

## **RULE 36: ISSUANCE OF WARRANT FOR PROBATION VIOLATION**

### **(Per Criminal Rule 4)**

In the event of a defendant's violation of the conditions of community control:

(A) Upon receipt of information of a defendant having violated his/her Court ordered community control, an officer of the Adult Probation Department shall immediately investigate to determine if there is probable cause to believe the defendant has violated a condition of that community control. If the officer believes there is probable cause, through the authorities granted in Section 2951.08 of the Ohio Revised Code, the officer shall apply for issuance of a warrant for the defendant's arrest forthwith.

(B) Upon such determination, the officer shall, without delay, complete a Complaint form, therein stating the basis for probable cause including a summary of the factual bases supporting probable cause. The completed form shall be presented to a deputy clerk of the Clerk of Courts, who shall cause the officer to swear that the information presented in the Complaint is true to the best of the officer's knowledge. The officer shall then sign the Complaint, the signature being subscribed by the deputy clerk.

(C) Pursuant to the information presented in the Complaint, the officer shall complete a Warrant form. The officer shall present the Warrant to a deputy clerk of the Clerk of Courts (but not the clerk who subscribed the Complaint) accompanied by the completed Complaint. The deputy clerk shall review the information listed in the Complaint and, acting as a neutral hearing officer, render a decision as to whether the information is sufficient to find probable cause to believe that the defendant listed in the Complaint has violated the conditions of his/her community control. Upon an affirmative decision on probable cause, the deputy clerk shall sign the warrant.

(D) As provided for in Section 2951.07 of the Ohio Revised Code, as of the date shown on the face of the warrant, the term of community control shall cease to run until further order of the Court.

(E) The Chief Probation Officer, the Assistant Chief Probation Officers, the Intensive Supervision Program Project Director, Probation Officer Supervisors, and such other personnel of the Adult Probation Department as designated by the Chief Probation Officer, shall be appointed as deputy clerks of the Clerk of Courts.

(F) The original of the Complaint and the Warrant shall be sent to the Clerk of Courts for entry onto the Court's journal. One (1) copy set (of the Complaint and Warrant) shall be taken forthwith by the probation officer to the Central Warrant Processing Unit of the Hamilton County Sheriff's Office. The Central Warrant Processing Unit shall enter the warrant into the Hamilton County Regional Crime Computer, and all other data bases required. The employee of the Central Warrant Processing Unit receiving the warrant shall sign a receipt document acknowledging arrival of the warrant. The receipt document shall be placed in the defendant's file maintained by the Adult Probation Department. The pick-up radius for the warrant shall be nationwide unless the Court orders a smaller pick-up radius. One (1) copy shall be retained in the

probation officer's file. Upon completing its registry of the warrant, the Central Warrant Processing Unit shall forward a copy to the Fugitive and Warrant Unit of the Hamilton County Sheriff's Office.

(G) Should facts arise to cause recall of the warrant, such information shall be presented to the Court as a Motion to Recall Warrant. Upon the Court granting such Motion, an Entry Recalling Warrant shall be journalized of record forthwith and taken immediately to the Central Warrant Processing Unit, who shall cause a return on the warrant to occur forthwith.

This Rule to be effective January 4, 1999, and until further order of the Court.