MEMORANDUM
COMMUNITY POLICE REVIEW BOARD
A Board of the City of Iowa City

DATE: **March 13, 2018**
TO: **CPRB Members**
FROM: **Chris Olney**
RE: **Board Packet for meeting on March 19, 2018**
Enclosed please find the following documents for your review and comment at the next board meeting:

- Agenda for 03/19/18
- Minutes of the meeting on 02/13/18
- ICPD General Orders 00-01 (Search and Seizure)
- ICPD General Orders 00-10 (Evidence and Property Handling Procedures)
- ICPD General Orders 07-03 (Fiscal Management)
- Office Contacts – February 2018
- Complaint Deadlines

Other resources available:

National Association for Civilian Oversight of Law Enforcement
NACOLE provides information regarding civilian oversight in law enforcement nation wide. For more information see: www.NACOLE.org

COMMUNITY POLICE REVIEW BOARD
Monday, March 19, 2018 – 5:30 p.m.
HELLING CONFERENCE ROOM
410 E. Washington Street

ITEM NO. 1 **CALL TO ORDER and ROLL CALL**

ITEM NO. 2 **CONSIDER MOTION ADOPTING CONSENT CALENDAR AS PRESENTED OR AMENDED**

- Minutes of the meeting on 02/13/18
- ICPD General Orders 00-01 (Search and Seizure)
- ICPD General Orders 00-10 (Evidence and Property Handling Procedures)
- ICPD General Orders 07-03 (Fiscal Management)

ITEM NO. 3 **NEW BUSINESS**

ITEM NO. 4 **OLD BUSINESS**

- Proposed Ordinance Change Discussion
- Community Forum Discussion

ITEM NO. 5 **PUBLIC DISCUSSION**

ITEM NO. 6 **BOARD INFORMATION**

ITEM NO. 7 **STAFF INFORMATION**

ITEM NO. 8 **TENATIVE MEETING SCHEDULE and FUTURE AGENDAS**

- April 17, 2018, 5:30 p.m., Helling Conference Rm
- April 23, 2018, 6:00 p.m., IC Library (Community Forum)
- May 8, 2018, 5:30 p.m., Helling Conference Rm
- June 12, 2018, 5:30 p.m. Helling Conference Rm

ITEM NO. 9 **ADJOURNMENT**

If you will need disability-related accommodations in order to participate in this program/event, please contact Kellie Fruehling at 319-356-5043, kellie-fruehling@iowa-city.org. Early requests are strongly encouraged to allow sufficient time to meet your access needs.

DRAFT

COMMUNITY POLICE REVIEW BOARD
MINUTES – February 13, 2018

CALL TO ORDER: Chair Townsend called the meeting to order at 5:32 p.m.

MEMBERS PRESENT: Monique Green (5:40 p.m.), Don King, Royceann Porter, David Selmer

MEMBERS ABSENT: None

STAFF PRESENT: Legal Counsel Pat Ford, Staff Kellie Fruehling

STAFF ABSENT: None.

OTHERS PRESENT: Iowa City Police Chief Matherly

RECOMMENDATIONS TO COUNCIL
None.

CONSENT CALENDAR
Motion by King, seconded by Selmer, to adopt the consent calendar as presented or amended.

- Minutes of the meeting on 01/09/18
- ICPD General Orders 07-02 (Detainee Processing)
- ICPD General Orders 99-03 (Prisoner Transport)
- ICPD General Orders 01-01 (Bias-Based Policing)

Motion carried, 4/0, Green Absent.

NEW BUSINESS
None.

OLD BUSINESS
Proposed Ordinance Change Discussion - Board member Selmer drafted a memo which was distributed in the meeting packet regarding proposed changes to the rules and procedures regarding the investigations and findings of the CPRB. Selmer suggested discussing the items on the memo as a Board to get feedback and decide next steps. Legal Counsel Ford handed out a copy of Selmer's memo which he had made comments on regarding his concerns, and discussed them with the Board.

The Board agreed to have a subcommittee of Townsend and King meet with Legal Counsel and narrow the focus of the memo and bring back another draft to the Board.

The Board had previously asked about police officer training. Chief Matherly handed out a memo which detailed training in 2016 and 2017 and noted the Board's authority to review police policies. The Chief noted the increased hours in 2017 as compared to 2016. As suggested by the Board, the Chief started sending the revised policies to with a redlined version so they can see what changes have been made. The Chief answered questions and described some of the training officers attend and encouraged Board members to continue asking questions regarding policies and training.

Community Forum Discussion – Fruehling discussed the draft items for the forum included in the meeting packet and asked if a discussion topic had been agreed upon for the presentation by police. The Board and the Police Chief agreed to discuss current community issues and how the police department is handling them and also an introduction of the new downtown liaison officer.

PUBLIC DISCUSSION
Police Chief Matherly welcomed Board members to participate in ride-a-longs with an officer from the police department. Matherly also offered to take the Board through a Fire Arms Training Simulator (FATS) at the University of Iowa. Members will contact staff if they would like to participate.

BOARD INFORMATION
None.

STAFF INFORMATION
Fruehling asked Board members to review their information on the updated staff contact sheet included in the packet.

TENTATIVE MEETING SCHEDULE and FUTURE AGENDAS (subject to change)
- March 13, 2018, 5:30 PM, Helling Conference Rm - Rescheduled to March 20, 2018
- April 10, 2018, 5:30 PM, Helling Conference Rm - Rescheduled to April 17, 2018
- April 23, 2018, 6:00 PM, IC Library Meeting Rm A (Community Forum)
- May 8, 2018, 5:30 PM, Helling Conference Rm

Legal Counsel noted he would be unavailable for the meeting on March 13 and Board Member Porter stated she would be out of town on April 10th.

The Board agreed to tentatively reschedule the March 13th meeting to March 20th, and April 10th to April 17th. Staff will check on room availability and contact the Board with changes if necessary.

Moved by Green, seconded by Selmer to change the meeting schedule as discussed pending room availability. Motion carried, 5/0.

ADJOURNMENT
Motion for adjournment by King, seconded by Porter.
Motion carried, 5/0.
Meeting adjourned at 6:11 P.M.

COMMUNITY POLICE REVIEW BOARD
ATTENDANCE RECORD
YEAR 2017-2018

(Meeting Date)

NAME	TERM EXP.	2/14	3/14	4/12	5/9	7/11	7/31	8/8	8/29	9/12	10/10	11/14	12/7	1/9/18	2/13/18
Joseph Treloar	7/1/17	X	X	X	O/E	---	---	---	---	---	---	---	---	---	---
Mazahir Salih	7/1/21	X	O/E	X	O/E	X	X	X	X	X	X	X	O/E	---	---
Donald King	7/1/19	O/E	X	X	X	X	X	X	X	X	X	X	X	O	X
Monique Green	7/1/20	X	X	X	X	X	O/E	X	X	X	X	X	X	X	X
Orville Townsend	7/1/20	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Royceann Porter	7/1/21	-----	----	----	---	----	----	----	----	----	----	----	----	----	X
David Selmer	7/1/21	---	---	---	---	X	O/E	X	X	O	X	O/E	X	X	X

KEY:

X = Present
O = Absent
O/E = Absent/Excused
NM = No meeting
--- = Not a Member

SEARCH AND SEIZURE

Original Date of Issue	*General Order Number*
January 10, 2000	**00-01**

Effective Date of Reissue	*Section Code*
February 15, 2018	**LEG-04**

Reevaluation Date	*Amends*
October 2017	**LEG-04 Previous Version (2010)**

C.A.L.E.A.	*Reference*
1.2.4	**(see "INDEX AS:")**

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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 that are both legal and thorough. Such searches are to be conducted in strict observance of the Constitutional 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 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.

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III. PROCEDURES

Search and Seizure Without a Warrant

The Iowa City Police Department recognizes that "citizens have the right to be free of unreasonable search and seizure" as afforded by the Constitution of the United States. 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.

B. Exigent Circumstances:
   1. An officer may search without a warrant when the public safety is endangered or obtaining consent or a warrant is impractical

C. Moveable vehicles which may contain evidence that may be removed or destroyed without a timely search being made:
   1. A vehicle may be searched if an officer reasonably believes that it may contain evidence of a crime, which may be destroyed or moved, and it is impractical to obtain a warrant.

D. Stop and Frisk:
   1. An individual may be frisked for weapons if an officer has an articulable concern for his/her safety.

E. Inventory Searches of Impounded Vehicles:

1. Inventory searches of impounded or seized vehicles may be conducted for the purpose of documenting property contained in the vehicle. An inventory search should not be used when the primary reason is to obtain evidence. (see impound policy)

F. Search Incident to Arrest:
   1. 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:
   1. 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.

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H. Crime Scene Search:
   1. 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)

I. 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.

J. Officers may conduct warrantless searches in other situations under applicable case law. (See training documentation)

Search and Seizure Pursuant to Warrant

A. 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 specificity. 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.

B. 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) *Place or Thing to Be Searched*: The place or thing to be searched shall be clearly and specifically described. Where private premises are to be searched, references should include:

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(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.

(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 it's "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) Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

(2) 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.

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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 (I.e. 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 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.

C. 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.

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D. 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.

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) Exterior containment of the premises;
      (2) Guard and/or transport any persons arrested;
      (3) Search designated areas;
      (4) Restrict access at entrances; and
      (5) Collect and handle evidence;
      (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

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(*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 *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.

8 *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. 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.

9 *Detention of Persons Present*: An officer executing a search warrant for premises not generally open to the public, or of a vehicle other than a common carrier, may detain any person present for such time as is reasonably necessary to execute the search warrant. If the items listed in the search warrant are not

found on the premises or vehicle, the officer may then search any person present at the time of the officer's entry for the property specifically described in the search warrant.

10 *Frisk of Persons Present*: If the officer reasonably believes that his/her safety or the safety of others present so requires, he/she may search for any dangerous weapons by externally patting the clothing of those persons present. If the officer feels an object which he/she believes is a dangerous weapon, he/she may take possession of that object.

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11 *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.

12 *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.

13 *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 / SER-06. 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.

14 *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.

E. 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.

F. 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.

G. 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 (i.e. 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;

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(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:

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(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. 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.

B. 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.

C. A person arrested for a simple misdemeanor may be subject to a strip search and/or a visual strip search under certain conditions.

D. 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.

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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.

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.

E. Consistent within the limits U.S. Constitution and the Iowa Constitution, a person may voluntarily waive these requirements. All waivers shall be in writing.

F. In instances involving juveniles, the juvenile's parent or legal guardian will be contacted and asked to come to the station or other facility.

Jody Matherly, 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.

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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

l provisions of the Search Warrant Control Review are waived with the exception of the post warrant service.
ason: Location is already secured _____ Records only/DNA only _____ Vehicle only _____
ıer: _____
pervisor _____ 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_____

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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_____

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Post Warrant Service: Moved to page 1.

IOWA CITY POLICE DEPARTMENT
OPERATIONAL PLAN

DATE:	INCIDENT #:	CASE AGENT:	SUPERVISOR:
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

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

TYPE OF OPERATION AND MISSION OBJECTIVE:

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

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BACKGROUND OF INVESTIGATION:

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SUSPECT(S):

SUBJECT NUMBER ONE

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

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.

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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

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Redline Version
Red Highlights are deletions
Green Highlights are additions

SEARCH AND SEIZURE

Original Date of Issue	*General Order Number*
January 10, 2000	**00-01**
Effective Date of Reissue	*Section Code*
October 19, 2016	**LEG-04**
Reevaluation Date	*Amends*
October 2017	**LEG-04 Previous Version (2010)**
C.A.L.E.A.	*Reference*
1.2.4	**(see "INDEX AS:")**

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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 that are both legal and thorough. Such searches are to be conducted in strict observance of the Constitutional 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 statutes governing the seizure of persons or property.

II. DEFINITIONS

A. Constitution of the United States of America:

B. 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.

C. Constitution of the State of Iowa:

D. 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.

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III. PROCEDURES

Search and Seizure Without a Warrant

The Iowa City Police Department recognizes that "citizens have the right to be free of unreasonable search and seizure" as afforded by the Constitution of the United States. 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.

B. Exigent Circumstances:
   1. An officer may search without a warrant when the public safety is endangered or obtaining consent or a warrant is impractical

C. Moveable vehicles which may contain evidence that may be removed or destroyed without a timely search being made:
   1. A vehicle may be searched if an officer reasonably believes that it may contain evidence of a crime, which may be destroyed or moved, and it is impractical to obtain a warrant.

D. Stop and Frisk:
   1. An individual may be frisked for weapons if an officer has an articulable concern for his/her safety.

E. Inventory Searches of Impounded Vehicles:
   1. Inventory searches of impounded or seized vehicles may be conducted for the purpose of documenting property contained in the vehicle. An inventory search

should not be used when the primary reason is to obtain evidence. (see impound policy)

F. Search Incident to Arrest:
   1. 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.

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G. Plain View:
   1. 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:
   1. 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)

I. 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.

J. Officers may conduct warrantless searches in other situations under applicable case law. (See training documentation)

Search and Seizure Pursuant to Warrant

A. 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 specificity. 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.

B. 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) *Place or Thing to Be Searched*: The 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.

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(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 it's "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) Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

(2) 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.

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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 (I.e. 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 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.

C. 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.

D. 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.

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) Exterior containment of the premises;
      (2) Guard and/or transport any persons arrested;
      (3) Search designated areas;
      (4) Restrict access at entrances; and
      (5) Collect and handle evidence;
      (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

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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.

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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 *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.

8 *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. 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.

9 *Detention of Persons Present*: An officer executing a search warrant for premises not generally open to the public, or of a vehicle other than a common carrier, may detain any person present for such time as is reasonably necessary to execute the search warrant. If the items listed in the search warrant are not found on the premises or vehicle, the officer may then search any person present at the time of the officer's entry for the property specifically described in the search warrant.

10 *Frisk of Persons Present*: If the officer reasonably believes that his/her safety or the safety of others present so requires, he/she may search for any dangerous weapons by externally patting the clothing of those persons present. If the officer feels an object which he/she believes is a dangerous weapon, he/she may take possession of that object.

11 *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.

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12 *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.

13 *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 / SER-06. 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.

14 *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.

E. 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.

F. 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.

G. 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 (i.e. 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.

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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.

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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. 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.

B. 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.

C. A person arrested for a simple misdemeanor may be subject to a strip search and/or a visual strip search under certain conditions.

D. When conducting strip searches, officers shall follow Iowa code section 804.30 which states the following: A person arrested for a scheduled violation or a simple misdemeanor shall not be subjected to a strip search unless there is probable cause to believe the person is concealing a weapon or contraband.

E. A strip search pursuant to Iowa code 804.30 shall not be conducted except under all of the following conditions:

   1. Written authorization of the supervisor on duty. Authorizing supervisor shall approve the final report on the incident.

2. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.
3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ears or nose shall be performed only by a licensed physician.
4. The search is conducted in a place where it cannot be observed by persons not conducting the search.
5. The search is conducted by a person of the same sex as the arrested person, unless conducted by a physician.

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F. Subsequent to a strip search, a written report shall be prepared. The report shall contain approval of the report by the supervisor authorizing the search, the name of the person subjected to the search, the names of the person(s) conducting the search, the time, date and place of the search and, if required by subsection 2, a copy of the search warrant authorizing the search. A copy of the report shall be provided to the person searched.

D. 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.

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.

E. Consistent within the limits U.S. Constitution and the Iowa Constitution, a person may voluntarily waive these requirements. All waivers shall be in writing.

F. In instances involving juveniles, the juvenile's parent or legal guardian will be contacted and asked to come to the station or other facility.

Jody Matherly, Chief of Police

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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 # _____

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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

l provisions of the Search Warrant Control Review are waived with the exception of the post warrant service.
ason: Location is already secured _____ Records only/DNA only _____ Vehicle only _____
ıer: _____
pervisor _____ 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:

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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_____

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Iowa City, Iowa

Post Warrant Service: Moved to page 1.

IOWA CITY POLICE DEPARTMENT
OPERATIONAL PLAN

DATE:	INCIDENT #:	CASE AGENT:	SUPERVISOR:
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

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

TYPE OF OPERATION AND MISSION OBJECTIVE:

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

Click here to enter text.

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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	Clic	Clic	Click	Click	Click	Click	Click here	Click here to

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
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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

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EVIDENCE AND PROPERTY HANDLING PROCEDURES

FILED
MAR 0 3 2018
City Clerk
Iowa City, Iowa

Date of Issue	General Order Number
December 7, 2017	**00-10**
Effective Date	*Section Code*
March 8, 2018	**SER-06**
Reevaluation Date	*Amends / Cancels*
March 2020	
C.A.L.E.A.	*Reference*
84.1.1,84.1.2,84.1.3,84.1.4,84.1.5,84.1.6,84.1.7	

INDEX AS:

Search
Seizure
Vehicle Impounds

I. PURPOSE

The purpose of this order is to establish and explain procedures pertaining to evidence and property control. This will help ensure that evidence is maintained in such a fashion as to be of value in any legal proceedings and to aid in the return of property to its rightful owner.

II. POLICY

It is the policy of the Iowa City Police Department to maintain an inventory system for property taken into custody by its employees. The Department will comply with all applicable state and federal requirements for seized and forfeited property.

III. DEFINITIONS

EVIDENCE: Any property, regardless of its nature, that is taken by the department as part of an investigation and which may be used for the purposes of the investigation or in legal proceedings.

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FORFEITABLE PROPERTY: Any of the following:

A. Property which is illegally possessed.

B. Property which has been used or is intended to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense.

C. Property which is acquired as or from the proceeds of a criminal activity.

D. Property offered or given to another as an inducement for the commission of a criminal offense.

FOUND PROPERTY: Any property, regardless of its nature, that has been found by any person and is being held for safekeeping until the owner can be identified.

HIGH RISK ITEMS: High Risk items include firearms, currency, jewelry, precious metals and narcotics.

RECOVERED PROPERTY: Any property that has been identified as having been stolen (may also be classified as evidence).

SEIZABLE PROPERTY: Any of the following:

A. Property which is relevant in a criminal prosecution or investigation.

B. Property defined by law to be forfeitable.

C. Property which if not seized by the state, poses an imminent danger to a person's health, safety or welfare.

Per Iowa Code Chapter 809

809.1 Definitions

1. "Seizable property" means any of the following:

   a. Property which is relevant in a criminal prosecution or investigation.

b. Property defined by law to be forfeitable property.

c. Property which if not seized by the state poses an imminent danger to a person's health, safety, or welfare.

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2. "Seized property" means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal.

3. The definitions contained in subsections 1 and 2 shall not apply to violations of chapter 321.

809.2 Notice of seizure.

The officer taking possession of seized property shall make a written inventory of the property and deliver a copy of the inventory to the person from whom it was seized. The inventory shall include the name of the person taking custody of the seized property, the date and time of the seizure, and the law enforcement agency seizing the property.

SEIZED PROPERTY: Property taken or held by any law enforcement agency without the consent of the person who had possession or a right to possess the property at the time it was taken into custody.

CHAIN OF EVIDENCE: The continuity of the custody of physical evidence, from the time of original collection to final disposition, that may be introduced in a judicial proceeding.

IMPOUNDING OFFICER: The member of this agency who initially receives the property and initiates the chain of custody.

PROPERTY CUSTODIAN: Agency member accountable for controlling and maintaining all property accepted by or stored in the Department's property room.

PHYSICAL EVIDENCE: Any substance or material found or recovered in connection with a criminal investigation.

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PROPERTY ROOM: Facilities used by this department to store and secure evidence or property.

PROPERTY CONTROL INVENTORY FORM: Generally referred to as the "PCF", it is the form used to log evidence and track the chain of evidence. It exists in both a computer generated version and in a pre-printed version for use when a computer is not available.

IV. PROCEDURES

Property held by the Iowa City Police Department will be regulated and controlled by an organized management system. The department's property control function is under the direction of the commander of support services. A property custodian manages the daily operations of the system. The commander of support services is authorized to perform daily operation functions in the absence of the property custodian.

All property under the control of the Iowa City Police Department will be handled in a manner consistent with the property control guidelines manual.

A. Intake of Recovered and Seized Property

1. Utilizing proper evidence gathering, packaging and labeling techniques, all items submitted as recovered or seized property will be documented on the computer generated "Property Control Inventory" (PCF) form unless circumstances dictate that the handwritten form be used. Blood kits are the exception as they contain their own control inventory documentation. This documentation will be completed prior to the end of the submitting officer's watch.

2. The submission and documentation of seized or recovered property will be referred to in the incident report.

3. The submitted items will be accompanied by a copy of the computer generated PCF or by the original if the handwritten form was used.

4. Evidence will be secured in one of the following ways:

   a) turned directly over to the Property Custodian,

   b) placed in the evidence submission lockers, secured and the key deposited in the designated secured box,

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c) placed secured in the records Sgt.'s office by a supervisor, or

d) as directed by the property custodian or commander of support services.

e) in cases of c) or d), the original documentation will be left with the property and a copy will be directed towards the property custodian advising them of the recovery/seizure and location where it was stored.

5. **At no time** will property be left unsecured or stored in personal areas, nor will it be converted for personal use.

6. If evidence is collected which requires processing, the on duty Watch Supervisor should assign an on-duty CST to process the evidence. Upon completion of processing, the CST shall submit the item and evidence to the property custodian in the prescribed manner. If there is no crime scene technician (CST) available or the procedure is one which requires techniques not available through the Iowa City Police Department, the evidence shall be submitted along with the evidence form to the property custodian, or deposited in a securable locker outside the property room.

7. If the evidence is to be sent to the Lab (for any reason), it will be the officer's responsibility to fill out the lab request sheet and submit it to the property custodian with the evidence.

8. All items taken due to search, arrest or for safekeeping are required to have receipts issued to the person it is taken from. If you are not able to print a copy of the computer generated PCF then a handwritten PCF may be used.

9. No hazardous substance shall be brought into the police department.

10. All drugs must be weighed on a designated scale and/or counted prior to securing them in the evidence locker.

11. Weapons shall be secured to the extent possible prior to their submission to the Property Custodian.

12. Undeveloped film and digitally recorded images shall be submitted along with the corresponding CST sheet to the property custodian.

13. If a vehicle is impounded because it is evidentiary in nature, a property sheet shall be filled out in addition to the vehicle impound report.

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14. If an item demands freezing or refrigeration, the item may be packaged and turned directly over to the Property Custodian. If it is not possible to directly turn the item over to the property custodian, it may be sealed (in such a manner so as to detect tampering) and placed into the police department evidence freezer/refrigerator. The on-duty supervisor shall be notified and notification passed on watch to watch until the property custodian takes possession.

15. If the property that is being taken in is cash, the following procedure will apply:

    a) All cash obviously less than $200 will be counted and documented on a PCF and submitted to the Property Custodian.

    b) All cash obviously over $200 dollars will be placed uncounted in a plastic envelope designed for that purpose then sealed. This process will be witnessed by two officers who will then sign the envelope in the designated place. <u>As a last resort</u>, if no evidence bags are available, a Ziploc style bag may be used as long as it is sealed completely with tamper evident tape. The required signatures shall go on the taped seal. The envelope will then be submitted to the Property and Evidence Custodian using the PCF. The Property and Evidence Custodian will <u>not</u> accept cash that is not packaged in this manner. The Property and Evidence Custodian* will take the envelope to the counting authority (bank, City of Iowa City Utilities and Revenue Division, etc.) where it will be opened and counted. Cash that is also evidence will be retained by the Property and Evidence Custodian. Cash that is not evidence will be deposited. The envelope with the signatures will be retained as evidence in either case. *The officer currently assigned to the Johnson County Joint Drug Task Force may also take cash directly to the counting authority and submit the receipt (or the cash if it is evidence) along with the envelope to the Property and Evidence Custodian.

    c) If an officer is uncertain if the amount of cash is greater or less than $200, they should assume it is more than $200 and use that procedure. Officers should also be mindful that any amount less than $200 will not be forfeited and should have some other justification for seizing the cash.

d) The property and evidence custodian shall notify the sergeant of investigations each time cash is taken in either as property or evidence. The notification is to include the ICR, amount of seized cash and a copy of the receipt if applicable.

e) The sergeant of investigations shall maintain all records of cash seizures reported to them.

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16. The following types of property will be logged on separate property control forms:

a. cash
b. drugs and drug paraphernalia
c. firearms
d. electronic devices that store data including but not limited to: cell phones, computers, computer lap tops, electronic tablets, certain gaming devices

17. An ATF gun trace request will be sent on all firearms and a response received before disposition of the weapon. ATF requests should be made by the seizing officer to the sergeant of investigations

18. All property/evidence must be logged into records and submitted into evidence prior to the officer ending their tour of duty unless approved by a supervisor.

B. Hazardous Substances

1. Biological Hazards

When collecting evidence which is biological in nature, officers should remain mindful of the potential hazards which may be present. When dealing with this type of evidence officers shall follow the applicable precautions and/or procedures pertaining to blood borne pathogens. When submitting items, which may be contaminated with a biohazard, officers shall observe the following procedures. Property which possess a potential biohazard but is not evidentiary shall be disposed of in an approved manner, with documentation of the property and the manner in which it was disposed of. A PCF shall be submitted to the property custodian along with an incident report regarding

the circumstances under which the property was obtained and the manner in which the property was disposed of.

a. Materials which have been contaminated, should not be submitted or stored in plastic containers but packaged so as not to degrade or contaminate other items.

b. All items which may be contaminated shall clearly indicate such on their package. It should also be noted on the incident report.

c. When placed in temporary storage, the compartment containing the object should be clearly marked as containing a potential hazard.

d. Officers shall follow departmental decontamination procedures upon exposure to biohazards.

e. The property custodian will secure the contaminated object in such a manner as to maintain the evidentiary value of the item.

f. Officers unsure as to the procedure for handling the contaminated item shall contact a CST or the watch supervisor.

g. Perishable food items should be photographed and documented and returned to the owner or properly disposed of.

2. Hazardous Materials

Upon the collection of items that are hazardous in nature such as chemicals, flammable liquids or explosives, the items should be photographed and stored in designated areas or arrangements made for immediate transport to a designated lab. These items shall have a copy of the PCF attached to them, with the computer generated or handwritten originals being submitted to the property custodian along with a copy of the incident report indicating the type and amount (estimated if necessary) of the hazardous material along with its location. At no time shall these items be taken to the Police Department. Officers should limit the collection of these types of items to evidence or contraband. Before taking control of these types of items

for other reasons, the watch supervisor should be contacted for guidance.

Fireworks shall be disposed of in accordance with departmental guidelines.

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3. Pest Infestation

When considering the collection of items that have a pest infestation such as cockroaches, and/or bedbugs, officers should consult with the on-duty supervisor to determine if the items should be photographed or seized.

If it is determined that the property is to be seized the following procedures should be considered to prevent their spread unless doing so would compromise the integrity of the collection:

- vacuuming
- running items through a dryer on high heat
- placing items in a sealed plastic bag in a freezer

At no time shall these items be taken to the Police Department. Any item seized that is believed to be infested will be submitted and stored at the department's off-site storage facility. Said items will have a written warning posted on the exterior of any packaging advising of the infestation. When submitting evidence to the off-site storage area the property custodian will be notified by the submitting officer.

C. Property Management

1. Property Custodian Responsibilities

a. Intake

i. Empty evidence lockers daily, Monday through Friday.

ii. Verify the documentation with the submitted evidence

a) weigh and/or count drugs

b) count money if not submitted in sealed bag

c) match description listed on "Property Control Inventory" with item(s) and report any discrepancies to the submitting officer, their immediate supervisor, and the commander of support services.

iii. Enter the items into the property computer system making notation of any discrepancies.

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b. Storage

i. Place the property/evidence in proper containers and mark the incident number clearly on the outside of the container

ii. Store the property/evidence in its designated secure area

a) Drugs: high risk evidence room

b) Currency: All currency submitted to the property custodian that is not actual evidence shall be deposited at the approved financial institution with the change in custody being recorded on the PCF. The evidence custodian will retain all receipts from each deposit. If currency from multiple incidents is being deposited at the same time, each will require a separate deposit and receipt.

c) Guns: high risk room

d) Articles subject to spoilage/deterioration-refrigerator

e) All other: metal shelf area or secured storage area located off site. Off-site storage will have the same storage guidelines as

those items stored in the on-site evidence room.

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f) Exceptional items: items that are deemed more sensitive or valuable in nature should be stored in the high-risk room or a safe within the evidence room.

g) The property/evidence storage location will be noted on the "Property Control Inventory". The original stays in file in the evidence room and pink copy is forwarded to the case file in Records.

2. Submission of Evidence to Labs

When possible, evidence should be submitted to the appropriate accredited laboratory within five working days of collection. Officers who have evidence needing to be sent to an outside agency shall complete the required PCF making sure the chain of custody section has been filled out. The officer shall also fill out a DCI lab request form, indicating the test desired. The property custodian shall package the evidence for shipment to outside labs and fill out the chain of custody information on the PCF. The property custodian shall maintain the records pertaining to the shipment, receipt, and return of evidence to the Iowa City Police Department. Blood kits shall be sealed per the instructions and submitted to the property custodian along with the evidence sheet. The property custodian will package the kit for submittal, following the above-mentioned procedures. The results of the test shall be returned to the Property Custodian, with the original being submitted to records and copies going to the originating officer.

3. Transfer of Evidence

Whenever evidence is transferred from the property room, the following procedures shall be adhered to:

a. In instances where the evidence needs to be removed from the property room, the property custodian shall

document the change of custody on the chain of custody section of the PCF. The receiving person shall sign upon receipt of the evidence and note the date and time of the change of custody along with the reason for the transfer of the property.

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MAR 03 2014
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b. The member receiving the evidence assumes control and responsibility for ensuring its security, storage and maintenance.

c. Upon return of the evidence, the returning party shall fill out the chain of custody section and the property custodian will sign upon receiving and confirming the evidence being returned. The date and time will be included on the change of custody section.

d. When property is needed for legal proceedings, the person receiving the notice of the request should notify the property custodian of the date on which the property will be needed. In any event, the property custodian should be notified no less than 2 days prior to the date on which the property will be needed.

e. When evidence is removed from the property room for processing by the Iowa City Police Department, the aforementioned procedures shall be adhered to.

d. When evidence is transported or shipped to an outside agency for testing, the property custodian will document the change of custody, including the destination, date of shipment, manner of shipment, return of service for the shipment and return of the evidence being processed.

4. Disposition of Property

The Iowa City Police Department will attempt to return property to its rightful owner. In the case of found or recovered property, the property custodian will take the statutory steps to contact rightful owners. When an item is claimed, the receiving party shall sign a receipt acknowledging the receipt of the property. When unable to contact the person(s) who may legally claim the property, the property custodian shall take appropriate steps to locate and notify a legal claimant. In instances where the rightful owner does not respond within the prescribed time, the property will

be sold at public auction or otherwise disposed of as allowed by law.

In instances where contraband has been seized and is not required for evidence and is not subject to return to the party from whom the property was seized, the initiating officer may dispose of the property after providing a receipt to the person in possession of the property. Unless disposed of by the officer, the officer shall submit the property to the property custodian, with a follow up sheet attached, requesting the property custodian dispose of the property. In instances where the property has been seized and destroyed, the incident report shall be completed by the disposing officer and state the circumstances surrounding the incident and the manner in which the property was disposed. The exceptions to this paragraph are drugs, narcotics and fireworks.

Drugs and narcotics, whether seized as contraband or taken as evidence, shall be disposed of in the manner approved by the Johnson County Attorney. Officers shall turn all confiscated drugs or narcotics over to the property custodian regardless of whether the subject from whom they were seized is charged or not. Drugs, narcotics and fireworks shall not be disposed of in any manner other than that prescribed by the Iowa City Police Department.

Evidence shall be disposed of upon notification from the clerk of court that the case has been resolved, and the appeal process has expired or been exhausted. The property should be returned to the rightful owner within 180 days. If the rightful owner is unknown, or fails to recover the property within 90 days after notice, the property custodian shall dispose of the property consistent with departmental guidelines.

Seized property which is no longer required as evidence or for use in an investigation shall be returned to the owner as soon as possible without the requirement of a hearing, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim on behalf of the state.

The owner/possessor of the property will be notified by certified mail (last known address) that they have

30 days to respond to the Police Department to claim the items.

If there are more than one owner/possessor making claim to the property, the matter will be turned over to the clerk of court.
If there is no claim made to the property within the 30 days, the property will be deemed as abandoned and disposed of under the guidelines as set out for "Found Property".

Disposition of all property will be noted on the property form. All documentation concerning the property will be submitted to Records.

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MAR 0 8 2016
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Seized and forfeited controlled substances, weapons or explosives will not be used for training, investigative or operational purposes. Any controlled substances utilized for canine training shall be obtained from the Drug Enforcement Agency.

5. Disposition of Vehicles Seized as Evidence or Search Warrant

Officers seizing a vehicle as evidence or for search warrant service will complete a vehicle impound report and a property sheet. Vehicle impound reports for vehicles seized as evidence will be submitted to the station masters and held in a separate file in the station master's office.

If seized vehicles are held at a paid storage facility the seizing officer is responsible for the timely notification and release of the vehicle to the owner.

Vehicles being held long term as evidence or for forfeiture will be stored at the department's off-site storage facility.

On a weekly basis an assigned station master will query the status of each vehicle in this category with the seizing officer and provide a summary of the status of all vehicles seized as evidence to the commander of support services.

6. Disposition of Electronic Devices

Seized electronic devices, including cell phones, computers, lap tops, tablets, and certain gaming devices, for the

purpose of recovery of digital forensics/data extraction shall be returned to the owner once the extraction is complete and there is no unlawful material on the device under the following circumstances:

- For all simple, serious, and aggravated misdemeanors, unless approval has been sought and obtained from a prosecuting attorney. Documentation of this shall be made to the case file by the seizing officer.

- For any device that is no longer required as evidence or for use in an investigation.

The seizing officer will notify the owner of the device and the property custodian of any device that has been approved for release.

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MAR 03 2020
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Lake City, Iowa

Inquiries from owners regarding the status of seized electronical devices shall be directed to the seizing officer.

7. Release of Firearms

Prior to the release of any firearm, the officer or Evidence Custodian releasing the firearm shall conduct all appropriate Criminal History/NCIC checks on the firearm and the party claiming it to ensure they are not prohibited from possessing it.

If there is no registration or bill of sale and there is an ownership dispute, do not release the firearm and refer the parties to the appropriate civil court.

If there is no registration or bill of sale but there is no ownership dispute, release firearm to last person who possessed it or to the person identified as the owner by the last person who possessed it.

In all cases, the party claiming the firearm is required to display a current picture ID and a Permit to Acquire or a Permit to Carry issued by the issuing authority of the jurisdiction where they reside. Copies of these documents will made and will become part of the case file.

8. Designated Secure Areas

All property seized or controlled by the department shall be stored within designated secure areas. Below is a list of secure areas utilized by the department and persons with access:

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- Property/evidence storage lockers. All officers have access until a locker is secured then only property/evidence personnel have access.

- Property/evidence room. Only property/evidence personnel shall have access. All visitors must sign in and be accompanied by property/evidence personnel at all times.

- Department crime laboratory. Only department crime scene investigators shall have access to this room. Entry into the room shall be recorded electronically. Individual lockers will only be accessible to an assigned cst and the cst supervisor. Evidence being processed will be secured or sealed with tamper tape.

- Out-door off-site storage lot. All officers and community service officers have access to this lot for the purpose of storing bicycles and long-term seizure of vehicles. Vehicles being held as evidence shall be secured and sealed with tamper tape.

- Out-door off-site storage lockers located in out-door off-site storage lot. All officers and community service officers have access to these lockers for the purpose of short term storage of transient community members personal items that have been incarcerated.

- Secure Rental unit: A secure rental until shall be acquired to secure large or overflow evidence items. The rental unit shall be locked at all times. An alarm system shall be in place to notify property/evidence personnel of any entry or fire alarm activations. Only property/evidence personnel shall have access to the secure rental unit. Evidence/property personnel shall inspect the rental unit on a monthly basis to ensure it has not been compromised.

- Electronic Forensic Investigator's Office: The officer assigned to this position and the commander of support services will have access to this office.

D. Inspections

On an annual basis the property custodian will submit to the commander of support services a report listing all of the property under the control of the Iowa City Police Department. The report shall include the date of intake.

At least semi-annually the commander of support services or designee shall conduct an inspection to confirm adherence to procedures used for property control. This inspection will, further ensure that the property areas are being maintained in a clean and orderly fashion, that property is being protected from damage or deterioration, and that proper accountability procedures are being maintained. This inspection shall also consist of verifying the property of at least five (5) separate incidents and accompanying documentation.

The Chief of Police or designee will conduct unannounced inspections of the property storage areas at least once a year. These inspections will be done by persons not directly responsible for property control functions. These inspections will consist of the checking of the actual property of at least ten (10) separate selected incidents and all accompanying documentation.

The Lieutenant of Criminal Investigations shall conduct an annual audit of property held by the Iowa City Police Department. This audit is to ensure the integrity of the system but does not require an accounting for each item of property. This audit shall consist of a significant representative sampling of the property including high risk items (e.g. controlled substances, currency, guns, and other valuables. This audit should also ensure that the integrity of the property area is being maintained pertaining to security and the condition of the property being held by the department.

In the event that a piece of property cannot be accounted for, the Property Custodian shall notify the Commander of Field Operations, who shall assign a Lieutenant to work with the Property Custodian to clarify the status of the property. If the status cannot be resolved, the Commander of Field Operations shall initiate an internal investigation relating to the property in question. The results of this investigation shall be forwarded to the Chief of Police and the Commander of support services. Upon completion of the investigation, the status of the property shall be entered in the case file.

Upon the appointment of a new property custodian, an inventory of the property in control of the Iowa City Police Department shall be conducted to ensure the integrity of the property and that records are complete. The inventory shall be conducted by the outgoing property custodian, the newly appointed property custodian and a supervisor designated by the Chief of Police or his/her designee. All high-risk items such as money, precious metals, jewelry, firearms, and drugs and a sufficient number of other records will be reviewed to ensure the integrity of the system. Any discrepancies should be recorded prior to the newly appointed property custodian assuming responsibility. Discrepancies shall be handled in the manner mentioned above. A written report documenting the change of custodian inventory shall include a listing of all property in control of the Iowa City Police Department upon the departure of the outgoing property custodian.

All property control inspection reports shall be submitted to the Chief of Police with copies going to the Commander of support services, Commander of Field Operations, Lieutenant of Investigations, and officer in charge of accreditation.

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MAR 08 2011
City Clerk
Iowa City, Iowa

Jody Matherly, 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 a 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.

Redline Version
Red Highlights are deletions
Green Highlights are additions

EVIDENCE AND PROPERTY HANDLING PROCEDURES

Date of Issue **December 7, 2017**	*General Order Number* **00-10**
Effective Date **December 7, 2018**	*Section Code* **SER-06**
Reevaluation Date **December 2020**	*Amends / Cancels*
C.A.L.E.A. **84.1.1,84.1.2,84.1.3,84.1.4,84.1.5,84.1.6,84.1.7**	*Reference*

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Iowa City, Iowa

INDEX AS:

Search
Seizure
Vehicle Impounds

I. PURPOSE

The purpose of this order is to establish and explain procedures pertaining to evidence and property control. This will help ensure that evidence is maintained in such a fashion as to be of value in any legal proceedings and to aid in the return of property to its rightful owner.

II. POLICY

It is the policy of the Iowa City Police Department to maintain an inventory system for property taken into custody by its employees. The Department will comply with all applicable state and federal requirements for seized and forfeited property.

III. DEFINITIONS

EVIDENCE: Any property, regardless of its nature, that is taken by the department as part of an investigation and which may be used for the purposes of the investigation or in legal proceedings.

FORFEITABLE PROPERTY: Any of the following:

A. Property which is illegally possessed.

B. Property which has been used or is intended to facilitate the commission of a criminal offense or to avoid detection or apprehension of a person committing a criminal offense.

C. Property which is acquired as or from the proceeds of a criminal activity.

D. Property offered or given to another as an inducement for the commission of a criminal offense.

FOUND PROPERTY: Any property, regardless of its nature, that has been found by any person and is being held for safekeeping until the owner can be identified.

HIGH RISK ITEMS: High Risk items include firearms, currency, jewelry, precious metals and narcotics.

RECOVERED PROPERTY: Any property that has been identified as having been stolen (may also be classified as evidence).

SEIZABLE PROPERTY: Any of the following:

A. Property which is relevant in a criminal prosecution or investigation.

B. Property defined by law to be forfeitable.

C. Property which if not seized by the state, poses an imminent danger to a person's health, safety or welfare.

Per Iowa Code Chapter 809

809.1 Definitions

1. "Seizable property" means any of the following:

   a. Property which is relevant in a criminal prosecution or investigation.

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b. Property defined by law to be forfeitable property.

c. Property which if not seized by the state poses an imminent danger to a person's health, safety, or welfare.

2. "Seized property" means property taken or held by any law enforcement agency without the consent of the person, if any, who had possession or a right to possession of the property at the time it was taken into custody. Seized property does not include property taken into custody solely for safekeeping purposes or property taken into custody with the consent of the owner or the person who had possession at the time of the taking. If consent to the taking of property was given by the person in possession of the property and later withdrawn or found to be insufficient, the property shall then be returned or the property shall be deemed seized as of the time of the demand and refusal.

3. The definitions contained in subsections 1 and 2 shall not apply to violations of chapter 321.

809.2 Notice of seizure.

The officer taking possession of seized property shall make a written inventory of the property and deliver a copy of the inventory to the person from whom it was seized. The inventory shall include the name of the person taking custody of the seized property, the date and time of the seizure, and the law enforcement agency seizing the property.

SEIZED PROPERTY: Property taken or held by any law enforcement agency without the consent of the person who had possession or a right to possess the property at the time it was taken into custody.

CHAIN OF EVIDENCE: The continuity of the custody of physical evidence, from the time of original collection to final disposition, that may be introduced in a judicial proceeding.

IMPOUNDING OFFICER: The member of this agency who initially receives the property and initiates the chain of custody.

PROPERTY CUSTODIAN: Agency member accountable for controlling and maintaining all property accepted by or stored in the Department's property room.

PHYSICAL EVIDENCE: Any substance or material found or recovered in connection with a criminal investigation.

PROPERTY ROOM: Facilities used by this department to store and secure evidence or property.

PROPERTY CONTROL INVENTORY FORM: Generally referred to as the "PCF", it is the form used to log evidence and track the chain of evidence. It exists in both a computer generated version and in a pre-printed version for use when a computer is not available.

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IV. PROCEDURES

Property held by the Iowa City Police Department will be regulated and controlled by an organized management system. The department's property control function is under the direction of the commander of support services. A property custodian manages the daily operations of the system. The commander of support services is authorized to perform daily operation functions in the absence of the property custodian.

All property under the control of the Iowa City Police Department will be handled in a manner consistent with the property control guidelines manual.

A. Intake of Recovered and Seized Property

1. Utilizing proper evidence gathering, packaging and labeling techniques, all items submitted as recovered or seized property will be documented on the computer generated "Property Control Inventory" (PCF) form unless circumstances dictate that the handwritten form be used. Blood kits are the exception as they contain their own control inventory documentation. This documentation will be completed prior to the end of the submitting officer's watch.

2. The submission and documentation of seized or recovered property will be referred to in the incident report.

3. The submitted items will be accompanied by a copy of the computer generated PCF or by the original if the handwritten form was used.

4. Evidence will be secured in one of the following ways:

   a) turned directly over to the Property Custodian,

   b) placed in the evidence submission lockers, secured and the key deposited in the designated secured box,

c) placed secured in the records Sgt.'s office by a supervisor, or

d) as directed by the property custodian or commander of support services.

e) in cases of c) or d), the original documentation will be left with the property and a copy will be directed towards the property custodian advising them of the recovery/seizure and location where it was stored.

5. **<u>At no time</u>** will property be left unsecured or stored in personal areas, nor will it be converted for personal use.

6. If evidence is collected which requires processing, the on duty Watch Supervisor should assign an on-duty CST to process the evidence. Upon completion of processing, the CST shall submit the item and evidence to the property custodian in the prescribed manner. If there is no crime scene technician (CST) available or the procedure is one which requires techniques not available through the Iowa City Police Department, the evidence shall be submitted along with the evidence form to the property custodian, or deposited in a securable locker outside the property room.

7. If the evidence is to be sent to the Lab (for any reason), it will be the officer's responsibility to fill out the lab request sheet and submit it to the property custodian with the evidence.

8. All items taken due to search, arrest or for safekeeping are required to have receipts issued to the person it is taken from. If you are not able to print a copy of the computer generated PCF then a handwritten PCF may be used.

9. No hazardous substance shall be brought into the police department.

10. All drugs must be weighed on a designated scale and/or counted prior to securing them in the evidence locker.

11. Weapons shall be secured to the extent possible prior to their submission to the Property Custodian.

12. Undeveloped film and digitally recorded images shall be submitted along with the corresponding CST sheet to the property custodian.

13. If a vehicle is impounded because it is evidentiary in nature, a property sheet shall be filled out in addition to the vehicle impound report.

14. If an item demands freezing or refrigeration, the item may be packaged and turned directly over to the Property Custodian. If it is not possible to directly turn the item over to the property custodian, it may be sealed (in such a manner so as to detect tampering) and placed into the police department evidence freezer/refrigerator. The on-duty supervisor shall be notified and notification passed on watch to watch until the property custodian takes possession.

15. If the property that is being taken in is cash, the following procedure will apply:

    a) All cash obviously less than $200 will be counted and documented on a PCF and submitted to the Property Custodian.

    b) All cash obviously over $200 dollars will be placed uncounted in a plastic envelope designed for that purpose then sealed. This process will be witnessed by two officers who will then sign the envelope in the designated place. As a last resort, if no evidence bags are available, a Ziploc style bag may be used as long as it is sealed completely with tamper evident tape. The required signatures shall go on the taped seal. The envelope will then be submitted to the Property and Evidence Custodian using the PCF. The Property and Evidence Custodian will not accept cash that is not packaged in this manner. The Property and Evidence Custodian* will take the envelope to the counting authority (bank, City of Iowa City Utilities and Revenue Division, etc.) where it will be opened and counted. Cash that is also evidence will be retained by the Property and Evidence Custodian. Cash that is not evidence will be deposited. The envelope with the signatures will be retained as evidence in either case. *The officer currently assigned to the Johnson County Joint Drug Task Force may also take cash directly to the counting authority and submit the receipt (or the cash if it is evidence) along with the envelope to the Property and Evidence Custodian.

    c) If an officer is uncertain if the amount of cash is greater or less than $200, they should assume it is more than $200 and use that procedure. Officers should also be mindful that any amount less than $200 will not be forfeited and should have some other justification for seizing the cash.

d) The property and evidence custodian shall notify the sergeant of investigations each time cash is taken in either as property or evidence. The notification is to include the ICR, amount of seized cash and a copy of the receipt if applicable.

e) The sergeant of investigations shall maintain all records of cash seizures reported to them.

16. The following types of property will be logged on separate property control forms:

a. cash
b. drugs and drug paraphernalia
c. firearms
d. electronic devices that store data including but not limited to: cell phones, computers, computer lap tops, electronic tablets, certain gaming devices

17. An ATF gun trace request will be sent on all firearms and a response received before disposition of the weapon. ATF requests should be made by the seizing officer to the sergeant of investigations

17. All property/evidence must be logged into records and submitted into evidence prior to the officer ending their tour of duty unless approved by a supervisor.

D. Hazardous Substances

1. Biological Hazards

When collecting evidence which is biological in nature, officers should remain mindful of the potential hazards which may be present. When dealing with this type of evidence officers shall follow the applicable precautions and/or procedures pertaining to blood borne pathogens. When submitting items, which may be contaminated with a biohazard, officers shall observe the following procedures. Property which possess a potential biohazard but is not evidentiary shall be disposed of in an approved manner, with documentation of the property and the manner in which it was disposed of. A PCF shall be submitted to the property custodian along with an incident report regarding

the circumstances under which the property was obtained and the manner in which the property was disposed of.

a. Materials which have been contaminated, should not be submitted or stored in plastic containers but packaged so as not to degrade or contaminate other items.

b. All items which may be contaminated shall clearly indicate such on their package. It should also be noted on the incident report.

c. When placed in temporary storage, the compartment containing the object should be clearly marked as containing a potential hazard.

d. Officers shall follow departmental decontamination procedures upon exposure to biohazards.

e. The property custodian will secure the contaminated object in such a manner as to maintain the evidentiary value of the item.

f. Officers unsure as to the procedure for handling the contaminated item shall contact a CST or the watch supervisor.

g. Perishable food items should be photographed and documented and returned to the owner or properly disposed of.

2. Hazardous Materials

Upon the collection of items that are hazardous in nature such as chemicals, flammable liquids or explosives, the items should be photographed and stored in designated areas or arrangements made for immediate transport to a designated lab. These items shall have a copy of the PCF attached to them, with the computer generated or handwritten originals being submitted to the property custodian along with a copy of the incident report indicating the type and amount (estimated if necessary) of the hazardous material along with its location. At no time shall these items be taken to the Police Department. Officers should limit the collection of these types of items to evidence or contraband. Before taking control of these types of items

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for other reasons, the watch supervisor should be contacted for guidance.

Fireworks shall be disposed of in accordance with departmental guidelines.

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3. Pest Infestation

When considering the collection of items that have a pest infestation such as cockroaches, and/or bedbugs, officers should consult with the on-duty supervisor to determine if the items should be photographed or seized.

If it is determined that the property is to be seized the following procedures should be considered to prevent their spread unless doing so would compromise the integrity of the collection:

- vacuuming
- running items through a dryer on high heat
- placing items in a sealed plastic bag in a freezer

At no time shall these items be taken to the Police Department. Any item seized that is believed to be infested will be submitted and stored at the department's off-site storage facility. Said items will have a written warning posted on the exterior of any packaging advising of the infestation. When submitting evidence to the off-site storage area the property custodian will be notified by the submitting officer.

E. Property Management

1. Property Custodian Responsibilities

a. Intake

i. Empty evidence lockers daily, Monday through Friday.

ii. Verify the documentation with the submitted evidence

a) weigh and/or count drugs

b) count money if not submitted in sealed bag

c) match description listed on "Property Control Inventory" with item(s) and report any discrepancies to the submitting officer, their immediate supervisor, and the commander of support services.

iii. Enter the items into the property computer system making notation of any discrepancies.

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b. Storage

i. Place the property/evidence in proper containers and mark the incident number clearly on the outside of the container

ii. Store the property/evidence in its designated secure area

a) Drugs: high risk evidence room

b) Currency: All currency submitted to the property custodian that is not actual evidence shall be deposited at the approved financial institution with the change in custody being recorded on the PCF. The evidence custodian will retain all receipts from each deposit. If currency from multiple incidents is being deposited at the same time, each will require a separate deposit and receipt.

c) Guns: high risk room

d) Articles subject to spoilage/deterioration-refrigerator

e) All other: metal shelf area or secured storage area located off site. Off-site storage will have the same storage guidelines as

those items stored in the on-site evidence room.

f) Exceptional items: items that are deemed more sensitive or valuable in nature should be stored in the high-risk room or a safe within the evidence room.

g) The property/evidence storage location will be noted on the "Property Control Inventory". The original stays in file in the evidence room and pink copy is forwarded to the case file in Records.

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2. Submission of Evidence to Labs

When possible, evidence should be submitted to the appropriate laboratory within five working days of collection. Officers who have evidence needing to be sent to an outside agency shall complete the required PCF making sure the chain of custody section has been filled out. The officer shall also fill out a DCI lab request form, indicating the test desired. The property custodian shall package the evidence for shipment to outside labs and fill out the chain of custody information on the PCF. The property custodian shall maintain the records pertaining to the shipment, receipt, and return of evidence to the Iowa City Police Department. Blood kits shall be sealed per the instructions and submitted to the property custodian along with the evidence sheet. The property custodian will package the kit for submittal, following the above-mentioned procedures. The results of the test shall be returned to the Property Custodian, with the original being submitted to records and copies going to the originating officer.

3. Transfer of Evidence

Whenever evidence is transferred from the property room, the following procedures shall be adhered to:

a. In instances where the evidence needs to be removed from the property room, the property custodian shall

document the change of custody on the chain of custody section of the PCF. The receiving person shall sign upon receipt of the evidence and note the date and time of the change of custody along with the reason for the transfer of the property.

b. The member receiving the evidence assumes control and responsibility for ensuring its security, storage and maintenance.

c. Upon return of the evidence, the returning party shall fill out the chain of custody section and the property custodian will sign upon receiving and confirming the evidence being returned. The date and time will be included on the change of custody section.

d. When property is needed for legal proceedings, the person receiving the notice of the request should notify the property custodian of the date on which the property will be needed. In any event, the property custodian should be notified no less than 2 days prior to the date on which the property will be needed.

e. When evidence is removed from the property room for processing by the Iowa City Police Department, the aforementioned procedures shall be adhered to.

d. When evidence is transported or shipped to an outside agency for testing, the property custodian will document the change of custody, including the destination, date of shipment, manner of shipment, return of service for the shipment and return of the evidence being processed.

4. Disposition of Property

The Iowa City Police Department will attempt to return property to its rightful owner. In the case of found or recovered property, the property custodian will take the statutory steps to contact rightful owners. When an item is claimed, the receiving party shall sign a receipt acknowledging the receipt of the property. When unable to contact the person(s) who may legally claim the property, the property custodian shall take appropriate steps to locate and notify a legal claimant. In instances where the rightful owner does not respond within the prescribed time, the property will

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be sold at public auction or otherwise disposed of as allowed by law.

In instances where contraband has been seized and is not required for evidence and is not subject to return to the party from whom the property was seized, the initiating officer may dispose of the property after providing a receipt to the person in possession of the property. Unless disposed of by the officer, the officer shall submit the property to the property custodian, with a follow up sheet attached, requesting the property custodian dispose of the property. In instances where the property has been seized and destroyed, the incident report shall be completed by the disposing officer and state the circumstances surrounding the incident and the manner in which the property was disposed. The exceptions to this paragraph are drugs, narcotics and fireworks.

Drugs and narcotics, whether seized as contraband or taken as evidence, shall be disposed of in the manner approved by the Johnson County Attorney. Officers shall turn all confiscated drugs or narcotics over to the property custodian regardless of whether the subject from whom they were seized is charged or not. Drugs, narcotics and fireworks shall not be disposed of in any manner other than that prescribed by the Iowa City Police Department.

Evidence shall be disposed of upon notification from the clerk of court that the case has been resolved, and the appeal process has expired or been exhausted. The property should be returned to the rightful owner within 180 days. If the rightful owner is unknown, or fails to recover the property within 90 days after notice, the property custodian shall dispose of the property consistent with departmental guidelines.

Seized property which is no longer required as evidence or for use in an investigation shall be returned to the owner as soon as possible without the requirement of a hearing, provided that the person's possession of the property is not prohibited by law and there is no forfeiture claim on behalf of the state.

The owner/possessor of the property will be notified by certified mail (last known address) that they have

30 days to respond to the Police Department to claim the items.

If there are more than one owner/possessor making claim to the property, the matter will be turned over to the clerk of court.
If there is no claim made to the property within the 30 days, the property will be deemed as abandoned and disposed of under the guidelines as set out for "Found Property".

Disposition of all property will be noted on the property form. All documentation concerning the property will be submitted to Records.

Seized and forfeited controlled substances, weapons or explosives will not be used for training, investigative or operational purposes. Any controlled substances utilized for canine training shall be obtained from the Drug Enforcement Agency.

5. Disposition of Vehicles Seized as Evidence or Search Warrant

Officers seizing a vehicle as evidence or for search warrant service will complete a vehicle impound report and a property sheet. Vehicle impound reports for vehicles seized as evidence will be submitted to the station masters and held in a separate file in the station master's office.

If seized vehicles are held at a paid storage facility the seizing officer is responsible for the timely notification and release of the vehicle to the owner.

Vehicles being held long term as evidence or for forfeiture will be stored at the department's off-site storage facility.

On a weekly basis an assigned station master will query the status of each vehicle in this category with the seizing officer and provide a summary of the status of all vehicles seized as evidence to the commander of support services.

6. Disposition of Electronic Devices

Seized electronic devices, including cell phones, computers, lap tops, tablets, and certain gaming devices, for the

purpose of recovery of digital forensics/data extraction shall be returned to the owner once the extraction is complete and there is no unlawful material on the device under the following circumstances:

- For all simple, serious, and aggravated misdemeanors, unless approval has been sought and obtained from a prosecuting attorney. Documentation of this shall be made to the case file by the seizing officer.
- For any device that is no longer required as evidence or for use in an investigation.

The seizing officer will notify the owner of the device and the property custodian of any device that has been approved for release.

Inquiries from owners regarding the status of seized electronical devices shall be directed to the seizing officer.

7. Release of Firearms

Prior to the release of any firearm, the officer or Evidence Custodian releasing the firearm shall conduct all appropriate Criminal History/NCIC checks on the firearm and the party claiming it to ensure they are not prohibited from possessing it.

If there is no registration or bill of sale and there is an ownership dispute, do not release the firearm and refer the parties to the appropriate civil court.

If there is no registration or bill of sale but there is no ownership dispute, release firearm to last person who possessed it or to the person identified as the owner by the last person who possessed it.

In all cases, the party claiming the firearm is required to display a current picture ID and a Permit to Acquire or a Permit to Carry issued by the issuing authority of the jurisdiction where they reside. Copies of these documents will made and will become part of the case file.

8. Designated Secure Areas

All property seized or controlled by the department shall be stored within designated secure areas. Below is a list of secure areas utilized by the department and persons with access:

- Property/evidence storage lockers. All officers have access until a locker is secured then only property/evidence personnel have access.

- Property/evidence room. Only property/evidence personnel shall have access. All visitors must sign in and be accompanied by property/evidence personnel at all times.

- Department crime laboratory. Only department crime scene investigators shall have access to this room. Entry into the room shall be recorded electronically. Individual lockers will only be accessible to an assigned cst and the cst supervisor. Evidence being processed will be secured or sealed with tamper tape.

- Out-door off-site storage lot. All officers and community service officers have access to this lot for the purpose of storing bicycles and long-term seizure of vehicles. Vehicles being held as evidence shall be secured and sealed with tamper tape.

- Out-door off-site storage lockers located in out-door off-site storage lot. All officers and community service officers have access to these lockers for the purpose of short term storage of transient community members personal items that have been incarcerated.

- Secure Rental unit: A secure rental until shall be acquired to secure large or overflow evidence items. The rental unit shall be locked at all times. An alarm system shall be in place to notify property/evidence personnel of any entry or fire alarm activations. Only property/evidence personnel shall have access to the secure rental unit. Evidence/property personnel shall inspect the rental unit on a monthly basis to ensure it has not been compromised.

- Electronic Forensic Investigator's Office: The officer assigned to this position and the commander of support services will have access to this office.

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Inspections

Only the commander of support services, property custodian, community service officer-evidence, and the commander of field operations will have access and control of the secured property control areas. The property custodian will have primary responsibilities for the day-to-day operations of the property areas. In the absence of the property custodian or in circumstances where the workload so dictates, the commanding officer support services may designate an alternate property custodian. This naming of an alternate property custodian shall be documented in the form of a Personnel Order identifying the date of the assignment.

On an annual basis the property custodian will submit to the commander of support services a report listing all of the property under the control of the Iowa City Police Department. The report shall include the date of intake.

At least semi-annually the commander of support services or designee shall conduct an inspection to confirm adherence to procedures used for property control. This inspection will, further ensure that the property areas are being maintained in a clean and orderly fashion, that property is being protected from damage or deterioration, and that proper accountability procedures are being maintained. This inspection shall also consist of verifying the property of at least five (5) separate incidents and accompanying documentation.

The Chief of Police or designee will conduct unannounced inspections of the property storage areas at least once a year. These inspections will be done by persons not directly responsible for property control functions. These inspections will consist of the checking of the actual property of at least ten (10) separate selected incidents and all accompanying documentation.

The Lieutenant of Criminal Investigations shall conduct an annual audit of property held by the Iowa City Police Department. This audit is to ensure the integrity of the system but does not require an accounting for each item of property. This audit shall consist of a significant representative sampling of the property including high risk items (e.g. controlled substances, currency, guns, and other valuables).will at a minimum, consist of verifying the actual existence of no less than 101 high risk items. This audit should also ensure that the integrity of the property area is being maintained pertaining to security and the condition of the property being held by the department.

In the event that a piece of property cannot be accounted for, the Property Custodian shall notify the Commander of Field Operations, who shall assign a Lieutenant to work with the Property Custodian to clarify the status of the property. If the status cannot be resolved, the Commander of Field Operations shall initiate an internal investigation relating to the property in question. The results of this investigation shall be forwarded to the Chief of Police and the Commander of support services. Upon completion of the investigation, the status of the property shall be entered in the case file.

An audit, consistent with current CALEA standards, of a property under the control of the department shall occur when a property/evidence officer is assigned to and/or transferred from the position. The audit shall be completed by a supervisor designated by the chief of police and the newly assigned property/evidence officer. The outgoing property/evidence officer may facilitate the audit. Upon completion, the assigned supervisor shall submit a full report to the chief of police.

Upon the appointment of a new property custodian, an inventory of the property in control of the Iowa City Police Department shall be conducted to ensure the integrity of the property and that records are complete. The inventory shall be conducted by the outgoing property custodian, the newly appointed property custodian and a supervisor designated by the Chief of Police or his/her designee. All high-risk items such as money, precious metals, jewelry, firearms, and drugs and a sufficient number of other records will be reviewed to ensure the integrity of the system. Any discrepancies should be recorded prior to the newly appointed property custodian assuming responsibility. Discrepancies shall be handled in the manner mentioned above. A written report documenting the change of custodian inventory shall include a listing of all property in control of the Iowa City Police Department upon the departure of the outgoing property custodian.

All property control inspection reports shall be submitted to the Chief of Police with copies going to the Commander of support services, Commander of Field Operations, Lieutenant of Investigations, and officer in charge of accreditation.

Jody Matherly, 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

a 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.

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FISCAL MANAGEMENT

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Date of Issue **March 8, 2018**	*General Order Number* **07- 03**
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Reevaluation Date **March 2021**	*Amends / Cancels*
C.A.L.E.A. **17.1.1,17.2.1 17.2.2,17.3.1,17.4.1-17.4.3,17.5.1-17.5.3**	*Reference*

INDEX AS:

Fiscal Management
Budget
Emergency Expenditures

I. PURPOSE

The purpose of this order is to establish policy and procedure related to Departmental budgeting, accounting and fiscal control procedures.

II. POLICY

It is the policy of the Iowa City Police Department to conduct all fiscal matters of the agency in accordance with the established controls and procedures of the City of Iowa City and applicable Iowa law.

III. DEFINITIONS

Fiscal Year – July 1 through June 30 of each year.

Appropriation – Money allocated to the Police Department to spend for authorized purposes, such as for personnel services, operating expenses, capital outlay, etc.

Encumbrance – A commitment in the form of a purchase order, contract, salary, or similar item that will become payable when goods are delivered or services rendered.

Unencumbered Balance – That part of an appropriation or allotment that has not been committed and is thus available for expenditure.

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IV. PROCEDURES

A. FISCAL MANAGEMENT AUTHORITY AND RESPONSIBILITY

1. The Chief of Police is responsible for the fiscal management of the Police Department.

2. The City Finance Department is responsible for supervising the fiscal management of all City Departments and for maintaining accurate and thorough records of all financial transactions.

3. The Chief of Police, in cooperation with the City Manager, will annually prepare and submit an operating and capital budget for the Department, subject to the review and approval of the City Council.

B. FISCAL MANAGEMENT FUNCTION

The Chief of Police may delegate part or all of this duty to other departmental personnel. Generally, all aspects of the budget process, including the constant monitoring of budget expenditures, will be performed by the Division Commanders under the Chief's guidance and control.

C. BUDGET PREPARATION

1. The Department budget will be prepared on an annual basis and will be developed in cooperation with all organizational components and command staff.

2. The Department's budget requests will be prepared and submitted on forms provided by the City's Finance Department. The City Manager will review the requests and based on overall financial direction provided by the City Council, recommend a budget for the Police Department.

D. BUDGET RECOMMENDATIONS

1. The Division Commanders will monitor and evaluate their Division's budget areas for problems and/or deficiencies. They are responsible for making recommendations for adjustments during the annual budget preparation.

2. The Division Commanders will address fiscal objectives in regard to their specific program areas in their annual budget request forms. This will be submitted to the Chief of Police.

3. Each year the City Finance Department will publish a budget calendar stating due dates for review of budget requests.

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E. ACCOUNTING SYSTEM – (MONTHLY STATUS REPORTS)

1. Each month, the Chief of Police will receive a current status report from the City Finance Department that details the following:

   a. Description and initial appropriation for each line item budget amount.

   b. Total expenditures and encumbrances made from the beginning of the fiscal year to date.

   c. Current unencumbered balance.

   d. Percentage of each account spent.

F. EMERGENCY EXPENDITURES / FUND TRANSFERS

1. In unanticipated situations, where it is determined by the City Manager there is an immediate threat to the public safety or welfare, the Chief of Police may obtain immediate approval from the City Manager for emergency expenditures or emergency rental agreements, i.e., additional equipment, supplies, etc. Also, see the City of Iowa City Purchasing Procedures Manual, Emergency Procurement Section.

2. The Chief of Police may also request, from the City of Iowa City Finance Department, budget transfers be made from one budgetary area to another to compensate for emergency expenditures, i.e., additional funds for overtime expended due to an emergency situation.

3. The City also maintains a contingency in the general fund annually for unanticipated expenditures for all general government programs including public safety.

G. INDEPENDENT AUDIT

1. The City of Iowa City Finance Department arranges for a comprehensive independent audit of all City accounts each year by contracting with an independent auditing firm.

H. EQUIPMENT REQUISITIONS AND PURCHASES

1. All purchases of equipment, supplies, etc., will follow the procedures set forth in the City of Iowa City Purchasing Procedures Manual, to include the minimum;

   a. Specifications for items requiring standardized purchases;

   b. Bidding procedures;

   c. Criteria for selection of vendors and bidders.

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Iowa City, Iowa

2. General guidelines

   a. Requests for expenditures up to $1500 may be approved by the Commander of Field Operations or Administrative Services. All requests for expenditures over $1500 will be forwarded through the chain of command to the Chief of Police or designee for approval.

   b. After the Chief's approval, all purchasing requests will be submitted to the City Finance Department to ensure that the items requested are budgeted and the funds are available. This part of the process includes review of all requests by the City's purchasing agent, the attainment of any necessary comparative prices, and if required by the policy the submission of a completed purchase order to the City Manager for approval.

J. Maintenance of Cash Funds

1. The department shall maintain various cash accounts in order to perform specific duties. Maintenance and record keeping of each cash account shall be assigned to one employee in the division with functional responsibility for the account. The employee shall submit quarterly reports to the commander of support service for review.

2. A cash account reporting form/ledger shall be utilized to report quarterly cash account activities. The cash account reporting form shall include a balance sheet indicating initial balance, credits (cash income received), debits (cash disbursed), and the ending balance.

3. The review of quarterly cash account reporting shall include a review of all credits, debits, and verification of the ending balance in the account.

4. Receipts or other documentation shall be created for the acceptance or disbursement of any cash.

5. The chief of police shall authorize any cash expenditure in excess of $1,000.00.

6. Authorized employees of divisions that manage cash accounts are allowed to disburse cash as necessary to complete transactions in which the department is accepting fees. Disbursement of funds through shall be limited to making correct change during a transaction. Any other disbursement of funds through the accounts managed must have supervisor approval.

7. An employee must have supervisor approval to disburse cash from the investigation expense fund.

8. Only employees authorized to administer the alcohol and tobacco compliance checks shall have the authority to disperse cash for the purpose alcohol and tobacco compliance.

9. Authorized Cash Accounts

   A. Communications

      Station masters may receive cash for the payment of parking tickets after normal business hours. Cash payment is allowed in two instances; first as a result of a vehicle being impounded and payment for the parking ticket/s prior to the vehicle being released, and second, payment of parking tickets for vehicles on the tow list, discovered in violation, to prevent them from being towed.

      In instances where an individual is claiming their vehicle that has been impounded and parking ticket/s have been issued (either as a result of an impound or an amount from the tow list), the cash payment is to be noted on the bottom of the impound report. The pink copy of this report will be placed with the cash in a sealed envelope and placed in the locked parking ticket box. Parking and Finance Divisions will insure that the cash and the amount due for the released vehicle are the same.

      In instances where parking tickets must be paid to avoid a vehicle from being impounded, station masters are to fill out the City of Iowa City carbon receipt book. Additional information documented on the form will include the vehicle's license plate information and parking ticket number (when

known). The amount due would be the amount listed on the tow list. The cash along with the yellow copy will be put into a sealed envelope and placed in the locked parking ticket box. The customer will be given the original copy. The Police Department will retain the pink copy. Parking and Finance Divisions will insure that the cash and the amount due for the released vehicle are the same.

There may be instances where payment for some commodity is received at the front desk. When this happens, station masters are to document the cash sale on a City of Iowa City carbon receipt book. The yellow copy, along with the cash, will be placed in a sealed envelope and forwarded to the Administrative Coordinator. The Administrative Coordinator will verify the amount and direct a cash deposit to the appropriate account. On a quarterly basis, the deposits are to be matched with the copies of the receipts on file and a report and a report will be filed with the Captain of Support Services documenting all transactions and receipted cash for that period.

MAR 0 3 2010
City Clerk
Iowa City, Iowa

B. Records

Record Technicians may take cash/check payments for various reports and documentation for which a charge is made. When cash is received for an item, the amount will be entered into the cash register and money placed into the cash drawer. The cash register will print a receipt for the customer as well as keep a record of the total amount of cash/transactions that are housed in the drawer. On a weekly basis, a report documenting the total receipts for the week will be run and matched with the cash in the drawer. Accumulated revenue and a copy of the register receipt will be deposited the Finance Department on a weekly basis. The Finance Department will verify the amount and issue a receipt. On a quarterly basis, deposits are to be matched with the copies of the receipts on file from the cash register with and a report will be filed with the Captain of Support Services documenting all transactions and receipted cash for that period. The cash drawer will be locked at all times the Records Division is not open for service.

C. Animal Services

The Animal Care and Adoption Center may collect fees for services and merchandise. Each time a cash/check payment is received, a computerized receipt will be generated identifying the service/merchandise and the amount received. The transaction will be entered into the cash register where the money is stored and a running record of monies received

is documented. At the end of each business day, the cash register will be closed out and all monies counted (less $100 for making change) and placed into a locked bank deposit bag along with the totaled cash register receipt. The locked bank deposit bag will then be placed into a drop safe. The following day, the animal service supervisor, or their designee in case of absence, will reconcile daily cash, check, and credit card transactions. Deposits will be made Monday through Saturday, except holidays, with the Finance Department who confirms the reconciliation. On a quarterly basis, a report will be filed with the Captain of Support Services documenting all transactions and receipted cash for that period.

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MAR 0 3 2010
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Iowa City, Iowa

D. Investigations

The Investigations Commander may maintain the following 3 cash funds:

Investigative funds: These budgeted funds are used by the Department for the purchase of evidence, payment of cooperating individuals, and alcohol/tobacco stings. These funds will be audited yearly by the Captain of Support Services.

Iowa City Police Department Restitution Fund: These funds are accumulated by court order from defendants to pay restitution to the Iowa City Police Department for unrecovered buy money used from an Iowa City fund. These funds are used for the purchase of evidence and payment to cooperating individuals. These funds will be audited yearly by the Captain of Support Services.

Johnson County Drug Task Force Restitution Fund: These funds are accumulated by court order from defendants to pay restitution to the Iowa City Police Department for unrecovered buy money used from a Johnson County Drug Task Force fund. These funds are used for the purchase of evidence and payment to cooperating individuals by the Task Force. These funds will be audited yearly by the Captain of Support Services.

The Investigations Commander will maintain a ledger for these funds. Money from these funds may be distributed to members of the Department and the Johnson County Drug Task Force for investigation purposes. On a quarterly basis, a report will be filed with the Captain of Support Services documenting all transactions for that period.

Members of the Department and Johnson County Drug Task Force will maintain a ledger for any funds received. On a quarterly basis, a report will be filed with the Captain of Administrative Services documenting all transactions for that period. These funds will be audited yearly by the Captain of Support Services.

Jody Matherly, 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.

FILED
MAR 01 2019
City Clerk
Iowa City, Iowa

Redline Version
Red Highlights are deletions
Green Highlights are additions

FISCAL MANAGEMENT

Date of Issue	General Order Number
March 8, 2018	**07- 03**
Effective Date	*Section Code*
March 8, 2018	**ADM- 09**
Reevaluation Date	*Amends / Cancels*
March 2021	
C.A.L.E.A. **17.1.1,17.2.1 17.2.2,17.3.1,17.4.1-17.4.3,17.5.1-17.5.3**	*Reference*

FILED
MAR 09 2018
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Iowa City, Iowa

INDEX AS:

Fiscal Management
Budget
Emergency Expenditures

I. PURPOSE

The purpose of this order is to establish policy and procedure related to Departmental budgeting, accounting and fiscal control procedures.

II. POLICY

It is the policy of the Iowa City Police Department to conduct all fiscal matters of the agency in accordance with the established controls and procedures of the City of Iowa City and applicable Iowa law.

III. DEFINITIONS

Fiscal Year – July 1 through June 30 of each year.

Appropriation – Money allocated to the Police Department to spend for authorized purposes, such as for personnel services, operating expenses, capital outlay, etc.

Encumbrance – A commitment in the form of a purchase order, contract, salary, or similar item that will become payable when goods are delivered or services rendered.

Unencumbered Balance – That part of an appropriation or allotment that has not been committed and is thus available for expenditure.

IV. PROCEDURES

A. FISCAL MANAGEMENT AUTHORITY AND RESPONSIBILITY

1. The Chief of Police is responsible for the fiscal management of the Police Department.

2. The City Finance Department is responsible for supervising the fiscal management of all City Departments and for maintaining accurate and thorough records of all financial transactions.

3. The Chief of Police, in cooperation with the City Manager, will annually prepare and submit an operating and capital budget for the Department, subject to the review and approval of the City Council.

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B. FISCAL MANAGEMENT FUNCTION

The Chief of Police may delegate part or all of this duty to other departmental personnel. Generally, all aspects of the budget process, including the constant monitoring of budget expenditures, will be performed by the Division Commanders under the Chief's guidance and control.

C. BUDGET PREPARATION

1. The Department budget will be prepared on an annual basis and will be developed in cooperation with all organizational components and command staff.

2. The Department's budget requests will be prepared and submitted on forms provided by the City's Finance Department. The City Manager will review the requests and based on overall financial direction provided by the City Council, recommend a budget for the Police Department.

D. BUDGET RECOMMENDATIONS

1. The Division Commanders will monitor and evaluate their Division's budget areas for problems and/or deficiencies. They are responsible for making recommendations for adjustments during the annual budget preparation.

2. The Division Commanders will address fiscal objectives in regard to their specific program areas in their annual budget request forms. This will be submitted to the Chief of Police.

3. Each year the City Finance Department will publish a budget calendar stating due dates for review of budget requests.

E. ACCOUNTING SYSTEM – (MONTHLY STATUS REPORTS)

1. Each month, the Chief of Police will receive a current status report from the City Finance Department that details the following:

   a. Description and initial appropriation for each line item budget amount.

   b. Total expenditures and encumbrances made from the beginning of the fiscal year to date.

   c. Current unencumbered balance.

   d. Percentage of each account spent.

F. EMERGENCY EXPENDITURES / FUND TRANSFERS

1. In unanticipated situations, where it is determined by the City Manager there is an immediate threat to the public safety or welfare, the Chief of Police may obtain immediate approval from the City Manager for emergency expenditures or emergency rental agreements, i.e., additional equipment, supplies, etc. Also, see the City of Iowa City Purchasing Procedures Manual, Emergency Procurement Section.

2. The Chief of Police may also request, from the City of Iowa City Finance Department, budget transfers be made from one budgetary area to another to compensate for emergency expenditures, i.e., additional funds for overtime expended due to an emergency situation.

3. The City also maintains a contingency in the general fund annually for unanticipated expenditures for all general government programs including public safety.

G. INDEPENDENT AUDIT

1. The City of Iowa City Finance Department arranges for a comprehensive independent audit of all City accounts each year by contracting with an independent auditing firm.

H. EQUIPMENT REQUISITIONS AND PURCHASES

1. All purchases of equipment, supplies, etc., will follow the procedures set forth in the City of Iowa City Purchasing Procedures Manual, to include the minimum;

   a. Specifications for items requiring standardized purchases;

   b. Bidding procedures;

   c. Criteria for selection of vendors and bidders.

2. General guidelines

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SEP 0 2 2016
City Clerk
Iowa City, Iowa

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MAR 09 2016
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MAR 03 2011
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Iowa City, Iowa

Jody Matherly, Chief of Police

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COMMUNITY POLICE REVIEW BOARD

OFFICE CONTACTS

February 2018

Date	Description
None.	

COMMUNITY POLICE REVIEW BOARD
COMPLAINT DEADLINES

CPRB Complaint #18-03

Filed:	03/06/18
Chief's report due (90 days):	06/04/18
Chief's report filed:	??/??/18
CPRB meeting #1 (Review):	??/??/18
CPRB meeting #2 (Review):	??/??/18
CPRB meeting #3 (Review):	??/??/18
CPRB report due (90 days):	09/04/18

TENTATIVE MEETING SCHEDULE

April 17, 2018
April 23, 2018
May 8, 2018
June 12, 2018