

## Weekday Workday Warrant Review Guidelines 2/6/2026

**DAYTIME DUTY JUDGE** The Daytime Duty Judge shall have responsibility for reviewing the following orders and warrants via: [Milw.daytimedutyjudge@wicourts.gov](mailto:Milw.daytimedutyjudge@wicourts.gov)

- a) Electronic Communications (Wis. Stat. § 968.375): Including subscriber information, historical call/toll records, stored wire communications, historical cell tower records, and content of historical communications.
- b) Surveillance Tools (Wis. Stat. §§ 968.35 & 968.36): Pen registers and Trap & Trace orders.
- c) Real-Time Data (Wis. Stat. § 968.373): Real-time tracking or identification of mobile communication devices.
- d) Advanced Surveillance: GPS warrants (pursuant to U.S. v. Jones and State v. Sveum) and thermal imaging requests (pursuant to U.S. v. Kyllo).
- e) Private Recordings: Real-time recording in private locations (Wis. Stat. §§ 968.12 & 968.13).

**COURT COMMISSIONER** The following matters shall be directed to the Court Commissioner in Preliminary Hearing Court, either in person or via:

[MilwaukeeCommissioner.WarrantRequest@Wicourts.gov](mailto:MilwaukeeCommissioner.WarrantRequest@Wicourts.gov).

- f) Physical Searches: (Wis. Stat. §§ 968.12 & 968.13) Search warrants for residences or specific physical locations.
- g) General Subpoenas: (Wis. Stat. § 968.135). Subpoenas Duces Tecum.
- h) Direct Device Forensics: (Wis. Stat. §§ 968.12 & 968.13) Search warrants for the physical extraction of data from computers, cellular phones, tablets, or other devices.
- i) Stored Device Media: (Wis. Stat. §§ 968.12 & 968.13) Search warrants for voicemail and/or text messages stored within a physical device.
- j) Video Surveillance: (Wis. Stat. § 968.12 & 968.135) Search warrants for video surveillance or Subpoenas Duces Tecum for video surveillance.

### **EMERGENCY OVERFLOW AND ASSISTANCE:**

- a) **Commissioner Unavailability**: If time permits and the Court Commissioner is unavailable, the Daytime Duty Judge may assist with the types of warrants set forth in Section 4 above.
- b) **Workload Assistance**: If a Daytime Duty Judge requires assistance due to excessive warrant volume, they shall first seek support from their designated Pair Judge. If the Pair Judge is unavailable, assistance shall next be sought from the Presiding Judge of the Criminal Division.