

ERIE COUNTY SHERIFF'S OFFICE POLICIES AND PROCEDURES
34.02 REASONABLE GROUND ARREST OF PROBATION VIOLATOR
Page 1 of 1
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34.02 REASONABLE GROUND FOR ARREST OF PROBATION VIOLATOR

The purpose of this policy is to provide guidelines for agency employees involved in the arrest and/or incarceration of a person who, based on reasonable ground, has violated or is violating a condition of the person's community control sanction. REFERENCE: Ohio Revised Code Section 2951.08.

Ohio Revised Code Section 2951.08 allows for a peace officer to arrest a person under a community control sanction (probation) without a warrant if the peace officer has reasonable ground(s) to believe that the person has violated or is violating any of the following that is a condition of the person's community control sanction:

1. A condition that prohibits ownership, possession, or use of a firearm, deadly weapon, ammunition, or dangerous ordnance;
2. A condition that prohibits the person from being within a specified structure or geographic area;
3. A condition that confined the person to a residence, facility, or other structure;
4. A condition that prohibits the person from contacting or communicating with any specified individual;
5. A condition that prohibits the person from associating with a specified individual;
6. A condition as provided in Sections 2929.25(A)(1)(a), 2929.15(A)(1) , or 2929.27(A)(8) of the Ohio Revised Code that requires that the person not ingest or be injected with a drug of abuse and submit to random drug testing and requires that the results of the drug test indicate that the person did not ingest or was not injected with a drug of abuse.

The Ohio Community Supervision System (OCSS) is an information system that contains terms and conditions of probation for those individuals being actively supervised by the Erie County Common Pleas Court's Adult Probation Department. Dispatchers have access to this system at any time to obtain a specific individual's terms and conditions of probation.

In the event that the Sheriff or a Deputy Sheriff has contact with an individual, who is on community control (probation), the individual's conditions of probation may be checked through OCSS. If reasonable ground(s) are established to believe that the individual is in violation of any of the six (6) sanctions listed above, then the individual may be immediately arrested for violation of probation only for a violation of one of those six (6) sanctions.

If a reasonable ground arrest of a probation violator is made, the individual will be transported to and incarcerated in the jail. The incarceration form will list "Violation of Probation" and the violation of ORC 2951.08 as the charge. The Sheriff or any Deputy Sheriff effecting the arrest will cause an email to be sent to the Chief Probation Officer and the individual's Supervising Probation Officer summarizing the facts of the arrest.

Note that an arrest is not required under this policy and any suspected probation violations may be referred to the Adult Probation Department for further follow up or necessary action if deemed to be prudent. However, under certain circumstances it may be appropriate to exercise the option covered under this policy allowing for the immediate arrest and incarceration of a probation violator.