
Probable Cause in Drug Cases (search warrants AND arrests)

2 messages

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

Fri, Sep 15, 2017 at 12:58 PM

Good afternoon!

Lately, at least two of our law enforcement agencies are refusing to field test certain suspected controlled substances (because of the purported danger of airborne and contact with carfentanil). Instead, they have convinced the local prosecutor to authorize possession charges and sign off on search warrants based upon the officer's opinion that what was collected was really "methamphetamine" or "cocaine" or "heroin." These agencies are still submitting the substances to the MSP Lab for testing, but don't want to wait for those results before searching/arresting and having the prosecutor charge the case.

We had historically required at least a presumptive positive test result (something more than an officer saying it was a controlled substance, or a Defendant admitting it was a controlled substance), before issuing the warrant (arrest or even search warrants based upon a buy from a house they want searched).

Realizing that there are exceptions to every rule and each case is different, does anyone have any research / policies they're willing to share?

We have a meeting next week and I'd like to have as much info as possible before then.

As always, THANK YOU in advance.

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Mon, Sep 18, 2017 at 11:11 AM

I have encountered this problem as well.

- 1) I have the officer identify any educational courses he/she gone to or additional training in narcotics
- 2) I inquire if the officer has had any arrests regarding drug related charges that led to drug convictions in the past.

Once they establish the items listed above, along with the defendant admitting that it is a controlled substance – I am comfortably issuing the warrant.

Jonathan Morse

Magistrate/Deputy Court Administrator

78th District Court

1092 Newell Street

White Cloud, MI 49349

231-689-7256



From: madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of** AMG Heiss

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