


**Inspections and Investigations**



**Lesson No. 6**

ENV H 471  
Environmental Health Regulation  
Winter Quarter 2004

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**Lesson Overview**

- ❖ Legal Bases
- ❖ Entry
  - with Consent
  - with a warrant
- ❖ Methods & Procedures

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**Lesson Objectives**

- ❖ Understand the concept of an "inspection" as a legal tool used in environmental health programs
- ❖ Be able to explain the general statutory and constitutional considerations involved with the inspector's right to conduct regulatory investigations

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 **Lesson Objectives** *(Continued)*

- ❖ Describe the powers, and the statutory and constitutional limits to those powers, delegated to environmental health practitioners
- ❖ Discuss the legal issues surrounding the use of the inspection in the investigation of public nuisances

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 **Purpose & Function**



- ❖ Gather information
- ❖ Necessary to evaluate a condition or situation

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 **Legal Requisites**

- ❖ A Legal Basis
- ❖ Standards
- ❖ Evidence  
(Observations, Tests and Samples)
- ❖ Records and Reports

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 **Legal Bases**

- ❖ Police Power
- ❖ Statutory Authorization
- ❖ Public Nuisances



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 **Entry**

- ❖ 1. Inspectional Authority
- ❖ 2. Inspection vs. Search



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 **Questions**



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 **Cases**

- ❖ **For Today:**
  - **Frank v. Maryland**
    - Group A
  - **Camara v. San Francisco and See v. Seattle**
    - Group B

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 **Frank v. Maryland**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Camara v. San Francisco**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **See v. Seattle**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Questions**



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 **Warrants**

- ❖ **Requirements**
- ❖ **Exceptions**
  - **Consent**
  - **Plain View & Open Fields**
  - **Emergencies**
  - **Pervasively Regulated**
  - **Effect of Licensing**

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 **Methods & Procedures**

- ❖ **Complaints**
  - **Valid Complaints**
  - **Invalid Complaints**
- ❖ **Compliance Programming**
  - **Authority**
  - **“Neutral” Criteria**
- ❖ **General Procedures**

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 **Cases**

- ❖ **For Thursday:**
  - ***U. S. v. Thriftmart, Inc.***
    - **Group C**
  - ***Marshall v. Barlow's, Inc.***
    - **Group A**
  - ***Northwest Airlines, Inc.***
    - **Group B**
  - ***California v. Salwasser***
    - **Group C**

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 **U.S. v. Thriftmart**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Marshall v. Barlow's**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Northwest Airlines**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **California v. Salwasser**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Cases**

❖ **For Tuesday:**

- **Seattle v. McCready**
  - **Group A**

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 **Seattle v. McCready**

- ❖ **Facts & Arguments**
  - **Who's suing whom, for what?**
- ❖ **Court History**
- ❖ **Legal Issues**
  - **Why?**
- ❖ **Decision**
- ❖ **Concurrence and/or Dissent**
- ❖ **Application**

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 **Assignment for Lesson 7**

- ❖ **Grad: Chapter 6 -- Permits, Licenses and Registration**
- ❖ **Statutes: Various sections pertaining to information gathering**
- ❖ **Readings:**
  - **Reading #23 - PHS Food Service Sanitation Manual, Chapter 10.**
  - **Reading #24 - In Re Department of Environmental Protection, 426 A.2d. 534 (1981). (Group B)**

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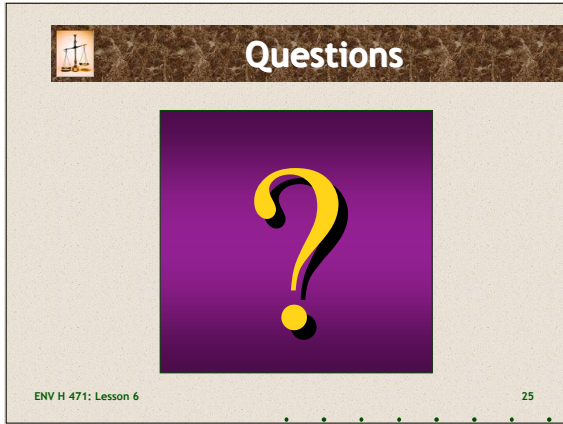
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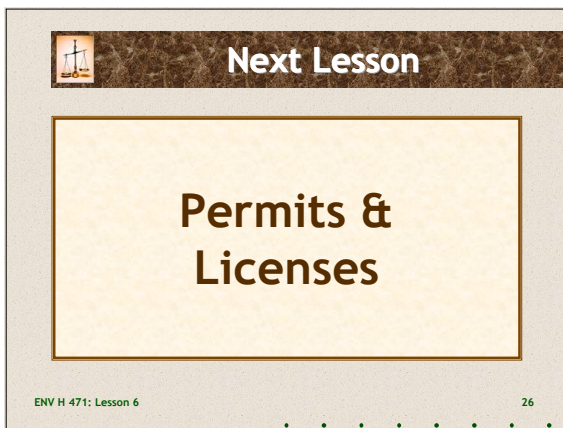
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