

12.413 ENFORCEMENT OF COURT ORDERS

References:

Procedure 12.120, Labor Disputes and Strikes
 Procedure 12.403, Crime Victim/Witness Notification and Assistance
 Procedure 12.412, Domestic Violence
 Cincinnati Police Department Training Bulletin #2015-05, Enforcement of Protection Orders
 Ohio Revised Code 1901.32, Bailiffs
 Ohio Revised Code 1923.13, Writ of Execution
 Ohio Revised Code 2705.031, Initiating Contempt Action for Failure to Pay Support or
 Comply with Visitation Order
 Ohio Revised Code 2903.213, Motion for and Hearing on Protection Order
 Ohio Revised Code 2903.214, Petition for Protection Order in Menacing by Stalking Cases
 Ohio Revised Code 2919.25, Domestic Violence
 Ohio Revised Code 2919.26, Motion for and Hearing on Protection Order
 Ohio Revised Code 2919.27, Violating Protection Order
 Ohio Revised Code 2951.08, Conditions for Arrest of a Person on Probation or Under
 Community Control Sanction
 Ohio Revised Code 3113.31, Domestic Violence Definitions – Hearings
 Ohio Revised Code 5122.11, Court Ordered Treatment of Mentally Ill Person
 Ohio Rule of Civil Procedure 65.1, Civil Protection Orders
 United States Code Title XVIII, Section 2262 – Interstate Violation of a Protection Order
 United States Code Title XVIII, Section 922 – Prohibition Against Disposal of Firearms
 to, or Receipt of Firearms by, Persons
 Who Have Committed Domestic Violence

Purpose:

Clarify the responsibility regarding enforcement of orders issued by the Hamilton County Court of Common Pleas, the Hamilton County Municipal Court, or any other court of record.

Effectively enforce Ohio Revised Code (ORC) 2903.214 and 2919.27 and provide the complainant with the protection ordered by the court according to ORC 2903.213, 2919.26, or 3113.31.

Ohio Revised Code 2919.27 (D) allows police officers to verbally notify a defendant of the existence of a Temporary or Civil Protection Order against them.

Ohio Revised Code 2951.08 (A) states, during the period of community control, any peace officer may arrest a person under a community control sanction without a warrant if the peace officer has reasonable grounds to believe that the person has violated or is violating the court established conditions of the person's community control sanctions.

Policy:

Domestic Violence radio runs are considered high frequency, high risk events. Officers will enforce Domestic Violence Temporary Protection Orders (TPO), Anti-stalking TPOs and Civil Protection Orders (CPO) issued by a court of record in a fair and impartial manner. If Hamilton County Municipal Court, Hamilton County Court of Common Pleas or Hamilton County Domestic Relations Court issues the protection order, confirm these orders with the Central Warrant Processing Unit (CWPU). If an out-of-county or out-of-state court issues the protection order, confirm with the Clerk of Courts of the issuing jurisdiction.

If unable to confirm a protection order by above means, do not arrest for a violation of TPO or CPO.

Information:

Generally, officers do not enforce orders issued by the Court of Common Pleas, Juvenile Court, or the Municipal Court. The enforcement of most court orders is the responsibility of the Hamilton County Sheriff's Office.

Exceptions to this rule include Domestic Violence TPOs, Anti-stalking TPOs, or CPOs issued by a court of record within the state of Ohio. Out-of-state TPO and CPO court orders are also enforceable. Take appropriate action for observed criminal violations not related to the court order.

During the investigation of a protection order violation, officers who encounter a defendant who denies being served such an order, should call CWPU to verify the existence and terms of the order. Officers should explain the terms of the order to the defendant and advise CWPU of the time, date and place the defendant was notified. CWPU will complete the necessary paperwork. Officers making this notification may be notified for trial.

If an officer confirms the terms and existence of a protection order with CWPU, and the protected person agrees, the officer may give the protected person's copy of the protection order to the defendant. The protected person may then obtain a free copy from the Hamilton County Clerk of Courts at 800 Broadway for DVs and in Room 315 of the Courthouse for civil stalking or sexually oriented offense protection orders. If victims need assistance getting a replacement order, they can visit the Hamilton County Sheriff's Court Services Division in Room 260 of the Courthouse Monday – Friday 0800 – 1530 hours. Questions may be directed to the Office Manager of Court Services at 513-946-5332.

Procedure:

- A. Investigation of Domestic Violence TPO, Anti-stalking TPO, CPO Complaints and Out-of-State TPO and CPO Court Orders
 1. Officers shall enforce the terms of a TPO, and CPO issued by any State of Ohio or out-of-state court.
 - a. Make a thorough effort to confirm the existence and terms of a TPO and CPO.

- b. Report TPO and CPO violations in the Records Management System (RMS). Complete a Case Report (301) and Investigative Note for Violating Protection Order or Consent Agreement (ORC 2919.27).
 - c. If unable to confirm an order, do not arrest for a violation of the TPO or CPO.
2. Query all suspects on the scene to find in-progress information.
- a. Note the case number and confirm the existence of the TPO or CPO if a suspect is in process or has a conviction for domestic violence or anti-stalking, or the complainant states a TPO and CPO has been signed.
 - b. Confirm existence and terms of a criminal TPO issued by the Hamilton County Municipal Court or any other Ohio court by one of the following:
 - 1) Call CWPU to confirm the terms and existence of the order.
 - 2) Call the clerk of courts office of the issuing jurisdiction to confirm the existence and terms of the criminal TPO issued by an out-of-county Ohio court.
 - a) The Emergency Communications Center (ECC) has a copy of the State of Ohio, Clerk of Courts phone directory. ECC will not make phone calls.
 - b) Phone numbers for out-of-county clerk of court offices are also available by calling the Hamilton County Clerk's Office.
 - 3) Include the clerk of court's phone number, name of person confirming, court case number, date of issue of the order, and name of the issuing court on the Form 527, Arrest, and Investigation Report.
3. Confirm a civil CPO issued by the Hamilton County Domestic Relations Court or any other Ohio Domestic Relations Court by one of the following:
- a. Call CWPU to confirm the terms and existence of the order.
 - b. Call the clerk of courts office in the issuing jurisdiction for an Ohio out-of-county court order. Confirm the existence and terms of the CPO.
4. When probable cause exists, immediately arrest defendants in violation of a TPO or CPO for ORC 2919.27, Violating Protection Order or Consent Agreement.
- a. The officer will sign the criminal complaint.
 - 1) The defendant must have acted recklessly in disregarding the order to constitute a violation.
 - b. A first offense for this charge is a first-degree misdemeanor. Refer to ORC 2919.27 (subsection B) for offenders with previous convictions and other stipulations which upgrade the penalty.

- 1) Confirm prior convictions with the Clerk's Office before charging as a fifth-degree felony.
5. Sign a warrant for ORC 2919.27 when the suspect cannot be located and there is probable cause a TPO, CPO, or TRO was violated.
 6. Out-of-state TPO and CPO court orders are enforceable.
 - a. Follow above procedure for in-state TPO and CPO violations.
- B. Injunctions/Restraining Orders
1. Generally, officers have no legal duty to enforce civil injunctions except for those listed in Section A of this procedure.
 - a. Parties to these disputes should address violations to the court issuing the injunction or restraining order.
 - b. If the injunction/restraining order is due to a labor dispute/strike, refer to Procedure 12.120.
 2. Officers should read injunctions/restraining orders carefully and take appropriate action for matters clearly criminal in nature.
 - a. Contact the City Solicitor's Office if you are unsure if a criminal offense is involved.
 - 1) Outside normal business hours, officers may contact a prosecutor via their on-call phone through ECC.
- C. Post-Conviction No Contact Orders
1. Officers having reasonable grounds that a person has violated the terms of a No Contact order, are authorized to make an arrest. Officers do not need to witness the offense to make an arrest.
 - a. Court ordered Post-Conviction No Contact orders will be listed as part of a person's NCIC/LEADS record and displayed as:
 - 1) REMARKS: *NO CONTACT ORDER* VIOL OF THIS IS A PROB VIOLATION 2951-08 THAT CAN BE CHARGED BY ANY LAW ENFORCEMENT OFFICER *PHY ARR REQ* FOR MORE INFO CONTACT CWPU 946-6200.
 - b. Officers will contact CWPU to confirm the order is still valid before taking enforcement action.
 - c. The appropriate Ohio Revised Code violation sub-sections and additional information are listed below.
 - 1) A term or condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance per R.C. 2951.08(A)(1).

- 2) A term or condition that prohibits the person from being within a specified structure or geographic area per R.C. 2951.08(A)(2).
- 3) A term or condition that prohibits the person from contacting or communicating with any specified individual per R.C. 2951.08(A)(4).
- 4) A term or condition that prohibits the person from associating with a specified individual per R.C. 2951.08(A)(5).

D. Temporary Detention Orders – Probate Court

1. A court can issue an order directing a police officer to take a mentally ill person to a hospital. The order may designate a specific hospital.
 - a. Use UC Health Psychiatric Emergency Services at the Ridgeway Pavilion when the order does not designate another hospital.
2. Officers have the legal obligation and authority to enforce the terms of these orders.

E. Eviction Orders

1. Officers have no authority to enforce eviction orders.
 - a. The sheriff, bailiff, or constable of the court serves eviction orders.
 - b. The terms of a TPO or CPO may include an order for the defendant to vacate the household. This is the exception to the above rule. Officers will enforce these terms of a TPO or CPO order. Officers will not remove property from any household.
 - 1) If the defendant refuses to leave, immediately arrest for violation of a TPO or CPO. Sign a complaint for the charge.
2. If a bailiff calls officers to the scene of an eviction, provide necessary assistance.
 - a. Officers are ex officio bailiffs of the Hamilton County Municipal Court according to ORC 1901.32.
 - b. A supervisor will respond to the scene when a bailiff's request is to provide more than personal security or is unreasonable.
 - c. Document the incident on a Form 17 if there are questions regarding the frequency or reasonableness of a bailiff's request.

F. Emergency Juvenile Court Orders

1. These orders are enforced by the Hamilton County Sheriff's Office. If requested, officers will respond and provide a uniform police presence during the enforcement of the order.

- a. When an officer is present, the officer must obtain the name of the deputy requesting a Cincinnati officer and enter it into the MDC disposition field.
- G. Body Attachment – Issued by the Hamilton County Domestic Relations Court
- 1. A body attachment is the equivalent of a *capias*.
 - a. Officers have the authority to serve only criminal contempt orders which are in the form of a body attachment.
 - 1) Body attachments are in the computer system and available by running a query.
 - 2) Call CWPU to confirm the existence of the body attachment.
 - 3) Physically arrest an individual with a confirmed body attachment and transport to the Hamilton County Justice Center. Do not cite on body attachments.