

12.555 ARREST/CITATION: PROCESSING OF ADULT MISDEMEANOR AND FELONY OFFENDERS

Reference:

Procedure 12.235, Operating a Vehicle Under the Influence (OVI): Processing & Arrest
 Procedure 12.240, Ohio Multi-Count Uniform Traffic Ticket (MUTT)
 Procedure 12.270, Impounding, Moving, and Release of Vehicles
 Procedure 12.412, Domestic Violence
 Procedure 12.505, Military A.W.O.L. Arrests
 Procedure 12.600, Prisoners: Securing, Handling, and Transporting
 Procedure 12.605, Wanted Persons Files
 Procedure 12.715, Property and Evidence: Confiscation, Accountability, Processing, Storage and Release
 Procedure 12.727, Warrant Computer Entries, Prisoner Return and Extradition
 Procedure 12.805, Direct Presentation to the Grand Jury by the County Prosecutor
 Procedure 12.815, Court Appearances, Jury Duty and Other Hearings
 Procedure 12.900, Processing Juvenile Offenders
 Manual of Rules and Regulations, 1.16A, B, C, D
 Ohio Revised Code 2901.07, DNA Specimen Collection Procedure
 Ohio Revised Code 3734.83, Registration of Transporters
 Ohio Revised Code, Rules of Criminal Procedure, Rule 4
 Ohio Revised Code, Rules of Criminal Procedure, Rule 16
 Brady v. Maryland, 373 U.S. 83 (1963)
 Giglio v. United States, 450 U.S. 150 (1972)

Definitions:

Warrant - An instrument giving power to arrest an offender. Original arrest warrant is one in which defendant has not been before a court of record.

Capias - A warrant issued for the arrest of a defendant who has either failed to appear in court, failed to follow an order of the court, pay fines or attend programs, etc.

Primary Officer - The officer who can establish probable cause that a crime was committed and the person(s) arrested is responsible for the commission of that crime. The officer who signs the complaint(s) and is designated as needed for court on the Form 527, Arrest and Investigation Report, and the Form 527A, Case and Bond Information Sheet, is the primary officer. In situations of a more complex nature, different officers may be necessary to present different evidence. A primary officer should still be identified for testimony at the preliminary hearing.

Alternate Officer(s) - Other officer(s) who has sufficient knowledge to proceed on the case, but not listed as needed for court on the Form 527, Arrest and Investigation Report.

Case Presentation Officer (CPO) – Officer(s) who presents the daily docket of cases to the Hamilton County Grand Jury in cooperation with the Grand Jury Prosecutor. Testimony is derived from the review of all felony arrest reports, case/bond information sheets and associated documents.

Investigative Support Squad – Program which identifies felony firearm arrests that may be eligible for federally enhanced prosecution. A system based on prior criminal convictions and current criminal/personal status is used to determine if the criteria is met for Investigative Support Squad. This program would also include Youth Crime Gun Initiative cases from the Bureau of Alcohol, Tobacco and Firearms.

Mental Health Court – A program that enables qualified individuals to be treated in a court-monitored, community-based mental health program instead of incarceration.

Duty to Disclose - Brady v. Maryland, 373 U.S. 83 (1963) places an affirmative constitutional duty on a prosecutor to disclose exculpatory evidence to a defendant. This duty has been extended to police agencies through case law, requiring law enforcement agencies to notify the prosecutor of any potential exculpatory information.

Exculpatory Evidence / Brady Material - Evidence in the government's possession that is favorable to the accused and is material to either guilt or punishment, including evidence that may impact the credibility of a witness.

Purpose:

To protect the constitutional rights of all individuals through the fair and impartial enforcement of Federal, State and Local laws.

To establish Department arrest procedures in compliance with Ohio Revised Code (ORC) and Ohio Rules of Criminal Procedure.

To ensure the presentation of all felony arrests to the Grand Jury are within the time specifications defined by the ORC.

Policy:

Department personnel will not undertake any investigation or other official action not part of their regular duties without obtaining permission from their district/section/unit commander unless the circumstances require immediate police action.

Officers will not leave a prisoner unattended for any reason. This includes instances during prisoner processing at the Hamilton County Justice Center (HCJC). Officers are responsible for prisoners under their control until they are released by HCJC personnel. For purposes of this procedure, officers are released once the HCJC medical evaluation form and the search of the prisoner have been completed and the officers are told they can leave.

Department personnel will document the existence of any known exculpatory evidence or statements during the investigative process and provide notice of these statements and/or exculpatory evidence to the Prosecuting Attorney in advance of the scheduled court proceedings.

Information:

Emergency Communications Center (ECC) has a list of Department personnel skilled in various foreign languages and sign language. They can be called in routine situations to assist with investigations or routine communication. ECC also has access to a certified sign language interpreter on a 24-hour basis.

There is no requirement for the operator of a motor vehicle to have their driver's license on their person. In Ohio, in order for a person to drive a car, he/she must have been issued a valid driver's license (ORC §4507.02). Columbus v. Henry specifically held that it is not a crime for an Ohio resident to drive within the state without having his/her operator's license on his/her person.

ORC §4507.35 requires the operator of a motor vehicle to furnish satisfactory proof that he/she has a valid license, upon demand of a peace officer. This proof may consist of the violator's name, address and social security number, which, when queried, returns information describing the person and verifying the license is valid. The mere lack of a driver's license on a violator's person is not probable cause for an arrest.

All paperwork related to an arrest (Form 527, Form 527B, criminal complaints, etc.) must be completed before entering the HCJC. Deputies will no longer place prisoners in holding cells while officers complete paperwork. Officers must either complete the paperwork at their district/section/unit, or carry the proper forms in their vehicle. The only exception to this policy will be in instances where prisoners are so unruly that they are in danger of causing injury to themselves or another. In these cases, officers will continue to have ECC contact the HCJC while en route to advise deputies they have a disorderly prisoner and will need assistance.

ORC 2901.07 requires persons eighteen years of age or older who are arrested on or after July 1, 2011, for a felony offense to submit to a DNA specimen collection procedure administered by the head of the arresting law enforcement agency. The head of the arresting law enforcement agency shall cause the DNA specimen to be collected from the person during the intake process at the jail, community-based correctional facility, detention facility, or law enforcement agency office or station to which the arrested person is taken after the arrest.

Giglio v. United States, 450 U.S. 150 (1972) expanded the *Brady* decision to require prosecutors to provide information to the defense counsel which could tend to impeach a witness. This includes information about the credibility of the testimony of police officers. If an officer has a past record of falsifying reports or other conduct which could impact their truthfulness, the *Giglio* case requires the prosecutor provide the defense with that information.

ORC 3734.83 requires person(s) who transport eleven (11) or more scrap tires, or causes them to be transported, to register as a transporter. In addition to being registered, a "transporter" must maintain a copy of their registration certificate in each motor vehicle used by the registrant to transport the scrap tires. A violation of ORC 3734.83 is a felony of the 5th degree.

There are four exceptions to ORC 3734.83:

1. Any person who transports ten or fewer scrap tires in a single load.
2. Any person who transports scrap tires for his own use in agriculture or in producing or processing aggregates.

3. Any political subdivision engaging in the collection of solid wastes other than scrap tires. Any person engaging in the collection of such solid wastes under a license or franchise from a political subdivision, when ten or fewer scrap tires are transported with any single load of other types of solid wastes.
4. Any person who is engaged primarily in the retail sale of tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers and who transports 25 or fewer whole scrap tires in a single load and not more than 250 scrap tires in a calendar year, all of which tires either are or were used primarily as tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailer.

Procedure:

A. Felony Arrest

1. Officers will make a physical arrest on all original felony arrests, felony warrants, and felony capiases.
 - a. The arresting officer(s) in all felony arrests where a firearm is confiscated in connection with the arrest (whether or not a weapons offense has been charged) will conduct a preliminary investigation of the incident and criminal history of the arrested subject. Document findings of any Civil Protection Order or Temporary Protection Order in effect, out of state included, on a Form 527, Arrest and Investigation Report.
 - 1) Unless extenuating circumstances exist, all firearms where weapons charges apply must be test fired as soon as possible following recovery.
2. Illegal Transportation of Scrap Tires
 - a. When making a felony arrest of a subject for transportation of scrap tires without a registration certificate, officers will make a physical arrest and transport the subject to the HCJC.
 - 1) Before transporting the subject to the HCJC, officers will use a Digital Video Recorder (DVR) equipped police vehicle to video record the arrested subject and the transporting vehicle, ensuring the 11 or more scrap tires are clearly visible.
 - a) Officers will ensure two copies of the DVR video are made. Officers will mark the Form 527 with “**ACE**” (Automated Control of Evidence).
 - 1] Officers will include a copy of the DVR video in the Form 527E, Felony Case Jacket.
 - 2] Officers will process the second DVR copy as evidence for court. The video will be properly marked, packaged and submitted by the officer into the district/section/unit property room before terminating their tour of duty.

- 2) Officers will complete the Tows/OT Recovery Module (Tow Mod) of Records Management System (RMS) and Form 369A, Tow Receipt.
 - a) Under the Impound tab, select "Other" as the Reason for Tow.
 - 1] In the Explain field enter "Scrap Tires"
 - b) Under the Vehicle tab, Inventory section, Property field, select drop down option "54 - Other Property"
 - 1] In the Description field enter "Scrap Tires" and the number of scrap tires visible.
 - 2] In the Disposition field enter "Police Impound"
 - c) Have the vehicle with the scrap tires towed to the Police Impound. Officers and Police Impound civilian personnel will not climb into the transport vehicle in order to count the exact number of scrap tires. In order to establish probable cause for the arrest the number of tires visible by the arresting officer must be eleven (11) or more.
 - d) After normal business hours, Police Impound personnel will be recalled to process the seized tires as evidence for court.
 - e) Police Impound personnel will complete a Form 330 Property Receipt. The Form 330 will be kept in a separate file maintained at Police Impound.
 - 3) When an out-of-state motorist travelling through the City of Cincinnati is arrested for illegal transportation of scrap tires, the arresting officer will follow the same arrest and evidence processing procedures as outlined above.
3. DNA Specimen Collection Procedure
 - a. A DNA specimen will be collected from all adults arrested for a felony offense, including felony warrants/capias.
 - b. DNA verification through the Ohio Law Enforcement Gateway (OHLEG) and specimen collection will be conducted at the HCJC by Central Intake personnel.
 4. Case Preparation
 - a. Officers (with the exception of investigators who prepare cases in RMS) will complete a Form 527E, Case Investigation Jacket, on all original felony arrests and when signing a felony warrant, including felony Domestic Violence.

- 1) The Form 527E will include copies of all 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. The jacket will include:
 - a) Copies of all reports
 - b) Statements
 - 1] Any written or recorded statement by the defendant or a co-defendant, including any summaries of such statements.
 - 2] Any written or recorded statement by the victim or witness.
 - c) All laboratory or hospital reports.
 - d) Results of physical or mental examinations, experiments or scientific tests.
 - e) Documentation of evidence collected.
 - f) Photographs related to the offense.
- 2) A supervisor must review the contents for accuracy and completeness and sign the Form 527E.
- 3) The completed Form 527E will be entered into the district/section/unit Form 527E log book and submitted for review to an on-duty supervisor prior to securing the tour of duty.
- 4) The approved Form 527E will be logged out of the log book and hand carried to Rapid Indictment Program (RIP) office by the officer assigned the property run on the next business day.
 - a) The Form 527E will be entered into the RIP logbook and assigned a Case Presentation Officer.
- 5) After presentation to the Grand Jury, the Form 527E will be returned to district/section/unit of assignment and reentered into the district/section/unit logbook by the officer assigned the property run.
- 6) All Forms 527E returned from RIP will be stored in a secure cabinet at the district/section/unit. Officers needing the case jacket for court will sign it out in the log book.
 - a) A designated first shift supervisor will review the log book on a weekly basis to ensure jackets are being logged appropriately and returned in a timely manner.
- 7) Units making direct presentations to the Grand Jury are not required to complete a Form 527E.

- b. Investigators utilizing RMS for case preparation are not required to complete a 527E for original felony arrests or when signing felony warrants; however, the information listed in 4.a.1 must be included in the case file, or otherwise provided to RIP.
 - 1) For all original felony arrests and when signing felony warrants, investigators will add an arrest record in RMS and work flow the report to a supervisor.
 - 2) RIP will receive a notification when the arrest record is work flowed and begin to prepare the case.
 - a) If only a felony warrant is signed, the investigator will still complete an arrest record and work flow it to a supervisor. The supervisor will review the report for accuracy and then return the report back to the investigator so that it can be updated with arrest and investigative information when needed.

5. Case Presentation Officer (CPO) Review

- a. The CPO will review all felony arrest reports, case/bond information and associated documents for accuracy, completeness and conformance to Department policy.
 - 1) Any Form 527 E determined to be incomplete or inaccurate will be returned with a Rapid Indictment Program Request Form to the primary officer's district/section/unit commander for correction.
 - 2) The CPO will provide a mandatory due date for return of requested information.
 - 3) The CPO will require copies of any report in which missing, incomplete, or inaccurate information has been corrected.
 - 4) All corrections or added information are to be completed on the correct report.
- b. The CPO will review all felony firearm arrests to determine if the criteria are met for federally enhanced prosecution and forward paperwork through channels according to their SOP.

B. Misdemeanor Arrest and Misdemeanor Warrant Service

- 1. All adults charged with misdemeanor offenses are eligible for release via a Form 314, Notice to Appear (NTA), unless:
 - a. Charged with a sex offense - excluding prostitution and public indecency.
 - b. Charged with a weapons offense.
 - c. Charged with OVI as a third offender.

- d. Charged with domestic violence.
 - e. Living and/or working in an area where extradition is necessary.
 - f. Specific language on the arrest document requires physical arrest, i.e., probation warrant.
 - g. Wanted on a warrant with a case number that begins with the letter "A, B, F, or P".
 - 1) These cases require disposal through Common Pleas Court.
2. Officers will cite eligible defendants with an outstanding warrant issued by the Hamilton County Municipal Court Clerk, regardless of which Hamilton County police agency originated the initial charge.
 - a. The arresting officer will confirm the warrant via the MDC, radio, or through the district/section/unit. The arresting officer will fax a copy of the NTA or arrest slip to the Central Warrants Processing Unit (CWPU) before the end of shift to ensure warrant and capias cancellation occurs in a timely manner. The fax number for CWPU is 946-6229.
 - b. Retain a district/section/unit copy of the fax transmission for 30 days.
 3. Transport individuals arrested for misdemeanor offenses listed in Procedure 12.605, requiring fingerprinting and photographing, to the HCJC. Use a Form 527 instead of an NTA.
 - a. If the officer recommends release after processing, check the block marked "O.R. Bond". The arresting officer should consider whether:
 - 1) The danger exists the offense will continue.
 - 2) Potential physical injury to the arrested individual, police officer, or another individual is likely to occur.
 - 3) The individual understands he/she has been arrested and must appear in court.
 - b. The arrested must sign the Form 527.
 - c. Central Intake personnel will release the individual only after processing and proof of identity is completed.
 4. Contact the Hamilton County Juvenile Court Clerk's Office when an adult has an active juvenile warrant to obtain processing procedure.
 5. Officers will complete a Form 527E on all individuals arrested on an original, reportable misdemeanor charge, except OVI. The case jacket will include copies of all related documentation supporting the charge(s), as well as statements, location of evidence recovered, etc. (See Section A.2.a. of this procedure for a list of what must be included in the Form 527E.)

- a. The completed Form 527E will be entered into the district/section/unit Form 527E log book and submitted for review to an on-duty supervisor prior to securing the tour of duty.
 - 1) The supervisor will insure all paperwork is complete and includes all elements necessary to support the arrest of the suspect.

C. Traffic Warrants

- 1. The arresting officer may cite an individual on any traffic warrant.
- 2. If the officer does not have possession of the warrant when issuing the citation, the officer will:
 - a. Contact the affected agency by MDC, radio, or district/section/unit computer to confirm that the warrant exists.
 - 1) If the individual shows a previous citation for the warrant in question, verification through CWPU (via computer terminal or telephone), is necessary.
 - b. Record the arrest information on the Form 682, Citation Arrest Summary, and attach the remaining copies of the NTA to the citation board.
- 3. CWPU will recall the warrant based on the information contained in the "Officer's Notes" section on the back of the NTA.
- 4. In cases where a violator of a traffic or criminal minor misdemeanor (either on a warrant or on-view arrest) is physically arrested and not cited, note the reasons under the "Facts of Arrest" section on the Form 527.
- 5. When an individual has a traffic warrant from Mayor's Court, verbal approval from the affected agency is needed for the officer to cite. The date and time of the court appearance is supplied by the affected agency.

D. Minor Misdemeanor Citations

- 1. A police officer must issue a citation to appear in court rather than physically arrest an individual for any violation which is a minor misdemeanor, whether it be a state statute or city ordinance, regardless of the violator's place of residence, unless one of the following applies:
 - a. The individual requires medical care or is unable to provide for their safety.
 - b. The individual cannot or does not offer satisfactory proof of identity, except pedestrian violations (refer to Procedure 12.205).
 - c. The individual refuses to sign the citation.
- 2. An officer may not make a physical arrest on traffic or criminal minor misdemeanors except as outlined above. Officers must issue a citation in the field at the point of contact with the offender individual.

- a. It is not legal to remove the individual from the scene for only a minor misdemeanor violation.
 - 1) Exception: The officer may only remove the individual from the scene a reasonable distance for the safety of the offender and/or the officer in order to complete the citation.
- b. An officer has the right to investigate further when he has probable cause to believe a more serious offense has occurred. He may follow normal investigative procedures.
- c. The officer may only pat down or frisk the subject to assure his safety. **The officer must have reasonable suspicion that the subject is armed and poses a threat of harm. No search is permitted as would be lawful in an actual arrest.**

E. Capias Arrests

- 1. When an officer arrests a wanted individual on a capias, the officer must confirm the capias by calling the Hamilton County (CWPU) at 946-6200.
 - a. All Hamilton County Municipal Court capiases require a physical arrest unless CWPU grants permission for the officer to cite the individual.
- 2. If an individual arrested on a capias for a **“Stay to Pay”** has the money to pay the fine, transport the arrested to the Clerk's Office (1000 Sycamore Street) to pay the fine (original and all penalties) and then release him. The clerk will recall the capias.
 - a. Traffic capiases are processed in Room 115, Monday through Friday, 0800 - 1500 hours. Individuals arrested for a traffic capias after 1500 hours and on weekends will be processed in Room 112.
 - b. Criminal capiases are processed in Room 112.
 - c. Complete an arrest report showing the individual was released at the Clerk's Office after payment of the fine and forward it to Police Records.
- 3. When an adult has an active juvenile capias, contact the Hamilton County Juvenile Court Clerk's Office to obtain the processing procedure.
- 4. A capias issued by a local Mayor's Court is not eligible for citation unless verbal permission is granted by the affected jurisdiction. The date and time of the court appearance is supplied by the affected agency.
 - a. The arresting officer will confirm the capias via the MDC, radio, or through the district/section/unit. The district/ section/unit will ensure a copy of the NTA or arrest slip is faxed to the Mayor's Court with jurisdiction. The original NTA is mailed to the Mayor's Court with jurisdiction.
 - b. Retain a district/section/unit copy of the fax receipt for 30 days.

F. Adult Parole Authority's "Order of Hold"

1. Officers responding to a facility contracted by the Adult Parole Authority for the purpose of taking into custody and transporting to the HCJC a parolee on an Adult Parole Authority "Order of Hold" will:
 - a. Request the original Adult Parole Authority "Order of Hold" form, which should include the name and phone number of the authorizing Adult Parole Authority Officer.
 - b. Confirm the authorization with the Adult Parole Authority Officer listed on the "Order of Hold" form.
 - c. Complete the Form 527 listing "Technical Parole Violation" as the offense.
 - d. Submit the "Order of Hold" form with the Form 527 at the HCJC

G. Completion of the Form 527 for Adult Felony and Misdemeanor Physical Arrests

1. If the individual is unable or refuses to supply the requested information, the officer will complete the form to the extent possible.
 - a. If the defendant refuses to supply the requested information, mark "Refused" on the arrest slip to bring to the prosecutor's attention.
2. The arresting officer will query RCIC/NCIC to determine a prior record and any outstanding warrants/capiases for the individual. Note on the arrest report if the computer is inoperable and contact CWPU to perform a hand check for wants. Provide CWPU with the individual's name and control number.
 - a. Confirm warrants/capiases from any police jurisdiction in Hamilton County through CWPU.
 - b. The arresting officer will confirm warrants/capiases, not issued through CWPU, by contacting the appropriate jurisdiction.
 - c. If a computer check reveals a warrant or capias, and the individual states it has already been processed or paid out, the police officer will verify if the warrant or capias is still in effect.
 - 1) The officer will contact CWPU, the Clerk of Courts Office, or the appropriate jurisdiction for verification.
 - 2) If a warrant or capias cannot be confirmed, the officer will release the subject and notify the affected district/section/unit supervisor. The supervisor will document the incident on a Form 17 and forward it through the chain of command to the Police Chief.
3. If the individual has been arrested for felony drug abuse/trafficking or prostitution, the arresting officer will:

- a. Determine if the individual meets the following criteria for “Request for Condition of Probation”. If the individual meets the following criteria and is convicted, this form provides the sentencing judge to include, as a condition of probation, an order to stay out of the area where he/she was arrested.
 - 1) An individual cannot be a resident of the area.
 - 2) They cannot be legally employed in the area.
 - 3) They cannot have other legitimate business in the area or have legitimate reasons for being in the area (visiting friends is not a valid reason).
- b. Once the officer has established that the person qualifies, the officer will complete the “Request for Condition of Probation” (RCP) form.
 - 1) The form will include the following:
 - a) The name and address of the arrested.
 - b) The charge(s) for which they were arrested.
 - c) The address where the subject was arrested.
 - d) The arresting officer’s name, badge number and assignment.
- c. After the RCP form has been completed, staple it to the Trial Preparation Form for felony drug abuse/trafficking or to the complaint form for prostitution.
 - 1) This will ensure the form will travel through the court system to the prosecutor. The prosecutor can then make the request without having the officer present in the courtroom.
- d. Once the condition of probation has been granted, the information will be entered into the computer system by the Probation Department for access by officers via the MDC.
 - 1) If an officer encounters and queries an individual with this condition of probation, an indicator will be generated giving the specifics of the restrictions (stay-away order conditions).
- e. If an individual with is in violation of the condition of probation.
 - 1) Complete a Form 534, Contact Card.
 - a) In addition to completing a Form 527 for any original charges.
 - 2) Forward a copy of the Form 534 to the Probation Department through interdepartmental mail.
 - a) The Probation Department will ensure the appropriate Probation Officer receives the information.

- 3) Officers should not arrest the individual immediately upon determining a violation of the condition of probation has occurred. The Probation Department will be responsible for violating the individual's probation, maintaining computer entries and tracking statistical information.
4. Physical and mental condition of prisoner
 - a. The arresting officer will document the prisoner's visible physical and mental condition and any injuries or complaint of injuries on Line 5 of the Form 527.
 - 1) Ask all prisoners if they have health problems which police or jail personnel should be aware. Note this information on Line 5 of the Form 527. Have ECC notify the HCJC if the arrested may be an unusual security risk.
 - b. Briefly describe any injuries and how they occurred. Explain if the injuries occurred before, during, or after the arrest.
 - c. If the arrested received medical attention and/or was admitted to a hospital, note the details in the "Facts of Arrest" section of the Form 527. Have ECC notify the HCJC if the arrested may be an unusual security risk.
 - d. List on the Form 527, in the "Other Reports Made" box, any reports made (e.g., Use of Force, 301, Form 18, etc.)
 - e. Personnel accepting prisoners for transportation, incarceration, etc., should verify the condition listed on the arrest report.
5. Check the appropriate space on Line 5 of the Form 527 regarding the arrested individual's possible eligibility for Hamilton County Mental Health Court. Below is the eligibility criteria used by the Hamilton County Mental Health Court:
 - a. Individuals who are charged with a misdemeanor and have no significant history of violent offenses.
 - b. Individuals who reside in Hamilton County at the time of their arrest.
 - c. Individuals with a history of mental illness.
 - d. Individuals who could benefit from case management.
6. List the appropriate name, section, and subsection number of the charge(s) in the "Charges" block.
7. Identify the primary officer for court. Arresting officers listed on the form must check the block after their name showing whether they are needed or not needed for court.
 - a. If more than one officer is needed:

- 1) A supervisor must sign the Forms 527 and 527A to ensure the same officers are listed on both reports.
 - 2) State in the "Facts of Arrest" section the charges/cases for which each officer is needed.
8. State the facts of arrest in the space provided on the Form 527. This statement should contain enough information to establish the elements of the offense.
 9. If the individual is physically arrested and has citable outstanding traffic and/or criminal warrants or capiases on file at CWPU, add these charges in the "Charges" block of the Form 527 and process as part of the physical arrest.
 10. If co-defendants are involved, complete the appropriate section.
 - a. If there are more than two co-defendants, complete a Form 527B.
 11. Check the "Vice Activity Arrest" block to ensure district/section/unit collators record vice related activities.
 - a. Collators must review each arrest report for vice related arrests to accurately record this information.
 - 1) Forward a copy of the Form 527 to the Vice Squad if vice activity is indicated.
 - b. Accurate information is imperative since this information will replace the Form 526, Vice Activity Report, when vice arrests occur.
 12. Complete the "Evidence Information" section after processing the prisoner.
 - a. "Page" and "Line" blocks should coincide with district/section/unit property log books.
 13. The arresting officer will complete the appropriate complaint form and have it notarized.
 - a. The original will accompany the defendant to the HCJC.
 - b. Give a copy to the defendant.
 14. To ensure appearance on the next court docket, transport arrested individuals to the HCJC before 0300 hours to allow for arrest document processing.
 15. Form 527A, Case and Bond Information Sheet
 - a. Complete the bond recommendation portion of the Form 527A when:
 - 1) Any felony arrest is made.
 - a) Bond information is for use by the bond project personnel in the HCJC.

- b. Complete any areas necessary when additional information is necessary.
 - c. Complete the witness portion for non-reportable misdemeanor arrests, as necessary.
- 16. Form 527B, Trial Preparation Form
 - a. Officers will complete a Form 527B:
 - 1) Whenever a police officer signs a felony warrant or reportable misdemeanor warrant.
 - a) The Clerk's Office will attach the Form 527B to the complaint.
 - 1] The Clerk's Office will not accept a complaint without a completed Form 527B. Witness information will not be entered on the affidavit. All witnesses must be listed on the Form 527B.
 - b) When an individual is arrested on a felony warrant, the arresting officer will add any pertinent information to the Form 527B including the facts of the arrest, new evidence, or any statements made by the arrested.
 - 2) On all original felony arrests and original reportable misdemeanor arrests, except OVI.
 - b. The "Statement of Facts" section provides additional space for a more detailed description of the facts.
 - c. Complete the "Victim/Witness" section for use as a praecipe.
 - 1) Indicate appropriate courtrooms for each officer/victim/ witness and give a brief statement of their role in the case.
 - a) On multiple charges, note on which charge each officer is needed.
 - 2) It is important that the officer signing the warrant supply the names, addresses, and telephone numbers of all witnesses, with a summary of their testimony. If additional space is necessary, officers may use the "Statement of Facts" area, or attach an additional sheet.
 - a) Give specific addresses. Include apartment numbers, floor, business names, etc., so subpoenas can be served.
 - b) Note any statements obtained.
 - c) If a witness shows reluctance to appear in court and the arresting officer wishes to serve a subpoena on the individual, the officer should write **"Reluctant Witness"** behind the name of this witness and explain briefly.

d. A supervisor must approve the Form 527B.

17. If the arrested is a current University of Cincinnati (UC) or Xavier University (XU) student, the arresting officer will fax a copy of the completed 527 to the appropriate University Public Safety Department. UC's Fax# 556-4940; XU's Fax# 745-3861.
18. If the arrested person requires treatment at a hospital and the arresting/transporting officer will not be remaining with the prisoner, or if the arrestee is to be admitted to the hospital and a police guard will not be utilized, refer to Procedure 12.600 regarding the completion of the Form 653, Hospital Hold Notification.

H. Completing the NTA for Adults

1. Before issuing a citation of any type, the police officer will query RCIC/NCIC for outstanding warrants or capiases.
2. Complete a separate NTA for each charge, except in the service of warrants.
3. Write all of the elements of the violation in the "Complaint" section of the NTA using the correct title and section number of the charge. This section serves as the complaint for minor misdemeanors.
4. List the facts as completely as possible.
 - a. Use the rear of the prosecutor's copy. These facts are important for the prosecutor in presenting the case in court in the event the defendant decides upon a court appearance.
 - b. Include witnesses' names and specific addresses such as apartment numbers or business names so subpoenas can be served.
5. Have the offender sign the NTA. Give him the defendant's copy.
6. A supervisor will notarize the minor misdemeanor NTA complaint and check for correctness and completeness.
7. If the arrested is a current UC or XU student, the arresting officer will fax a copy of the completed NTA to the appropriate University Public Safety Department. UC's Fax# 556-4940, XU's Fax# 745-3861.

I. Court Citation Scheduling

1. Individuals cited to adult court for misdemeanors should be given a court date 10-14 calendar days from the date of the citation. The two exceptions are an original OVI arrest or a Driving Under Suspension (DUS) arrest with a vehicle held for pretrial seizure. These must be given a court date 5 days from the date of citation; if the fifth day is a Saturday, Sunday, or legal holiday, use the next court date.
2. Keep all cases together. Cite individuals with multiple cases to the court of the most serious offense according to the following order:

- a. OVI charges
 - b. Criminal misdemeanors
 - c. City traffic misdemeanors
 - d. County traffic and minor misdemeanors
3. Court assignments for cited original arrests and all citations for warrants and/or capiases are listed below:
- a. OVI original arrest
Room A – 1230 hours
1000 Sycamore St.
5 days
 - b. DUS, vehicle seized (types SR/NC/SS/SJ/SF)
Room B – 1300 hours
1000 Sycamore St.
5 days
 - c. DUS, no vehicle seizure (all types of suspensions)
Room B – 1300 hours
1000 Sycamore St.
10-14 days
 - d. All City criminal misdemeanors (original arrest citation, warrant/capias citations)
Room A – 1230 hours
1000 Sycamore St.
10-14 days
 - e. All City traffic (original citation, warrant/capias citations)
Room B - 1300 hours
1000 Sycamore St.
 - 1) 7 - 10 days for auto accidents when cited for a minor misdemeanor only
 - 2) 7 days for all traffic citations/warrants/capias (If the seventh calendar day is a Saturday, Sunday or Holiday, cite for the next available court date)
 - f. All County criminal warrant/capias citations
Room 121 – 1230 hours
1000 Main St.
10-14 days
 - g. All County traffic warrant/capias citations
Room 121 – 1230 hours
1000 Main St.
7 days (If the seventh calendar day is a Saturday, Sunday or Holiday, cite for the next available court date)

4. Citable probation violations should have the courtroom noted on the warrant. If the room number is missing, cite all traffic except OVI to Room B at 1300 hours; cite all criminal to Room A at 1230 hours.
5. If a defendant has a County and a City traffic warrant or capias, cite to Room B at 1300 hours.
6. Warrants with no prefix or the "S" prefix are City warrants. Warrants with a "C" prefix were issued by Hamilton County. Warrants with an "A, B, F, or P" prefix are not eligible for citation.
7. Warrants with a preceding four letter mnemonic other than CWU or CPR are warrants issued by a Mayor's Court. Officers may not cite on a Mayor's Court warrant without verbal permission from the affected jurisdiction.
 - a. The Mayor's Court will advise the officer of the appropriate court date and time.
 - b. The officer must send the citation, Form 314, to the Mayor's Court by either U.S. mail or hand delivery.
8. Send the Form 314 to the agency which confirms the warrant or capias.
 - a. If an individual has multiple jurisdiction warrants and Mayor's Court warrants or capiases included, a separate Form 314 must be made. Verbal verification must be received from each affected Mayor's Court.

J. Supervisory Review

1. Officers must contact a supervisor for a review of arrests in which the prisoner:
 - a. Has obvious physical injuries or claims physical abuse by police at the time of arrest.
 - b. Is charged with Assault on a Police Officer or Resisting Arrest.
 - c. Is refused admission to the HCJC due to injuries.
 - d. Requires an interview or observation by a supervisor as needed by other procedures (use of force or chemical irritant, strip search, etc.).
 - e. Is being arrested for a felony.
2. Supervisors must review and approve the completed Forms 527, 527B and 527E on all original felony and original reportable misdemeanor arrests.

K. Form 682, Citation Arrest Summary

1. Each district/section/unit maintains a daily Form 682 board at the front desk. Officers issuing misdemeanor citations and/or warrant/capias citations will list the citations on the Form 682 as indicated below:
 - a. Citations issued for a single misdemeanor or traffic warrant/capias are placed on the citation board.

- b. Citations issued for multiple misdemeanor or traffic warrants/capiases are prepared according to Section H.3. List all cases on the citation board of the most serious offense
 - 2. At 0700 hours each day, the district/section/unit desk officer will prepare two copies of the Form 682. The desk officer will ensure all misdemeanor citation arrests and warrant citations from the previous 24-hour period are recorded on the citation board.
 - a. The desk officer will place the Form 682 from the board in an envelope with the appropriate arrest documents. The envelope must be hand delivered to CWPU no later than 0900 hours daily.
 - 3. The clerk at CWPU will initial and time-stamp the first copy of each Form 682. These copies will serve as a receipt to ensure the complaints, as well as the Forms 527 and NTAs, are not out of place. The delivering officer will return the copies for the district/section/unit files. The second copy will remain at CWPU.
 - 4. Police Records personnel will respond to CWPU each workday to pick up each Form 682.
 - a. Police Records personnel will enter the citations into the RCIC computer system and then forward the documents to the Clerk's Office.
 - 1) Police Records will retain a copy of the NTA for its files.
- L. Investigations or Other Official Actions Not Part of Regular Duties
- 1. Off-duty **within** the City of Cincinnati Corporation limits:
 - a. Off-duty officers observing a criminal violation necessitating enforcement action will contact ECC.
 - b. The officer will request an on-duty police officer and supervisor respond to the scene and assist in the investigation and arrest/citation.
 - 1) This does not apply to officers working outside employment details as an extension of police service.
 - c. In some cases, an officer must take immediate action. After taking action, the officer will contact ECC and request an on-duty supervisor. ECC will:
 - 1) Contact a supervisor from the district of occurrence.
 - 2) The responding supervisor will evaluate the situation and report to the Police Chief via a Form 17.
 - 2. Off-duty **outside** the City of Cincinnati limits:
 - a. Off-duty officers observing a criminal violation necessitating enforcement action will contact the proper police agency in that jurisdiction.

- b. In some cases involving felony violations, an officer may be obligated to take immediate action and then contact the proper police agency in that jurisdiction.
 - 1) After taking action, the officer will also contact ECC and request an on-duty supervisor. ECC will:
 - a) If outside Cincinnati city limits but within Hamilton County, contact a supervisor from the closest district of occurrence.
 - 1] The responding supervisor will evaluate the situation and report to the Police Chief via a Form 17.
 - b) If beyond Hamilton County, contact the Night Chief or a command officer.
 - c. Officers outside City limits do not have the authority to detain/arrest individuals for misdemeanor violations.
3. Officers will not attempt to stop vehicles while off duty unless it is a life-threatening situation which, if permitted to continue, could cause serious physical harm to innocent victims.