

Basic Training Module Specifications

Functional Area: I. Investigation
Subject Area: C. Criminal Procedures
Module Title: 6. SEARCH WARRANT PROCEDURES
Hours: Not less than 2 hours

Note to Instructor:

Instructors should review MCL 780.656, People v Williams 198 Mich App 537 (1993) and People v Jackson 180 Mich App 339 (1989).

Instructors should review Act 189 of 1966 MCL 780.655. "The officer, in the presence of the person from whose possession or premises the property or thing was taken, if present, or in the presence of at least 1 other person, shall make a complete and accurate tabulation of the property and things that were seized."

Module Objectives:

- I.C.6.1. Obtain a Search Warrant.
- a. Provides documentation to obtain search warrant by using facts from notes, reports, recordings, interviews, informants, and photographs to indicate:
 - (1) probable cause for obtaining warrant,
 - (2) the location where search is to be conducted, and
 - (3) description of items to be seized.
 - b. Contacts prosecutor as dictated by local policy and practice.
 - c. Writes an affidavit for search warrant for review by the magistrate.
 - d. Reviews accuracy and completeness of affidavit before presenting it to judge or magistrate for approval.
 - e. Raises right hand and swears to the accuracy of the affidavit and signs the affidavit in the presence of a judge or magistrate.

I.C.6.2. Exercise Safety Precautions When Searching.

- a. Evaluates degree to which the officer will be able to control suspects by considering:
 - (1) number of suspects,
 - (2) number of officers, and
 - (3) setting of the scene to be searched.
- b. Takes appropriate action to ensure officer safety (e.g., requests assistance or delays the search).

I.C.6.3. Search Premises or Property with a Warrant.

- a. Plans strategy to execute search warrant by:
 - (1) determining how many officers are needed,
 - (2) determines roles if forced entry necessary,
 - (3) identifies plan to make searched area safe,
 - (4) designating search responsibilities, and
 - (5) identifying floor plan of building.
- b. Notifies persons at premises of intent and authority to search with a warrant.
- c. Forces entry to premises if denied entry after notice of warrant is given.
- d. Searches premises according to the predetermined strategy (e.g., searches for articles specified in warrant where articles could be hidden).
- e. Serves a copy of the warrant by:
 - (1) giving it to the person in control of premises, or
 - (2) leaving a copy of the warrant in a conspicuous place if premises are unoccupied.
- f. Seizes any contraband, evidence, weapons, or fruits of a crime found in the search.
- g. Documents evidence seized in search according to department policy and court requirements.
- h. Leave a copy of tabulation of items seized at the place searched or with the person in charge of the place searched.
- i. Delivers copy of return to court with tabulation of items seized.

I.C.6.4. Search Persons with a Warrant.

- a. Serves warrant on a person who is to be searched for evidence (e.g., blood, semen, hair, trace evidence, sample of handwriting, etc.).
- b. Transports person to be searched to medical or technical expert who will collect the evidence.
- c. Collects samples specified in warrant in appropriate manner (e.g., supervises physician who is collecting blood sample, collects samples such as handwriting, etc.).
- d. Tabulates all evidence seized in search.
- e. Gives tabulation to person from whom evidence was taken.
- f. Delivers copies of return to court with the tabulation of items seized.

Module History

Reviewed 10/21