arson	2909.04 Disrupting Public Services
2911.01 Aggravated Robbery	2911.02 Robbery
2911.11 Aggravated Burglary	2911.12 Burglary
2917.01 Inciting to Violence	2917.02 Aggravated Riot
2919.22 Child Endangering	2919.25 Domestic Violence
2921.03 Intimidation	2921.04 Intimidation of Attorney, Victim
2921.34 Escape	2923.161 Improperly Discharging Firearm Into a Habitation/School Zone

The Protection Order Supplemental Form must accompany the Form 527, Arrest and Investigation Report, at the time an arrested individual is admitted into the Hamilton County Justice Center. This requirement applies to the arrest of adult suspects only; juvenile suspects are exempt from this requirement.

**Information:**

Under the domestic violence law a fetus is **not** considered a child. If, while investigating a domestic violence incident, the victim advises she is pregnant and the offender is the father of her unborn child, and no other facts constitute domestic violence, charge with the appropriate assault charge.

If, while investigating a domestic violence incident, the victim has an infant and advises the offender is the father of the baby and they do not or have not resided together, charge with assault and domestic violence. The domestic violence is a valid charge under the Putative (supposed) Rule. The assault charge is filed in the event that test results indicate the putative father is not the biological father. If blood test results indicate the offender is not the father of the child, the domestic violence charge will be dropped because the blood test eliminates the relationship.

The mother of a child has **sole custody** if:

1. The couple is not married;
2. There is not a court order to the contrary; and
3. The child was born on or after 1/1/98.

If the child was born before 1/1/98 both parents are deemed to have equal rights to the child. Officers shall use discretion and good faith when considering the best interest of the child when confronted with this situation.

**Procedure:**

## A. Initial Response

1. When Police Communications Section (PCS) receives a report of a domestic violence situation they will dispatch one two-person unit or two single person units and necessary emergency medical aid.

## B. On Scene Investigation

1. Upon arrival, responding officers will separate the involved parties. Separation is the most efficient method of gathering the necessary details of the incident as well as protecting all parties from injury when the offender(s) and victim(s) are identified.
  - a. Determine the nature of injuries to any parties, and request the assistance of emergency medical services, if necessary.
  - b. Give primary consideration to the safety of all parties involved and the immediate cessation of any further violence.
2. Make every attempt to obtain positive identification, a description, destination, and means and direction of travel if the offender is not present upon arrival.
  - a. In an attempt to apprehend the offender, this information must be relayed to officers in the area as soon as possible.

3. If probable cause exists and an arrest cannot be made because of the offender's absence, the officers will promptly seek a warrant for the arrest of the person.
  - a. A Form 655R, Victim Assistance/Citizen Referral, will be issued to the complainant for the immediate filing of an affidavit and warrant against the offender.
    - 1) The officer will ensure the complainant completes the Domestic Violence Victim's Statement on the Form 655R and will attach it to the Form 301, Cincinnati Police Department Incident Report.
      - a) Document on the Form 301 if the complainant refuses to complete the Form 655R.
      - b) Transport complainant to sign charges.
        - 1] If the offense is a felony or the suspect is a juvenile, the investigating officer will sign the charge.
      - c) Recommend the victim sign a Temporary Protection Order (TPO) when signing the domestic violence charge.
    - b. If the complainant is physically unable or is unwilling to file charges, the officer will sign an affidavit and warrant for the arrest of the offender.
    - c. Have the complainant fill out the top two sections of the Protection Order Supplemental Form. If the complainant is unable or unwilling to fill out the form, the officer will assist in completing the form with the information available.
      - 1) The officer will complete the "Law Enforcement Response Section" on the bottom of the page.
      - 2) The completed Protection Order Supplement must accompany the Form 527 when submitted during the intake procedure.
      - 3) If there is not an immediate arrest, fill out the Protection Order Supplemental Form when signing any applicable warrants(s) and leave the form with the Hamilton County Clerk's Office.
  4. Make every attempt to identify the primary physical aggressor in the incident. Consider the following elements in this identification:
    - a. The history of domestic violence or any other violent acts committed by all parties in the incident.
    - b. Whether the violence was committed in the act of self-defense.

- c. Each participant's reasonable fear of the other person based on the person's history of any threatened or committed acts of violence.
  - d. The comparative severity of any injuries sustained by the individuals involved in the incident.
5. Base probable cause for arrest of the primary physical aggressor on the following elements:
  - a. The victim, or the parent of a child victim, completes a written allegation against the offender.
  - b. In the absence of a written statement, any personal knowledge and observation of the incident by the officer.
  - c. Any other information, including but not limited to, reasonable trustworthy information given by the alleged victim or any witness to the incident.
6. Make a mandatory arrest if the offender is identified, present, or immediately available for arrest.
7. The preferred course of action is to arrest and detain the primary physical aggressor until a warrant can be obtained once probable cause has been established.
  - a. The preferred course of action (arrest) does not apply to incidents in which the primary physical aggressor cannot be identified.
    - 1) Possible course of action would be to arrest both parties for domestic violence if the investigation warrants dual arrest.
8. Conduct the investigation and arrest the accused for the offense of felonious assault if the investigation determines serious physical harm has occurred to a victim, or physical harm has been attempted (or caused) by means of a deadly weapon or dangerous ordinance in a domestic violence offense.
  - a. When the individual committing the felonious assault is not the primary physical aggressor, arrest and charge with the appropriate state section.
    - 1) Arrest and charge the primary physical aggressor with Domestic Violence - ORC Section 2919.25.
9. Conduct the investigation and arrest the accused for the offense of aggravated assault if the investigation determines that a felonious assault was committed by the offender during a "fit of passion or rage brought about by serious provocation of the victim".

- a. When the individual committing the aggravated assault is not the primary physical aggressor, arrest and charge with the appropriate state section.
  - 1) Arrest and charge the individual in the domestic violence offense who is the primary physical aggressor with ORC Section 2919.25 - Domestic Violence.
10. If investigation determines both parties committed either aggravated assault or felonious assault, the primary physical aggressor, if identified, is subject to the "preferred course of action" provision and will be physically arrested until a warrant can be obtained. The other party will also be arrested and charged with the appropriate violation.
  - a. Arrest both individuals when both individuals committed either aggravated assault or felonious assault and the primary physical aggressor cannot be identified.
11. Notify the Criminal Investigation Section (CIS) if death appears imminent to the victim of a domestic violence offense.
12. Seize any deadly weapons materially involved by threat, display, use, or attempted usage in domestic violence violations as contraband and/or evidence.
13. Do not demand or otherwise require the victim's specific consent or a signed allegation (written statement) as a prerequisite to arresting and/or charging an alleged offender with the offense of domestic violence when probable cause exists.
14. The arresting officer will sign the appropriate affidavits and complaints for all charges when the complainant is medically unable or refuses to cooperate with the investigation and there is probable cause a domestic violence offense occurred. The arresting officer will sign all felony charges arising from a domestic violence offense.
  - a. Charge as a felony if there is a prior conviction for domestic violence and the current offense does not constitute a threat.
    - 1) Confirm the conviction with the Clerk's Office before signing the felony charge.
  - b. Charge as a misdemeanor if a prior domestic violence conviction exists and the current domestic violence offense is a threat against the victim.
  - c. The arresting officer will sign a TPO request when filing domestic violence, felonious assault, or aggravated assault charges.
    - 1) Officers signing a TPO request will not appear at arraignment.
  - d. Complete a detailed Form 527A, Case and Bond Information Sheet, to assist the judge in setting bond and TPO terms.

15. Report on a Form 301 every incident of Domestic Violence - ORC Section 2919.25.
- a. List the offense and section number followed by (F) for felony or (M) for misdemeanor based on what degree of offense the suspect is charged with.
- Example: Domestic Violence 2919.25 (F) when offense constitutes a felony as a result of prior convictions for DV or other applicable ORC violations, or Domestic Violence 2919.25 (M) when offense constitutes a misdemeanor for this violation.
- b. Make one Form 301 for domestic violence if an offender commits an offense of DV and a TPO/Civil Protection Order (CPO) violation offense at the same time.
    - 1) List the facts of the TPO/CPO violation in the "Narrative" section of the Form 301.
  - c. Report incidents of felonious assault and aggravated assault that occur during a domestic violence offense on a Form 301. Do not make an additional Form 301 for domestic violence.
    - 1) List the offense section number followed by (DV) for domestic violence in the "Offense" section of the Form 301.

EXAMPLE: Felonious Assault 2903.11 (DV) or Aggravated Assault 2903.12 (DV)
  - d. Check "Yes" in the "Hate/Bias" block, and write "88" in the "Explain: Anti:" block on the Form 301.
16. Complete a Form 311DV, Cincinnati Police Department Confidential Investigative Notes - Domestic Violence, for all DV offenses, violations of TPO/CPO, and felonious assault or aggravated assault offenses arising from domestic violence, in addition to the required portions of the Form 301. Obtain the following information from the separated parties involved and available witnesses:
- a. Detailed statement of the reporting officer's observation of the victim, offender, and the scene.
  - b. Listing of visible injuries to the victim and offender.
  - c. Identification of any weapons found at the scene.
    - 1) Detailed description of any deadly weapons seized or materially involved in the reported incident.
  - d. Actions of the victim and offender in the officer's presence.
  - e. Verbal and/or written statements of the victim/complainant.

- f. Verbal and/or written statements of the offender.
  - g. Explanation why no arrest was affected.
    - 1) This explanation may not refer to the availability of cell space at the Hamilton County Justice Center or Hamilton County Juvenile Court Youth Center. Such availability is not to be considered in determining the arrest of the alleged offender and is prohibited pursuant to ORC Section 2935.03 (3) (f).
  - h. Detailed listing of similar prior incidents, calls for assistance, and respective dispositions.
  - i. Final disposition of warrant filing, i.e., "complaint/warrant filed by reporting officer".
17. Use a camera to photograph visible injuries as soon as possible for inclusion with the Form 311DV and submit as evidence.
18. Provide the victim the following information:
- a. Ohio Attorney General's "Your Rights and Responsibilities as a Crime Victim" booklet.
  - b. Crisis Service Agency phone numbers.
  - c. Telephone numbers of the Prosecutors' Offices and Police Department.
  - d. Information regarding the availability of a TPO or CPO.
  - e. Reporting officer's name, badge number, and phone number.
- NOTE: Items b., c., and d. listed above are placed on the inside cover page of the Ohio Attorney General's booklet.
19. Advise victims they must appear at the criminal arraignment on the next court day regardless of who requested the TPO.
- a. Felony and misdemeanor charges are arraigned at 0900 hours in Room A of the Hamilton County Justice Center (HCJC).
  - b. Advise the complainant to check with the Clerk of Courts Office, Room 113, HCJC, if there is doubt about the location of the arraignment.
20. Provide assistance to the victim and/or children in obtaining transportation to a safe location when necessary.
- a. Use private or public transportation if possible.
  - b. Officers may provide transportation if other means are not available to the victim.

- c. Obtain Fire Department transportation to the hospital for injuries.
  - d. Call the Alice Paul Shelter before transporting to their location.
21. If the elements of domestic violence are not present, refer the complainant to:
- a. Hamilton County Domestic Relations Court, Room 346, 800 Broadway.
  - b. Rape Crisis and Abuse Center of Hamilton County.
  - c. Talbert House Victim Service Center.
  - d. Alice Paul House.
  - e. Police Clergy Team (available through Hamilton County Communications).

### C. Case Preparation

1. Complete a Domestic Violence Jacket for each domestic violence incident. For all Felony Domestic Violence cases, complete a Form 527E, Case Investigation Jacket, and log it into the Form 527E logbook. The jacket will include:
  - a. A copy of the Form 301 and all applicable supplements.
  - b. A copy of the Form 311DV.
  - c. A copy of the Form 527, if applicable.
  - d. A copy of the TPO/CPO, if applicable.
  - e. A copy of the Protection Order Supplemental Form.
  - f. Photographs related to the incident.
    - 1) Take a minimum of one full frontal photograph of the victim and one of each reported injury and/or area affected.
  - g. Audio tape copies of any 911 calls to PCS, if applicable.
  - h. The original Form 527B for felony offenses.
    - 1) Immediately fax the Form 527B to the Hamilton County Grand Jury. Include the fax transmittal report in the Domestic Violence Jacket.
  - i. Copies of any related reports.
2. A supervisor will review each Domestic Violence Jacket for completeness and accuracy.

#### D. Follow-Up Investigation

1. Assign all reported cases of domestic violence, felonious assault and aggravated assault arising from a domestic violence offense, and violation of protection order or consent agreement for follow-up investigation.
  - a. Assign these offenses for a follow-up investigation even when an arrest is made at the scene by the reporting officer.
  - b. District commanders will determine the assignment of reported misdemeanor and felony domestic violence and TPO/CPO offenses.
  - c. Assign reported cases of felonious assault, aggravated assault, and abduction arising from a domestic violence offense per Procedure 12.400, Offense Reporting, Miscellaneous Reporting, for follow-up investigation by a district investigator.
    - 1) Felonious assault and aggravated assault cases arising from a domestic violence offense in which the victim is hospitalized and death appears imminent will be investigated by CIS, per Procedure 12.400.
2. The follow-up investigator will ensure the following tasks are accomplished:
  - a. Recontact the victim within 48 to 72 hours to obtain the following information:
    - 1) Any information the victim might be able to add.
    - 2) Additional photographs of injuries sustained in the incident, when applicable.
  - b. Provide the victim with the investigator's name, badge number, and business phone number.
  - c. Obtain audio tape copies of 911 calls from PCS, if applicable.
  - d. Obtain medical records of suspect, if applicable.

#### E. Providing Information of Reported Domestic Violence Offenses

1. Each day, district collators will forward the following information on reported domestic violence and violation of protection order offenses:
  - a. To the City Prosecutor's Office, hand carry a copy of all Forms 301 and 311DV reported misdemeanor domestic violence and misdemeanor violation of protection order offenses made with an

adult suspect even if no arrest was made at time of report. All reports must be delivered before 0800 hours each court day.

- b. Fax to the Hamilton County Prosecutor's Office, Juvenile Division, a copy of all Forms 301 and 311DV reported misdemeanor domestic violence and misdemeanor violation of protection order offenses made with a juvenile suspect even if no arrest was made at time of report.
  - c. Fax to the Rape Crisis and Abuse Center of Hamilton County, a copy of all domestic violence Forms 301.
2. Each day, district collators will forward the following information on reported aggravated assault, felonious assault, felony domestic violence, and felony TPO/CPO violation offenses resulting from a domestic violence offense:
- a. To the Hamilton County Prosecutor's Office, Municipal Division, hand carry a copy of all Forms 301 and 311DV reported offenses with an adult suspect even if no arrest was made at time of report. All reports must be delivered before 0800 hours each court day.
  - b. Fax to the Hamilton County Prosecutor's Office, Juvenile Division, a copy of all Forms 301 and 311DV reported offenses with a juvenile suspect even if no arrest was made at time of report.
  - c. Fax to the Rape Crisis and Abuse Center of Hamilton County, a copy of all Forms 301 listed above.

#### F. Temporary/Civil Protection Orders

1. Reference Procedure 12.413, Enforcement of Court Orders, for information regarding investigations of violations of a Temporary/Civil Protection Order, ORC 2919.27. **Out-of-state TPO and CPO court orders are enforceable.** Follow Procedure 12.413, Section A.
2. TPOs may be issued in addition to any charges filed alleging domestic violence, felonious, aggravated or simple assault, menacing by stalking, or trespassing which involves a family or household member as defined in the ORC.
  - a. TPOs are only in effect until the disposition of the criminal charge, the issuance of a CPO based on the same activities, or otherwise revoked by the issuing court.
  - b. Any TPO or CPO issued by a court of record of the State of Ohio is subject to enforcement in any political jurisdiction within the State of Ohio.
    - 1) TPOs and CPOs issued by a court of record within the State of Ohio, other than Hamilton County, may be officially

registered by the complainant in Hamilton County in accordance with ORC Section 3113.31.

- a) TPOs and CPOs issued by a court of record within the State of Ohio will be enforced regardless of whether or not the order was registered by the complainant in Hamilton County.

G. Release of Medical Records of Suspect(s) Involving an Official Criminal Investigation, Criminal Action, or Proceeding

1. A police officer can submit a written statement to a health care provider that states an official criminal investigation, criminal action, or proceeding has begun regarding a specified person to obtain information regarding the presence of alcohol, drug of abuse, or both in the person's blood, breath, or urine. This requires the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, or both in the person's blood, breath, or urine at any time relevant to the criminal offense in question.
  - a. A Form 604, Cincinnati Police Department Request for Release of Records, will be filled out by the officer and presented to the health care provider to obtain this type of records.
    - 1) The officer will keep the white copy for court.
    - 2) Give the canary copy to the health care provider.
    - 3) Turn the pink and gold copy into the collator to be filed.
2. Contact the City Prosecutor when a medical provider refuses to comply with this request.

## 12.420 REPORTING VEHICLE THEFTS AND RELATED OFFENSES

### **Reference:**

Procedure 12.270 - Impounding, Moving, and Release of Vehicles  
Procedure 12.400 - Offense Reporting, Miscellaneous Reporting  
National Motor Vehicle Titling Information System (NMVTIS)

### **Definition:**

For report processing and computer entry purposes only, a vehicle is any motor driven conveyance designed to carry its operator. In addition to ordinary motor vehicles, this definition includes most motorized construction and farm equipment (backhoes, harvesters, etc.) and the following:

- Aircraft
- All-terrain vehicles
- Automobiles
- Bulldozers
- Buses
- Campers with wheels
- Cranes (motorized and self-propelled)
- Golf carts (motorized)
- House vehicles with wheels
- Minibikes/Mopeds (bearing serial numbers)
- Motor scooters (w/o pedals for human power)
- Motorcycles
- Motorized boats (bearing serial numbers)
- Riding lawn mowers (bearing serial numbers)
- Snowmobiles
- Trailers
- Trucks

Report any motor driven conveyance not listed, or that does not have a serial number, on a Form 301, Incident Report.

### **Purpose:**

To ensure proper reporting and processing of all vehicle theft/attempt theft, license plate(s) theft/attempt theft, misplaced vehicle, and lost license plate(s) reports.

### **Policy:**

Officers will provide the community with courteous police service and prompt investigation. Officers will thoroughly complete all reports, documenting all facts and actions that occur during an incident. Officers will submit all reports prior to the completion of their shift and submit serious offense reports immediately.

**Information:**

The National Motor Vehicle Titling Information System (NMVTIS) is a disclosure and information system that links states together to prevent the titling of stolen motor vehicles and to disclose any brands associated with a particular motor vehicle. When a customer enters a county title office with documents to apply for an Ohio title, the vehicle identification number (VIN) is automatically checked against the active National Crime Information Center (NCIC) theft file. If the VIN sends back an active theft hit the title office will not be able to issue a title to the customer. The county title office will contact the Ohio Bureau of Motor Vehicles (BMV) Title Section and the VIN will be queried through LEADS and the results will be given to the title clerk. The county title clerk will inform the customer that there is a "NMVTIS ADMINISTRATIVE HOLD" on the records and they should contact their local law enforcement agency as a follow up. The customer will also be told that they will have to take the paper work to the law enforcement agency.

**Procedure:**

## A. Initial Investigation

1. Department personnel receiving a report of a vehicle or license plate(s) theft will first attempt to determine the time and place of occurrence.
2. Police Communications Section (PCS) will broadcast an "unconfirmed" vehicle or license plate(s) theft if:
  - a. The officer believes the theft just occurred, or the suspect or vehicle might still be in the vicinity and:
  - b. The officer has the necessary preliminary information (license plate number, type of vehicle, etc.).
3. The reporting officer will switch to Talk Group 16 and give the PCS Teletype Desk the license plate information, type of vehicle, and VIN.
  - a. PCS will check the repossessed car file and tow sheet and inform the reporting officer of pertinent information. Cancel the broadcast immediately if it is not a stolen vehicle.
4. The officer will confirm vehicle/license plate(s) theft by determining ownership:
  - a. Request to see the vehicle title, vehicle registration, or both.
  - b. If the complainant cannot prove ownership by producing the above document(s), the reporting officer will:
    - 1) Initiate a search of the LEADS Vehicle/License Plate Registration File by Query Registration (QR).

- 2) Contact the appropriate local deputy registrar for recent vehicle registrations. New registrations may not be in the LEADS Vehicle Registration File. Phone numbers for registrars are in the telephone directory yellow pages under "License Service".
  - 3) Ask the Teletype Desk to have the CIN1 operator send a message to the BMV in Columbus, Ohio, for a manual search. Do this if the reporting person gives a license plate number, but cannot verify ownership.
  - 4) Have the owner contact their insurance company for VIN and license plate information. Verify information by checking the LEADS files.
5. If successful in confirming ownership, notify PCS, which will broadcast and make the computer entry.
  6. If the reporting officer cannot confirm ownership of the reported vehicle/license plate(s) after following the steps listed above, make an "Unconfirmed Vehicle/License Plate(s) Theft" on a Form 303, Motor Vehicle Incident Report, and inform the reporting person.
    - a. PCS will teletype and broadcast the report and carry it in an active status for 72 hours. Do not enter the theft information into computer files.
    - b. The reporting officer will advise the complainant to exhaust all efforts to locate a document (title, registration, VIN, or license plate information) to prove ownership. Instruct the complainant to contact the police immediately when they locate proof of ownership.
    - c. The reporting officer will forward all copies of the Form 303 to the collator of the district carrying the report. The collator will handle proper assignment and make reports available for roll call dissemination.
      - 1) District collators will not assign offense numbers to "Unconfirmed Vehicle/License Plate(s) Theft" reports.
    - d. It is the responsibility of the investigative supervisor of the district carrying the report to have an investigator contact the complainant. The investigator's follow-up investigation will determine the status of the report.
    - e. At the end of the 72-hour period, PCS will cancel the report and teletype unless instructions are received from the investigating district to upgrade the report and teletype message to a "Stolen Vehicle/License Plate(s)" report.

7. Report attempts to commit a violation of any ORC statute that requires a Form 303 as follows:
  - a. Enter the word "Attempt" before the offense title, except in cases of Aggravated Robbery and Robbery.
  - b. Use the same ORC section number as if it were an actual, completed offense.
  - c. For reporting purposes only, never use the ORC Attempt Section 2923.02 on a Form 303.

## B. Vehicles

1. Reporting vehicle theft/attempt theft
  - a. Prepare a Form 303. After review by a supervisor, forward it to the district where the offense occurred.
    - 1) Title the offense "Vehicle Theft", ORC Section 2913.02V.
    - 2) Make corrections or additions to any Form 303 on a subsequent Form 303.
  - b. Form 301PS, Property Supplement
    - 1) All property that is readily identifiable with a serial or owner applied number will be reported on a Form 301PS.
    - 2) Use a Form 301PS when the combined value is more than \$500.00.
    - 3) Use a Form 301PS when corrections or additions are needed concerning property listed on a previously completed Form 301PS.
    - 4) Handle property contained in, but not part of, a stolen vehicle as follows:
      - a) The spare tire, jack, lug wrench, etc., are considered parts of the vehicle and do not require a Form 301PS.
        - 1] List these items and other unidentifiable property in the "Narrative" section of the Form 303.
  - c. List in detail any damage to the vehicle or missing vehicle parts in the "Narrative" section of the Form 303.
  - d. Vehicle Value
    - 1) The district collator will determine the vehicle value and list it on the Form 303.

- a) Use the Internet at the following sites: the Kelly Blue Book home page at [www.kbb.com](http://www.kbb.com) or the National Auto Dealers Association guidebook home page at [www.nadaguides.com](http://www.nadaguides.com) to determine vehicle value.
  - e. Vehicles stolen as part of robbery, burglary or breaking and entering type offenses:
    - 1) Complete a Form 303.
    - 2) The offense title on the Form 303 is the robbery, burglary or breaking and entering type offense preceded by the word "vehicle". Examples are "Vehicle Aggravated Robbery", "Vehicle Aggravated Burglary", "Vehicle Breaking and Entering", etc.
      - a) The ORC section number for the Form 303 will be the ORC defined offense (i.e., "Vehicle Aggravated Robbery" 2911.02V, "Vehicle Aggravated Burglary" 2911.11V, "Vehicle Breaking and Entering" 2911.13V).
    - 3) The Form 303, completed in these instances, will list all offenses occurring in the incident.
2. Recovery
- a. Query vehicles through RCIC to obtain stolen vehicle information.
  - b. Identify the agency that originally reported the vehicle as stolen.
    - 1) For out-of-town recoveries, request CIN1 issue a "Hit Request Confirmation" with the originating agency prior to requesting a Signal 38.
    - 2) All initial contact with the originating agencies (ORI) must go through the CIN1 operator. Bypassing the CIN1 operator and contacting the ORI directly causes confusion in entered vehicle status.
  - c. Stolen vehicle recoveries not released to the owner at the scene of the recovery will be impounded. Impounded vehicle recoveries require a Form 369, Towing Report.
    - 1) The yellow copy of Form 369 will be given to the dispatched private wrecker operator.
    - 2) Fax the Form 369 to the Impound Unit as soon as possible. The original white copy of the Form 369 will be mailed to the Impound Unit using interdepartmental mail.

- 3) The pink copy of the Form 369 will be retained at the district.
    - a) Forward a copy of the Form 369 to Records Section.
  - 4) Note on the Form 369 if the owner was notified of the recovery.
- d. Prepare a Form 303 and telephone the information to PCS Teletype Desk at 263-8125.
- 1) The report title will be "Vehicle Recovery". If the theft occurred in another jurisdiction, title the report "OT Vehicle Recovery".
    - a) If vehicle parts or contents are missing, title the report "Partial Vehicle Recovery" or "Partial OT Vehicle Recovery".
    - b) Use 2913.02VR on the Form 303.
  - 2) Enter the following information in the "Narrative" section of the Form 303:
    - a) List and identify the property recovered in the vehicle and indicate the disposition of such property.
    - b) List any damage to the vehicle.
    - c) List any stripped or missing vehicle parts at the time of recovery. The district collator will determine the value of the articles.
  - 3) When calling the PCS Teletype Desk to report vehicle recovery information, include the following:
    - a) Name of person/officer who notified the owner.
    - b) Time and date of the notification.
  - 4) When not able to make notification, indicate this in the "Narrative" section of the Form 303. List the date and the time you requested notification, the police agency or district, and the name of the officer contacted.
- e. Notifying the owner of recovered stolen vehicle or license plate(s)
- 1) When recovering a vehicle or license plate(s) stolen in Cincinnati, it is the responsibility of the recovering officer to notify the owner or initiate the notification process. Make the notification in one of the following ways:

- a) By telephone. The officer may contact the police agency where the owner lives for assistance if necessary.
  - b) By personal visit, if the owner lives or works in the recovering district.
  - c) If the owner lives or works in another district, the recovering district will notify the residence or employing district to make the notification.
    - 1] If there is no immediate contact with the owner, the district involved will make a blotter entry to ensure follow-up.
- 2) Upon receipt of a teletype regarding an out-of-town recovery, district desk personnel will promptly notify the auto theft investigator or Investigative Unit supervisor. If the recovery is made after normal working hours the desk officer will put the recovery information in the blotter.
- a) The auto theft investigator or Investigative Unit supervisor will ensure the owner is notified in a timely manner (no longer than 48 hours).
  - b) Investigative Unit supervisors will ensure the teletype board and blotter are reviewed on a daily basis to verify that all notifications are complete. This review will generally be conducted by the auto theft investigator. If the auto theft investigator is unable, another investigator will conduct this review.
- 3) If the owner does not live in Cincinnati or within the local telephone rate area, the officer will request the CIN1 operator send a teletype message to the proper police agency requesting them to notify the owner. The CIN1 operator will request notification confirmation (via return teletype message) from the agency.
- a) The CIN1 operator will immediately make a computer entry "Located Vehicle" (LV) into the LEADS and NCIC Wanted Vehicle File.
  - b) Officers will not bypass PCS and make initial contact with the ORI themselves. This causes confusion in entered vehicle status. PCS will make any required initial notification of other agencies.
  - c) The investigative supervisor from the district of the theft will ensure the owner of the vehicle is notified, whether the vehicle is recovered out-of-town or within Cincinnati.

- 4) If the vehicle is not drivable at the time of recovery:
  - a) Inform the owner the vehicle is not drivable. This allows the owner to obtain the services of a private wrecker.
    - 1] Provide the above information to the PCS Teletype Desk for inclusion in out-of-town police agency notifies, if applicable.
- f. It is the duty of an officer from the recovering district to safeguard the vehicle and all property inside until the vehicle is either released to the owner or impounded.
- g. Try to release the vehicle to the owner at the scene if not needed for other reasons and if it can be done within a reasonable time.
  - 1) If the owner or agent is unable to be contacted, or refuses to claim the vehicle at the scene, the vehicle will be towed, through a Signal 38 request, to a designated private storage facility for storage and recovery by the owner or agent.
    - a) Investigations concerning recoveries will be done at the private storage facilities within 24 hours of the recovery.
    - b) Auto recoveries will no longer be accepted at the Impound Unit or taken to police districts for investigation.
  - 2) Indicate in the "Narrative" section of the Form 303 whether the recovered vehicle was released to the owner or agent at the scene, or towed.
- h. Routing of the Form 303 on Vehicle Theft/Attempt Theft, Vehicle Defrauding a Livery or Hostelry, Vehicle Recovery, License Plate(s) Theft, and License Plate(s) Recovery.
  - 1) Original to Records Unit (following coding and computer entry).
  - 2) Copy for district files.
  - 3) Copy for district investigative unit.
  - 4) Copy to Criminal Investigation Section Auto Theft Coordinator.
  - 5) Copy to the district where the theft occurred if a recovery.

3. National Motor Vehicle Titling Information System hits
  - a. When a vehicle owner responds to a district at the direction of the BMV, the desk officer will request an officer respond to the district to conduct the investigation.
  - b. The investigating officer will query the vehicle to determine the status.
  - c. If the query indicates the vehicle is stolen, the officer will not allow the owner to leave with the vehicle.
    - 1) The officer will do a hit confirmation.
    - 2) The officer will make an attempt to contact an auto theft investigator to verify the status of the vehicle. If the vehicle is an out-of-town theft, the officer will treat it as any other out-of-town vehicle theft recovery.
      - a) If no auto theft investigator is available, the officer will conduct a preliminary investigation and tow the vehicle to the Impound Unit for follow up.
    - 3) If the query indicates there is no active theft entry, the officer will obtain the owner's name and contact information and allow the owner to leave with the vehicle.
      - a) The officer will make a blotter entry for the auto theft investigator to contact the vehicle owner. The auto theft investigator will follow up with the BMV to determine the status of the vehicle or to assist in clearing the record from the BMV files.

#### C. Unauthorized Use of a Motor Vehicle

1. Title the offense "Unauthorized Use of a Motor Vehicle (UUMV)" ORC Section 2913.03V.
  - a. PCS will not broadcast or enter unauthorized use of motor vehicle reports into the computer system unless there is a warrant number or authorization from a supervisor.
2. When sufficient information exists on a suspect but the complainant will not prosecute, the following guidelines will apply:
  - a. Complete a Form 303 and close it "Prosecution Declined".
    - 1) Do not issue a warrant referral.
    - 2) Do not telephone the report to PCS.

3. When sufficient information exists on a suspect and the complainant will prosecute, the following guidelines will apply:
  - a. Misdemeanor UUMV offense
    - 1) Complete a Form 303.
      - a) Officers will issue the complainant a Form 655R, Cincinnati Police Department Citizen Referral, for UUMV and advise the complainant to contact the district desk officer with the warrant number.
        - 1] A 655R will not be issued when the suspect is a juvenile. Refer to Procedure 12.420C.3.b.
      - b) Provide the desk officer with a copy of the Form 303. If the complainant reports the warrant information, the desk officer will call the report in to the PCS Teletype Desk for immediate entry.
      - c) If the offense occurred in a district other than the reporting district, the officer will make the offense report and:
        - 1] Mail original report and fax a copy to the district of occurrence.
        - 2] Make a copy of the report for the reporting district's desk officer.
        - 3] Instruct the complainant to contact the district responsible for the investigation with the warrant information.
    - 2) As soon as practical after 72 hours following the report, a district investigator will determine if the complainant has:
      - a) Signed a warrant, if issued a UUMV warrant referral.
        - 1] If no warrant was signed, close the case "Victim Refused to Cooperate".
        - 2] Upon receiving information that an UUMV warrant has been signed, the officer will confirm the warrant and telephone the report and warrant number to PCS. Mark the Form 303 indicating this was completed.
  - b. Felony UUMV offense
    - 1) Complete a Form 303.
    - 2) File all appropriate criminal complaint(s).

- 3) Call the report in to the PCS Teletype Desk for immediate entry.
4. When sufficient information does not exist on a suspect but the complainant will prosecute, the following guidelines will apply:
- a. Complete a Form 303.
    - 1) In the "Narrative" section, clearly state the complainant will prosecute.
    - 2) Do not telephone the report in to the PCS Teletype Desk if there is no warrant or supervisor's approval.
      - a) The reporting officer may obtain a supervisor's approval to call the report into the PCS Teletype Desk. PCS will not issue a teletype number without a supervisor's approval.
    - 3) Forward the report to the district collator who assigns an offense number and forwards it to the district investigative unit.
  - b. The investigator will attempt to obtain sufficient information for a warrant.
    - 1) If the offense is a misdemeanor, the suspect is an adult, and sufficient information develops for the complainant to sign a warrant, the investigator will issue a Citizen Referral.
      - a) If the suspect is a juvenile and sufficient information develops to sign a warrant, the investigating officer will file appropriate criminal charges.
    - 2) If the offense is a felony and sufficient information develops to sign a warrant, the investigating officer will file appropriate criminal charges.
    - 3) If the complainant will not sign a warrant, the investigator will close the case "Victim Refused to Cooperate".
      - a) If no warrant is signed within 72 hours, the investigator will close the case "Victim Refused to Cooperate".
        - 1] Do not telephone the report in to PCS.
      - b) If the complainant or officer signs the warrant, telephone the report and warrant number in to the PCS Teletype Desk.
    - 4) If insufficient information exists to sign a warrant, the district investigative supervisor will determine whether or not to make a computer entry.

5. When sufficient information does not exist on a suspect and the complainant will not prosecute, the following guidelines will apply:
  - a) Complete a Form 303 and a Form 311, Incident Closure Report, and close it "Victim Refused to Cooperate".
  - b) Do not telephone the report into PCS.

#### D. Defrauding a Livery or Hostelry

1. If a hired or rented vehicle is not returned to the owner, the reporting officer will issue a Citizen Referral to the owner of the vehicle.
  - a. A Form 303 will be completed only after the complainant signs a warrant.
    - 1) Title the offense "Vehicle Defrauding a Livery or Hostelry", ORC Section 2913.41V.
    - 2) Call the PCS Teletype Desk with the information for entry.
  - b. If the offense is found to be a felony or if the suspect is a juvenile, the investigating officer will file appropriate criminal charges.
2. Vehicle Defrauding a Livery or Hostelry Recovery.
  - a. Title the recovery "Vehicle Defrauding a Livery or Hostelry Recovery". If the defrauding occurred in another jurisdiction, add "OT" as a prefix to the title.
3. When the property involved is not a vehicle, or when violations of ORC Section 2913.41 occur with the vehicle returned to the owner, refer to Procedure 12.400, Section B.

#### E. Misplaced Vehicles

1. Complete a Form 303 titled "Misplaced Vehicle" and forward all copies to the affected district. Do not use an ORC section number.
  - a. Notify PCS who will broadcast and carry the report in an active status for 72 hours.
  - b. The district investigative supervisor is responsible for assigning the follow-up investigation to determine the status of the misplaced vehicle.
  - c. Make one copy for dissemination at roll call.
2. When locating a misplaced vehicle within 72 hours, the recovering officer will notify PCS to cancel the teletype.

## F. License Plates

1. Reporting License Plate(s) Theft/Attempt Theft
  - a. The reporting officer will prepare a Form 303.
    - 1) If only one license plate is missing and evidence of theft is present, prepare a Form 303. Note whether the theft was of the front or rear plate.
    - 2) Report stolen or attempt stolen expired license plate(s) on a Form 303.
  - b. The district carrying the report assigns the offense number.
  - c. The offense titles are "License Plate(s) Theft" or "Attempt License Plate(s) Theft", ORC Section 2913.02L.
  - d. Telephone all stolen valid or expired license plate(s) to the PCS Teletype Desk for entry into the computer files.
  - e. Report theft/attempt theft of license plate validation stickers on a Form 301 using ORC Section 2913.02.
    - 1) The value is the original cost of the sticker.
    - 2) Include the sticker color and serial number in the description for computer entry into the Property File.
    - 3) Query all suspected stolen stickers as "Property".
    - 4) The offense title will be "License Plate Validation Sticker Theft" or "Attempt License Plate Validation Sticker Theft", ORC Section 2913.02.
    - 5) Upon recovery of a stolen sticker, the officer will prepare a Form 311. Note the recovery of the property and direct the data entry operator to delete the sticker from the computer Property File. Do not make a "Recovery" offense report.
2. Reporting Stolen License Plate(s) Recovery
  - a. Upon recovery of stolen license plate(s), prepare a Form 303 and telephone the information to the PCS Teletype Desk.
    - 1) If one license plate is still missing, the recovery is partial. Explain in the "Narrative" section of the Form 303 which plate (front or rear) is still missing.
    - 2) The report title is "License Plate(s) Recovery." Title reports of license plates stolen in another jurisdiction "OT License Plate(s) Recovery." Both instances use ORC Section 2913.02LR.

- 3) When reporting license plate(s) recovery information to PCS, include the name of the person/officer who notified the owner and the time and date of the notification.
  - 4) When unable to make owner notification, indicate this in the "Narrative" section of the Form 303. List the date and time notification was requested, the police agency or district, and the name of the officer contacted.
  - 5) All initial contacts with the ORI go through the CIN1 operator. Bypassing PCS and contacting the ORI directly causes confusion in entered license plate status.
- b. On a vehicle with recovered stolen plate(s), and a vehicle not reported stolen which is to be impounded, complete a Form 369, Towing Report.
    - 1) Follow Procedure 12.270 for this type of impoundment.
  - c. The recovering officer will remove stolen license plate(s) from the vehicle at the time of recovery unless the vehicle is to be impounded for investigation. In this instance, the plate(s) will remain with the vehicle, and will be removed and processed by the investigating officer.

NOTE: Wrecker drivers are required to have tools to remove the license plates from a vehicle.

- 1) Complete a Form 330, Property Receipt, and send the form and plates to the Court Property Unit.
    - a) Note in the "Narrative" section of the Form 303 that the license plate(s) were sent to Court Property Unit.
    - b) Advise the owner the license plate(s) can be retrieved at the Court Property Unit.
3. Reporting Lost License Plate(s)
    - a. The reporting officer will conduct a preliminary investigation to determine if the plate(s) is lost or stolen.
      - 1) Absence of both plates would be a strong indication of theft, unless other circumstances are present.
      - 2) If the license plate(s) is lost within the City of Cincinnati, initiate a QR to verify ownership.
      - 3) Contact the Court Property Unit to determine if someone turned in the license plate(s). Contact the district of occurrence if known.

- b. Prepare a Form 303 titled "Property Lost" and include the following:
    - 1) Name, address, and telephone number of the owner.
    - 2) Name of complainant, if other than the owner.
    - 3) License number, state of issue, and the validation sticker number, if any (if a lost rear license plate).
    - 4) Date and place of occurrence, if known.
    - 5) Indicate if loss was one, or both license plates (indicate front or back).
    - 6) Telephone the information to PCS and add the teletype number to the Form 303.
  - c. Advise the complainant of the following information in lost license plate(s) cases:
    - 1) If the owner finds the license plate(s), they should immediately notify the police so the plate can be removed from the current files.
    - 2) The owner should contact the BMV as soon as possible.
    - 3) A deputy registrar handles reissuing of Ohio license plates. The following information may be helpful to the vehicle owner:
      - a) Passenger vehicle - Take any remaining license plate, the registration, or the vehicle title if registration is lost, for a new set of plates. If both license plates are missing, take the registration and the vehicle title in for new plates.
      - b) Commercial vehicle - Take any remaining license plate with the registration and make application for duplicate plates. Use the issued "W.S." sticker (lost license plate windshield sticker) on the vehicle until the duplicate plate arrives from Columbus. If both plates are missing, bring in the registration and title and make application for a new set of plates.
      - c) The registrar charges an issuance fee for the above services.
4. Reporting Found License Plate(s)
- a. Complete a Form 303 for each instance of found license plate(s). The reporting officer will attempt to determine the owner's name and address and will include this information on the form.
  - b. After identifying the owner, the reporting officer will attempt to

notify the owner by telephone. Instruct owners to pick up the plate(s) at the district before 0700 hours the next workday.

- 1) If the owner cannot pick up the plate(s) within that period, instruct the owner to retrieve the plate(s) from the Court Property Unit.
- c. Enter the name of the person notified and the time of notification on the Form 303.
- d. If the officer cannot determine the name of the owner after exhausting all investigative means, forward the plate(s) to the Court Property Unit. Attach a copy of the Form 303 explaining the methods used to determine owner identification.

G. Closure of Vehicle/License Plate(s) Theft Offenses

1. Cancel the computer entry when cases of vehicle and license plate thefts are cleared "Victim Refused to Cooperate" because the complainant will not prosecute the suspect, and the vehicle is not recovered.
  - a. The investigator assigned to the case will, with the approval of a supervisor, contact PCS Teletype Desk to request immediate cancellation of the computer entry.
2. Close cases as a "partial recovery" unless recovery includes the vehicle, both license plates (if two are issued), all parts of the vehicle, and all property listed on the Form 303.

## 12.900 PROCESSING JUVENILE OFFENDERS

### **Reference:**

Procedure 12.205, Traffic Enforcement  
 Procedure 12.215, Cincinnati Parking Infraction (CPI)  
 Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing and Arrest  
 Procedure 12.315, Investigation of Rape and Other Sexual Assault Offenses  
 Procedure 12.430, Endangering Children Offenses  
 Procedure 12.545, Use of Force  
 Procedure 12.600, Prisoners: Securing, Handling, and Transporting  
 Procedure 12.610, Prisoners: Guarding Hospitalized  
 Procedure 12.905, Fingerprinting and Photographing of Juveniles  
 Procedure 12.910, Missing Persons  
 Cincinnati Municipal Code 910-1, Attendance at School  
 Ohio Rules of Juvenile Procedure Rule 6, Taking into custody  
 Ohio Rules of Juvenile Procedure Rule 7, Detention and shelter care  
 Ohio Revised Code 2151.022, Unruly child defined  
 Ohio Revised Code 2151.23, Jurisdiction of juvenile court  
 Ohio Revised Code 2151.31, Apprehension, custody, and detention  
 Ohio Revised Code 2151.311, Procedure upon apprehension  
 Ohio Revised Code 2151.312, Place where unruly child may or may not be held  
 Ohio Revised Code 2919.21, Nonsupport or contributing to nonsupport of dependents  
 Ohio Revised Code 2919.22, Endangering children  
 Ohio Revised Code 2919.23, Interference with custody  
 Ohio Revised Code 2919.24, Contributing to unruliness or delinquency of a child

### **Policy:**

When dealing with juvenile offenders, it is the policy of the Police Department to employ the least coercive of the enforcement directives available to properly address the situation.

Sometimes, when dealing with juvenile offenders, there are underlying issues that need to be investigated. When coming into contact with a juvenile offender, especially runaways, curfew violators and truants, officers will look for physical signs of abuse or neglect. If there are physical signs or allegations of abuse or neglect, the appropriate investigations will be conducted, reports completed and necessary action taken.

### **Information:**

Community safety depends primarily upon voluntary individual restraint conditioned by community norms that control harmful behavior and reinforce conventional productive behavior. Youth who are not bonded to conventional community institutions such as school, work, religious and recreational organizations are more likely to engage in criminal behavior.

The emerging direction of juvenile justice is towards a balanced and restorative system of justice. Restorative justice focuses on crime as harm and justice as repairing harm, in part, by sanctioning juveniles based upon accountability measures which attempt to restore victims and clearly denounce and provide meaningful consequences for illegal behavior.

The following enforcement directives are designed to hold juveniles accountable for illegal behavior. Employing these directives will allow the court to appropriately intervene in incidents of juvenile offenses through formal and informal action, to effectively address victim, offender and community needs in a balanced manner which enhances public safety.

In all cases where there is doubt as to the proper disposition of juvenile cases, the officer will contact Youth Services Section (YSS) for assistance. If YSS personnel are unavailable, contact a supervisor for assistance in arriving at the proper juvenile disposition.

***Procedure:***

A. Unofficial Complaints/Hearings

1. An officer who perceives that an informal intervention by Juvenile Court is preferable to merely releasing the juvenile to a parent/guardian without contact with Juvenile Court may sign an unofficial complaint against first time non-violent misdemeanor offenders.
  - a. Unofficial complaints are processed through the Hamilton County Juvenile Court (HCJC) and result in a scheduled Unofficial Hearing.
  - b. Unofficial Hearings provide an opportunity for the juvenile and the victim to arrive at a solution.
2. Criteria and guidelines for Unofficial Complaints/Hearings are established by the HCJC.
  - a. Unofficial complaints can only be signed for first time delinquent or unruly offenders with a minor offense.
  - b. Unofficial complaints can only be signed when a juvenile admits guilt to the offense.
  - c. Unofficial complaints are **not** permitted for the following cases:
    - 1) Any use of a gun (real or toy)
    - 2) Domestic Violence or assault against a parent, custodian, guardian, or family member
    - 3) Threat or serious physical harm or death (Menacing and Aggravated Menacing)
    - 4) Unrecovered or damaged property over \$300

- 5) Drugs
  - 6) Sexual Offenses
  - 7) Traffic violations
  - 8) Any weapon on school grounds
- d. HCJC has the final say in determining which juvenile contacts qualify to proceed with an unofficial hearing.
3. Complete a Form 314, Notice to Appear, indicating referral for unofficial hearings.
- a. Write in bold letters across the bottom of the Form 314, "Unofficial Hearing" and check the block marked "Juvenile Court (When Notified)".
  - b. Sign an "Unofficial Complaint" at the Hamilton County Juvenile Court Youth Center (HCJCYC) Intake Office.
    - 1) Verify if the offense meets the guidelines for an unofficial hearing with a HCJCYC Intake Office clerk.
- B. Issuance of a Form 314, Notice to Appear - Closed Referral
1. In cases where an unofficial hearing is not perceived as the proper action, a closed referral may be issued for any non-violent misdemeanor offense, excluding alcohol or drug offenses, provided the juvenile has not been previously issued a closed referral for any criminal offense.
- a. Before issuing a closed referral, perform a computer query to determine the juvenile's criminal history and wanted status.
    - 1) Computer queries QHW, QW, QJN, QJO, and QJH access juvenile history and wanted entries.
    - 2) Verify an outstanding warrant for a juvenile's arrest by calling the HCJCYC Intake Office clerk (24 hours a day).
  - b. Note the title of the offense, section number, and facts of the offense on all closed referrals.
    - 1) List the type of offense in the "Title of Offense" space of the Form 314.
    - 2) Enter the facts of the offense in the "Describe Violation" space of the Form 314.

- c. To properly identify juveniles and correlate juvenile records, it is imperative closed referrals, arrest reports, and other police reports reflect the names and addresses of natural parents of the juvenile and the names and addresses of the stepparents or guardians who may now have custody of the juvenile.
  - d. Print "Closed Referral" in bold letters across the bottom of the Form 314.
2. Once the closed referral has been completed, the juvenile must be released to an adult in the following order of preference - a parent, adult relative, adult sibling, school administrator, or responsible adult.
    - a. Inform the adult of the nature of the offense and arrange for the release of the juvenile.
      - 1) Indicate the name and relationship of the person notified on the back of the Form 314. The adult assuming custody of the juvenile must sign the front page of the Form 314.
    - b. For minor misdemeanor and traffic offenses, a telephone notification by the officer to the adult is sufficient. The name of the adult notified must be indicated on the back of the Form 314.
  3. When more than one juvenile is involved in one incident, each referral will have complete information and crossed reference notes.
  4. A unit supervisor will review a closed referral for completeness, legibility, accuracy, and appropriateness (nature of offense, policy compliance, etc.).
  5. Police personnel will forward the closed referral (both criminal status and traffic offenses) to the appropriate district Data Entry Operator (DEO).
    - a. The DEO will enter the closed referral into the computer system and forward all copies to the Records Section for filing.

### C. Issuance of Citations

1. Sign official complaints against juveniles who have committed a felony, violent misdemeanor (per 2902.02 ORC), drug or alcohol offense or for a non-violent misdemeanor (if they have previously been issued a closed referral for a criminal offense), except in the following cases wherein a closed referral is permitted:
  - a. Complainant refuses to prosecute
  - b. Exceptional clearances (multiple case closures)
  - c. Juvenile lives outside of Hamilton County (misdemeanors only)
  - d. Children under the age of seven

2. Sign official complaints processed as citations at the HCJCYC Intake Office.
3. In cases where the officer will sign the complaint
  - a. Complete a Form 314 for record purposes.
    - 1) Check the block titled "Juvenile Court (When Notified)."
  - b. Release the juvenile to his parent/guardian.
    - 1) Advise the parent/guardian that Juvenile Court will notify them of the court date.
  - c. Sign the official complaint within 16 hours of the citation at the HCJCYC Intake Office.
    - 1) Complete a Hamilton County Juvenile Court Case Summary Form, available at the Intake Office, when signing the complaint.
    - 2) Obtain the Juvenile Court case number and the Juvenile Court identification number from the intake clerk. Record the Juvenile Court case and identification number in the "Describe Violation" space on the Form 314.
    - 3) Officers have the option of completing a Form 555, Juvenile Court Pre-Sentence Probation Information Request, to provide information to the court prior to sentencing. This form may also be completed when making a physical arrest.
      - a) Completion of the Form 555 will generate a pre-sentence probation investigation. The arresting officer(s) will be contacted during this investigation to provide information relevant to the sentencing.
  - d. Juvenile Court will notify all witnesses and issue the necessary subpoenas.
  - e. A unit supervisor will review the Form 314 and forward to the district DEO.
    - 1) The DEO will enter the citation into the computer system and forward all copies to Records Section for filing.

#### D. Physical Arrest (Detention)

1. Reasons to admit a juvenile into detention are:
  - a. The seriousness of the offense
    - 1) Priority should be given to offenses involving violence toward a victim(s).

- 2) A history of minor offenses may also be considered.
  - b. Protection of the juvenile from immediate or threatened physical or emotional harm.
  - c. The juvenile may abscond or be removed from the jurisdiction of the court.
  - d. The juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for the juvenile and return the juvenile to court when required.
  - e. An order for placement of the juvenile in detention or shelter care has been made by the court.
2. Approval from a supervisor is required to place juveniles under 12 years of age in detention.
  3. Appropriate charges must be determined prior to transport to the HCJCYC.
  4. Transportation to HCJCYC (Detention)
    - a. Juveniles will be taken to the appropriate detention facility without delay, unless in need of medical attention.
    - b. Juveniles will remain handcuffed during all phases of transportation and processing.
    - c. Whenever juveniles are transported or processed, separate them from adult offenders.
  5. Process all evidence through the arresting officer's district/section/unit to the Court Property Unit. Document on the Form 527, Arrest and Investigation Report, where the property was taken.
    - a. Personal property found on the juvenile will be held at HCJCYC.
  6. Prepare a Form 527 when taking a juvenile to the HCJCYC.
    - a. The Form 527 will accompany the juvenile to the HCJCYC and provide the basis for the Receipt for Juvenile Form prepared by intake personnel.
    - b. Notify the HCJCYC intake or youth center officer when an arrested juvenile must obtain medical treatment prior to being transported to the HCJCYC.
  7. Upon completion of the juvenile's registration, the arresting officer will file the official complaint with the HCJCYC Intake clerk.
    - a. The Form 527 should contain all pertinent information related to the case including: names of witnesses, injuries to victims, any evidence, etc.

- b. The transporting officer(s) will enter the identification number and case number(s) obtained from the intake clerk in the "Facts of Arrest" space on the Form 527.
  - c. A unit supervisor will review the Form 527 and forward to the district DEO.
    - 1) The DEO will enter the Form 527 information into the computer and forward all copies to Records Section.
8. Officers will complete a Form 527J, Juvenile Case Investigation Jacket, for all arrests on original felony and original, reportable misdemeanor charges. The only exception is Operating a Vehicle under the Influence (OVI) arrests.
- a. The Form 527J will include a 527B and copies of all other pertinent paperwork needed to prove the facts of the case, including probable cause, elements of the crime and evidence showing the suspect committed the crime.
  - b. A supervisor must review the contents for accuracy and completeness and sign the Form 527J.
  - c. The completed Form 527J will be entered into the district/section/unit Form 527J log book.
    - 1) **Do not** leave the 527J or 527B with the juvenile clerk.
  - d. The approved Form 527J will be logged out of the log book and hand carried to the Hamilton County Prosecutors Office (Juvenile Division) located at 230 East 9<sup>th</sup> Street, 4<sup>th</sup> floor, by the officer assigned to the property run on the next business day.
9. Notification of parent/guardian
- a. An officer taking a juvenile into custody will make a reasonable attempt to notify the parent/guardian. Make an entry in the district or unit blotter of the notification or inability to notify.
    - 1) Notify the parent/guardian when detaining a juvenile for "in-custody" questioning.
      - a) "In-custody" means taking a juvenile to a police facility, detention facility, hospital, or other place where the juvenile is not free to leave.
      - b) The detaining of a juvenile for in-custody questioning must be based upon probable cause.
      - c) Notification of the parent/guardian is not necessary for brief field interviews.

d) The interviewing officer(s) will explain agency and juvenile justice system procedures to the juvenile and the juvenile's parents or guardians.

1] As part of the explanation, include:

- what violation the juvenile is being charged with.
- whether the juvenile will be transported to the HCJCYC or released to the custody of the parent or guardian.
- whether further court proceedings will ensue.

2] Juvenile Court will handle the notifications of when to appear for further court proceedings.

2) The length of time for a juvenile interview is best gauged by the investigator's assessment of the juvenile's physical and emotional condition throughout the interview process.

a) Never interview juveniles beyond one hour without approval of a supervisor.

3) No more than two officers will interview a single juvenile.

#### E. Felony and Reportable Misdemeanor Warrants

1. Refer to Procedure 12.900 section D.8. when signing active juvenile warrants for felony or reportable misdemeanor offenses.

#### F. Runaways

1. Query all runaways to determine if warrants have been signed.

2. Local runaways

a. Take the juvenile home. Obtain supervisory approval if the juvenile lives outside Hamilton County, but within reasonable driving distance.

1) If the parent/guardian cannot control the juvenile or the juvenile will run away again, they must sign an official complaint at the HCJCYC Intake Office before the juvenile is placed in detention.

b. Juvenile Court will issue a runaway warrant for a juvenile whose whereabouts have been unknown for 12 hours or more. Exceptions are made for a juvenile whose safety is in jeopardy.

- c. Officers may consider a local runaway for detention if they can justify it on the basis of personal knowledge or when other delinquent acts are involved. Disposition should be made in accordance with Section D.1. of this procedure.
  - 3. Out-of-town runaways
    - a. Take the juvenile who lives 75 miles or less to the district. Notify the parent/guardian to respond for the juvenile. A supervisor will ensure the security of the juvenile until the parent/guardian arrives.
      - 1) If there is any question regarding the cooperation of the juvenile while awaiting release, transport to HCJCYC and sign the appropriate charge as indicated below.
    - b. Take juveniles living in excess of 75 miles from Cincinnati to HCJCYC.
      - 1) The arresting officer will sign an unruly juvenile complaint based on ORC 2151.022, Unruly Juvenile, Defined.
      - 2) Contact 241-KIDS (Hamilton County Department of Human Services) for assistance for juveniles under 12 years of age. Complete a Form 314 and notify Personal Crimes Unit (PCU) by telephone.
    - c. Make a blotter entry indicating the disposition of the juvenile.
  - 4. Runaways from placement centers
    - a. Place runaways, 12 years of age or older, from placement services in the HCJCYC unless immediate custody can be transferred to an appropriate authority for the juvenile's return.
      - 1) The arresting officer will complete a Form 527.
    - b. Contact 241-KIDS for a juvenile under 12 years of age if the juvenile cannot be returned to the agency having jurisdiction. Complete a Form 314 and notify PCU by telephone.
- G. Incurable Complaints
- 1. Police officers will not initiate an arrest for incurability without an official complaint signed by a parent/guardian.
- H. Juvenile Traffic Offenders
- 1. Juveniles 12 through 17 years of age inclusive, who commit a minor traffic violation, may be issued an Ohio Multi-Count Uniform Traffic Tag (MUTT) or a closed referral.

- a. When a closed referral is issued, write "Closed Referral" and the specific charge in the "Offense Charged and Description" block of Form OH-1.
  - b. Juveniles 7 through 11 years of age will receive a closed referral unless one of the following occurs:
    - 1) Operation of a vehicle without a valid driver's license.
    - 2) Operating a Vehicle Under the Influence (OVI) violation.
    - 3) Auto accident with serious injuries or a death to another (excludes pedestrian accidents wherein the juvenile is at fault and injured)
    - 4) Auto accident involving severe property damage
2. If a traffic code violation (for OVI cases, see Section H.3. of this procedure) is committed by a juvenile driving a motor vehicle, and the officer determines a warning (Closed Referral) is not sufficient, the following will apply:
- a. District officers will cite juvenile traffic offenders on an MUTT to Hamilton County Juvenile Court on the following days except court holidays:
    - 1) Monday - District 1 and District 5
    - 2) Tuesday - District 2
    - 3) Wednesday - District 3
    - 4) Thursday - District 4

NOTE: Other units are not restricted.

    - 5) A minimum of 14 days must elapse between the date the citation is written and the date of the hearing (except juvenile OVI cases - see Section H.3. of this procedure). Write citations for the first hearing date for your district following the 14 days.
    - 6) When necessary, the hearing date can be delayed to a following assigned date.
    - 7) All hearings will be set for 1430 hours.
    - 8) Districts assigned hearing dates that fall on a holiday will schedule the hearing for the indicated day of the following week.
  - b. Citations issued as a result of an auto accident require both parties and witnesses to be informed of the date and time of the hearing.

- 1) Witnesses may appear at the hearing, but are not required unless subpoenaed.
- c. Give a juvenile traffic offender the violator's copy of the MUTT, listing the date and time of the court appearance.
  - 1) Check the block advising the juvenile to appear in Hamilton County Juvenile Traffic Court.
3. When a juvenile is cited to court for ORC Sections 4511.19 OVI, or 4511.19.1 - Implied Consent.
  - a. Cite the arrested juvenile on a MUTT for the fifth calendar day following the arrest. If the fifth day is a Saturday, Sunday, or legal holiday, use the next court day.
  - b. The time of the court appearance is 1430 hours in Juvenile Court.
  - c. Police personnel will not appear at this hearing.
4. Treat juveniles riding toys as a pedestrian.
5. Issue a Cincinnati Parking Infraction (CPI) when a vehicle parked in violation is known to be owned, or the violation was committed by, a juvenile.
  - a. Cite juveniles operating a vehicle with expired license plates in violation of Cincinnati Municipal Code (CMC) 503-52, Unauthorized License Plates, on a MUTT to Juvenile Court.
- I. Adult Criminal and Traffic Warrants Issued to a Person who is a Juvenile
  1. Send an adult criminal or traffic warrant issued for a juvenile to the Hamilton County Sheriff's Office, Central Warrants Processing Unit.
    - a. Accompany the warrant with a complete list of the facts so a Record of Arrest can be prepared and the warrant(s) dismissed.
  2. Circumstances consistent with this procedure will determine if:
    - a. The juvenile is issued a MUTT and cited to juvenile court.
    - b. A juvenile complaint is signed and the juvenile is cited to Juvenile Court or placed in the HCJCYC.
- J. Service of Hamilton County Juvenile Court Warrants
  1. When a computer check indicates a warrant is on file, telephone the HCJCYC Intake Office and confirm the warrant.
    - a. Complete a Form 527 listing the following information:

- 1) Date, time, name of the person confirming the warrant, and the Juvenile Court identification number in the space titled "Facts of Arrest"
  - 2) Warrant number(s) in the space titled "Charges"
  - 3) RCIC control number in the space titled "Control Number"
- b. Complete a Form 527J if information which is pertinent to the warrant is discovered, including new evidence and/or statements made by the arrested.
2. If adults have an active warrant issued by the Hamilton County Juvenile Court when the adults were juveniles, confirm the warrant with the HCJCYC Intake clerk.
- NOTE: Do not cite adults with juvenile warrants to court.
- a. Take adults with Juvenile Court criminal and parole violation warrants to the HCJC (Hamilton County Justice Center).
    - 1) Take the completed Form 527 to the HCJC with the adult.
    - 2) Advise the HCJCYC Intake clerk the person will be taken to the HCJC.
      - a) The intake clerk will teletype confirmation of the warrant to the HCJC.
  - b. Take adults with Juvenile Court traffic or violation of court order (juvenile probation violation) warrants to the HCJCYC.
    - 1) Take the completed Form 527 to the HCJCYC with the adult.
3. When the HCJCYC Intake clerk is unable to confirm a warrant on a computer hit, the unit supervisor will document on a Form 17 the date, time, name of the clerk, and a full report of the incident. Forward the Form 17 and a teletype printout of the computer hit to the Police Chief.
- a. The Police Chief will forward the Form 17 to the Youth Services Section (YSS) Commander for a follow-up investigation.
  - b. Release the juvenile if the intake clerk cannot confirm the warrant and no new charges are filed.
4. Hamilton County Juvenile Court warrants are distributed to the districts.
- a. The district commander will direct all juvenile warrants received to the warrant control officer.
    - 1) The warrant control officer will complete a Form CW100 (Warrant Control Card) for each warrant.

- a) Record juvenile warrants separately but in the same manner as adult warrants.
  - b) Process juvenile warrants within a 14 day period.
  - c) The Monthly Warrant Report will include a separate section for juvenile warrants.
- b. The district commander will determine the assignment for service of juvenile warrants.

#### K. Investigations on School Property

1. The primary function of the School Resource Officer (SRO) is enforcement action for any violation of law which occurs on school property.
  - a. In many instances, the SRO can identify a wanted juvenile.
  - b. The SRO may also know the background information, address, and other data on a suspect juvenile.
  - c. When SRO's are not readily available to respond, all initial requests for service (e.g., reports, investigations, etc.) should be immediately handled by the police officer on the scene and not referred to an SRO for appropriate action.
2. If an incident occurs on school property in view of a police officer, the officer will file the official complaint.
3. Contact the school principal to arrange for an interview on the school premises with a juvenile.
  - a. For informational purposes and necessary assistance contact the SRO.

#### L. Attendance at School

1. If a juvenile is out in a public place during the hours when the child is required to be in attendance at school and is without parental supervision and not on an emergency errand, complete a Form 314, charging the juvenile with CMC Section 910-1, Attendance at School (also known as Daytime Curfew). If the juvenile is not suspended or expelled from school, return the juvenile to their particular school attendance officer.
2. If the student is suspended or expelled from school, they may not be returned to school, but must be taken home or to a police facility until a parent or guardian can be contacted.

### M. Curfew for Minors

1. If a juvenile, under the age of 16, is about or upon any place in the city other than their home or usual place of abode between the hours of 10:00 p.m. and 5:00 a.m. of the following day, and exceptions do not apply, charge with CMC Section 911-27b.
2. If the juvenile is 16 or older but under 18 and is about or upon any place in the city other than their home or usual place of abode between the hours of 12:00 a.m. and 5:00 a.m., and no exceptions apply, charge with CMC Section 911-27c.
3. In cases of curfew violations, CMC Section 911-27, juveniles may be transported to the following locations, listed in order of preference:
  - a. Home - Officers will transport a curfew violator home if geographically closer than a curfew center.
  - b. Curfew Center
  - c. Lighthouse Youth Services Inc., 3330 Jefferson Avenue, when a parent/guardian cannot be located and a curfew center is not available.
    - 1) Officers must make a reasonable attempt (approximately one hour) to locate the parent/guardian of a curfew violator before transporting the violator to the Lighthouse.
    - 2) Curfew violators under the influence of drugs/alcohol, in possession of a weapon, or involved in gang activity will not be accepted.
      - a) Lighthouse staff has the right to refuse admittance to any curfew violator.
    - 3) Officers transporting a curfew violator to the Lighthouse must then respond to the HCJCYC Intake office to sign a complaint for CMC 911-27, even if the violator is a first offender.
    - 4) Curfew violators who leave the Lighthouse before being released to a parent/guardian will not be charged with Escape, O.R.C. 2921.34.
      - a) If located, these violators will be transported to HCJCYC and charged with an additional curfew violation, if appropriate.
    - 5) Officers will contact the District Five Officer In Charge (OIC) if a supervisor is needed to resolve any situation involving curfew violators.
  - d. Hamilton County Juvenile Court Youth Center, 2020 Auburn Avenue.

- 1) Only transport curfew violators to the HCJCYC if one of the following conditions applies:
  - a) All locations listed above are unavailable to receive the violator.
  - b) Any condition listed in Section D.1 of this procedure is applicable to the violator.
  
4. Enforcement actions
  - a. A Form 314 (closed referral) will be made for an initial curfew violation.
    - 1) A closed referral should not be used on a second contact unless extenuating circumstances are present (e.g., extensive time has expired since last enforcement contact, juvenile will soon be an adult, etc.).
  - b. Handle subsequent violations by completing a juvenile complaint signed at either Juvenile Court or Juvenile Detention.
    - 1) Any previous adjudication for **ANY** violation will cause the correct charge for curfew to be a Violation of a Court Order (VCO). Sign a Juvenile Complaint titled "VCO-Curfew" (ORC Section 2152.02).
  - c. If the parent/guardian has previously been issued a written warning, issue the parent/guardian a minor misdemeanor citation for CMC Section 911-27(e).
  
5. To ensure the appropriate enforcement is being taken, officers must check the juvenile's previous record.
  - a. This can be accomplished by making a computer inquiry or calling the Juvenile Court Clerk's office.

#### N. Adult Involvement in Juvenile Court Cases

1. Juvenile Court has original jurisdiction under the Ohio Revised Code to hear and determine all misdemeanor cases charging adults with any act or omission with respect to any juvenile, which act or omission is a violation of any state law or any municipal ordinance.

NOTE: ORC Section 2919.22, Division A - Endangering Children, a misdemeanor of the first degree, is the jurisdiction of the Hamilton County Municipal Court.

2. Police personnel or a parent/guardian wishing to obtain an adult warrant at the Hamilton County Juvenile Court for ORC Sections 2919.21, Division (B) - Nonsupport or contributing to nonsupport of dependents; 2919.22, Division (B)(1) - Endangering Children; 2919.23, Division (B) - Interference with custody; or 2919.24, Contributing to unruliness or delinquency of a juvenile, can:

- a. Consult with a prosecutor on the Hamilton County Juvenile Court's staff during normal business hours.
  - b. File complaints with the HCJCYC Intake clerk when the officer or parent/guardian cannot wait until normal court business hours.
3. Process adult violators arrested and charged with an offense that Juvenile Court has jurisdiction over through the HCJCYC Intake Office and hold at the HCJC.
    - a. The arresting officer or the complainant, accompanied by the arresting officer, will sign the official complaint at the HCJCYC Intake Office.
      - 1) The police officer will obtain the necessary paper from the Intake Clerk after the complaint is signed and transport the arrested and the paperwork to the HCJC.
- O. Disclosing Identity of Juvenile Offenders
1. Police personnel will not disclose the identity of any juvenile who is the subject of a police contact through detention, citation to court, or by referral to non-criminal justice administration personnel in conformance with the spirit of the Ohio Juvenile Code, except when:
    - a. Identity is required for official purposes.
    - b. The juvenile is wanted as a missing person/runaway and such information is transmitted by Police Communications Section (PCS).
    - c. The juvenile is wanted in the investigation of a felony and such information is transmitted by PCS.
  2. Refer private persons or agencies making a request for identity of juvenile offenders at the Records Section, any police unit, or from a member of the Department, to the Hamilton County Juvenile Court. Juvenile Court can better evaluate the total situation regarding the juvenile involved and their records are more complete.

# Your Work Environment

This is *your* work environment journal.

Your journal is meant to be private and kept with you throughout your work day.

In it you will record your observations about your work environment. Focus on how employees in your work environment interact with each other. Acknowledge both the good and the bad. Pay close attention to anything that could be perceived as a contributor to a “hostile” environment. Basically, your goal is to begin using a reflective perspective that truly “sees” your work environment. By doing this, you may become more aware of your own conduct and improve your ability to recognize inappropriate behavior around you.

Some examples of what you should be looking for:

- Do you witness co-workers offering each other professional courtesy?
- Are you offended by something someone says to you, or another person?
- Do you notice teamwork in practice?
- Does anyone make statements that have to do with a person’s race, age, sex, disability, etc (protected class)?
- If there is tension or conflict within your work environment? Write how you are dealing with it and/or conversations that you have about it. If you’re a party to the conflict, write about what you did to try to resolve it. It’s also good to think about and write what you could have done differently. What was learned that you can use the next time something like this arises?
- Observe your co-workers for the next 30 days. Be looking for underhanded comments, sarcasm or other derogatory language that can be taken negatively. Watch facial expressions, body language and mannerisms. As a supervisor, try to gain an understanding of how your staff interacts with one another. How do they contribute to positive or negative environment?
- What role do you play in your work environment? Do you consistently demonstrate a positive attitude? Do you treat others with dignity and respect? What efforts do you make to build a pleasant work environment?
- Does anyone tell you that something you said was offensive or hurtful to them?
- Does one coworker tell another that they said something offensive or hurtful?
- Do you think your work environment is healthy? What do you think could improve the atmosphere of your work environment if it’s not up to your standard?

**When we meet in next we will be discussing your observations.**

Remember, any serious issue such as sexual harassment or workplace violence, violation of administrative regulations, or our policies and procedures should be reported immediately.

Call/email Lisa Auciello with questions/suggestions: 352-1506 / [lisa.auciello@cincinnati-oh.gov](mailto:lisa.auciello@cincinnati-oh.gov)

*June 29, 2009*

*Attn: Chief Thomas Streicher*

*I am writing this letter in regards to Spec. Frank McGraw and Sgt. Roger Robbins. My name is Vickie Harris. On the night of June 5, my family and I came to the US Bank Arena to watch a concert. We are not from this area and were running late trying to find it. Upon our arrival my husband said he would park so I could get our children in to the concert. A few minutes later he text and said he had to park several blocks away and would find us. After thirty minutes had past I tried to call my husband, it went to voice mail. I tried many times during the concert. After it was over we walked out and down to where my husband dropped us off. After about an hour of standing on the sidewalk with my kids I saw several officers patrolling traffic. I went over to ask if there was any way they could help find my husband. I was worried because he is a diabetic. They ask other patrols to look out for our vehicle. They received a call that he had been arrested. Us being out of town I asked for help on how to get there with my children. An officer took us to the station. Upon arrival there Frank McGraw was extremely helpful explaining details to me. My husband was arrested in a parking lot by the Hamilton County Sheriff Department. I was informed my husband would be spending the night in jail. I was so upset, my children and I alone in a town we were unfamiliar with, no vehicle, clothes, our medicines. Frank and Sgt. Robbins tried to help me retrieve our vehicle. It had been impounded. Frank had a patrolman take us to a motel for the night. The next morning I took a cab to the jail. After arraignment I posted bond. Frank had given me his number in case I needed any information or help. I called him to ask for a cabs phone number, instead he came and picked me up. He took me back to my motel to pick my children up and take us back to the police station to try and get my truck back. I am extremely grateful for all the help he gave me. He went above and beyond what he had to do. I will never forget the kindness. I just want him to be recognized for what he did for my family.*

*With Deepest Appreciation,*

*Vickie Harris*

To Cincinnati's Finest

About a month ago on a Saturday night, your district responded to a series of complaint calls to my home on Coy Street . The woman next door initiated the calls because she doesn't like me. She doesn't like much, really.

Sadly, she seems to be my cross to bear.

But I wanted to thank you for your efforts that night.

Your professionalism, patience, and the sense of fairness you displayed reminded me that you are a special part of our neighborhood and our city.

So.....thanks.

Bob Burke



September 28, 2009

Thomas H. Streicher, Jr.  
Chief of Police  
Cincinnati Police Department  
310 Ezzard Charles Drive  
Cincinnati, OH 45202

Dear Chief Streicher:

This purpose of this letter is to express my gratitude, and to bring to your attention, the outstanding efforts on the part of members of the Cincinnati Police Department, in connection with an unfortunate personal incident.

During the past thirty-four years that I have lived in Cincinnati, having moved here from Cleveland to attend the University of Cincinnati in 1975, I have not had many occasions to require the services of the Police Department. In the past few weeks, the responsiveness and regard for my safety shown by District 5 (location of my residence) and District 1 (location of my business), has left me overwhelmed with respect and appreciation for your organization; this level of service was achieved, even in light of the layoffs that have occurred across the department. Specifically, I would like to convey my sincere and deepest appreciation to:

**DISTRICT 5**

Captain David Bailey  
Detective Paul Meyer  
Officer David Weidel

And several other officers who responded  
to alarms and telephone calls, including a canine unit

**DISTRICT 1**

Captain Teresa Theetge  
Officer Melissa Cummins  
Officer Pat Norton

The professionalism and concern demonstrated by the aforementioned individuals is, in my opinion, emblematic of the character of the Cincinnati Police Department; congratulations to you for your leadership and for fostering this level of service. I hope a copy of this letter will be included in each of the respective officers' employment files. Again, my thanks to all.

Warmest regards,

A handwritten signature in black ink, appearing to read "Jakki L. Haussler".

Jakki L. Haussler

A very faint, handwritten signature or mark, possibly a name, located at the bottom right of the page.