

FILED
RICHARD W. NAGEL
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT^{2020 FEB -6 AM 10: 54}
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

**In re: Protection of the Confidentiality
of Presentence Investigation Reports**

General Order No. DAY 20-01

It is and has been for many years the policy of the Judicial Conference of the United States and of this Court that Presentence Investigation Reports in criminal cases be maintained in the strictest confidence. For that reason, S. D. Ohio Crim. R. 32.1(k) provides:

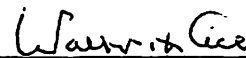
(k) Both the initial and final presentence reports are confidential Court documents. All copies and all information contained in the reports shall be maintained in confidence by anyone who obtains them and not disclosed to another for any purpose other than the prosecution or defense of the case or unless the Judge to whom this case is assigned authorizes another disclosure. Each page of the initial and final reports shall contain the legend, "CONFIDENTIAL UNDER S.D. OHIO CRIM. R. 32.1. UNAUTHORIZED DISCLOSURE MAY BE PUNISHED AS A CONTEMPT OF THIS COURT." Pursuant to 28 U.S.C. § 994(w), the sentencing judge shall provide the presentence report to the Sentencing Commission, along with the statement of reasons for the sentence imposed, the judgment, any written plea agreement, and the indictment or other charging document, within thirty days of the entry of the judgment. The Probation Officer shall provide a copy of the final report to the Bureau of Prisons. If the defendant's supervision is transferred to another district, the Probation Officer shall provide a copy of the final report to the Probation Department of the transferee district. All paper copies shall be maintained in secured files, and all electronic copies shall be password-protected. Any presentence report filed with the Clerk shall be filed under seal. Violations of this Rule may be punished as a contempt of this Court.

Breaches of this Rule have led to recent improper disclosures of presentence investigation reports. To reinforce the seriousness of this matter, it is hereby ORDERED that in all criminal cases on the Dayton docket for which a presentence investigation report is prepared:

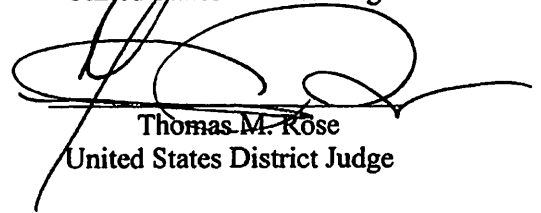
1. Defense counsel may NOT leave copies of a presentence investigation report with defendants or any other person.
2. The obligation to maintain paper copies in secure files and password-protect electronic copies applies to counsel.
3. The confidentiality legend required by S.D. Ohio CrimR. 32.1(k) to appear on each page of each iteration of a presentence investigation report shall appear in a font size no smaller than the size used in the body of the report.
4. The Criminal Justice Act plan committee for the Dayton location of court shall forthwith distribute a copy of this General Order to: (1) the United States Attorney and the Federal Public Defender for this District; (2) all Assistant United States Attorneys and Assistant Federal Defenders assigned to the Dayton docket; and (3) all CJA Plan Attorneys on the Dayton list, and shall require that each receiving attorney acknowledge receipt in writing. The Probation Department shall furnish a copy of this General Order to each attorney appearing as defense counsel in a case in this Court with the initial presentence investigation report.



Douglas R. Cole
United States District Judge



Walter H. Rice
United States District Judge



Thomas M. Rose
United States District Judge