

**IN RE: CRIMINAL - PROCEDURE FOR PROCESSING PROBATION/COMMUNITY CONTROL
VIOLATORS ARRESTED WITHOUT A WARRANT**

Whereas, '948.06(1), Fla. Stat. (1997) holds that whenever there are reasonable grounds to believe that a probationer or offender in community control for a felony has violated his or her probation or community control in a material respect, any law enforcement officer or parole or probation supervisor aware of the probationary or community control status may arrest the probationer or offender without a warrant;

Whereas, '948.06(1), Fla. Stat. (1997) directs such officer to forthwith return the offender to the court granting such probation or community control; and

Whereas, the offenders are being transported to the Brevard County Jail, and jail personnel are unclear what procedure to employ with the offenders because there is no arrest warrant and consequently the offenders are being released from jail before appearing before the court. It is necessary to hold the offenders in jail until they are brought before the court for first appearance. Therefore it is

Ordered that:

1. Offenders brought to the Brevard County Jail under arrest without a warrant upon suspicion of a violation of felony probation or community control shall be held without bond pending a first appearance before the Court, said first appearance to occur within twenty four hours of arrest.
2. The arresting officer or probation/parole supervisor who arrests the offender shall support the arrest by an affidavit detailing the alleged violation(s). A law enforcement officer must support the probable cause arrest by a sworn 923.01 arrest form. The affidavit/923.01 form shall be delivered simultaneously with delivery of the offender to the jail after his/her arrest.
3. At first appearance, the Court shall review the probable cause affidavit. If probable cause is found to exist for the arrest, the committing magistrate shall determine bond status and set the next court date or arraignment.

DONE and ORDERED this 8th day of September, 1999.

J. Preston Silvernail
J. PRESTON SILVERNAIL
CHIEF JUDGE

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