

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
DISTRICT OF IDAHO**

Re: Procedures Following )  
Arrests by Federal ) GENERAL ORDER NO. 128  
Agencies )  
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The Judges of this Court have met and approved the following procedures for notification of a prisoner in custody as set forth below.

**PROCEDURES FOLLOWING ARRESTS BY FEDERAL AGENCIES**

1. After an arrest, the arresting Federal Law Enforcement Agency shall be responsible for promptly notifying the U.S. Marshal of the following information:

- a. Name of person arrested;
- b. Date of birth;
- c. Probable charges;
- d. Date, time and place of arrest; and
- e. Present location or jail facility.

2. If the arrest occurs after normal working hours or on a weekend or holiday, notification to the U.S. Marshal as described in Paragraph 1 above shall occur on the next workday. The Federal Agency making the arrest shall also be guided by the provisions set forth in the Order of Chief United States Magistrate Judge Mikel H. Williams entitled, "Procedures for Obtaining Judicial Officer After Duty Hours and in Emergency

Situations,” dated September 18, 1995.

3. The arresting agency is responsible for taking the prisoner before the nearest available U.S. Magistrate Judge or other judicial officer pursuant to Rule 5(a) of the Federal Rules of Criminal Procedure. The U.S. Marshal shall take responsibility of the prisoner once the U.S. Magistrate Judge or judicial officer remands the prisoner to the custody of the U.S. Marshal following the initial appearance. Pending the prisoner’s initial appearance before the U.S. Magistrate Judge or other judicial officer, the U.S. Marshal will assist the arresting agents, as much as manpower will allow, by making their holding facilities and manpower available for security purposes. Unless otherwise ordered by the Court, the arresting agency shall be responsible for maintaining custody of the prisoner until such time as the prisoner has appeared before the Court and been ordered into the custody of the U.S. Marshals Service. Therefore, a representative from the arresting agency must remain with, and be responsible for, the prisoner while the prisoner is being held in the Marshal’s holding facility. The arresting agency will be responsible to escort the prisoner to the prisoner’s initial court appearance.

4. If the Court has set a time for appearance, the arresting agency shall have the prisoner to the U.S. Courthouse one and one-half (1 1/2) hours -prior to the time of the hearing.

5. Upon being notified of an arrest, the U.S. Marshal shall notify the following agencies and provide them with the information which has been provided to the Marshals Service by the arresting agency:

a. Deputy Courtroom Clerk for U.S. Magistrate Judges

b. Pre-Trial Services

6. The Clerk of Court or the Clerk's designee shall make prompt notification of the time and place for the initial appearance to the following:

a. U.S. Attorney

b. U.S. Marshals Service

c. Federal Defender

d. Pre-Trial Services

7. Arresting agencies shall make returns on arrest warrants as well as returns on summonses to the Clerk of the U.S. District Court following execution of the warrant.

This General Order is shall be effective on August 1, 1996.

IT IS SO ORDERED this 8th day of August, 1996.

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EDWARD J. LODGE  
Chief United States District Judge

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B. LYNN WINMILL  
United States District Judge

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MIKEL H. WILLIAMS  
Chief United States Magistrate Judge

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LARRY M. BOYLE  
United States Magistrate Judge