

## **Rule 204. Administrative Searches and Inspections**

(a) Authority to Issue Warrants. Administrative search warrants (hereinafter denominated "warrant(s)") authorized by this rule may be issued by a judge of the Superior Court.

(b) Grounds for Issuance. A warrant may be issued authorizing the administrative inspection and search of any property or premises, private, commercial or public. Property (including premises) is subject to administrative inspection and search, if there is probable cause to believe that:

(1) the property is subject to 1 or more statutes relating to the public health, safety or welfare;

(2) entry to said property has been denied to officials authorized by civil authority to enforce such statutes or regulations unless it be shown that special circumstances exist so that such prior denial of entry should not be required; and

(3) reasonable grounds exist for such administrative search and inspection.

(c) Application for Warrants. Application for a warrant shall be in writing upon oath to a judge. It shall include the name and title of the applicant and a statement of the facts demonstrating the prior inability of the applicant or other authorized official to enter said premises for purposes of administrative inspection; allegations of fact supporting such statements; and a request that a warrant be issued authorizing an inspection of said property. Depositions, affidavits, or other proof to support the allegations contained in the application shall be submitted. Such proof shall be on personal knowledge or in the absence thereof, shall demonstrate the reliability of the allegations and information. Applications for warrants shall be filed with the clerk and maintained in the Civil Miscellaneous Docket.

(d) Issuance and Contents. Upon application by a law enforcement officer, prosecutor, or person authorized to enforce laws or regulations relating to health, safety, or welfare, a judge may issue a warrant if the judge is satisfied that ground for its issuance exists or that there is probable cause to believe that it exists. A warrant shall contain:

(1) the name and signature of the issuing judge and the date of issuance;

(2) the names and affiliations or classifications of the persons to whom the warrant is addressed, at least one of whom shall be a member of the Metropolitan Police Department;

(3) a description of the premises, property or objects to be searched, and, where authorized by law, the property or objects to be seized, if any, sufficient for certainty of identification;

(4) the hours during which the warrant may be executed; and

(5) a provision that the warrant be returned to the court on the next court day after its execution.

(e) Execution; Return.

(1) *Time of Execution.* A warrant shall not be executed more than 10 days after the date of issuance. A warrant may be executed on any day of the week except Sunday during the hours of daylight unless, for good cause shown, the Court specifies other hours.

(2) *Place of Execution.* A warrant may be executed anywhere within the District of Columbia.

(3) *Manner of Execution.* A person executing a warrant authorizing an administrative inspection and search of a dwelling, house, other building or vehicle may break and enter any of these premises. Such breaking and entry shall not be made until after such person makes an announcement of the person's identity and purposes and the person reasonably believes that admittance to the dwelling, house, other buildings, or vehicle is being denied or unreasonably delayed.

(4) *Inventory and Return.* A person executing a warrant shall write and subscribe a return, setting forth the time of its execution and any property seized concomitant with its execution. The return shall include the names and capacities of all persons participating in the inspection(s), the nature and scope of the inspection made by each, and the office or administrator from whom reports of the inspection(s) may be obtained. A copy of the warrant and return shall be given to the owner of the premises, if present, or if the owner is not, to an occupant, custodian, or other person present; or if no person is present, the person executing the warrant shall post a copy of the warrant and return on the place, vehicle, or object searched.

(f) *Filing of Papers: Disposition of Seized Property.* A copy of the warrant shall be filed with the court on the next court day after its execution, together with a copy of the return. The warrant and return shall be maintained in the Civil Miscellaneous Docket. Property seized concomitant with the execution of the warrant shall be kept as provided by law governing the person who made said seizure.

(g) *Scope and Definition.* This rule in no way limits the right of any person executing such warrant to seize property which the person may otherwise have a right to seize. As used in this rule, the term property includes documents, books, papers and any other tangible objects. Nothing in this rule is intended to limit the authority of a duly authorized official to enter and inspect premises in emergency situations without warrant.

#### COMMENT

See *Camara v. Municipal Court*, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967); See *v. Seattle*, 387 U.S. 541, 87 S.Ct. 1737, 18 L.Ed.2d 943 (1967) and D. C. Code § 11-941 (1973 Ed.).