

Rule 204. Administrative Searches and Inspections

(a) **SCOPE AND DEFINITION.** This rule does not modify any statute regulating search or seizure. The term “property” as used in this rule 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.

(b) **AUTHORITY TO ISSUE A WARRANT.** An administrative search warrant authorized by this rule may be issued by a judge.

(c) **PROPERTY SUBJECT TO INSPECTION AND SEARCH.** A warrant may be issued authorizing the administrative inspection or search of any property or premises, private, commercial, or public.

(d) **OBTAINING A WARRANT.**

(1) *Probable Cause.* Upon application of a law enforcement officer, attorney for the government, or person authorized to enforce laws or regulations relating to health, safety, or welfare, a judge may issue an administrative search warrant if there is probable cause to inspect or search the property or premises.

(2) *Application for Warrants.* Each application for an administrative search warrant, which may include depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application, must be in writing and sworn to by the applicant. The application must include:

(A) the name and title of the applicant;

(B) a statement of the facts demonstrating the prior inability of the applicant or other authorized official to enter the property or premises for purposes of administrative inspection;

(C) allegations of fact supporting such statements; and

(D) a request that a warrant be issued authorizing an inspection of the property or premises.

(e) **CONTENTS OF THE WARRANT.** An administrative search warrant must contain:

(1) the name of the issuing court, 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 must be a member of the Metropolitan Police Department;

(3) a description of the premises, property, or objects to be inspected or searched, and, where authorized by law, the property or objects to be seized, 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.

(f) **EXECUTING AND RETURNING THE WARRANT.**

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

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

(3) *Manner of Execution.* A person executing an administrative search warrant authorizing an inspection or search of a dwelling, house, other building, or vehicle may break and enter any of these premises. Before breaking and entering, the person executing the warrant must:

(A) announce the person's identity and purpose; and

(B) reasonably believe that admittance to the dwelling, house, other buildings, or vehicle is being denied or unreasonably delayed.

(4) *Noting the Time.* An officer executing an administrative search warrant must enter on its face the exact date and time it is executed.

(5) *Inventory.* A person executing an administrative search warrant must write and subscribe an inventory setting forth any property seized under it.

(6) *Receipt.* A person executing an administrative search warrant must:

(A) give a copy of the warrant and the inventory to the owner of the property or premises; or

(B) if the owner is not present, leave a copy of the warrant and the inventory with an occupant, custodian, or other person present, or if no person is present, at the place, vehicle, or object inspected or searched.

(7) *Return.* A person executing an administrative search warrant must return a copy of the warrant—together with a copy of the inventory—to the court on the next court day after its execution. The person may do so by reliable electronic means. The return must include:

(A) the names and capacities of all persons participating in the inspection or search;

(B) the nature and scope of the inspection or search made by each person; and

(C) the office or administrator from whom reports of the inspection or search may be obtained.

(8) *Disposition of Seized Property.* Property seized in the execution of the warrant must be kept as provided by law governing the person who made the seizure.

COMMENT TO 2020 AMENDMENTS

This rule was amended and reorganized consistent with the stylistic changes to the federal civil rules and to Criminal Rule 41, which addresses search warrants in the criminal context.

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.).