

Columbus Police Division Directive	EFFECTIVE Mar. 30, 2014	NUMBER 3.01
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Arrests and Warrants		



I. Policy Statements

- A. No complaint/affidavit shall be signed and no arrest shall be made except upon probable cause.
- B. ***Unless the Identification (ID) Unit is closed or officers are encountering an extremely violent or intoxicated prisoner,*** any person who is eighteen years of age or older and arrested for a felony offense shall be transported to the ID Unit for collection of a DNA specimen as required by ***Ohio Revised Code*** 2901.07. ID Unit personnel will make positive identification and determine if the arrestee's Computerized Criminal History is marked, "DNA is registered in the Ohio DNA Databank." An additional DNA specimen shall not be collected from arrestees who are already registered in the Ohio DNA Databank; however, DNA shall be collected if needed for evidentiary purposes.
- C. The incorporated boundaries of the City of Columbus ***encompass portions of*** Franklin, Delaware, and Fairfield ***counties***. Officers making arrests shall file charges and incarcerate prisoners in the appropriate county as follows:
1. Charges for violations of the Columbus City Code shall be filed with the Franklin County Municipal Clerk of Courts.
 2. All charges for misdemeanor violations of the Ohio Revised Code shall be filed with the Franklin County Municipal Clerk of Courts.
 3. All felony charges shall be filed with the Municipal Clerk of Courts in the county in which the offense occurred.
 - a. ***If the incident also involves misdemeanor offenses, all charges shall be filed with the Municipal Clerk of Court in the county in which the offense occurred.***
 4. Juveniles being charged with violations of the Ohio Revised Code or Columbus City Code shall be filed in the county in which the offense occurred.
- D. Arrest warrants shall be executed by sworn personnel only.
1. Court order-ins are excluded from the summons process.
 2. Entering arrest warrants into LEADS/NCIC:
 - a. Felony warrants
 - (1) Within 12 hours of filing a felony arrest warrant, sworn personnel filing the warrant shall forward information to the Records Unit by completing the Wanted Person Report, form S-36.149.

- (2) All felony warrants shall be entered into LEADS/NCIC by Records Unit personnel using the following pickup range guidelines:
 - (a) All warrants charging suspects with F1, F2, or F3 offenses shall be entered into NCIC for nationwide pickup.
 - (b) All warrants charging suspects with F4 crimes against persons offenses shall be entered into NCIC for nationwide pickup.
 - (c) All warrants charging suspects with F5 crimes against persons offenses shall be entered into NCIC for nationwide pickup, but with an extradition limitation placed in the miscellaneous field of the record.
 - (d) All warrants charging suspects with F4 and F5 crimes against property offenses shall be entered into LEADS for statewide pickup.
- (3) If a request is made to extend the pickup range, the investigating officer's supervisor shall review the mitigating circumstances, note the reason on the approved Wanted Person Report form, and sign the report.

b. Misdemeanor warrants

- (1) ***If the filing officer determines*** the warrant ***should*** be entered into LEADS/NCIC based upon the seriousness of the offense and potential for physical harm to the victim or others, ***the officer shall contact a supervisor or the appropriate investigative unit for approval.***
- (2) Unless otherwise approved by a unit supervisor, no warrant shall be entered into LEADS/NCIC unless the penalty for the offense charged is a misdemeanor of the first degree.
- (3) Warrants shall be entered for statewide pickup.
- (4) **A** Wanted Person Report form shall be completed and delivered with the report to the Records Unit for entry into the system.

c. Validation Audits of Warrants Entered into LEADS/NCIC

- (1) Upon auditing a warrant entered into LEADS/NCIC, the ***Records Support Unit*** shall complete and forward the LEADS/NCIC Validation Audit form, S-36.134, to the sergeant of the unit that issued the warrant.
- (2) The sergeant of the unit that entered the warrant shall ensure the LEADS/NCIC Validation Audit form is completed and forwarded to the ***Records Support Unit*** by the listed due date.

3. Foreign warrants

- a. Any unit receiving warrants and/or requests to serve warrants from foreign jurisdictions shall forward the information to the Records ***Section*** for filing, and shall, as appropriate, forward the information to the applicable enforcement unit for service.

- b. Records Unit personnel shall forward a copy of all foreign felony warrants to the Gun Crimes Unit (GCU) of the Robbery/Support Section.
 - c. No attempt shall be made to serve a foreign warrant until confirmation is received from the originating agency stating that they will extradite if an arrest is made.
 - d. All foreign warrants shall be verified before an arrest is made.
 - e. Communications Bureau personnel shall:
 - (1) Notify the originating agency via teletype when a foreign warrant is served.
 - (2) Fax or teletype a copy of the detainer to the appropriate county jail when a person arrested on a foreign warrant is to be incarcerated.
 - (3) Upon request, notify the originating agency when an arrest could not be made. The notification shall include details of the service attempt.
4. Restricted hours for serving misdemeanor warrants
- Officers should not attempt to serve non-violent misdemeanor arrest warrants at private residences between the hours of 11:00pm and 6:00am unless the wanted person has avoided service during normal hours.
- E. **Officers** shall not arrest **an individual** for a misdemeanor offense without a warrant unless sworn personnel witnessed the alleged offense occur **(M1-M4), the individual committed a minor misdemeanor and one of the arrest exceptions are met (refer to the “Summons and Misdemeanor Citations” directive)**, or there is probable cause to believe the individual committed any of the following specific offenses under the Ohio Revised Code:
- 1. Offense of Violence (2901.01 defined)
 - 2. Criminal Child Enticement (2905.05)
 - 3. Public Indecency (2907.09)
 - 4. Domestic Violence (2919.25)
 - 5. Violation of a Protection Order (2919.27)
 - 6. Menacing by Stalking (2903.211)
 - 7. Aggravated Trespassing (2911.211)
 - 8. Theft Offense (2913.01 defined)
 - 9. Felony Drug Abuse Offense (2925.01 defined)
 - 10. OVI (4511.19 & 4506.15)
- F. Multiple Charges Arising From the Same Incident
- 1. Prisoners shall be slated on all charges, including minor misdemeanors, provided one of the four exceptions applies. Refer to the “Summons and Misdemeanor Citations” directive.

2. When there is an arrestable offense or a warrant, prisoners should be slated on all charges, including new charges. Do not arrest on some charges and summons on others.
3. One officer shall sign all affidavits.

G. Arrest or Detention by Private Citizens

1. When there is probable cause to believe a felony has been committed, any person may arrest and detain the person believed to have committed the offense until a warrant can be obtained.
2. Private citizens, including security guards, do not have a right to make arrests for misdemeanors except under the following circumstances:
 - a. Store employees or agents may detain a person whom they have probable cause to believe committed a theft of merchandise.
 - b. Employees or agents of a library or museum may detain a person whom they have probable cause to believe has tampered with property of the library or museum or committed a theft of such property.

H. Charges Filed by Citizens

1. A citizen wishing to file charges against a person in police custody must accompany or follow the transporting officers to the appropriate filing location.
2. A citizen wishing to file charges in Franklin County against a person who is not in police custody must obtain approval from a prosecutor or a police supervisor.

Police supervisors may complete the "Request for Warrant" section on the back of the white copy of the **complaint/warrant**. The citizen must then report to the Franklin County Municipal Clerk of Courts Office to have the warrant issued.

3. A citizen wishing to file charges in Delaware or Fairfield County against a person not in police custody must go to the appropriate prosecutor for approval to file the charges.

I. Foreign Nationals

1. Sworn personnel shall promptly advise imprisoned, arrested, or detained **foreign nationals** of their right to communicate with their nation's consulate and to request that the consulate be informed of their imprisonment, arrest, or detention. In some cases, the nearest consular officials must be notified of the arrest or detention of a **foreign national**, regardless of the **foreign national's** wishes. Communications Bureau personnel maintain a list of mandatory notification countries and jurisdictions.
 - a. Sworn personnel shall contact Communications Bureau personnel for telephone numbers and the specific procedures to be followed and **shall** check the appropriate box on the Arrest Information form, U-10.100.

- b. If notification is required, sworn personnel shall coordinate consular notification and enter the corresponding information on the Arrest Information form.
2. Sworn personnel coming in contact with an individual claiming **diplomatic immunity** shall contact Communications Bureau personnel for specific procedures to be followed.
3. Division personnel shall not arrest or detain persons **based solely on immigration status or** for Immigration and Customs Enforcement (ICE) unless a warrant exists or a criminal violation was observed.
4. Sworn personnel arresting a suspected illegal immigrant shall fax the Arrest Information form to the Detention and Removal Office (DRO) within the ICE office. The fax number for DRO is (614) 469-5100.
 - a. During regular business hours, questions regarding this process may be directed to the DRO at (614) 469-2900.
 - b. After business hours, if sworn personnel believe the suspected illegal immigrant may be released prior to the next business day, personnel may telephone **the** DRO at (614) 332-7986 to notify the on-duty agent.

J. Handcuffs and Restraints

1. All prisoners shall be handcuffed prior to transport, with their hands behind their backs, unless there is justification to do otherwise. **Handcuffs** shall be gapped and double-locked as soon as reasonably possible.
2. If there is reason to believe that handcuffing the prisoner behind the back is likely to aggravate a current injury or cause unnecessary injury due to the prisoner's physical condition, other methods of restraint should be used, for example, handcuffing in front and in conjunction with the appropriate leg restraints, including the hobble strap.
3. In order to prevent injuries to officers, prisoners, and others, it may be necessary to further restrain violent or combative individuals by the use of leg restraints.
4. No prisoner shall be restrained or held in a manner which prevents straightening the abdomen, or in a manner which forces the prisoner to remain in a face-down position.
5. The method of restraint commonly known as "hog-tying" is prohibited.
6. Officers shall monitor prisoners for symptoms of illness or overdose, including sudden inactivity, labored breathing, profuse sweating, pallid skin, racing pulse, and seizures, and shall **immediately** obtain medical assistance when observing such symptoms.

K. Sick/Injured Prisoners

1. Officers shall notify a supervisor when a prisoner has sustained a recent injury or is being admitted into a medical facility.
2. Officers shall note all injuries to prisoners on the Arrest Information form.

3. Officers with **a** prisoner needing medical attention should:
 - a. Release the prisoner on a summons if the criteria established in the “Summons and Misdemeanor Citations” directive are met.
 - b. Complete a Prisoner Hospital Transport Report and attach to the Arrest Information form. **Provide the report number to hospital personnel.**
 - c. Make contact with medical personnel and advise that the prisoner may be in need of medical attention, but they are no longer in custody.
- L. Identification Processing
 1. ID Unit personnel shall process persons who are under arrest and persons whose identity is unknown.
 2. In order to adequately document the identity of felons and certain misdemeanants, the following offenders shall be processed through the ID Unit:
 - a. Offenders charged with a:
 - (1) Felony
 - (2) Theft offense
 - (3) Vice or narcotics offense
 - (4) Obscenity or sex offense
 - (5) Weapons offense
 - (6) Crime of violence
 - (7) **Out of state warrant/detainer**
 - (8) Crime constituting a misdemeanor on the first offense and a felony on subsequent offenses
 - b. Offenders slated under an arrestable state citation code.
 - c. Offenders who cannot or will not provide adequate proof of identity.
 - d. Offenders arrested on a warrant who deny they are the person named in the warrant.
 - e. **Adults suspected of a crime who consent to being fingerprinted at the officer’s request.**

Note: Juvenile offenders cannot be **fingerprinted** or photographed without a qualifying charge except by court order.

3. **Sworn personnel shall transport** all offenders being slated through the ID Unit to obtain a CPD ID#, if one is not already on file.

Note: If any of the criteria in I,L,2 apply the offender shall be transported through ID regardless of an existing CPD ID#.

4. Prisoners will only be permitted in the ID Unit waiting and processing rooms.
5. Sworn personnel shall transport prisoners directly to jail when the ID Unit is closed, when encountering extremely violent **or intoxicated** prisoners who present a substantial risk of harm to ID Unit personnel, **or when directed by a sworn supervisor.**

- a. Transporting officers shall notify jail personnel of the circumstances and request that a complete ID check be performed before the prisoner is released. The prisoner must be charged with a violation of a municipal ordinance to be fingerprinted by jail personnel (a judge will have to order the prisoner to submit to fingerprinting pursuant to the Ohio Revised Code).
 - b. Transporting officers shall ensure the reason a DNA sample was not taken is listed on the Arrest Information form. The Arrest Information form shall be faxed to the ID Unit for further processing.
 - c. ID Unit personnel shall follow-up with jail personnel to ensure the prisoner is processed and DNA collected if needed.
6. **Officers shall not process** offenders cited only for minor misdemeanors through the ID Unit unless an exception for arrest is utilized.

II. Procedures

A. All Arrests

1. Complete the Arrest Information form.
 - a. List the arresting officer's first initial and last name. If the arresting officer has testimony necessary to the prosecution of the court case, check the subpoena box. The expected testimony of the arresting officer must be clearly listed in the narrative on the Arrest Information form.
 - b. The listed arresting officer should conduct all searches and evidence-gathering tasks required by the arrest unless completing these tasks would be detrimental to the arrest, for example, time limits on OVIs or the involvement of CSSU or other units.
 - c. List police and civilian witnesses in the witness section. Their expected testimony shall be listed in the narrative section. Failure to list and explain the expected testimony on the Arrest Information form may result in a subpoena not being issued.
 - d. List the probable cause and all facts leading to the arrest on the Arrest Information form.**
2. If the person is slated:
 - a. Refer to the "Transport and Slating" directive, and
 - b. Prior to the end of the tour in which the arrest was made:
 - (1) Complete an electronic report documenting the arrest, and
 - (2) Complete an electronic Arrest Information form.
 - c. When an arrest is made outside of regular duty (such as special duty), ensure an electronic report and electronic Arrest Information form are completed, either by responding on-duty personnel or upon return to regular duty, but not to exceed three days after the arrest. **Slating officers should obtain a hard copy of the original Arrest Information form and forward the copy to the arresting officer for use with electronic entry.**

3. Execute arrest warrants by signing in the appropriate area.
4. Review of arrest paperwork
 - a. Officers
 - (1) Prior to slating **or filing charges at the Clerk of Court's Office**, ensure that all arrest paperwork is reviewed by a sworn Division supervisor.
 - (2) When issuing a summons during regular duty, ensure that all arrest paperwork is reviewed by a sworn Division supervisor prior to the end of the shift. Refer to the "Summons and Misdemeanor Citations" directive.
 - (3) When issuing a summons during special duty, ensure that all arrest paperwork is reviewed by a sworn Division supervisor upon return to regular duty, but not to exceed three days. Refer to the "Summons and Misdemeanor Citations" directive.

b. Supervisor

- (1) Review the Arrest Information form to ensure:
 - (a) Probable cause exists to effect the arrest.
 - (b) The proper criminal/traffic charges are used.
 - (c) All appropriate witnesses and/or sworn personnel are listed and their expected testimony is listed in the narrative.
 - (d) The witnesses and/or sworn personnel listed to be subpoenaed are necessary to the case.
 - (e) All pertinent information, listing elements of each crime, is included and appropriate boxes are checked.
 - (f) Address any other concerns regarding the arrest and/or Division policy.
- (2) Approve the Arrest Information form after all criteria listed above have been met, and sign and/or have your IBM number marked on the Arrest Information form to indicate approval.
- (3) Complete the appropriate supervisory reviews of any electronic reports.

B. On-View Arrests

1. **Complete any probable cause affidavit(s) required by the Clerk of Courts in the county where the arrest is processed.**
2. Charges filed in Franklin County:
 - a. Complete the criminal affidavit and swear to it at the Clerk of Court's Office, to a Notary Public, or to another police officer who has completed a course of in-service training on the administration of oaths and the acknowledgment of documents.
 - b. Take all affidavits arising out of the same incident to the Clerk of Courts to be assigned a case number.

3. Charges filed in Delaware County:

- a. During normal business hours, process the affidavits at the Delaware County Jail located north of the City of Delaware; enter through the sallyport located at the rear of the building. The sallyport is monitored by closed-circuit cameras.

Note: Processing of affidavits is completed by computer and the Delaware County Sheriff's Office will provide assistance.

- b. Outside normal business hours, secure the prisoner at the jail and then request that a Delaware County Sheriff's Deputy meet you at the jail to assist with processing the affidavits.

4. Charges filed in Fairfield County:

Process the affidavits at the Fairfield County Jail.

C. Arrests on Warrants

1. Follow applicable procedures established in Section II,B.
2. Verify all arrest warrants.

Note: Verification of arrest warrants should not be conducted within the hearing range of individuals who have not been searched.

3. Escort a person wanted on an order-in issued by the Franklin County Municipal Court to the Clerk of Court's Office to pay-out, as appropriate, and when the following conditions are met:

- a. The order-in does not preclude paying the fine.
- b. The person is agreeable and has the cash or appropriate credit card.
- c. There is no other criminal charge pending.

4. Process felony arrests, including those warrants originating out of state, through the appropriate investigative unit, except those persons arrested on a capias.

- a. Contact the investigative unit that filed the felony warrant, and follow any specific instructions given by investigative unit personnel.
- b. Ensure the value amounts for felony damaged/theft property are consistent with current felony levels (for example, if the offense took place prior to the enactment of a new statute, under Ohio law the person will receive the benefit of the lesser punishment).

5. Execute the arrest warrant by signing in the appropriate place.
6. If applicable, include new charges when arresting on an outstanding warrant.

D. Weapons-Based Arrests

1. If an arrest is made for any weapons-based felony or for a misdemeanor possession of a defaced firearm, contact GCU personnel through the Investigative Duty Desk.

- a. GCU personnel, if available, shall process the investigation. If GCU personnel are not available, or at the direction of GCU personnel, the arresting officer shall complete the arrest packet.
- b. The decision to forward the investigation to another unit may be made by the GCU Sergeant.
2. If a misdemeanor apprehension is made, the arresting officer shall process the case. Contact GCU personnel with any questions and/or concerns.
3. Processing a packet
 - a. All necessary forms and detailed instructions are located in the CCW Processing Room on the sixth floor of Police Headquarters. **Refer to the “Appendix - Firearms Processing and Information” Section of the Field Report Manual as needed.**
 - b. Complete one set of paperwork for each person arrested.
 - c. Custodial interrogations shall be conducted and recorded using the interview rooms on the sixth floor of Police Headquarters.
 - d. If the arrest occurred in Franklin County:
 - (1) Submit the weapon to the Property Control Unit (PCU).
 - (2) Process the prisoner through the ID Unit.
 - (3) Place the prisoner in an interview room. Keep the prisoner under direct observation at all times. Do not take the prisoner into the CCW Processing Room.
 - (4) Complete and submit all forms and recordings according to the posted instructions prior to escorting the prisoner from the sixth floor.
 - (5) Place the Division folder in the CCW room in headquarters. GCU personnel will then review the folder and prepare a copy for the Prosecutor’s Office.
 - e. If the arrest occurred in Delaware or Fairfield County, follow the procedures for Franklin County with the following exceptions:
 - (1) Do not complete a criminal affidavit. Follow the applicable procedures outlined in Section II,B.
 - (2) Place the original Court Arraignment Sheet in the prosecutor’s case folder.
 - (3) Indicate on the Request For Laboratory Examination that the results are to be forwarded to the Delaware or Fairfield County Prosecutor’s Office, as appropriate.
 - (4) Place the Division folder in the CCW room in headquarters. GCU personnel will then review the folder and prepare a copy for the Prosecutor’s Office.

E. Remote Clerking

1. On-view arrest

- a. **Fax the completed criminal complaint/traffic citation with the cover sheet to the Clerk of Courts.** Ensure the criminal complaint is signed and has either the notary seal and stamp or “Peace Officer” circled prior to faxing.
- b. Advise the Franklin County Municipal Clerk of Court’s Office via telephone of the incoming fax and request a case number be assigned.
- c. Obtain the fax of the criminal complaint/traffic citation. Note the case number on the original criminal complaint/traffic citation.
- d. Provide jail personnel with **the**:
 - (1) Faxed face-copy of the criminal complaint/traffic citation with the case number listed.
 - (2) Original criminal complaint/traffic citation.
 - (3) Arrest Information form.

2. Outstanding warrant arrest

- a. Bench warrant, criminal order-in, and/or traffic order-in:
 - (1) Contact **the** Franklin County Municipal Clerk of Court’s Office from **the** remote clerking station using **the** dedicated telephone.
 - (2) Provide **the** clerk’s office with the verified case number.
 - (3) Obtain the fax of the requested warrant.
 - (4) Provide jail personnel with **the**:
 - (a) Faxed copy of the warrant
 - (b) Arrest Information form
- b. Previously issued warrant/warrant contained on a criminal complaint
 - (1) Contact **the** Franklin County Municipal Clerk of Court’s Office from **the** remote clerking station using **the** dedicated telephone.
 - (2) Provide **the** clerk’s office with the verified case number.
 - (3) Obtain the two faxes of the criminal complaint and the execution copy.
 - (4) Complete the faxed execution copy.
 - (5) Provide jail personnel with:
 - (a) Two faxed face-copies of the criminal complaint
 - (b) Execution copy
 - (c) Arrest Information form

F. Arrests for a Foreign Agency

1. **If the person is slated by Division personnel, refer to the “Transport and Slating” directive.**

2. If the person is not slated by Division personnel:

- a. Complete the electronic Field Interview Report. Refer to the “Field Interview Reports” directive as needed.**
- b. Meet the foreign agency who will retain custody and exchange custody of the prisoner. Inform the foreign agency if the arrestee poses any unusual security risks.**

G. Charge Dismissal Requests

1. When an individual has provided information about a more serious crime:

a. Officers

- (1) Request dismissal of the current charges in writing from the bureau commander, documenting the reason for the request and how it relates to a more serious charge.
- (2) Submit the request through the chain of command and obtain approval from the bureau commander prior to seeking a dismissal through the court.
- (3) **If** written approval is granted, **formally request dismissal of the charges by submitting a copy of the approved letter to the Municipal Court’s chief prosecutor via the Court Liaison Section.** The final determination whether to submit the request to the court shall be made by the prosecutor’s office.

b. Bureau Commander

- (1) Approve or disapprove the charge dismissal request.

Note: If another bureau or agency filed the charge, consult with the responsible bureau or agency prior to granting approval.

2. When requesting dismissal of charge(s) in other situations:

a. Officers

- (1) Notify a sworn Division supervisor when, after a defendant is incarcerated and prior to the scheduled court date, it is determined the misdemeanor case should be dismissed and/or the defendant should be released from jail.

Note: Do not proceed directly to the Clerk of Court’s Office to request dismissal or attempt to “nolle” the charge(s), even if advised to do so by the clerk, without following the procedures established in Section III, **G**,2.

(2) If the case is dismissed and/or the defendant released, amend the electronic report to reflect the charge dismissal.

b. Supervisor

- (1) Review the circumstances and coordinate the appropriate follow-through.

- (a) During normal business hours (8:30~~am~~ - 7:00~~pm~~):
 - (i) Contact the duty prosecutor at **(614)** 645-7483 to discuss the situation.
 - (ii) Request that the prosecutor file a motion with the court to dismiss the case and/or release the defendant from jail.
- (b) Outside of normal business hours:
 - (i) Contact a Division legal advisor to discuss the situation. If the legal advisor agrees that dismissal is warranted, the involved personnel will be provided the chief prosecutor's telephone number and directed to contact him or her.
 - (ii) Speak with the chief prosecutor as directed. If appropriate, the chief prosecutor will contact the duty judge to file a motion with the court to dismiss the case and/or have the defendant released from jail.