Search Warrants: The Usual (Informants) and the Unusual

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This manuscript accompanies, and summarizes the key points of, my presentation at the 2023 magistrates' fall conference. The presentation and this manuscript address two major topics: (1) search warrant applications based on information the applicant received from other people, i.e., informants, and (2) unusual search warrants, including administrative inspection warrants, anticipatory search warrants, no-knock search warrants, and search warrants authorizing intrusions into the body.

I. What magistrates need to know about search warrant applications based on information the applicant received from others

When seeking search warrants, officers routinely rely on information they receive from others. For example, an officer investigating a robbery may get a description of the perpetrator from the victim, and may use that description as part of the probable cause supporting a search of a suspect's home. There is nothing wrong with this – even if such information is conceptualized as "hearsay," the hearsay rule and the other rules of evidence do not apply to search warrant applications. See, e.g., State v. Campbell, 282 N.C. 185 (1972) ("The affidavit may be based on hearsay information and need not reflect the direct personal observations of the affiant."). However, the appellate courts have ruled that judicial officials should not view all sources of information equally.

A. Information from officers or regular citizens

Information that an applicant received from a fellow officer is presumed to be reliable. See State v. Caldwell, 53 N.C. App. 1 (1981) ("[I]t is well-established that where the named informant is a police officer, his reliability will be presumed."). Similarly, when the source of information is a crime victim or another regular citizen who has witnessed a crime and is identified in the affidavit, the information may

be presumed to be correct. See State v. Eason, 328 N.C. 409 (1991) ("The fact that [the citizen informant] was named and identified . . . in the search warrant affidavit provided the magistrate with enough information to permit him to determine that [the citizen informant] was reliable."). Of course, such information does not automatically establish probable cause: the person may have only a small amount of information or may have had a limited opportunity to observe events. But unless you have a reason to do otherwise, it is permissible to assume that information from officers or regular citizens is accurate as far as it goes.

B. Information from confidential informants

In many cases, officers obtain information from confidential informants. These are individuals who are frequently involved in or connected to criminal activity, and who are normally motivated by (1) a desire to "work off" criminal charges they are facing or that could be brought against them, or (2) the promise of financial compensation by the police. Officers do not identify confidential informants by name in their affidavits, instead simply referring to "a confidential source of information" or "confidential source #732."

Courts view such individuals as having lesser inherent credibility than officers or regular citizens, and so generally require some bolstering or confirmation of their information before it may provide probable cause. In other words, courts should not "lose sight of the fact that these confidential informants are generally involved in illegal activities themselves and hence are not model citizens whose trustworthiness is above reproach." United States v. Wesevich, 666 F.2d 984 (5th Cir. 1982). Two ways of bolstering information from a confidential informant are most common: (1) showing that the informant has a prior record of providing accurate information, or (2) showing that a significant portion of the informant's tale has been corroborated by independent investigation. See United States v. Vinson, 414 F.3d 924 (8th Cir. 2005) ("Information from a confidential informant may be sufficient to

establish probable cause if it is corroborated by independent evidence or if the informant has a track record of supplying reliable information.").

As to prior reliability, officers typically state that the informant provided information in prior investigations that proved to be true, or that led to arrests and convictions. There is no minimum number of prior cases on which an informant must have worked to be considered reliable, and courts have allowed rather modest showings of prior accuracy to suffice. However, if an application says only that the officer believes that the informant is reliable, without any reference to the informant's prior track record, that may be insufficient. See State v. Brody, 251 N.C. App. 812 (2017) (although the affidavit at issue sufficiently established the informant's track record, "a general averment that an informant is 'reliable' . . . might raise questions as to the basis for such an assertion").

As to corroboration, it is not enough for officers to corroborate public, easily observed, and nonsuspicious aspects of an informant's report, such as the fact that a suspect lives at a certain location or that a suspect drives a certain vehicle. In other words, "[c]orroboration of mundane matters such as a suspect's name and address, does little toward establishing probable cause." State v. Benters, 367 N.C. 660 (2014) (cleaned up). On the other hand, officers do not need to corroborate every detail provided by the informant, otherwise the informant's report would be of no value. Instead, it is sufficient if officers can corroborate some significant part of the informant's report.

C. Information from anonymous tipsters

The final category of source is the anonymous tipster. Because the identity of a tipster is unknown, there is normally no way to know whether the person has a track record of reliability. Thus, corroboration is the key means by which information from a tipster may clear the hurdle of probable cause. As the Court of Appeals wrote in State v. Nixon, 160 N.C. App. 31 (2003), "[t]he difference in evaluating an anonymous tip [as opposed to information from a confidential informant] is that the

overall reliability is more difficult to establish, and thus some corroboration of the information or greater level of detail is generally necessary." As with confidential informants, corroboration should go beyond public or easily observed aspects of the tipster's report.

Sometimes classifying or categorizing a source is difficult. For example, in State v. Maready, 362 N.C. 614 (2008), the court considered a case where a driver flagged down a passing police officer to report dangerous driving by another motorist. Based on the information provided, the officer raced off to intercept the dangerous driver, not even stopping to get the name or license tag of the driver who had flagged the officer down. Considering whether the information was an anonymous tip or came from a citizen witness, the court concluded that it should be treated as the latter. Although the officer did not in fact know the identity of the driver who had flagged him down, the driver had put her "anonymity at risk" when doing so, and would be unlikely to provide false information to an officer who could have made a note of her identity or license plate number.

II. What magistrates need to know about unusual search warrants

A. What magistrates need to know about administrative inspection warrants

Just as law enforcement officers sometimes need to enter homes or access property in the course of their criminal investigations, other government officials and inspectors may need to access certain premises in the course of their work. Such officials include health inspectors, building and zoning inspectors, OSHA inspectors, and others. However, an inspector's need to access a premise must be balanced against the privacy and possessory interests of the person in charge of the premises. In Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), the Supreme Court ruled that inspectors may not be given blanket authority to inspect as necessary. It ruled that the Fourth Amendment to the Constitution, which prohibits unreasonable searches and seizures, applies not just to criminal investigations but to civil inspections as well.

In Camara, the Court indicated that an administrative inspection warrant is the proper way to balance the competing interests of the inspector and a property owner. Such a warrant may be issued only upon a showing that (1) the property in question likely contains a violation of the law, or (2) the property in question is subject to a reasonable program of systematic inspection, even if there is no indication that anything is amiss at the property. Although Camara involved a residence, in See v. City of Seattle, 387 U.S. 541 (1967), the Court ruled that business premises also are protected by the Fourth Amendment, and that an administrative inspection warrant is normally necessary to inspect them without consent.

In North Carolina, administrative inspection warrants are governed by G.S. 15-27.2, which generally tracks the requirements for such warrants established in Camara. Magistrates may issue such warrants and are occasionally called upon to do so. The AOC has developed two forms to be used in applying for and issuing administrative inspection warrants. They correspond to the two types of showings that may support an inspection: AOC-CR-913M is appropriate when the applicant has reason to believe that an unlawful condition or activity is present on a premises. AOC-CR-914M is appropriate when the applicant can show that a premises is subject to a reasonable program of periodic inspection. These forms are reproduced at the end of this manuscript.

When reviewing an application for an administrative inspection warrant, a magistrate should be alert to whether the application sufficiently describes what the inspector is looking for. Very general statements that the inspector is looking for violations of the law may not be sufficient. More detail may be necessary to comply with the Fourth Amendment's particularity requirement. See Brooks v. Taylor Tobacco Enterprises, Inc., 298 N.C. 759 (1979) (the North Carolina Department of Labor obtained an administrative inspection warrant to conduct an OSHA inspection of a tobacco manufacturer, but the manufacturer refused to allow the inspection and threatened to use violence to prevent it; a superior court judge held the manufacturer in contempt, but the state supreme court reversed, finding the

warrant invalid because it failed to describe the objects of the search with particularity; it authorized a search for "violations [of the OSHA laws]" but didn't indicate the nature of the suspected violations or what evidence might be found).

Under G.S. 15-27.2, administrative inspection warrants must be executed within 24 hours, and may only be executed between 8:00 a.m. and 8:00 p.m. These conditions are more restrictive than for criminal search warrants. If evidence of unrelated criminal activity is discovered during the inspection, that evidence is not admissible for any purpose. See G.S. 15-27.2(f) ("No facts discovered or evidence obtained in a search or inspection conducted under authority of a warrant issued under this section shall be competent as evidence in any civil, criminal or administrative action, nor considered in imposing any civil, criminal, or administrative sanction against any person, nor as a basis for further seeking to obtain any warrant, if the warrant is invalid or if what is discovered or obtained is not a condition, object, activity or circumstance which it was the legal purpose of the search or inspection to discover.")

If a person refuses to allow an inspector to enter despite the inspector having an administrative inspection warrant, the person could potentially be charged with a criminal offense such as obstruction of justice. Alternatively, the person could potentially be cited (by a judge) for indirect criminal contempt of court. See G.S. 5A-11(a)(3), 5A-15. It is even possible that force could be used to execute the warrant, although the authority for this is not conclusive. See See v. City of Seattle, 387 U.S. 541 (1967) (stating that "administrative entry, without consent, upon the portions of commercial premises which are not open to the public may only be compelled through prosecution or physical force within the framework of a warrant procedure."); Trinity Marine Products, Inc. v. Chao, 512 F.3d 198 (5th Cir. 2007) (authorizing the use of physical force but noting that contempt is the usual means of enforcing compliance with an administrative warrant).

Magistrates interested in further reading on this topic may consult Robert L. Farb, Arrest, Search, and Investigation in North Carolina 497 (6th ed. 2021); Wayne R. LaFave, et al., Search and Seizure §§ 10.1-10.2.

B. What magistrates need to know about anticipatory search warrants

Sometimes an officer will have probable cause to believe that evidence of a crime will be present at a particular location at a specific time in the future, even though the evidence is not yet at the location. For example, the officer may have reason to believe that controlled substances will soon be delivered to a residence by a particular courier. In such a case, the officer may seek an anticipatory search warrant – one that authorizes a search only once a "triggering condition" (in this example, the arrival of the courier) takes place.

The Supreme Court of the United States approved anticipatory search warrants in United States v. Grubbs, 547 U.S. 90 (2006), a case in which a court issued a warrant authorizing the search of a home upon delivery of a videotape containing child pornography. The Court ruled that such warrants are allowed if (1) there is probable cause to believe that the triggering condition will take place, and (2) there is probable cause to believe that, once the triggering condition takes place, evidence of criminal activity will be present in the location to be searched. The Grubbs case also ruled that the warrant itself did not need to set out the triggering condition so long as it was clearly listed in the application. In that case, the application stated that "[e]xecution of this search warrant will not occur unless and until the parcel [containing the tape] has been received [and] physically taken into the residence," which the Court found sufficient.

Although some states prohibit anticipatory warrants based on their state constitutions, North Carolina allows them. See, e.g., State v. Stallings, 189 N.C. App. 376 (2008) (upholding issuance of an

anticipatory warrant that authorized the search of the defendant's residence once an informant gave officers a "prearranged signal" indicating that marijuana was present).

Magistrates should examine applications for anticipatory search warrants to be certain that the triggering condition is unambiguous and does not allow the applicant discretion in when to execute the warrant. See State v. Smith, 124 N.C. App. 565 (1996) ("The anticipatory warrant must set out, on its face, explicit, clear, and narrowly drawn triggering events which must occur before execution may take place.")[1]; United States v. Ricciardelli, 998 F.2d 8 (1st Cir. 1993) (the issuing "magistrate must ensure that the triggering event is both ascertainable and preordained" and should "restrict the officers' discretion in detecting the occurrence of the event to almost ministerial proportions, similar to a search party's discretion in locating the place to be searched"). For example, authorizing a search once officers notice "heavy traffic" at a residence might be problematic because whether traffic is "heavy" is subjective.

Finally, remember that a search warrant must be executed within 48 hours of issuance. See G.S. 15A-248. This limitation likely still applies to anticipatory warrants. In other words, the triggering event and the search must both take place within 48 hours of issuance. Cf. State v. Phillips, 160 N.C. App. 549 (2003) (upholding an anticipatory warrant authorizing a search of a residence if a package of drugs were "delivered to [the suspect's] residence within the forty eight hours of the Issuance of this Warrant" and stating that "the forty-eight hour window to which defendant objects merely provided when the warrant would expire by its own terms").

[1] The quoted language Smith seems to indicate that the triggering condition must be set out on the face of the warrant, not in the application. The Smith court reinforced that point in a separate statement that "the magistrate must list, on the face of the warrant, the explicit conditions which must occur before execution of the warrant may take place." All of that was dicta given that in Smith, neither the application nor the warrant referenced any triggering condition, and the Supreme Court rejected that view in Grubbs, as explained above. All things considered, it is likely permissible for the triggering condition to be in the application, though a zealous defense attorney might argue that Smith was predicated on the state constitution and so was not overruled by Grubbs. If a magistrate wants to include the triggering condition in the warrant itself, he or she may write in appropriate language.

Magistrates interested in further reading on this topic may consult Robert L. Farb, Arrest, Search, and Investigation in North Carolina 480 (6th ed. 2021); and Wayne R. LaFave, et al., Search and Seizure § 3.7(c).

C. What magistrates need to know about no-knock search warrants

Normally, the Fourth Amendment requires that an officer must knock on the door and announce his or her presence before executing a search warrant on a building. However, the Constitution does not require an officer to knock and announce if "the police . . . have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence." Richards v. Wisconsin, 520 U.S. 385 (1997).

North Carolina statutory law is similar. Under G.S. 15A-249, an officer must, before entering to execute a search warrant, "give appropriate notice of his identity and purpose." But under G.S. 15A-251(2), an officer need not give notice if "[t]he officer has probable cause to believe that the giving of notice would endanger the life or safety of any person."

Notably, our state statutes give the officer the authority to dispense with knocking and announcing. They do not directly address whether a court may, in advance, direct an officer that it is not necessary to knock and announce. In other words, the statutes allow for no-knock entry under certain circumstances, but they do not address the issuance of a no-knock warrant. Some states have statutes that expressly allow no-knock warrants under certain circumstances, while others expressly prohibit them. In states, like North Carolina, where the statutes are silent, the appellate courts have sometimes ruled that courts may issue such warrants and have sometimes ruled that they may not. Therefore, it is unclear whether a judicial official in North Carolina may issue a no-knock warrant. See Jeffrey B. Welty, The Law and Practice of No-Knock Search Warrants in North Carolina 11 (UNC School of Government 2023).

If a magistrate decides to issue a no-knock warrant, he or she may wonder how best to document that fact. Typically, the applicant will include in the affidavit a request for no-knock authority. Perhaps simply signing the warrant amounts to an endorsement of the request; as discussed above, the Supreme Court has effectively adopted that view as it relates to anticipatory search warrants, where the triggering condition may be set out in the affidavit but need not be included in the warrant itself. However, out of an abundance of caution, it may be a good practice for the issuing official to make findings supporting the need for no-knock entry and to grant such authority expressly. There is a small amount of space on the AOC-CR-119 where that could be written in. Alternatively, the applicant could draft and present to the judicial official an additional brief document with the appropriate findings and order.

Magistrates interested in further reading on this topic may consult Wayne R. LaFave, et al., Search and Seizure § 4.8; Robert L. Farb, Arrest, Search, and Investigation in North Carolina 488, 557 (6th ed. 2021); and Jeffrey B. Welty, The Law and Practice of No-Knock Search Warrants in North Carolina 11 (UNC School of Government 2023).

D. What magistrates need to know about search warrants authorizing intrusions into the body

Magistrates are sometimes asked to issue search warrants authorizing some sort of intrusion into the body of a suspect. The most common situation is when an investigator seeks to have a suspect's blood drawn in connection with an impaired driving investigation. That particular scenario has its own statute, see G.S. 20-139.1(c), and its own AOC form, AOC-CR-155.

Other types of intrusions have less-well-defined procedures. For example, what if a suspect swallows drugs and an officer wants the suspect's stomach pumped? What if an officer believes that a person was involved in a shootout and that the person may have ballistic evidence – i.e., a bullet – trapped in the person's body?

In Winston v. Lee, 470 U.S. 753 (1985), the Supreme Court considered the bullet-in-the-body scenario. It ruled that a warrant ordering the suspect to undergo surgery to have the bullet removed was unreasonable and violated the Fourth Amendment. The Court stated that probable cause was not enough: "A compelled surgical intrusion into an individual's body for evidence, however, implicates expectations of privacy and security of such magnitude that the intrusion may be 'unreasonable' even if likely to produce evidence of a crime."

Instead, a court must apply "a case-by-case approach, in which the individual's interests in privacy and security are weighed against society's interests in conducting the procedure." The Court admitted that such an approach "is a delicate one admitting of few categorical answers." However, in the case at hand, the fact that the surgery was a serious one (requiring general anesthesia) and the fact that the prosecution already had "substantial" evidence that the suspect was involved in the shootout weighed against the intrusion.

Any intrusion into the body – even those less substantial than surgery – should likely be performed by a medical professional. In State v. Fowler, 89 N.C. App. 10 (1988), Asheville officers obtained a search warrant authorizing a search of the defendant's anal cavity based on evidence suggested that he was concealing drugs there. A doctor probed the area and ultimately performed an enema, disgorging controlled substances. The reviewing court concluded that the second warrant was supported by probable cause and that it was executed in a reasonable fashion, in part because it was "carried out by a qualified physician, in sterile medical surroundings, using approved medical procedures."

If an intrusion is significant, and not time-sensitive, a magistrate may wish to direct the applicant to a judge so that an adversarial hearing can be conducted with input from both the State and the person whose body is in question. In Winston, the Supreme Court noted that the defendant "had a full measure of procedural protections, and has been able fully to litigate the difficult medical and legal questions

necessarily involved in analyzing the reasonableness of a surgical incision of this magnitude." The Court expressly declined to decide whether such procedural protections were necessary preconditions to the issuance of a warrant authorizing a bodily intrusion, and experience with blood draws in DWI cases suggests that they are not categorically required. But they may yet be deemed essential for intrusions that carry more medical risks or that significantly compromise a person's dignity or privacy.

Magistrates interested in further reading on this topic may consult Wayne R. LaFave, et al., Search and Seizure § 4.1(e).

Article 4A.

Administrative Search and Inspection Warrants.

§ 15-27.2. Warrants to conduct inspections authorized by law.

(a) Notwithstanding the provisions of Article 11 of Chapter 15A, any official or employee of the State or of a unit of county or local government of North Carolina may, under the conditions specified in this section, obtain a warrant authorizing him to conduct a search or inspection of property if such a search or inspection is one that is elsewhere authorized by law, either with or without the consent of the person whose privacy would be thereby invaded, and is one for which such a warrant is constitutionally required.

(b) The warrant may be issued by any magistrate of the general court of justice, judge, clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction encompasses the property to be inspected.

(c) The issuing officer shall issue the warrant when he is satisfied the following conditions are met:

(1) The one seeking the warrant must establish under oath or affirmation that the property to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection which naturally includes that property, or that there is probable cause for believing that there is a condition, object, activity or circumstance which legally justifies such a search or inspection of that property;

(2) An affidavit indicating the basis for the establishment of one of the grounds described in (1) above must be signed under oath or affirmation by the affiant;

(3) The issuing official must examine the affiant under oath or affirmation to verify the accuracy of the matters indicated by the statement in the affidavit;

(d) The warrant shall be validly issued only if it meets the following requirements:

(1) Except as provided in subsection (e), it must be signed by the issuing official and must bear the date and hour of its issuance above his signature with a notation that the warrant is valid for only 24 hours following its issuance;

(2) It must describe, either directly or by reference to the affidavit, the property where the search or inspection is to occur and be accurate enough in description so that the executor of the warrant and the owner or the possessor of the property can reasonably determine from it what person or property the warrant authorizes an inspection of;

(3) It must indicate the conditions, objects, activities or circumstances which the inspection is intended to check or reveal;

(4) It must be attached to the affidavit required to be made in order to obtain the warrant.

(e) Any warrant issued under this section for a search or inspection shall be valid for only 24 hours after its issuance, must be personally served upon the owner or possessor of the property between the hours of 8:00 A.M. and 8:00 P.M. and must be returned within 48 hours. If the warrant, however, was procured pursuant to an investigation authorized by G.S. 58-79-1, the warrant may be executed at any hour, is valid for 48 hours after its issuance, and must be returned without unnecessary delay after its execution or after the expiration of the 48 hour period if it is not executed. If the owner or possessor of the property is not present on the property at the time of the search or inspection and reasonable efforts to locate the owner or possessor have been made and have failed, the warrant or a copy thereof may be affixed to the property and shall have the same effect as if served personally upon the owner or possessor.

(f) No facts discovered or evidence obtained in a search or inspection conducted under authority of a warrant issued under this section shall be competent as evidence in any civil, criminal or administrative action, nor considered in imposing any civil, criminal, or administrative sanction against any person, nor as a basis for further seeking to obtain any warrant, if the warrant is invalid or if what is discovered or obtained is not a condition, object, activity or circumstance which it was the legal purpose of the search or inspection to discover; but this shall not prevent any such facts or evidence to be so used when the warrant issued is not constitutionally required in those circumstances.

(g) The warrants authorized under this section shall not be regarded as search warrants for the purposes of application of Article 11 of Chapter 15A of the General Statutes of North Carolina. (1967, c. 1260; 1979, c. 729; 1983, c. 294, ss. 1, 2; c. 739, ss. 1, 2.)

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

_____ County

AFFIDAVIT TO OBTAIN ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

I, _____ , being

(name and position)

duly sworn and examined under oath, state under oath that there is probable cause for believing that there is

_____

(describe condition, object, activity, or circumstance which the search is intended to check or reveal)

_____

_____

at the property owned or possessed by _____

and described as follows: _____

_____

(precisely describe the property to be inspected)

The facts which establish probable cause to believe this are: _____

_____

_____

_____

_____

_____

_____

_____

Signature Of Applicant

Name Of Applicant (Type Or Print)

SWORN AND SUBSCRIBED TO BEFORE ME:

Date

Signature

☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

☐ *Magistrate* ☐ *District Court Judge* ☐ *Superior Court Judge*

IMPORTANT: ***Attach the Affidavit to the WARRANT if not on reverse side.***

(Over)

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

_____ County

ADMINISTRATIVE INSPECTION WARRANT FOR PARTICULAR CONDITION OR ACTIVITY

G.S. 15-27.2; 58-79-1

TO ANY LAWFUL OFFICIAL EMPOWERED TO CONDUCT THE INSPECTION AUTHORIZED BY THIS WARRANT:

The applicant named on the accompanying affidavit, which is hereby incorporated by reference, being duly sworn, has stated to me that there is a condition, object, activity, or circumstance legally justifying an inspection of the property described in that affidavit. I have examined this applicant under oath or affirmation and have verified the accuracy of the matters in the affidavit establishing the legal grounds for this Warrant. YOU ARE HEREBY COMMANDED TO INSPECT THE PROPERTY DESCRIBED IN THE ACCOMPANYING AFFIDAVIT.

This inspection is authorized to check or reveal the conditions, objects, activities, or circumstances indicated in the accompanying affidavit.

This Warrant must be served upon the owner or possessor of the property described in the accompanying affidavit. If the owner or possessor is not present on the property at the time of inspection and you have made reasonable but unsuccessful efforts to locate the owner or possessor, you may instead serve it by affixing this Warrant or a copy to the property.

THIS WARRANT MAY BE EXECUTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M. AND ONLY WITHIN 24 HOURS AFTER IT WAS ISSUED. IT MUST BE RETURNED WITHIN 48 HOURS AFTER IT WAS ISSUED. HOWEVER, IF THIS WARRANT IS ISSUED PURSUANT TO A FIRE INVESTIGATION AUTHORIZED BY G.S. 58-79-1, IT MAY BE EXECUTED AT ANY TIME WITHIN 48 HOURS AFTER IT IS ISSUED. IT MUST BE RETURNED WITHOUT UNNECESSARY DELAY AFTER ITS EXECUTION OR AFTER 48 HOURS FROM THE TIME IT WAS ISSUED IF IT WAS NOT EXECUTED.

Date	*Time* ☐ AM ☐ PM
Signature	
☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☐ *Magistrate* ☐ *District Court Judge* ☐ *Superior Court Judge*	

OFFICER'S RETURN

I certify that this WARRANT was executed on the date and time shown below.

Date Of Execution	*Signature Of Inspecting Official*
Time Of Execution ☐ AM ☐ PM	*Name Of Inspecting Official (Type Or Print)*

CLERK'S ACCEPTANCE

This WARRANT has been returned to this office on the date and time shown below.

Date Of Return	*Signature*
Time Of Return ☐ AM ☐ PM	☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

IMPORTANT: ***Attach the Affidavit to the WARRANT if not on reverse side.***

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

_____ County

AFFIDAVIT TO OBTAIN ADMINISTRATIVE INSPECTION WARRANT FOR PERIODIC INSPECTION

I, _____, being
(name and position)

duly sworn and examined under oath, state under oath that there is a program of inspection authorized by

_____
(identify statute or regulation authorizing inspection)

which naturally includes the property owned or possessed by _____
(name owner or possessor)

_____ and described as follows: _____

_____
(precisely describe the property to be inspected)

The program of inspection referred to covers the area _____

_____
(indicate town, county, or portion thereof, or other specific territory covered by inspection program)

and is being conducted for the purpose of checking or revealing the following:

_____
(state conditions, objects, activities, or circumstances covered by inspection program)

This inspection program is a legal function of _____
(name agency)

and is under the supervision of _____
(identify person responsible for inspection program)

Signature Of Applicant

Name Of Applicant (Type Or Print)

SWORN AND SUBSCRIBED TO BEFORE ME:

Date

Signature

☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court*
☐ *Magistrate* ☐ *District Court Judge* ☐ *Superior Court Judge*

IMPORTANT: Attach the Affidavit to the WARRANT if not on reverse side.

(Over)

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

In The General Court Of Justice

_____ County

File No.

ADMINISTRATIVE INSPECTION WARRANT FOR PERIODIC INSPECTION

G.S. 15-27.2

TO ANY LAWFUL OFFICIAL EMPOWERED TO CONDUCT THE INSPECTION AUTHORIZED BY THIS WARRANT:

The applicant named on the accompanying affidavit, being duly sworn, has stated to me that the property described in that affidavit is to be inspected as part of a legally authorized program of inspection which naturally includes that property. I have examined this applicant under oath or affirmation and have verified the accuracy of the matters in the affidavit establishing the legal grounds for this Warrant. YOU ARE HEREBY COMMANDED TO INSPECT THE PROPERTY DESCRIBED IN THE ACCOMPANYING AFFIDAVIT.

This inspection is authorized to check or reveal the conditions, objects, activities, or circumstances indicated in the accompanying affidavit as a purpose of the inspection program.

This Warrant must be served upon the owner or possessor of the property described in the accompanying affidavit. If the owner or possessor is not present on the property at the time of inspection and you have made reasonable but unsuccessful efforts to locate the owner or possessor, you may instead serve it by affixing this Warrant or a copy to the property.

THIS WARRANT MAY BE EXECUTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 8:00 P.M. AND ONLY WITHIN 24 HOURS AFTER IT WAS ISSUED. IT MUST BE RETURNED WITHIN 48 HOURS AFTER IT WAS ISSUED.

Date Issued	*Time Issued* ☐ AM ☐ PM
Signature	
☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court* ☐ *Magistrate* ☐ *District Court Judge* ☐ *Superior Court Judge*	

OFFICER'S RETURN

I certify that this WARRANT was executed on the date and time shown below.

Date Of Execution	*Signature Of Inspecting Official*
Time Of Execution ☐ AM ☐ PM	*Name Of Inspecting Official (Type Or Print)*

CLERK'S ACCEPTANCE

This WARRANT has been returned to this office on the date and time shown below.

Date Of Return	*Signature*
Time Of Return ☐ AM ☐ PM	☐ *Deputy CSC* ☐ *Assistant CSC* ☐ *Clerk Of Superior Court*

IMPORTANT: ***Attach the Affidavit to the WARRANT if not on reverse side.***