
RE: Written Search Warrant Policy and Procedures

1 message

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Reply-To: madcm@googlegroups.com
To: "madcm@googlegroups.com" <madcm@googlegroups.com>

Wed, May 17, 2017 at 2:03 PM

See attached.

From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** Sandra Straus
Sent: Monday, May 15, 2017 4:03 PM
To: MADCM Google Group
Subject: Written Search Warrant Policy and Procedures

Hello Everyone!

Back in April of 2016 we discussed search warrant procedures. Our Court is now wanting to add the processing of search warrants to our Policies and Procedures Manual. Do any of your courts have a written policy and procedure for search warrants I can look at so I am not reinventing the wheel and missing anything? Please email or fax them as noted below.

Thank you for your assistance!

Sandra

Magistrate Sandra J Straus

Isabella County Trial Court

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Mt Pleasant MI 48858

(989) 317-4204

sstraus@isabellacounty.org

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Search Warrants.doc

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89TH DISTRICT COURT
Policy & Procedures
Search Warrants

Policy No.	Original Date: 06/25/15
SECTION: CRIMINAL	

The purpose of this policy is to give direction to District Court Magistrate's as to the procedure for issuance of search warrants as well as follow-up procedures. All procedures are to be followed as stated in the Michigan Judicial Institute Benchbooks.

<http://courts.mi.gov/education/mji/publications/pages/default.aspx>

1. Each search warrant shall be assigned a case #
2. A short description of the search warrant shall be typed into the case log (far right)
3. Once the search warrant is issued, the Chief Magistrate must enter it into the "Search Warrant Entry" in the court's case management system
4. Upon receipt of the Return and Tabulation, the Magistrate must date stamp the return and enter the return date into the system and attach the return to the court copy of the search warrant
5. The search warrant packet is then filed in the search warrant file with corresponding year
6. If the search warrant return has not been filed promptly with the court, the Chief Magistrate must follow up by calling the officer/department to request the return by filed.

Checklist for Issuing Search Warrant

- Examine the affidavit and search warrant
- Determine that the person, place, or thing to be searched is described with particularity
- Determine that the property to be seized is described with particularity.
- Determine that the property is a proper subject for seizure
- Determine that the affidavit establishes probable cause to believe that the articles to be seized may be found in the place to be searched
- If the affidavit is based on information supplied to the affiant by a *named person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude that the named person spoke with personal knowledge of the information
- If the affidavit is based on information supplied to the affiant by an *unnamed person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude:
 - that the unnamed person spoke with personal knowledge; AND
 - that the unnamed person is credible OR that the information is reliable
- Swear affiant:
 - administer oath
 - ask if averments in affidavit are true to the best of affiant's information and belief
 - ask affiant to sign affidavit
- Sign and date the affidavit and original copy of search warrant
- Retain original affidavit and original copy of search warrant
- Direct the police officer to leave a completed copy of the return to the search warrant at the place to be searched
- Ensure that a filled-out return to the search warrant is promptly filed with the court after the search warrant is executed

Checklist for Issuing Search Warrant by Electronic Device

- Upon receipt of a telephone call requesting that a warrant be issued, ask the police officer to read the affidavit and search warrant
- Determine that the person, place, or thing to be searched is described with particularity
- Determine that the property to be seized is described with particularity
- Determine that the property is a proper subject for seizure
- Determine that the affidavit establishes probable cause to believe that the articles to be seized may be found in the place to be searched
- If the affidavit is based on information supplied to the affiant by a *named person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude that the named person spoke with personal knowledge of the information
- If the affidavit is based on information supplied to the affiant by an *unnamed person*, determine that the affidavit contains affirmative allegations from which the magistrate may conclude:
 - that the unnamed person spoke with personal knowledge; AND
 - that the unnamed person is credible OR that the information is reliable.
- Swear affiant:
 - orally administer oath
 - ask if averments in affidavit are true to the best of affiant's information and belief
 - ask affiant to sign affidavit
- Sign and date the affidavit and search warrant and fax them to affiant.⁷
- Retain original affidavit and original copy of search warrant.
- Direct the police officer to leave a completed copy of the return to the search warrant at the place to be searched.
- Ensure that a filled-out return to the search warrant is promptly filed with the court after the search warrant is executed.