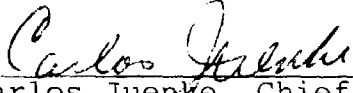


IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA

NO. 84-03-MISC.-CIV.


APPLICATION

Comes now Carlos Juenke, Chief United States Probation Officer for the Southern District of Florida, and moves the Court for an Order authorizing United States Probation Officers in the Southern District of Florida, appointed and actively serving in such capacity pursuant to Title 18, United States Code, Sections 3654 and 3655, to possess and carry firearms, subject to the conditions in the attached statement: Policy and Procedures for the Carrying of Firearms by United States Probation Officers in the Southern District of Florida, for their own protection in the furtherance of their duties as officers of the Court.

  
\_\_\_\_\_  
Carlos Juenke, Chief  
United States Probation Officer

ORDER

On the 12<sup>th</sup> day of January, 1984, it is ordered that United States Probation Officers appointed by this Court and actively serving in such capacity pursuant to Title 18, United States Code, Sections 3654 and 3655, shall be authorized to possess and carry firearms for their own protection in the performance of their official duties as officers of the Court with respect to investigation and supervision of offenders, subject to compliance with the conditions set forth in the attached statement: Policy and Procedures for the Carrying of Firearms by United States Probation Officers in the Southern District of Florida.

  
\_\_\_\_\_  
Honorable Joe Eaton, Chief Judge  
United States District Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

IN RE: DUTY JUDGE ASSIGNMENT :  
SCHEDULE :

ADMINISTRATIVE ORDER 94 3

The following is a schedule for the next year as to the Fort Lauderdale/West Palm Beach Duty Judge, whose functions are as follows:

1. Handle all grand jury matters. This includes convening grand juries and ruling on matters affecting those grand juries during each month's duty. Rule 6(f) of the Federal Rules of Criminal Procedure makes provisions for a grand jury return to be taken by either a Federal Judge or a U.S. Magistrate. Whether the District Judge or the Magistrate will take a return will be determined by the Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.
2. Preside over emergency naturalization matters.
3. Preside over matters arising from Magistrates' proceedings which are not assigned to a District Judge, including but not limited to applications for reduction of bonds and competency examinations.
4. Swearing in of attorneys to practice.
5. Preside over wire tap applications in matters not assigned to any District Judge.
6. Approval of issuance of warrants of arrest in admiralty cases when the judge in whose division the case is assigned is not in that division or is otherwise unavailable.

MONTHLY ASSIGNMENTS:

November	1984	Judge Roettger
December	1984	Judge Gonzalez
January	1985	Judge Paine
February	1985	Judge Roettger
March	1985	Judge Gonzalez
April	1985	Judge Paine
May	1985	Judge Roettger
June	1985	Judge Gonzalez
July	1985	Judge Paine
August	1985	Judge Roettger

If any judge is out of the district at any time during the assignment month, arrangements should be made with the Chief Judge for a substitute. It shall be the duty of the Clerk of Court to notify all interested parties of any such substitutions.

DONE and ORDERED in Chambers, United States Courthouse, Miami, Dade County, Florida, this 19 day of OCTOBER, 19 84.

  
CHIEF UNITED STATES DISTRICT JUDGE

VK 2

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

IN RE: DUTY JUDGE ASSIGNMENT : AMENDED ADMINISTRATIVE ORDER  
SCHEDULE : 84-3

The following is a schedule for the next year as to the Fort Lauderdale/West Palm Beach Duty Judge, whose functions are as follows:

1. Handle all grand jury matters. This includes convening grand juries and ruling on matters affecting those grand juries during each month's duty. Rule 6(f) of the Federal Rules of Criminal Procedure makes provisions for a grand jury return to be taken by either a Federal Judge or a U.S. Magistrate. Whether the District Judge or the Magistrate will take a return will be determined by the Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.

2. Preside over emergency naturalization matters.

3. Preside over matters arising from Magistrates' proceedings which are not assigned to a District Judge, including but not limited to applications for reduction of bonds and competency examinations.

4. Swearing in of attorneys to practice.

5. Preside over wire tap applications in matters not assigned to any District Judge.

6. Approval of issuance of warrants of arrest in admiralty cases when the judge in whose division the case is assigned is not in that division or is otherwise unavailable.

MONTHLY ASSIGNMENTS:

September 1985	Judge Paine
October 1985	Judge Gonzalez
November 1985	Judge Roettger
December 1985	Judge Gonzalez

If any Judge is out of the District at any time during the assignment month, arrangements should be made with the Chief Judge for a substitute. It shall be the duty of the Clerk of Court to notify all interested parties of any such substitutions.

DONE and ORDERED in Chambers, United States Courthouse,  
Miami, Dade County, Florida, this 7 day of June, 1985.

  
\_\_\_\_\_  
JAMES LAWRENCE KING  
CHIEF UNITED STATES DISTRICT JUDGE

cc: All Southern District Judges

POLICY AND PROCEDURES FOR FIREARMS  
UNITED STATES PROBATION OFFICE  
SOUTHERN DISTRICT OF FLORIDA  
DECEMBER 9, 1983

JUDICIAL CONFERENCE POLICY:

It is the policy of the Judicial Conference of the United States that Probation Officers should not be permitted to carry firearms in the performance of their official duties unless an assignment, in the judgment of the Chief Probation Officer or the District Judge, subjects a Probation Officer to serious risk of physical harm and the services of a law enforcement officer in accompanying the Probation Officer would not be appropriate in the opinion of the Chief Probation Officer. Such Probation Officer may be permitted to carry a firearm under these conditions:

- I. A. The law of the state permits the carrying of a firearm by a Probation Officer.
  - B. The Probation Officer has obtained all necessary licenses or permits required for the carrying of firearms.
  - C. The Probation Officer has presented to the Chief Probation Officer sufficient reasons in writing why the carrying of a firearm is reasonably necessary:
    - 1] In the performance of his duties generally, or
    - 2] In the performance of duty in a specified assignment.
  - D. The permission of the Chief Probation Officer has been granted in writing.
  - E. The Chief Judge of the court has been given actual notice in writing of the permission granted to carry a firearm and he has not objected within 48 hours of the notice.
- II. No Probation Officer shall be granted permission to carry a firearm in the performance of his duties unless he has completed an approved firearms training program and has qualified thereunder to carry a firearm.
  - III. A Probation Officer who has been granted permission to carry a firearm in the performance of his duties shall use the same only in the exercise of his rights of self-defense in accordance with law.

- IV. A Probation Officer who discharges a firearm while in the performance of his duties shall file a report in writing with the Chief Probation Officer within twenty-four (24) hours describing in detail the occasion on which, and the reason, he discharged the firearm.
- V. The Chief Probation Officer shall forthwith send copies of the report required under paragraph IV to the Chief Judge and the Administrative Office.

SOUTHERN DISTRICT OF FLORIDA POLICY:

It is the policy of the United States Probation Office, Southern District of Florida, to avoid the use of firearms, except for self-defense of the Probation Officer.

Probation Officers in this district do not have general permission to carry firearms, except those assigned to the Drug Unit and Special Offender Unit. All other officers who wish to carry a firearm must, for each occasion, obtain in writing, approval of their Supervisor or Officer-in-Charge. Criteria for approval shall be: threat presented by client (offense, prior record of violence, threats, supervision history); supervision in high crime rate areas; officer's compliance with above general criteria.

TRAINING:

- A. The Chief U. S. Probation Officer shall appoint a member of his staff to serve as firearms training officer for the district. It shall be the firearms training officer's responsibility, with the approval of the Chief Probation Officer, to formulate and carry out ongoing training relating to the safe, legal, and effective use of firearms.
- B. No Probation Officer shall be authorized to carry a firearm until he has received proper training and has completed a qualification course approved by the Chief Probation Officer and the firearms training officer.

Policy and Procedures - Firearms  
U. S. Probation Office, SD/FL  
Page Three

- C. Each officer shall complete a requalification on a course approved by the Chief Probation Officer and the firearms training officer on a semi-annual basis.
- D. Each officer shall be required to fire a minimum of one hundred (100) rounds at a fixed target on a quarterly basis and report compliance to the firearms officer immediately after completion. The one hundred (100) rounds are to be over and above those rounds fired for semi-annual qualification.
- E. Any officer who does not comply with the policy outlined herein shall be prohibited from carrying a firearm.

PROCEDURES:

A. Office:

No firearms will be allowed in any courthouse facility in the district. Firearms are to be stored and locked (unloaded) in the officer's vehicle prior to his entrance into a courthouse facility. In non-courthouse branch office facilities, firearms are not to be carried on person in the office setting. If brought into a branch office, they are to be unloaded, removed from the officer's person, and placed in a secure place in order to avoid theft or misuse.

B. Firearms on Person:

When permission has been granted, a Probation Officer may carry a firearm on his/her person under the following circumstances:

- 1] When the officer has reasonable cause to believe that he/she will be in danger of serious bodily injury.
- 2] Each time a firearm is carried, the officer must note the action on his/her travel log.

- 3] When wearing a firearm, it shall be hidden from view at all times.
- 4] Officers are not generally authorized to carry a firearm during off-duty hours. Authorization for such permission will be granted ONLY by the Chief Probation Officer, or in his absence, the Deputy Chief Probation Officer.

D. Drawing and/or Discharging a Firearm:

A Probation Officer may draw and/or discharge a firearm ONLY under the following circumstances:

- 1] In the necessary defense of himself/herself when the Probation Officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
- 2] A firearm should not be drawn and/or discharged under any other circumstances. Warning shots are prohibited because injuries to property or persons could result.

DEPARTMENTAL REVIEW OF FIREARM USE:

Except for routine target shooting, every officer is required to report in writing every use of the firearm. The requirement to report includes even a mere drawing of a firearm where no discharge occurs. This written report shall be forwarded, within twenty-four (24) hours of the incident, to the Chief Probation Officer and the Firearms Review Board. This report will describe the incident in detail, including the names of all the persons involved and the officer's reasons for his action.

REVIEW BOARD:

This Board will be charged with the responsibility of examining every firearm incident. It will be comprised of the Deputy Chief Probation Officer, the Firearms



Training Officer, and a line officer. They will critique each incident and make recommendations to the Chief Probation Officer.

TYPE OF FIREARMS TO BE AUTHORIZED:

- A. Firearms carried by an officer must be a .38 caliber revolver or .38 special. The barrel length shall not exceed four inches.
- B. Firearms carried by an officer may be personally owned by the officer or assigned by the Probation Department. The officer shall report to the Firearms Training Officer the make, model, and serial number of their firearm. Further, the theft or loss of said firearm is to be immediately reported to the Firearms Training Officer.
- C. Officer's firearms are to be routinely inspected by the Firearms Training Officer.