

Policy: 1210.6, Arrest Warrants and Juvenile Custody Orders

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Distribution Group: Sworn Employees

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I. PURPOSE

This directive provides guidance for department personnel to properly obtain warrants.

II. POLICY

This directive establishes protocol and procedures for obtaining arrest warrants and juvenile custody orders as well as ensuring that the utmost consideration is given to the safety of citizens and officers, while at the same time preventing the suspect from fleeing from justice.

III. DEFINITIONS

None

IV. PROCEDURES

1. ARREST WARRANTS

An arrest warrant may be obtained under the conditions established in Florida Statute 901. An application for an arrest warrant must be made in the form of a sworn affidavit, reviewed by a judge, who upon finding probable cause, will sign an arrest warrant. The decision to obtain an arrest warrant will be dictated by the Policies and Procedures of the Orlando Police Department. The affiant is defined as the lead investigative officer/detective. The facts of the case, as well as the evidence, will be reviewed by the investigative officer's sergeant/ASL/corporal. If an officer establishes probable cause on an incident and an arrest warrant is deemed appropriate, the officer must obtain the warrant.

Warrantless misdemeanor arrest must be made immediately or in fresh pursuit. (Florida State Statute [901.15](#)) If not possible, a misdemeanor offender may be arrested only pursuant to an arrest warrant.

Orange County judges will not sign a misdemeanor-only arrest warrant unless there is evidence that the defendant is unlikely to appear on a summons. If submitting a misdemeanor-only warrant, officers shall fully document in the warrant affidavit all evidence demonstrating a defendant is unlikely to appear on a summons. The evidence may include: all efforts to locate defendant; facts showing defendant is a flight risk; a record of failing to appear for court; and any transient or unknown residence status.

When an arrest warrant has been electronically signed by the judge, the affiant must make sure the warrant is entered into the system by the Orange County Fugitive Unit. It is the affiant's responsibility to ensure the warrant is entered into the system, without delay, and a Court Case number is obtained.

Once the warrant has been obtained and entered into FCIC/NCIC, the affiant should notify, via email (FIU@orlando.gov), the Orlando Police Department's Fugitive Investigative Unit.

1. If the officer does not have sufficient factors demonstrating that the defendant is unlikely to appear on a summons, the officer must, before the end of their shift (or with supervisor approval, by the end of their next shift) Submit the case to the State Attorney for review and filing, if appropriate.

As a reminder, if the offender is in a third-party residence, a search warrant may be required. Review OPD P&P 1402, Search Warrants, and Legal Bulletin 1316, Searches and Seizures - Arrests, before attempting a warrant arrest inside.

NOTE: As a result of an amendment to the Florida Rules of Criminal Procedure, a recent photograph (e.g., booking photograph, DAVID photograph), if available, is required to be included in the arrest warrant. If a photograph is not included, the reason for omission shall be articulated at the bottom of the narrative.

2. OBTAINING ARREST WARRANTS DURING BUSINESS HOURS

Every lawful effort will be made to apprehend the offender before obtaining a warrant and, when possible, arrest warrants will be obtained during business hours established by the Orange County Courthouse. This does not

preclude attempts to get warrants when exigent circumstances exist. Protocol for obtaining an arrest warrant during normal business hours:

- a. An investigation is conducted to determine if probable cause has been established.
- b. The decision is made that an arrest warrant will aid the investigation.
- c. The affiant prepares an affidavit for an arrest warrant/custody order, describing the probable cause that exists to make the arrest. Patrol officers will contact and obtain the assistance of CID if needed.
- d. A sergeant/ASL/corporal reviews and approves the arrest warrant and affidavit.
- e. The warrant will be submitted through the eWarrants program found on OPD Online.
- f. The affiant will receive notification, via email, of the warrant being approved and electronically signed by a Judge.
- g. The affiant will take the signed arrest warrant and arrest warrant affidavit to the Orange County Clerk of the Court, located in the Orange County Courthouse. The Clerk of the Court will issue a Court Case Number and give the paperwork back to the officer/detective.
- h. The affiant will take the signed arrest warrant and arrest warrant affidavit to the Orange County Fugitive Unit, located on the 2nd floor of the Orange County Courthouse.
- i. The Orange County Fugitive Unit personnel will enter the arrest warrant information into FCIC/NCIC.

3. OBTAINING EMERGENCY ARREST WARRANTS AFTER NORMAL BUSINESS HOURS

Emergency arrest warrants should be sought outside of normal court hours only where a suspect would escape or evidence would be lost if immediate action is not taken. The suspect's location should be specifically known at the time the warrant is sought. Alternatively, an emergency warrant can be sought if the suspect's identity is known but his/her location is unknown and the suspect is a threat to the safety and welfare of a citizen or the community. Emergency warrants of these types should be sought only when law enforcement is waiting to immediately proceed on the search or arrest warrant. Officers shall use the current version of the Affidavit for Arrest Warrant template found under the Forms tab on OPD Online.

Protocol for obtaining an arrest warrant after normal business hours:

- a. An investigation is conducted to determine if probable cause has been established.
- b. The decision is made that an arrest warrant is needed immediately and will aid the investigation.
- c. The affiant prepares an affidavit for an arrest warrant, describing the probable cause that exists to make the arrest. Patrol officers will contact and obtain the assistance of CID if needed.
- d. A sergeant/ASL/corporal reviews and approves the arrest warrant and affidavit and approves seeking emergency issuance.
- e. A lieutenant or legal advisor reviews and approves the arrest warrant and affidavit, and the need for emergency issuance.
- f. The Emergency Warrant Cover Sheet Memo shall be completed and attached to the warrant submission.
- g. The affiant contacts the Orange County Communications Center non-emergency number (407.836.3900) and requests that the on-call judge call the officer/detective or be put in contact with the officer through the Communications Center.
- h. The warrant will be submitted through the eWarrants program found on OPD Online. (See eWarrant reference manual for more information.)

- i. The affiant will receive notification, via email, of the warrant being approved and electronically signed by a Judge.
- j. The affiant will email the signed warrant to arrestwarrant@ocfl.net to be entered into FCIC/NCIC. The affiant will call the Orange County Fugitive Unit at (407) 836-4527 for confirmation of acceptance. If the email is accepted, skip to step K. However, if the email is not accepted by the Orange County Fugitive Unit at the Courthouse, the affiant will respond to the Orange County Courthouse located at 425 North Orange Avenue with the warrant signed by the judge. The affiant will take the signed paperwork to the Orange County Fugitive Unit on the 2nd Floor of the Courthouse.
- k. The Orange County Fugitive Unit will review the paperwork and then enter the arrest warrant into FCIC/NCIC.
- l. If the suspect has not been arrested after hours (usually between 1700 hours and 0800 hours; weekends), the affiant or their designee (CID detective, day shift patrol officer) will respond to the Fugitive Unit in the Orange County Courthouse. The affiant or their designee will take the arrest warrant and bring it across the hall to the Orange County Clerk of the Courts (same building) to obtain a Court Case Number. The affiant or their designee will then return the paperwork to the Orange County Fugitive Unit.

4. PROCESSING ARREST WARRANTS

Except as discussed below, members shall electronically submit a copy of the arrest warrant AND affidavit in support of the arrest warrant to the Clerk of Court and Orange County Warrants Unit as soon as possible after receiving the signed warrant.

With the approval of the submitting member's captain, a member may hold an arrest warrant for no more than 60 days to effectuate a bona fide law enforcement purpose. Such purposes may include, but are not limited to a gang round-up, co-defendant cases where the execution of one warrant may jeopardize the investigation, Rico cases, and homicide investigations. Upon the execution of the warrant, the member shall submit the warrant and affidavit in support of the arrest warrant to the Clerk of Court and Orange County Warrants Unit as soon as possible after the warrant is executed.

In no event should the arrest warrant be submitted without the affidavit in support of the arrest warrant.

5. OBTAINING JUVENILE CUSTODY ORDERS DURING NORMAL BUSINESS HOURS

A juvenile custody order may be obtained under the conditions established in Florida Statute 985. An application for a juvenile custody order must be made in the form of a sworn affidavit that will be reviewed by a judge who, upon finding probable cause, will sign a juvenile custody order.

Note: If a Juvenile Custody Order is rejected electronically, it must be walked through and signed in person. Florida Statutes do not specifically provide for, nor does it prohibit, the electronic approval of Juvenile Custody Orders. Each Judge has discretion as to whether to approve Juvenile Custody Orders electronically or require in-person signing.

Protocol for obtaining a juvenile custody order during normal business hours:

- a. The affiant prepares an affidavit for an arrest warrant/custody order and prepares the warrant/custody order. Patrol officers will contact and obtain the assistance of CID if needed.

- b. A sergeant/ASL/corporal reviews and approves the arrest warrant or custody order and affidavit.
- c. A lieutenant or legal advisor reviews and approves the arrest warrant or custody order and affidavit.
- d. The custody order/warrant will be submitted through the eWarrants program found on OPD Online.
- e. The affiant will receive notification, via email, of the custody order/warrant being approved and electronically signed by a Judge.
- f. The affiant will take the signed juvenile custody order and juvenile custody order affidavit to the Orange County Clerk of the Court Criminal Division located in the Orange County Courthouse or to the Orange County Clerk of the Court Juvenile Division located in the Orange County Juvenile Justice Center. The Clerk of Court will issue a Juvenile Court Case Number and give the paperwork back to the affiant.
- g. The affiant will take the signed juvenile custody order and juvenile custody order affidavit to the Orange County Fugitive Unit, located on the 2nd floor of the Orange County Courthouse at 425 North Orange Avenue.
- h. The Orange County Fugitive Unit will review the paperwork and then enter the juvenile custody order into FCIC/NCIC.

6. OBTAINING EMERGENCY JUVENILE CUSTODY ORDERS AFTER NORMAL BUSINESS HOURS

Emergency after-hours juvenile custody orders should be sought outside of normal court hours only where a suspect would escape, or evidence would be lost if immediate action is not taken. The suspect's location should be specifically known at the time the emergency after-hours juvenile custody order is sought. Alternatively, an emergency after-hours juvenile custody order can be sought if the suspect's identity is known but his/her location is unknown, and the suspect is a threat to the safety and welfare of a citizen or the community. Emergency after-hours juvenile custody orders of these types should be sought only when law enforcement is waiting to immediately proceed on the emergency after-hours juvenile custody order. Officers shall use the current version of the Affidavit for Juvenile Custody Order template found on OPD Online.

Note: If a Juvenile Custody Order is rejected electronically, it must be walked through and signed in person. Florida Statutes does not specifically provide for, nor does it prohibit, the electronic approval of Juvenile Custody Orders. Each Judge has discretion as to whether to approve Juvenile Custody Orders electronically or require in-person signing.

Protocol for obtaining an emergency juvenile custody order after normal business hours:

- a. An investigation is conducted to determine if probable cause has been established.
- b. The decision is made that a juvenile custody order is needed immediately and will aid the investigation.
- c. The affiant prepares an affidavit for a juvenile custody order, describing the probable cause that exists to make the arrest.
- d. A sergeant/ASL/corporal reviews and approves the juvenile custody order and the juvenile custody order affidavit and the need to obtain emergency issuance.
- e. A lieutenant or legal advisor reviews and approves the juvenile custody order and juvenile custody order affidavit.
- f. The affiant contacts the Orange County Communications Center non-emergency number (407.836.3900) and requests that the on-call judge call the affiant or be put in contact with the investigative officer/detective through the Communications Center.

- g. The custody order/warrant will be submitted through the eWarrant program found on OPD Online. (See eWarrant reference manual for more information.)
- h. The affiant will receive notification, via email, the custody order/warrant has been approved and electronically signed by a Judge.
- i. The affiant will email the signed warrant to arrestwarrant@ocfl.net to be entered into FCIC/NCIC. The affiant will call the Orange County Fugitive Unit at (407) 836-4527 for confirmation of acceptance.
- j. If the email is accepted, skip to step l. However, if the email is not accepted by the Orange County Fugitive Unit at the Courthouse, the affiant will respond to the Orange County Courthouse, located at 425 North Orange Avenue. The affiant will take the signed juvenile custody order and juvenile custody order affidavit to the Orange County Fugitive Unit, located on the 2nd floor of the Orange County Courthouse.
- k. The Orange County Fugitive Unit will review the paperwork and then enter the juvenile custody order into FCIC/NCIC.
- l. If the suspect has not been arrested after hours (usually between 1700 hours and 0800 hours; weekends), the affiant or their designee (CID detective, day shift patrol officer), will respond to the Fugitive Unit in the Orange County Courthouse. The affiant or designee will take the juvenile custody order and bring it to the Orange County Clerk of the Courts Juvenile Division located in the Juvenile Justice Center, 2000 East Michigan Street, to obtain a Juvenile Court Case Number. The affiant or designee will then return the paperwork to the Fugitive Unit in the Orange County Courthouse, 425 North Orange Avenue.

7. GUIDELINES FOR THE EXECUTION OF AN ARREST WARRANT INSIDE A RESIDENCE

The below establishes guidelines for the execution of an arrest warrant within an offender's residence. Lacking exigent circumstances, force should not be used to gain entry into the residence. Under normal conditions, forced entries shall only be executed by personnel from SWAT or DED. Other resources, such as the Fugitive Investigation Unit, should be considered. If the offender is in a third-party residence, a search warrant may be required. Review OPD P&P 1402 and OPD LB 1316 before attempting a warrant arrest inside a residence.

- a. Review the offender's criminal history and the history of calls to the residence.
- b. Ensure that the offender lives at the residence and is inside.
- c. Notify the sergeant/ASL/corporal before using force to enter the residence.
- d. Notify the watch commander before using force to enter the residence.
- e. Notify Communications of the situation and establish an emergency channel.

V. FORMS AND APPENDICES

None

VI. REFERENCES

This policy rescinds Policy and Procedure 1210.5

Related Policies: Policy and Procedure 1402 and Legal Bulletin 1316

Related Laws: Florida Statutes [901.02](#), and [901.15](#)