

Basic Training Module Specifications

Functional Area: I. Investigation

Subject Area: C. Criminal Procedure

Module Title: 5. LAWS ON SEARCH WARRANTS

Hours: Not less than 2 hours

Note to Instructor:

Must be taught by an attorney admitted to the Michigan Bar.

Module Objectives:

- I.C.5.1. Conduct Searches with a Warrant in a Lawful Manner.
- a. Demonstrates a working knowledge of the legal issues pertaining to searches with a warrant, including:
- (1) the showing of probable cause (MCL 780.653); (People v Sloan, 450 Mich 160 (1995));
 - (2) the search warrant rule as articulated by the U.S. Supreme Court in Katz v United States, 389 US 347 (1967);
 - (3) the two policy reasons for the courts' preference for a warrant as articulated in Coolidge v New Hampshire, 483 US 443 (1971);
 - (4) the presumption of validity to the search warrant procedure;
 - (5) the penalties for exceeding one's authority in procuring a search warrant (MCL 780.657-658);
 - (6) the necessity for a search warrant when entering a third party's house to serve an arrest warrant; and
 - (7) the "plain view" doctrine when executing a search warrant.

I.C.5.1. Conduct Searches with a Warrant in a Lawful Manner (continued).

- b. Demonstrates a working knowledge of the legal requirements to obtaining, executing, and returning a search warrant, including:
- (1) the affidavit and its contents (MCL 780.651, MCL 780.653);
 - (2) the methodology used in taking an oath (MCL 600.1432);
 - (3) those authorized to act as a magistrate for purposes of issuing a search warrant;
 - (4) those items for which a search warrant can issue (MCL 780.652);
 - (5) the concept of probable cause based upon "the four corners of the document" (MCL 780.653);
 - (6) the specificity necessary in a search warrant (MCL 780.654);
 - (7) the concept of "staleness" in search warrant affidavits;
 - (8) the court's terminology "common sense reading;"
 - (9) the authority to break into or out of a building in serving a search warrant (MCL 780.656);
 - (10) the authority to seize property when executing a search warrant (MCL 780.655);
 - (11) the authority to control people in the area when executing a search warrant (Michigan v Summers, 452 US 692 (1981));
 - (12) the tabulation and other procedures necessary when executing a search warrant (MCL 780.655);
 - (13) the necessity for filing a return to the court (MCJ 780.655); and
 - (14) the procedures and need for a search warrant when seizing conversation as part of participant monitoring (People v Collins 438 Mich 8; 475 N.W. 2nd 684 (1991)).

Module History

Reviewed 9/21
Reviewed 11/23