

LONGMONT MUNICIPAL COURT

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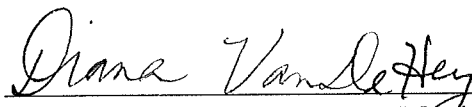
ADMINISTRATIVE ORDER

The vast majority of cases in this Court are initiated by the issuance of a Summons and Complaint personally served upon the defendant by the investigating officer. In rare cases, however, that is not possible, and the prosecution is initiated by the issuance of an Arrest Warrant accompanied by a separate Complaint, which is served upon the defendant when an arrest is made on the warrant. An arrest warrant can be issued only after a judicial determination that there is sufficient probable cause to believe both that a crime has been committed and that the defendant is the perpetrator of that crime. It has been the practice of this Court to personally review the Affidavit and Complaint in the presence of the officer requesting the warrant. The advantage of this approach is that if the judge has any questions they can be answered by the officer and any defects in the affidavit can be cured on the spot.

Pursuant to Rule 204(b)(2) of the Colorado Municipal Court Rules of Procedure, a warrant may be issued at the discretion of the Court following the filing of a sworn complaint. The Rule does not require that the complaint be sworn before the judge. Therefore, for the benefit of officers who do not work during hours the judge is routinely available, affidavits may be sworn before a Notary Public in the Longmont Police Department Records Division. The Complaint needs to be signed by the officer, but not notarized.

All warrants must be reviewed by the City Prosecutor before being presented to the Judge.

Done this 15th day of September, 1995. By the Court.



Diana VanDeHey, Longmont Municipal Judge

