



SEARCH AND SEIZURE

<i>Original Date of Issue</i> January 10, 2000	<i>General Order Number</i> 00-01
<i>Effective Date of Reissue</i> March 11, 2022	<i>Section Code</i> LEG-04
<i>Reevaluation Date</i> March 2023	<i>Amends</i> LEG-04 Previous Version (2010)
<i>C.A.L.E.A.</i> 1.2.4	<i>Reference</i> (see "INDEX AS:")

INDEX AS:

Search
Seizure
Warrants

Arrests
Stop and Frisk

I. PURPOSE

The purpose of this order is to provide members of the Iowa City Police Department with guidelines and background pertaining to search and seizure.

POLICY

It is the policy of this department to conduct searches and seizures that are both legal and thorough. Such searches are to be conducted in strict observance of the Constitutional and statutory rights of persons being searched and with due regard for the safety of the officers involved. All seizures shall comply with all relevant state and federal Constitutional provisions and statutes governing the seizure of persons or property.

II. DEFINITIONS

A. Constitution of the United States of America:

Amendment 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

B. Constitution of the State of Iowa:

Article I. Bill of Rights

Section 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons and things to be seized.

III. PROCEDURES

Search and Seizure Without a Warrant

The Iowa City Police Department recognizes that persons have the right to be free of unreasonable search and seizure as afforded by the Constitutions of the United States and the State of Iowa. This Department will strive to ensure that all searches and seizures meet current legal requirements. In recognition of this, the following guidelines are to be considered when making a determination to search without a warrant.

A. Consent to Search:

1. Persons or property may be searched upon the consent of the person, owner or person in control of the property or item to be searched. The person giving consent must do so voluntarily. The officer is obligated to abide by any constraints placed on the search by the person. Where there is a reasonable belief that the person only speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits (see SOG 18-08 that addresses communication with persons with limited English proficiency (LEP)).

B. Exigent Circumstances:

1. An officer may search without a warrant when obtaining consent or a warrant is impractical. In addition to exigent circumstances, there must be probable cause. Two types of exigent circumstances are movable vehicles and hot pursuit.

a. Hot Pursuit Exception

A doctrine that allows police to enter a premise where they suspect a crime has been committed without a warrant when delay would endanger their lives or the lives of others and lead to the escape of the alleged perpetrator and where there is

probable cause. Flight, in and of itself, in misdemeanor cases is not an exigent circumstance to enter a home without a warrant. Examples of exigent circumstances that would allow a warrantless entry into a residence include imminent harm to others, threat to officer, and destruction of evidence.

b. Automobile Exception

A moveable vehicle may be searched if, at the time of the stop, there is probable cause that it may contain evidence of a crime, which may be destroyed or moved, and it is impractical to obtain a warrant.

C. Community Caretaker Exception

A warrantless search of a residence is permissible under the community caretaking function.. Probable cause is not required but the officer must be reasonably (both objectively and subjectively) justified in performing the search for reasons other than investigating a crime. (Note: Exigent circumstances other than the community caretaking exception exist for a warrantless search when conducted to preserve life.)

D. Stop and Frisk:

An individual may be frisked for weapons if an officer has an articulable concern for his/her safety.

E. Inventory Searches of Impounded Vehicles:

The Iowa Supreme Court in *State v. Ingram*, 914 N.W.2d 794 (Iowa 2018) set forth the following three tenants that must be followed for a vehicle to be impounded and searched consistent with the search and seizure provision of the Iowa Constitution:

- “the police should advise the owner or operator of the options to impoundment”;
- “personal items may be retrieved from the vehicle”; and
- “if the vehicle is impounded, containers found within the vehicle will not be opened but stored for safekeeping as a unit unless the owner or operator directs otherwise”.

Question 1. Is impoundment necessary?

- Impoundment is necessary if there is no driver or owner present.
- Impoundment may be necessary after alternative arrangements that do not interfere with public safety short of impoundment are explored. The officer must explore alternative arrangements, which include:
 - Can the vehicle be parked and locked on the street or nearby lot?

- Is there is a passenger that can take the vehicle, who is not impaired and has a valid license?
- Can the driver or owner arrange for the vehicle to be towed at the owner's or driver's expense within a reasonable period of time?
- Is a third party or friend of the driver able to come and take the vehicle within a reasonable period of time?
- Is there any other option under the circumstances that the driver suggests and that does not interfere with public safety?
- Is there any other option under the circumstances identified by the officer that does not interfere with public safety?

What a reasonable period of time is will be based on the circumstances, such as weather and the location.

If impoundment is not necessary, the driver or owner can agree to have the vehicle impounded. If the vehicle is impounded with driver or owner consent, an inventory search may be conducted consistent with the following section.

Question 2. If impoundment of the vehicle is necessary, the officer may conduct an inventory search consistent with the following:

- The officer may request to search the vehicle. If specific consent is not knowingly and voluntarily given, the officer must inventory closed containers in plain view left behind in the vehicle as a unit. Bags and containers must not be opened.
- In order for the consent to be knowingly and voluntarily given, the officer must tell the driver that closed containers in plain view may be stored for safekeeping, and if they are stored, they will not be opened without a warrant.
- In order for the consent to be knowingly and voluntarily given, the officer must ask the driver whether there is any property in the vehicle the driver wishes to retain. If the answer is yes, the driver must be allowed to retrieve it. The officer should take necessary steps to assure personal safety.
- With respect to property left behind, the officer must ask the driver whether there is anything of value requiring safekeeping and make a record of the response in order to protect the ICPD from a later claim of theft of valuables.

F. Search Incident to Arrest:

When an arrest is made, the officer will conduct a search of the arrested person and the area in the immediate control of the arrested person for the purpose of ensuring the officers' safety, preventing the person from escaping, discovering the fruits of the crime, or discovering instruments or articles which may have been used in the commission of a crime or constitute evidence of an offense. This search must be contemporaneous in place and time.

G. Plain View:

Officers may visually search items or property that is in plain view, provided that the officer has the right to be in the position from which the view was made.

H. Crime Scene Search:

Depending on the location of a crime scene, consent or a warrant may be required prior to a search. (i.e. public v. private property)

Officers may search persons on premises during the execution of a search warrant in order to protect their safety, prevent disposal or concealment of property subject to the warrant or to remove any items that could be used to effect an escape or resist arrest.

I. Library and Aggravated Theft:

Persons concealing property as set forth in section 711.3B (aggravated theft) and 714.5 (theft of library materials or equipment) may be detained and searched by an officer provided the detention is for a reasonable length of time and is conducted in a reasonable manner by a person of the same sex.

Search and Seizure Pursuant to Warrant

A. What Property May Be Searched

A search warrant may be issued:

1. For property which has been obtained in violation of law.
2. For property, the possession of which is unlawful.
3. For property used or possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
4. For any other property relevant and material as evidence in a criminal prosecution.

B. Legal Basis for Obtaining a Search Warrant

1. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband, or instrumentalities/fruits of a crime may be found at a particular location.
2. Specific facts establishing probable cause must be set forth with clarity and sufficient specificity to enable an independent reasonable person with reasonable effort to ascertain and identify the person, place or thing. Officers shall not rely solely upon personal opinion or unauthenticated third party information or hearsay. Such facts may be based on the personal observation or knowledge of the officer, or information from a reliable source.
3. When informants are used, particularly confidential informants, the reliability of the informant and the information provided should be specified. Whenever possible, officers should corroborate informant information.

C. Affidavit Preparation

1. An affidavit supporting the application for a search warrant shall be prepared on the appropriate form in accordance with department policy. Because the accuracy of the affidavit is vital to the validity of the search warrant, officers shall ensure that the following information is clearly and completely specified:
 - (a) *Offense*: The offense shall be described with reference to the criminal statute number where possible.
 - (b) *Person, Place or Thing to Be Searched*: The person, place or thing to be searched shall be clearly and specifically described. Where private premises are to be searched, references should include:
 - (1) Street number and apartment number if appropriate;
 - (2) Physical description of the premises;
 - (3) Legal description of the premises;
 - (4) Name of owner or occupant;
 - (5) Geographical location of the property;
 - (6) Map coordinates or distances from given reference points;
 - (7) Photographs, satellite photographs, maps, or diagrams that aid in specifically identifying the location to be searched;
 - (8) Photographs, physical description including gender, height, weight, eye color, hair color, and name of the person to be searched.
 - (c) *Scope of the Search*: Only those things described in the search warrant can be seized. Therefore, the affidavit should specify, and the officer should ensure that the warrant includes the following:
 - (1) All areas that the officers desire to search shall be designated. In instances where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a search of the premise and its "curtilage," and should identify any outbuildings such as garages, tool sheds or other detached buildings, where appropriate.

- (2) Motor vehicles known to be on the premises that may be searched should be specified.
 - (3) Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.
 - (4) The specific items to be seized shall be detailed. Where the item may be dismantled (e.g., firearms) the warrant should authorize the search and seizure of parts or components of that item.
 - (5) Officers anticipating search of computers and related high-technology equipment should consult a forensic examiner or other qualified source for appropriate language to use in the affidavit and procedures for seizure of hardware, software, and electronic media.
- (d) *Time and Method of Search:* A valid search warrant may be served at any time of the day or night, as operationally required, within 10 days from the time of issuance.
- (1) Officers may request a “no knock” provision in the warrant when they have reason to believe that adherence to the knock and announce rule would endanger their safety or the safety of others, would enable a wanted person to escape, or would likely result in the destruction of evidence before entry can be made.
2. All affidavits must be reviewed and approved by a supervisor PRIOR to presentation to a magistrate or other judicial official authorized to issue search warrants.
 3. PRIOR to obtaining a signed search warrant, a Search Warrant Control Review Form shall be completed with the required signatures obtained (the second signature must be from a lieutenant or higher. This would include a sergeant appointed as an Acting Watch Commander) (*see Appendix I*). The accompanying Search Warrant Checklist should be followed throughout the warrant process. Other than for the physical search of a structure, a supervisor may waive the requirements of the Search Warrant Checklist (e.g. obtaining blood for an OWI investigation, obtaining shoes from a prisoner at the jail, etc.) Justification for the supervisor’s waiver must be documented in writing prior to the service of the warrant on Appendix I.
 4. As all search warrants have potential for violence, the officer making application will, at a minimum and prior to the execution of the warrant:
 - (a) Check the criminal history of any person known to reside or frequent the location i.e. associates.
 - (b) Check the address for any history of violence.
 - (c) Prior to serving the warrant, the officer making application will call the current agency responsible for providing deconfliction services.

If, after completing this assessment, the officer making application discovers information that may make this a high risk warrant service, the officer will make the approving supervisor aware of the information at which point they will follow **Search and Seizure Pursuant to Warrant -section G** (pg. 9) to make a final determination on whether or not it meets the high risk criteria.

D. Supervisory Review of Issued Search Warrant Prior To Execution

1. Prior to any attempt at service, a supervisor should review issued search warrants to ensure that they include all pertinent information set forth in the affidavit completely and accurately, and that the warrant has been properly signed by a magistrate or other authorized judicial official. Officers shall not attempt to serve any search warrant that is known to contain substantive or administrative errors.
2. When an outside agency requests Iowa City Police assistance with the execution of a search warrant in Iowa City, a supervisor will at a minimum familiarize themselves with the address being searched and confirm the accuracy of the location.

E. Execution of the Search Warrant

1. *10-Day Time Limit:* Search warrants must be executed within 10 days from the time of issuance. Any warrant not executed within this time limit is void and must be returned unserved to the magistrate or clerk of court. In the event that the return of an unserved warrant will compromise an active investigation, the County Attorney should be consulted regarding the time and manner of the return.
2. *Pre-Surveillance:* For narcotics / drug or weapon related search warrants, it is recommended that surveillance be maintained on the target location for a minimum of 30 minutes prior to the execution of the search warrant.
3. *Pre-Search Briefing:* Prior to the execution of a search warrant, the supervisor in charge of the search should ensure that a pre-search briefing is conducted to inform assisting officers of the following:
 - (a) The supervisor in charge of the search;
 - (b) Verification of the specific location to be searched;
 - (c) The layout of the premises and any known or anticipated hazards that may exist;
 - (d) The manner of approach and entry into the premises;
 - (e) The assignment of assisting officers as necessary to:

- (1) Ensure exterior containment of the premises;
 - (2) Guard and/or transport any persons arrested;
 - (3) Search designated areas;
 - (4) Restrict access at entrances;
 - (5) Collect and handle evidence; and
 - (6) Interviews of any persons present;
- (f) The communications procedures to be used;
- (g) Historical data of suspects;
- (h) Update from surveillance Officer on scene;
- (i) Written Safety Plan – copies to all officers participating;
(see *Appendix II*)
- (k) Staging area discussion.
- 4 *Supervisor Presence Required:* The supervisor in charge must be physically present on all search warrant executions. Once it has been determined that the scene is secure, the supervisor may designate an officer to complete the search warrant process. Upon conclusion of the search, the supervisor in charge or designee is responsible for ensuring that all evidence is properly documented and secured, that the premises is left in a secure manner, and that all paperwork and reports are submitted as required.
- 5 *Media or Other Third Party Participation:* Police officers shall not take members of the news media or other third parties into private premises during the execution of a search warrant, unless the presence of the third party is necessary in aid of the warrant's execution. Police authority to enter private premises pursuant to a search warrant does not automatically extend to third parties. Participation by a third party must be directly related to the authorized objective and scope of the search warrant. This restriction shall not be construed to prevent the entry of third parties into private premises pursuant to voluntary consent or other legal authority.
- 6 *Photographing Premises:* Photographs should be taken of the premises both before and after the search is conducted for the purpose of documenting the property in its original condition and the condition in which it was left by officers after the search. All photographs and videos taken at a search warrant are evidence and will be placed in evidence or on the video storage system at the conclusion of the search warrant.
- 7 Officers involved in the service of a search warrant shall comply with GO 99-08 Body Worn Cameras and In-Car Recorders.
- 8 Officers may break into any structure or vehicle where reasonably necessary to execute the warrant if, after notice of this authority and purpose the officer's admittance has not been immediately authorized. The officer may use reasonable force to enter a structure or vehicle to execute a search warrant

without notice of the officer's authority and purpose in the case of vacated or abandoned structures or vehicles. Officer executing a search warrant may break restraints when necessary for the officer's own liberation or to effect the release of a person who has entered a place to aid the officer.

- 9 *Giving of Notice:* The officer executing a search warrant must, before entering the premises, give appropriate notice of his/her identity and purpose to the person to be searched or the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the location to be searched, the officer must give notice in a manner likely to be heard by anyone present. The giving of notice may be waived ONLY if specifically authorized in the warrant.
- 10 *Serving the Warrant:* Before undertaking any search, the officer must leave a copy of the warrant with the person to be searched or the person in apparent control of the premises or vehicle to be searched. Where there is a reasonable belief that the person only speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits (see SOG 18-08 that addresses communication with persons with limited English proficiency (LEP)). If no one in apparent and responsible control is occupying the premises or vehicle, the officer must leave a copy of the warrant affixed to the premises or vehicle.

11 *Detention of Persons Present:*

A warrant to search a premises does not authorize an officer to search any person present if an item is not found in the premises.

In the execution of a search warrant the person executing the same may reasonably detain and search any person or thing in the place at the time for any of the following reasons:

1. To protect the searcher from attack.
2. To prevent the disposal or concealment of any property subject to seizure described in the warrant.
3. To remove any item which is capable of causing bodily harm that the person may use to resist arrest or effect an escape.

- 13 *Scope of the Search:* The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified therein. Upon discovery of the items specified, the officer must take possession or custody of them. If in the course of the search the officer inadvertently discovers items not specified in the warrant which are subject to seizure under State or City Code, he/she may also take possession of the items so discovered.

- 14 *Inventory of Items Seized:* The officer executing the search warrant must prepare and sign an inventory of all items seized. If the items are seized from a person, then a copy must be given to that person. If the items are seized from a place or vehicle, a copy must be given to the owner or person in control of the

premises or vehicle. If no person is present, the copy will be left in the premises or vehicle from which the items were seized.

- 15 *Concluding the Search:* Officers will conduct the search in a manner so as to leave the premises or vehicle in the same general condition as originally found. All evidence will be handled in accordance with General Order 00-10. The officer in charge of collecting evidence will complete all reports and property control forms, and will place the evidence in secure storage prior to ending his/her tour of duty.
- 16 *Supervisor Responsibility:* Upon conclusion of the operation, the approving supervisor shall forward the original Written Safety Plan, Threat Assessment and Search Warrant Control Review form to the Records Section. Records will forward those documents to the Sergeant of Investigations where it shall be maintained in a secure location separate from the investigative case file.

F. Return of the Search Warrant

1. Officers shall observe statutory and administrative requirements regarding return on the search warrant to include providing an inventory of seized property to the proper person for property taken, and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

G. Liaison with the County Attorney

1. Officers seeking search warrants in unusual situations or where the seriousness, nature or legal complexity of the case so dictates, should review the case with the County Attorney's Office prior to seeking a search warrant.

H. High-Risk Warrant Service Operations

1. Prior to the execution of a search warrant, the need for tactical support will be determined. In determining whether or not service of the warrant constitutes a high-risk operation under the provisions of this policy, the supervisor in charge must consider several factors:
 - (a) The characteristics and location of the target premises and the number of persons likely to be present.
 - (b) The anticipated need for pre-planned forcible or dynamic tactical entry into the premises.
 - (c) Facts and information known or foreseen by officers that indicate an unusually high potential for violence or physical danger exists. The danger may originate from persons who are believed to be armed or who have a past history of violence or from a danger within the environment to be entered (eg., explosives, volatile or hazardous chemicals, barriers or fortification, vicious animals, etc.).

- (d) The number of personnel and resources required to safely and adequately conduct the operation and accomplish the intended objective.
- 2. Supervisors should make a threat-assessment to determine whether the intended warrant service activity requires tactical support. If the assessment indicates a need for tactical support, the supervisor shall consult with the SRT Commander and the Commander of Field Operations, who will make the final determination.
- 3. Authorization for high-risk warrant service operations must be given by the Commander of Field Operations or designee.
- 4. High-risk warrant service operations must be preceded with a written plan to include, at a minimum, the following:
 - (a) The procurement of any special equipment or resources needed;
 - (b) The designation of a radio talk group to be used and any special communications procedures to be followed;
 - (c) The specific strategy for approaching, entering, securing and leaving the target premises. This strategy should include the layout of the premises (if known), and the identification of any known or anticipated hazards that may exist;
 - (d) The specific responsibilities of each officer present during the operation, including provisions for the handling and transport of persons arrested;
 - (e) The coordination of any special support needed from outside agencies regarding the foreseen or anticipated need for resources such as medical or firefighting personnel, animal control units, etc.;
 - (f) All requirements regarding deconfliction are met per SOG 14-02.
- 5. Upon conclusion of the operation, the supervisor designated as having responsibility for the control and coordination of operation must:
 - (a) Conduct a debriefing and/or critique of the operation with key participating personnel. The debriefing should be conducted as soon as practical following the operation;
 - (b) Review the associated documentation, paperwork, and any required reports (e.g., use of force) to insure that current legal requirements and departmental policy have been met;
 - (c) Insure that all evidence has been properly documented and placed in secure custody;

- (d) Ensure the preparation of an SRT report, if applicable. The SRT report must include a summary of the result of the operation and any recommendations arising from the debriefing.

Strip Searches

Strip searches are governed by the Iowa Code in addition to the U.S. Constitution (4th Amendment) and the Iowa Constitution (Article I, Section 8).

A. Definitions.

Gender: The state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women.

Gender Expression: External appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine. Others perceive a person's gender through these attributes.

Gender Identity: One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Gender Non-conforming: A broad term referring to people who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not fit neatly into a category. While many also identify as transgender, not all gender non-conforming people do.

Transgender Individual: A person whose gender identity differs from their assigned sex.

Sexual Assault Nurse Examiners (SANE): Registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse

Iowa Code 702.23 defines strip search as follows: "*Strip search*" means having a person remove or arrange some or all of the person's clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts or undergarments of that person or a physical probe of any body cavity.

Iowa Code 702.24 defines visual strip search as follows: A "visual strip search" means having a person remove or arrange some or all of the person's clothing so as to permit a visual inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person.

- B. A person arrested for a simple misdemeanor may be subject to a strip search and/or a visual strip search under certain conditions.
- C. Under Iowa Code Section 804.30, the following conditions apply:
1. (a) A person arrested for a *simple misdemeanor* shall not be subjected to either a

strip search or a visual strip search unless: (a) there is probable cause to believe that the person is concealing a weapon or contraband, and (b) written authorization of the supervisor on duty is obtained.

- (b) A person arrested for a *scheduled violation* shall not be subject to either a strip search or a visual strip search unless: (a) there is probable cause to believe that the person is concealing a weapon or contraband, and (b) a search warrant is obtained.
 - (c) A strip search conducted pursuant to this section that involves the physical probing of a body cavity, other than the mouth, ears, or nose, shall require a search warrant and shall only be performed by a licensed physician unless voluntarily waived in writing by the arrested person.
2. Any person arrested for a scheduled violation or a simple misdemeanor may be subjected to a search probing the mouth, ears, or nose.
 3. All searches conducted shall be performed under sanitary conditions.
 4. All searches conducted, except for the probing of the mouth, ears, or nose, shall be conducted in a place where the search cannot be observed by persons not conducting the search.
 5. All searches shall be conducted by a person of the same sex as the arrested person, except for the probing of the mouth, ears, or nose, unless the search is conducted by a physician. * See bullet #7 for transgender, gender identity, gender expression, and gender non-conforming considerations.
 6. Subsequent to a strip search, a written report shall be prepared which includes the written authorization of the supervisor on duty, the name of the person subjected to the search, the names of the persons conducting the search, the time, date, and place of the search, and a copy of the search warrant, if applicable authorizing the search. A copy of the report shall be provided to the person searched.
 7. Officers will inform transgender and gender non-conforming individuals of their right to express a preference of officer gender for searches
 - a. Absent exigent circumstances, before performing any level of search of transgender and gender non-conforming individuals, officers will inform them of the right to express a preference for the gender of the officer who will conduct the search.
 - b. Officers will record the following information on either their In-Car Camera, Body-Worn Camera, or video recording devices located in the department:
 - The advisement and request for preference
 - The individual's response
 - Whether or not the request was granted
 - Reason for not granting the request, if applicable
 - c. If the transgender or gender non-conforming individual has a preference, at least one officer of the gender requested will conduct the search, whenever possible.

- d. Officers must take into account the reasonableness of any delay created by waiting for another officer.
- e. If the transgender or gender non-conforming individual does not specify a preference, at least one officer of the same gender as the transgender or gender non-conforming individual's gender expression will conduct the search.

Example: A male officer would search a transgender man who indicates no preference for the search.

- f. When in doubt regarding any searches of a transgender individual, officers will call a supervisor to the scene prior to searching.

- D. Consistent with the limits U.S. Constitution and the Iowa Constitution, a person may voluntarily waive these requirements. All waivers shall be in writing.
- E. In instances involving juveniles, the juvenile's parent or legal guardian will be contacted and asked to come to the station or other facility.
- F. SANE nurses may be utilized for the collection of evidence during strip search procedures, including the search of body cavities, if the Iowa Code, as applicable, and the U.S. Constitution (4th Amendment) and the Iowa Constitution (Article I, Section 8) are not violated.
- G. Except as required herein, if the individual being searched has a preference, at least one officer of the gender requested will conduct the search, whenever possible.

CIVIL RIGHTS

Searches and seizures shall be conducted in such manner to observe, uphold, and enforce all laws pertaining to the individual rights of each person without regard to age, race, color, creed, religion, sex, national origin, economic status, marital status, disability, sexual orientation or gender identity. (See GO 89-04 on Civil Rights).

Dustin Liston, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

(APPENDIX I)

IOWA CITY POLICE DEPARTMENT

SEARCH WARRANT CONTROL REVIEW

The attached search warrant has been reviewed and there is written documentation to support application. Supportive data under case # _____

This search warrant does comply with the following Iowa City Police Department as well as State of Iowa requirements where appropriate.

- 1 Code of Iowa Chapter 808.
- 2 General Order 00-01, Search & Seizure.
- 3 General Order 89-04, Civil Rights.
- 4 General Order 99-02, Alarms -Open Door Response.
- 5 General Order 01-02, Informants.

Officer Making Application: _____ (Signature)
Submitted: ____/____/____

Approving Supervisor *: _____ (Signature)
Reviewed: ____/____/____

Lieutenant (or higher): _____ (Signature)
Reviewed: ____/____/____

Safety Plan Waiver

All provisions of the Search Warrant Control Review are waived with the exception of the post warrant service.

Reason: Location is already secured _____ Records only/DNA only _____ Vehicle only _____

Other: _____

Supervisor _____ Date ____/____/____

Post Warrant Service

- | | | |
|---|---|--------------------------------|
| 1 | Leave paperwork at scene of items seized. | Applicant_____ Supervisor_____ |
| 2 | Notification to supervisor of results, concerns and problems. | Applicant_____ Supervisor_____ |
| 3 | Use of Force report if applicable. | Applicant_____ Supervisor_____ |
| 4 | Return of service to the court. | Applicant_____ Supervisor_____ |

Prior to service of the search warrant, copies of the following are to be finished and on file.

- 1 **Original complaint report(s).**
- 2 **All follow-up reports.**
- 3 **All intelligence reports.**
- 4 **Copy of search warrant.**
- 5 **Copy of signed Search Warrant Control Review.**
- 6 **Copy of Safety Plan.**
- 7 **Any other reports, data, relevant to the search warrant.**

*Approving supervisor is responsible to route this form and the safety plan (if applicable) to the Sergeant of Investigations.

SEARCH WARRANT CHECK LIST

Deviations from the checklist must be approved by the Supervisor in charge. Prior to County

Attorney and Judge's Signatures:

1. Satellite photograph of target / neighborhood
Applicant_____ Supervisor_____
2. Photographs of target residence (front, rear, sides as applicable) Applicant
_____ Supervisor_____

SUPERVISOR MUST BE PRESENT DURING SERVICE OF SEARCH WARRANT

Prior to Execution of Search Warrant:

1. Briefing with all entry team officers, including supervisor
Applicant_____ Supervisor_____
2. Original complaint report, current investigative reports, intelligence reports
Applicant_____ Supervisor_____
3. Copy of search warrant
Applicant_____ Supervisor_____
4. Maintained surveillance on target residence for a minimum of 30 minutes
(Narcotics / Drug Related)
Applicant_____ Supervisor_____

Briefing: Specific Assignments / Tasks:

1. Verification of address of target
Applicant_____ Supervisor_____
2. Method of entry and order of stack
Applicant_____ Supervisor_____
3. Exterior residence containment
Applicant_____ Supervisor_____
4. Photographs – Documentation / Evidentiary / Persons
Applicant_____ Supervisor_____
5. Searchers / Interviewers
Applicant_____ Supervisor_____

6. Observation and control of suspects
Applicant_____ Supervisor_____
7. Communications with dispatch
Applicant_____ Supervisor_____
8. Historical data of suspects
Applicant_____ Supervisor_____
9. Update from surveillance officer on scene
Applicant_____ Supervisor_____
10. Written Safety Plan – copies to all officers participating
Applicant_____ Supervisor_____
11. Staging area discussion
Applicant_____ Supervisor_____
12. Radio frequency & cell phone numbers
Applicant_____ Supervisor_____

Post Warrant Service: Moved to page 1.



IOWA CITY POLICE DEPARTMENT OPERATIONAL PLAN



DATE: Click here to enter text.	INCIDENT #: Click here to enter text.	CASE AGENT: Click here to enter text.	SUPERVISOR: Click here to enter text.
[(800)308-5983] DECONFLICTION #: Click here to enter text.	DECONFLICTED BY: Click here to enter text.	DECONFLICTION DATE/TIME: Click here to enter text.	

TYPE OF OPERATION AND MISSION OBJECTIVE:

BUY: ☐ BUY/BUST: ☐ SEARCH WARRANT: ☐ SURVEILLANCE: ☐ OTHER: ☐

Click here to enter text.

BACKGROUND OF INVESTIGATION:

Click here to enter text.

SUSPECT(S):

SUBJECT NUMBER ONE

NAME	SEX	RACE	DOB	AGE	HEIGHT	WEIGHT	EYES	HAIR
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

SUSPECT'S ADDRESS(S)

PRIMARY: Click here to enter text.

ALTERNATE: Click here to enter text.

SUSPECT'S VEHICLE(S)

YEAR	MAKE	MODEL	COLOR	LIC #	STATE
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

CRIMINAL HISTORY

REMARKS: Click here to enter text.

WEAPONS: Click here to enter text.

VIOLENT HISTORY: Click here to enter text.

PHOTO: ☐ SEE ATTACHMENT: ☐

LOCATION(S):

1 Click here to enter text.

2

3

4

COMMUNICATION CHANNELS

1 – PRIMARY FREQUENCY	2 – SECONDARY FREQUENCY	3 – OTHER AGENCY FREQUENCY
Click here to enter text.	Click here to enter text.	Click here to enter text.

UNDERCOVER PERSONNEL

AGENT/OFFICER		CALL SIGN		MOBILE #		PAGER #	
Click here to enter text.		Click here to enter text.		Click here to enter text.		Click here to enter text.	
VEHICLE MAKE	MODEL	YEAR	COLOR	LIC #	STATE		
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.		

BUST SIGNAL(S):

VERBAL	VISUAL	EMERGENCY
Click here to enter text.	Click here to enter text.	Click here to enter text.

MONITORING**BODY WIRE / RECORDING**

TYPE:	WORN BY:	MONITORED BY:
Click here to enter text.	Click here to enter text.	Click here to enter text.

CHOOSE HOSPITAL HERE

PERSONNEL ASSISTING

AGENT/OFFICER	ID #	PHONE #	VEHICLE	ASSIGNMENT

SURVEILLANCE NOTES

TIME	OBSERVED BY	ACTIVITY

