

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

Judicial Availability Plan

2000 - PLAN

Pursuant to MCR 6.104(G), the following plan for judicial availability is adopted by the 16th Judicial Circuit:

1. The Chief Judge of each district court shall insure that a judicial officer shall be available on each business day to preside over arraignments of defendants arrested for the commission of a felony.

2. The District Judges of the County shall insure that a judicial officer shall be available on each non-business day to either:
 - a. Preside over arraignments of defendants arrested for the commission of felonies; or,

 - b. Be available for setting bail conditioned upon
 - (1) the judicial officer being presented a proper complaint and finding probable cause pursuant to MCR 6.102(A) and

 - (2) the judicial officer having available information to set bail.

 - (3) For purposes of this order, a proper complaint may be presented to the judicial officer by fax or other electronic means.

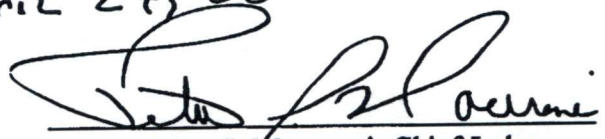
 - (4) Pursuant to MCR 6.104(G)(2) the judicial officer shall order the arresting officials to arrange prompt transportation of any accused unable to post bond to the judicial district of the offense for arraignment not later than the next regular business day.

 - (5) An outline for effectuating this plan shall be developed and submitted to the State Court Administrative Office along with this plan.

3. In the case of an emergency outside of Circuit Court business hours, Circuit Court matters may be brought to the attention of the current Circuit Court Alternate Judge via pager.

4. This plan is predicated upon all magistrates being duly authorized jurisdictionally to exercise the duties mandated by MCR 6.104(G).

5. This plan is effective: April 24, 00


Peter J. Maceroni, Chief Judge

Dated: April 21, 00

IMPLEMENTATION OF JUDICIAL AVAILABILITY PLAN

This outline is created to implement the Macomb County plan providing for judicial availability for non-business day arraignment, bail decisions and probable cause determinations.

1. An Assistant Prosecuting Attorney (APA) will be available at the Macomb County Jail from 9:00 a.m. until Noon on non-business days in order to review the factual basis of warrantless arrests and to sign warrant authorizations, if appropriate.

A. Law enforcement officers of arresting jurisdictions shall bring to the APA at 9:00 a.m. on any non-business day a Request for Warrant Authorization (sample attached) with part 1 completed, any police report(s), criminal history and other supporting documentation for any individuals arrested without a warrant who have not yet been arraigned or had a bail/probable cause determination. In jurisdictions which have adequate facilities, the defendant may remain lodged in the local facility.

B. The APA will review the documents submitted by the law enforcement officer(s) and gather further supporting information, if necessary. The APA will complete the Request for Warrant Authorization, if appropriate, and provide it to the duty judicial officer. The formal complaint shall be prepared the next business day. The APA will be available for communications, as necessary. The law enforcement officer(s) from the arresting agency shall be available for further information, if necessary.

2. A judicial officer shall be available via electronic means or in person at the Macomb County Jail on each non-business day from 10:00 a.m. to Noon, pursuant to a rotation system established by the district courts, to review warrant authorizations, set bail and make probable cause determinations. "Electronic means" include fax and telephone or a video/audio link and fax or other system of electronic communication.

A. The judicial officer will review each request for a warrant authorization signed by the APA, make a probable cause and bail determination and communicate the decision to the Macomb County Jail and the APA. Local law enforcement officers shall be responsible for communicating decisions to local agencies which are lodging defendants.

3. An individual arrested for allegedly violating a personal protection order when the following day is not a Circuit Court business day shall be taken before the duty judicial officer within 24 hours of arrest, at which time the judicial officer shall order the defendant to appear before the circuit court for a hearing on the charge. The judicial officer shall set bond for the individual. See MCL 764.15b.

4. A record of the matters decided shall be made. The record may be a written log sheet, an audio tape, a video tape or similar informal list of the proceedings reviewed and decided. It need not be a transcription of the proceedings by a court reporter.

5. A "judicial officer" includes the magistrates of the Macomb County District Courts pursuant to an Administrative Order authorizing County-wide jurisdiction of magistrates.

6. Unless otherwise specifically ordered by a court, all individuals shall be instructed to report (or, if in custody, be brought by the appropriate law enforcement agency) to the court with jurisdiction over the matter on the first business day following the weekend at 1:30 p.m. This will normally be Mondays at 1:30 p.m.