

RULE 88.11 | AFTER HOURS CRIMINAL DUTY PROCEDURES

When a defendant is arrested after hours (in the evening, on the weekend, on a holiday, or in the daytime during the business week at a time that does not permit an appearance at the prescribed session of Magistrate Court), the Duty Assistant United States Attorney shall contact the Duty Magistrate Judge for the purpose of having a bond set.

Once the Duty Magistrate Judge sets a bond, the Duty Assistant United States Attorney shall transmit the bond information to the Duty Marshal and/or to the arresting agents who shall transmit the bond information to the booking officials at the receiving institution. A "permanent" bond shall be set for the defendant at the next available prescribed Duty Magistrate Judge Court session when the defendant appears for initial appearance.

For arrests that occur during the business week, prior to the end of the business day but subsequent to a time when an initial appearance at the prescribed session of Magistrate Judge Court can be made, the Duty Assistant United States Attorney shall contact the Duty Magistrate Judge in chambers for the purpose of having a temporary bond set. As with after-hours arrests, the Duty Assistant United States Attorney shall transmit the bond information to the Duty Marshal and/or the arresting agents. If the Duty Magistrate Judge is on the bench when a Duty Assistant United States Attorney calls for the purpose of having a temporary bond set, the Duty Magistrate Judge will return the Duty Assistant United States Attorneys call as soon as the Duty Magistrate Judge gets off the bench.

For after-hours arrests, the Duty Assistant United States Attorney shall leave a message on the Duty Magistrate Judge's beeper or cell phone. If by beeper, the call will be returned by the Duty Magistrate Judge. Once the Duty Magistrate Judge sets a bond, the Duty Assistant United States Attorney shall transmit the bond information to the Duty Marshal and/or the arresting agents for transmittal to the receiving institution. Routine arrests occurring after 10:00 p.m. need not be communicated to the Duty Magistrate Judge that night, but shall be reported by the Duty Assistant United States Attorney to the Duty Magistrate Judge the following morning. In emergency situations, the Duty Magistrate Judge may be contacted directly at any hour.

Since a probable causes determination must be made within forty-eight (48) hours of all arrests, except as Federal Rule of Criminal



Procedure 4.1 may otherwise provide, a criminal complaint must be presented directly to a Magistrate Judge for review and approval in all cases where the initial appearance will not take place within forty-eight (48) hours of an arrest.

All after-hours Duty arrests (including but not limited to arrests on warrants where bonds have already been endorsed/set) shall be reported to the Duty Magistrate Judge by the Duty Assistant United States Attorney.

Effective April 15, 2006. Amended effective April 15, 2007; December 1, 2011; December 1, 2015.

