

RULE 36. Issuance of Warrant for Probation Violation

(Per Criminal Rule 4)

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

- (A) Upon the 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, Warrant and Probable Cause form, therein stating the basis for probable cause including a summary of the factual bases supporting probable cause. The completed forms shall be presented to a Probation Department Supervisor for review, approval and signature. Subsequent to gaining supervisory approval of the Probation Violation/Warrant/Probable Cause, the officer will present the documents to a notary, 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 notary.
- (C) The officer shall present the Complaint, Warrant and Probable Cause packet to a Common Pleas Judge for review and signature. Pursuant to gaining Judicial approval and signature, the officer will deliver the Complaint/Warrant/Probable Cause to the Clerk of Courts for processing. The probable cause form is entered into the Court Management System (CMS) database. The original copy of the Complaint and the Warrant is retained by the Clerk of Courts for entry onto the Court's journal. A certified copy of the official Warrant and receipt is given to the officer.
- (D) The certified copy of the Warrant and receipt shall be taken forthwith by the probation officer to the Central Warrant Processing Unit of the Hamilton County Sheriff. The employee of the Central Warrant Processing Unit receiving the warrant shall sign a receipt 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. The Central Warrants Processing Unit shall enter the warrant into the Hamilton County Regional Crime Information Center (R.C.I.C.) database, and all other databases required. Upon completing its registry of the warrant, the Central Warrants Processing Unit shall forward a copy to the Fugitive and Warrant Unit of the Hamilton County Sheriff.
- (E) 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.
- (F) 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 Warrants Processing Unit, who shall cause a return on the warrant to occur forthwith.

Effective: (March 1, 2023)