

Camara v. S.F. Mun. Court

Camara was charged with violating the San Francisco Housing Code for refusing to allow a warrantless inspection of the premises allegedly in violation of the apartment building's occupancy permit.

The Court held that administrative searches of the kind at issue here are significant intrusions upon the interests protected by the 4th Amendment because submitting or refusing to submit may result in criminal prosecution. Probable cause is required for issuance of a warrant for an administrative search, but not the same kind of proof that one must show a magistrate to search for the fruits or instrumentalities of crime.

Probable cause to issue a warrant to inspect must exist if reasonable legislative or administrative standards for conducting an area inspection are satisfied with respect to a particular dwelling. Such standards, which will vary with the municipal program being enforced, may be based upon the passage of time, the nature of the building, or the condition of the entire area, but they will not necessarily depend upon specific knowledge of the condition of the particular dwelling. As a practical matter and in light of the 4th Amendment's requirement that a warrant specify the property to be searched, it seems likely that warrants should normally be sought only after entry is refused unless there has been a citizen complaint or there is other satisfactory reason for securing immediate entry.