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JOHN P. BERMAN  
CLERK

2013 MAY 24 PM 2:31

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF  
AFTER-HOURS WARRANT APPLICATIONS BY  
PROBATION AND PRETRIAL SERVICES OFFICERS

General Order: 13-

Pursuant to Fed. R. Civ. P. 83(b), the Court adopts the following procedure to be used if a Probation Officer or Pretrial Services Officer wishes to request an arrest warrant outside of normal business hours. (This General Order re-adopts in the Court's uniform general order format the general order approved by the Chief Judge on June 11, 2010, and in effect since then.)

**Background.** As a result of advances in the technology available to the United States Probation and Pretrial Services Offices, the Judges of this Court may, from time to time, order that a defendant on pretrial release, probation, or supervised release be monitored by various geographic location devices, including but not limited to GPS devices which allow the supervising officer to obtain real-time information about the defendant's whereabouts. It is anticipated that in some instances that information (or other information) will create a need for the supervising officer to request an immediate arrest warrant for the defendant, and that some of these requests will be made after regular business hours.

**Responsibilities of the Probation or Pretrial Services Officer.** Should that situation arise, the officer who is supervising the defendant will first determine if the violation behavior is serious enough to justify the immediate request for a warrant. If the officer so determines, he or she shall prepare a written violation report similar in form to those used to report other violations of the terms of pretrial release, probation, or supervised release and shall also prepare a warrant, on a form approved by the Court, for the signature of a judicial officer. The officer shall then contact the appropriate judicial officer (described below) to determine that judge's availability to entertain a warrant application. The judge will specify in what manner the warrant application should be made. Once the application is made and approved by the Judge, and the warrant is signed, it shall be the responsibility of the applying Probation or Pretrial Services Officer to transmit the warrant to the United States Marshal for execution via a method to be approved by the United States Marshal. The Probation or Pretrial Services officer shall also be responsible for presenting the warrant application and signed warrant to the Clerk of Court at the beginning of the next business day so that those documents may be appropriately filed by the Clerk.

**Manner of making application for a warrant.** There are two acceptable methods for making application for an after-hours arrest warrant. The judge who will be asked to issue the warrant will direct the Probation or Pretrial Services Officer as to which method to use.

**1. Personal presentment.** The officer applying for the warrant shall personally appear before the judge, at a location to be determined by the judge, to present the application and the proposed arrest warrant.

**2. Electronic presentment.** The officer applying for the warrant shall email or fax the warrant application to the judge at an email address or fax number supplied by the judge. The judge will affix a signature (which may be an electronic signature) to the warrant if the application is approved and transmit the signed warrant to the applying officer.

**Form of application.** It is anticipated that the form of the application will be substantially identical to that used for a regular request for an arrest warrant. However, all allegations in the application shall be made under oath or under penalty of perjury.

**Notification of the United States Attorney.** The officer applying for the warrant shall be responsible for notifying the Assistant United States Attorney assigned to the case, or, at the option of the United States Attorneys' office, the duty United States Attorney, that a warrant has been applied for and, if a warrant is signed, that a warrant has been issued. The United States Attorney's office may request that such notice be given contemporaneously with the application or on the next business day. The usual procedures will be followed concerning notification of the United States Attorney's office if an arrest is made.


The officer applying for the warrant shall be responsible for notifying the attorney for the defendant/offender that a warrant has been issued. The attorney for the defendant/offender may request that such notice be given contemporaneously of the arrest or on the next business day.

**Judicial Officer to be contacted.** The officer applying for a warrant shall contact a judicial officer as follows:

In all cases when an after-hours warrant is being requested, whether pretrial release or post conviction supervision, the district judge assigned to the case shall be contacted. In cases when the assigned district judge cannot be contacted and if the assigned district judge has designated another district judge to handle emergency requests, the officer will contact the designated district judge. If there is not a designated district judge, the officer shall contact the duty magistrate judge in the respective division. In all cases that have not been assigned to a district judge, the request will be made to the assigned magistrate judge. If the assigned magistrate judge cannot be contacted, the duty magistrate for the respective division will be contacted. This procedure only applies to after-hours warrant requests.

IT IS SO ORDERED.

May <sup>th</sup>21, 2013.

  
Susan J. Dlott  
Chief United States District Judge