



THE SUPREME COURT *of* OHIO
**Ohio's New Protection
Order Forms – LE
Edition Part III: Form
10-G Post-Conviction
No Contact Orders**

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Welcome



- Introductions
- Revised forms can be found at DV Program page:
<http://www.supremecourt.ohio.gov/JCS/domesticViolence/>
- This is NEW for all of us
 - There will be hiccups
 - Please send us your questions/concerns

Objectives & Abbreviation Key



- Understand the reason behind the creation of the 10-G
- Identify next steps when receive 10-G from court
- List authority that permits warrantless arrest for violation of 10-G
- Distinguish between enforcement for 10-G and protection orders
- Consider policies and procedures that should be addressed for implementation

LE	=	Law Enforcement/Officer
NCO	=	No Contact Order
PO	=	Protection Order
R	=	Respondent or Defendant

New Form 10-G

Post-Conviction No Contact Order

IN THE _____ COURT
COUNTY, OHIO

NO CONTACT ORDER

This Order is Indexed at _____

LAW ENFORCEMENT AGENCY WHERE INDEXED

() -
PHONE NUMBER

STATE OF OHIO/CITY OF _____

v.

DEFENDANT

First Middle Last

Address where Defendant can be found:

Case No. _____

Judge/Magistrate _____

State

OHIO

POST-CONVICTION NO CONTACT ORDER

PERSON(S) WHO YOU MAY NOT CONTACT:

DOB: _____

DOB: _____

DOB: _____

DOB: _____

DOB: _____

DEFENDANT IDENTIFIERS

SEX	RACE	HGT	WGT
EYES	HAIR	DOB	
DRIVER'S LIC. NO.	EXP. DATE	STATE	

Distinguishing features:

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Order is not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

THE COURT HEREBY FINDS:

That the following terms of community control or probation are issued in response to a criminal conviction are necessary, fair, and equitable. Additional terms of this Order are set forth below.

The terms of this Order shall be effective until _____ / _____ / _____

(DATE CERTAIN - MAXIMUM PERIOD OF COMMUNITY CONTROL OR PROBATION)



NEW Form 10-G

Post Conviction No Contact Orders



WHY?

- Wasn't always clear to parties outside of supervising court/probation that no contact order existed or how to enforce
- **Form 10-G** created as to improve enforcement, reduce conflicting orders from other courts/agencies
- Clarifies that order is in place and enforceable by arrest if conditions met

NEW Form 10-G

Post-Conviction No Contact Orders



WHEN?

- “No Contact Order” (NCO) here refers to term of probation/community control. Sometimes also called a “Stay Away Order”. Only post-criminal conviction (doesn’t apply to pretrial NCO)

() 10. Stay away from and have no contact in person or by any means with **[VICTIM]** as a condition of community control.

NEW Form 10-G

Post-Conviction No Contact Orders



- Any time court orders a NCO – there does not have to have been a criminal protection order pre-disposition for the court to impose a NCO as part of probation.

“In every case in which a sentencing court imposes a community control sanction that prohibits contact as part of a sentence for a misdemeanor/felony offense for purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity, to a victim, regardless of family/household relationship to Defendant, it shall use a form that is substantially similar to Form 10-G.”

NEW Form 10-G is entered into LEADS



- Must be entered into LEADS for entry into NCIC as it is considered a protection order per federal law [18 U.S.C. §2266]
- If court completes a Form 10-G, they should also complete Form 10-A
- There is a check box on Form 10-A NCIC to show it is a NCO (Enforcement is different than PO because can't file VPO)

CASE / ORDER NO.	<input type="checkbox"/>	(15 DIGIT MAXIMUM)	Is order term of probation/ community control?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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NEW Form 10-G Enforceable by Arrest



Per R.C. 2951.08, LE may arrest if violation

Any peace officer may arrest the person under a community control sanction without a warrant if the police officer has reasonable ground to believe that the person has violated or is violating...[RC 2951.08(A)]

WARNING TO DEFENDANT

- Defendant has the sole responsibility of obeying the terms of this Order.
- If Defendant violates any of the terms of this Order, even with a protected person's permission, Defendant can be arrested and jailed pursuant to R.C. 2951.08(A).

NEW Form 10-G

Ohio Attorney General Opinion 2017-031



- Opinion 2017-031 LE may arrest per R.C. 2951.08(A) for violation NCO if LE has reasonable grounds to believe Defendant violated

Pursuant to R.C. 2951.08(A)(4), during a period of community control, a peace officer may arrest a person without a warrant for violating the condition of a community control sanction that prohibits the person from contacting or communicating with another person, when the peace officer does not observe the contact or communication, or when the peace officer observes the contact or communication but the alleged victim consents to the contact or communication, provided that the peace officer has reasonable ground to believe that the person has violated or is violating the condition of the person's community control sanction.

NEW Form 10-G

Ohio Attorney General Opinion 2017-031



- Reasonable grounds may be based on LE personal observation or other trustworthy information, such as from victim/witness

“Reasonable ground,” as that term is used in R.C. 2951.08(A)(4), constitutes “probable cause” and may be found based upon a peace officer’s own observation of the violation of a condition of a community control sanction or based upon any other information received by a peace officer, including any other reasonably trustworthy information given to the officer by the alleged victim or a witness.

NEW Form 10-G – Post-Conviction No Contact Orders



- Similar in form to a PO Denotes who can't be contacted

NO CONTACT ORDER			Case No.		
This Order is indexed at			Judge/Magistrate		
LAW ENFORCEMENT AGENCY WHERE INDEXED			State	OHIO	
() -			POST-CONVICTION NO CONTACT ORDER		
PHONE NUMBER					
STATE OF OHIO/CITY OF			PERSON(S) WHO YOU MAY NOT CONTACT:		
v.					
DEFENDANT					
First	Middle	Last	DOB: <input style="width: 100%;" type="text"/>		
			DOB: <input style="width: 100%;" type="text"/>		
			DOB: <input style="width: 100%;" type="text"/>		
			DOB: <input style="width: 100%;" type="text"/>		
			DOB: <input style="width: 100%;" type="text"/>		
			DOB: <input style="width: 100%;" type="text"/>		

NEW Form 10-G

Will have end date, may prohibit firearms



- Court will indicate end date (usually date probation ends)

The terms of this Order shall be effective until		/		/		(DATE CERTAIN – MAXIMUM PERIOD OF COMMUNITY CONTROL OR PROBATION)
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- Check box for firearms prohibition, only if it was part of the sentence

<input type="checkbox"/>	6. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION. THE SENTENCE INCLUDES A COMMUNITY CONTROL SANCTION THAT DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON, INCLUDING FIREARMS, AND AMMUNITION.
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NEW Form 10-G – Includes warning that violation can lead to arrest



WARNING TO DEFENDANT

- Defendant has the sole responsibility of obeying the terms of this Order.
 - If Defendant violates any of the terms of this Order, even with a protected person's permission, Defendant can be arrested and jailed pursuant to R.C. 2951.08(A).
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- A violation of this Order may result in a probation violation, including arrest, probation revocation, and jail or incarceration.
 - Nothing in this Order limits a prosecutor from charging Defendant with new crimes.
 - Defendant is advised that visitation orders do not permit Defendant to violate any of the terms of this Order, except as otherwise ordered in paragraph 7.
 - Only the Court can change the terms of this Order.

NEW Form 10-G – Defendant acknowledges by signature



- Only the Court can change the terms of this Order.

I acknowledge receipt of this Order and warning contained herein.

DEFENDANT

DATE

NEW Form 10-G Includes information for LE about R.C. 2951.08(A)



NOTICE TO LAW ENFORCEMENT

Pursuant to R.C. 2951.08(A), 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 ground 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:

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

Scenario: Using the 10-G



- On Monday 4/19/21, Blue Wolverine pleads guilty plea stealing tens of thousands of dollars of OSU winning game day memorabilia from Brutus Buckeye's home before Judge Nutt from Shoe Co. Common Pleas Court
- Judge Nutt accepts Wolverine's plea, In addition to restitution, and other terms, Judge Nutt orders Wolverine to have stay away and no contact with Brutus Buckeye for five years.
- Judge Nutt completes the sentencing entry, as well as a 10-G and 10-A, and sends them to the arresting law enforcement agency for entry into NCIC.

10-G Scenario continued:



- On Saturday 11/27/21, Brutus Buckeye calls the Griffin police to report that Wolverine has found out where he recently moved, is in his front yard, throwing bottles and yelling that this year, his team is going to win and there's nothing Buckeye can do about it. He is getting more aggravated and refusing to leave until Buckeye acknowledges that this is Wolverine's year. Buckeye informs dispatch that he has an order from a judge that Wolverine is supposed to stay away from him.
- Officer Archie responds and finds Wolverine in Buckeye's yard, still refusing to leave, and belligerent.

10-G Scenario continued:



- Officer Archie runs Wolverine and finds an active NCO from neighboring Shoe County Common Pleas Court. After verifying the NCO is still in place, Officer Archie calls Wolverine's probation department. Probation thanks Officer Archie and says they will file statement of violation.
- Officer Archie decides there are reasonable grounds to find Wolverine violated his NCO and contacts his supervisor to determine whether to arrest Wolverine pursuant to R.C 2951.08(A)

Questions that courts and legal advisors will have to decide:



- What procedure will your agency follow when you discover an NCO violation?
- How will your agency document violations of NCO's?
- What if probation is not in a contiguous county?
- How will you communicate with the supervising county?
- Whose responsibility is it to transport defendant back to supervising county?



Contact Us



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