

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

IN THE MATTER OF AUTHORIZATION
FOR PRETRIAL SERVICES TO CONDUCT
URINALYSES IN CONNECTION WITH
PRETRIAL SERVICES INVESTIGATIONS

GENERAL ORDER NO. 37

Section 7304 of the Anti Drug Abuse Act of 1988 (Pub. L. No. 100-690, 102 Stat. 4464 (November 18, 1988)) created a two year demonstration drug testing program, requiring, *inter alia*, drug testing of criminal defendants to be completed, where feasible, prior to the defendants' appearance before judicial officers. The Eastern District of Arkansas was selected by the Judicial Conference as one of the eight districts to participate in the program.

That pilot program commenced on January 1, 1989, and terminated by operation of the statute on December 31, 1990. The Court has been advised, however, that the Administrative Office of the United States Courts will provide funding to test criminal defendants prior to their initial appearances for those demonstration districts that choose to continue the program pending congressional action on a permanent and national testing program.

The Court has considered its experience with the pretrial drug testing pilot program over the two years of its operation and finds that the program has resulted in the judicial officers of this district receiving important, relevant, and timely information that permitted those officers to make more informed pretrial release decisions under the provisions of 18 U.S.C. Section 3142.

The program's operation has not only resulted in more informed pretrial release decisions but has also made the identification of defendants with special problems possible. In many instances it has resulted in much needed help for defendants who want it.

IT IS THEREFORE ORDERED that the Probation Office for the Eastern District of Arkansas be, and it is hereby, authorized to continue performing urinalyses for criminal defendants

accused of drug manufacture, possession, or distribution prior to their initial appearance before the judicial officers of this district and that the results of those tests be included in the pretrial services report presented to those officers. In all other cases, a pretrial services officer shall contact the duty magistrate judge to determine whether the defendant shall be tested.

DATED this 13th day of November, 1991.

/s/ Stephen M. Reasoner
STEPHEN M. REASONER, CHIEF JUDGE
U. S. DISTRICT COURT