

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE

COUNTY OF WAKE 2008 MAY 20 PM 4:51 SUPERIOR COURT DIVISION

WAKE COUNTY, C.S.C.

0800R 0460

IN RE:

BY _____)

INVESTIGATIVE ORDERS)
AND SEARCH WARRANTS)

ADMINISTRATIVE ORDER)
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)
)

The following procedure for the processing and secure custody of investigative orders and search warrants issued by judicial officials in Wake County is hereby adopted by the undersigned judges, after consultation with the District Attorney and the Clerk of Superior Court.

PROCESS FOR SEARCH WARRANTS THAT ARE NOT ORDERED SEALED

A judicial official issuing a search warrant pursuant to Article 11 of Chapter 15A of the General Statutes shall retain a copy of the warrant and the warrant application and shall, as soon as practicable, cause such documents to be filed with the Head of the Criminal Division in the office of Clerk of Superior Court. Unless the issuing judicial official directs otherwise, neither the warrant nor the warrant application shall be made available for public inspection until the warrant is served and executed or is returned unserved or more than 48 hours has expired from the time of its issuance, whichever event occurs first. However, in order to preserve the integrity of a criminal investigation, a judicial official may order that such documents be sealed for a reasonable period of time to complete the investigation.

**PROCESS FOR SEARCH WARRANTS THAT ARE ORDERED SEALED
PURSUANT TO COURT ORDER**

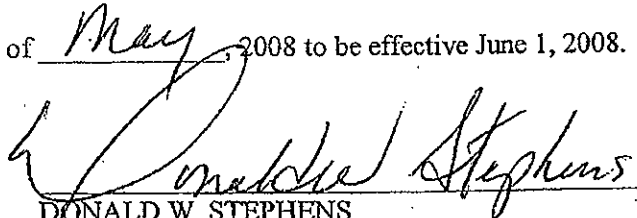
1. Law enforcement officers seeking to seal a search warrant should notify the District Attorney's Office to obtain a Motion and Order to Seal Search Warrant to be presented to the judge at the time the search warrant is sought.
2. If the judge determines that it is appropriate to seal the search warrant, he shall execute the order. The order should state the length of time for which the search warrant is to be sealed.
3. The Court's copy of the search warrant and application for the search warrant should be placed in an envelope with the caption appearing on the outside of the envelope. The envelope and the order sealing the search warrant shall be delivered to the Head of the Criminal Division within the Clerk's office.
4. The Clerk shall establish a log, listing by caption search warrants that have been sealed, the date the order to seal was signed, the date the order expires and the name of the assistant district attorney assigned to the case. The log will be available for public inspection. The Clerk shall also maintain a copy of the order sealing the search warrant on file.
5. The envelope containing the Court's copy of the search warrant and the sealing order shall be safeguarded by the Clerk and held in a confidential file room.
6. Unless the order sealing the search warrant is extended, the Clerk shall notify the District Attorney's office on the date the order expires and return the search warrant to the Criminal Division to be filed with non-sealed search warrants.
7. Once the law enforcement officer has served the search warrant or after 48 hours has passed without execution of the search warrant, the search warrant shall be returned without

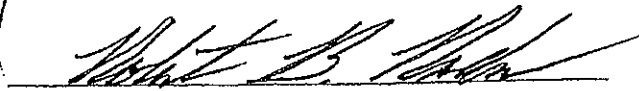
unnecessary delay to the Head of the Criminal Division in the Clerk's office with a copy of the order sealing the warrant. The law enforcement officer shall also provide a written inventory of items seized. If the order sealing the search warrant remains in effect, the search warrant and the inventory shall be filed in the confidential file room. If the order has expired, it will be filed with the other warrants.

PROCESS FOR INVESTIGATIVE ORDERS

Unless specifically required by statute to be filed with the Clerk of Superior Court, all investigative orders signed by judicial officials to obtain medical records, telephone records, business records and other information during the course of a criminal investigation shall be retained by the investigating agency and shall be included as part of the agency's Investigative Report to be provided to the District Attorney when a suspect is charged with a criminal offense. Public access to these records may be permitted only by court order upon a showing of good cause.

So ordered this, the 30 day of May, 2008 to be effective June 1, 2008.


DONALD W. STEPHENS
SENIOR RESIDENT SUPERIOR COURT JUDGE


ROBERT B. RADER
CHIEF DISTRICT COURT JUDGE