



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: FEBRUARY 2, 2021	CHAPTER: 3 - Arrestees	PAGE: 1 of 3	NUMBER: 3.04.04
SUBJECT: PROSECUTOR CONSULTATIONS			
CHIEF: <i>Calvin D. Williams, Chief</i>			

This General Police Order has been revised in its entirety

PURPOSE: To establish guidelines for members to consult with prosecutors.

POLICY: *It is the policy of the Cleveland Division of Police* for members to consult with a prosecutor to ensure proper charging in accordance with federal laws, state statutes, and municipal ordinances.

The Record Section shall handle prosecutor consultations for misdemeanor only arrests generated by the Patrol Section (Refer to General Police Order 3.04.03 Warrantless Non-Escalating Misdemeanor Arrests).

PROCEDURES:

I. General Guidelines

A. Members shall:

1. Consult with a prosecutor while on-duty when possible.
2. Based upon the type of investigation, consult with the prosecutor within 24 to 36 hours for all arrests.
3. Sign-in and sign-out at the Court Unit or Juvenile Prosecutor per GPO 2.03.05 Court Attendance.
4. Bring an overtime card, form C of C 71-OT-2, when consulting with a prosecutor off-duty.
 - a. Obtain a time stamp on the back of the overtime card.
 - b. Upon completion, obtain a time stamp on the back of the card.
 - c. The time stamp on the overtime card should be the same as the time entered on the Court Attendance sheets.
5. Forward incidents alleging an escalating misdemeanor or both misdemeanor and felony offenses to the detective bureau; the detective handling the case shall:
 - a. Consult with the prosecutor.
 - b. Follow up based on prosecutor's direction (i.e., issue a warrant or summons, direct indictment, Release No Formal Charges, etc.)

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B. Supervisors shall:

1. Monitor incident reports and arrests to ensure timely prosecutor consultation.
2. Make a determination if overtime is justified for off-duty prosecutor consultation. *(Off-duty members shall have prior approval from a supervisor before consulting with a prosecutor.)*
3. Review overtime cards from prosecutor consultations for accuracy and completeness.

II. Prosecutor Consultations

A. Members shall:

1. Supply the prosecutor with a copy of the incident report that articulates the elements of the crime and probable cause.
 - a. Detectives shall bring the entire case file.
 - b. The subject's criminal history (CCH), shall be included in the case file for felony and escalating misdemeanor cases.
2. Complete an Affidavit Establishing Probable Cause (PC Affidavit) form and check the "Statement of Facts" box (Attachment).
 - a. Only one member's name may appear on the Officer/Detective/Complainant line.
 - b. Write a brief description of the incident that supports and articulates the elements of the crime, ensuring that the time, date, and location (address specific if possible) are included in the narrative.
 - c. Present the form to the prosecutor.
3. Depending on the charge, convey the complaint and PC Affidavit:
 - a. To the Municipal Clerk of Courts for misdemeanor only filing.
 - b. To the Record Section Sergeant for escalating misdemeanor filing with the Municipal Clerk of Courts.
 - c. To the Central Charging Office.
5. Complete a supplemental incident report with the results of the prosecutor consultation.
6. Submit a completed overtime card to their Officer-in-Charge for off-duty prosecutor consultations.

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- a. The prosecutor's name shall be recorded in the Reason space on the overtime card, along with the name of the approving supervisor, and the charges filed as appropriate.
 - b. The City of Cleveland shall compensate off-duty prosecutor consultations which resulted from the member's primary responsibility to the citizens of Cleveland according to the current collective bargaining agreements.
- B. The prosecutor shall:
1. Review the elements to determine probable cause.
 2. Issue the complaint as appropriate.

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