

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY,
FLORIDA

**ADMINISTRATIVE ORDER NO:
17-16-B**

**IN RE: CRIMINAL - PROCEDURES FOR E-WARRANTS FOR SEARCH AND ARREST
WARRANTS**

WHEREAS it is necessary and proper for the prompt and efficient administration of justice in Brevard County to establish procedures for applying for search and arrest warrants; and

WHEREAS the Florida Legislature had authorized the use of an electronic warrant system;
and

WHEREAS in the interest of speedy, efficient and proper administration of justice, Brevard County has adopted an electronic warrant system.

IT IS ORDERED as follows:

1. GENERAL PROVISIONS

- a. Brevard County has adopted an electronic warrant system (hereinafter E-warrant System) as the preferred method for submitting applications for search and arrest warrants. It is anticipated all the Brevard County law enforcement agencies and judges will eventually be approved and trained on the E-warrant System. The goal is for the majority of search and arrest warrants to be processed via the E-warrant System instead of paper submissions.
- b. Law enforcement officers, who have received training and approval on the E-warrant System, should use the E-warrant System.
- c. Unless required by law, felony warrants are not required to be approved by the State Attorney's Office prior to submission, but it is recommended that law enforcement officers have the State review warrants prior to submission if possible.
- d. A copy of the Spouse Abuse/Weekend Jail & Holiday Schedule will be provided, on a monthly basis to all Law Enforcement Agencies via email. Law enforcement officers should consult said schedule to ascertain the name of the appropriate

judge

to whom the warrant application should be directed.

Due to possible changes in the schedule after distribution, all agencies should check the courts extranet page prior to contacting a judge's office for warrants at <http://extranet.flcourts18.org/extranet/>.

- e. If a judge declines to execute a warrant based upon a finding of no probable cause, the warrant shall be presented to the same judge if resubmitted after changes are made to the affidavit.

2. WARRANTS DURING BUSINESS HOURS - E-WARRANT SYSTEM

- a. The law enforcement officer shall direct the affidavit and E-warrant to the Business Hours Duty Judge, unless the matter is ongoing, in which case they shall be directed to the judge who granted the first warrant in the case.
- b. After uploading the electronically signed sworn affidavit and e-warrant, the officer shall phone the assigned judge's office. In an ongoing case, the officer shall phone the appropriate judge's office. The judicial assistant will bring the matter to the judge's attention at the earliest appropriate time.

3. WARRANTS DURING BUSINESS HOURS - PAPER WARRANTS

- a. The E-warrant System should not be used if:
 - 1. The law enforcement officer has a good faith belief that the search or arrest warrant is exceptionally sensitive;
 - 2. The law enforcement agency has not been trained and approved to use the E-warrant system; or
 - 3. When the E-warrant system is not operating.

In all other circumstances, law enforcement officers are strongly encouraged to use the E-warrant System. However, law enforcement officers may, at their own discretion, elect to submit a warrant application in paper form.

- b. The law enforcement officer shall direct the affidavit and warrant to the Business Hours Duty Judge, unless the matter is ongoing, in which case they shall be directed to the Judge who granted the first warrant in the case.
- c. After preparing the affidavit and warrant, the officer shall phone the assigned judge's office. In an ongoing case, the officer shall phone the appropriate judge's office. The judicial assistant will arrange with the officer a time for the officer to see the judge.

4. EMERGENCY WARRANTS DURING BUSINESS HOURS

- a. If an emergency exists, the law enforcement officer must advise the assigned judges office, who will immediately locate an available judge.
- b. An emergency is when the law enforcement officer has a good faith belief that unless a warrant is signed and executed immediately, it will frustrate an arrest, endanger lives, or permit the destruction of evidence.
- c. The judge will determine if the law and the totality of the circumstances require immediate attention.

5. EMERGENCY WARRANTS AFTER HOURS

- a. For emergency search and arrest warrants after hours, on weekends, holidays or

any time the courthouse is closed, the law enforcement officer shall contact the After-Hours Duty Judge by calling the duty judge. If after several attempts the officer is unable to contact the duty judge, the officer should call the Brevard County Sheriff's Department. The BCSO will then attempt to contact the duty judge on their home or cell phone and notify the judge that the officer is trying to make contact.

- b. The law enforcement officer should not contact the duty judge until the affidavit and warrant have been prepared and/ or uploaded to the E-warrant System and are ready for review and signature.
- c. If the officer is using a paper warrant instead of an e-warrant, they should make arrangements with the duty judge for presenting the judge with the affidavit and warrant.

Done and Ordered this 15th day of March, 2017.

JOHN D. GALLUZZO
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CHIEF JUDGE

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