FILED
SEP 01 2022
CLERK SUPREME COURT

In the Iowa Supreme Court

In the Matter of Establishment of the Electronic Search Warrant Pilot Project	**Second Amended Memorandum of Operation**

A. Introduction.

In 2017, the Iowa Legislature provisionally amended Iowa Code chapter 808 pertaining to search warrants to allow transmission of an application for and issuance of a search warrant by electronic means. On April 27, 2020, the Iowa Supreme Court filed a supervisory order establishing the Electronic Search Warrant Pilot Project. This Memorandum of Operation provides the specialized procedures relating to the pilot project.

B. Purpose.

The primary aims of the Electronic Search Warrant Pilot Project are to use technology to reduce the time required to obtain search warrants, reduce travel time by law enforcement officers, and more effectively utilize judicial officers' time. Achievement of the primary aims will also result in lower costs to law enforcement agencies by eliminating costs associated with travel as well as enabling law enforcement officers to act upon search warrants more expeditiously.

C. Scope and authority.

The specialized procedures in this memorandum of operation govern the procedures associated with the use of electronic search warrants during the Electronic Search Warrant Pilot Project. All counties in the State of Iowa are included in the pilot project.

The pilot project will operate for a sufficient time period to allow a reasonable period of evaluation and adjustment, after which the supreme court can determine whether the program should be established on a permanent basis.

The specialized procedures included in this memorandum are adopted under the authority granted to the Iowa Supreme Court by Iowa Code section

602.1614(4) (2020) and Senate File 358, an Act relating to search warrants, 2017 Iowa Acts ch. 37.

D. Specialized procedures.

1. Definitions. The following terms, as used in this memorandum, are defined as follows:

a. Electronic return of service. "Electronic return of service" means the return of service form or template authorized by Judicial Branch Information Technology and designed to comply with the return requirements set forth in Iowa Code section 808.8 and 2017 Iowa Acts ch. 37, § 7.

b. Electronic search warrant. "Electronic search warrant" means the search warrant form or template authorized by Judicial Branch Information Technology and designed to comply with the search warrant requirements set forth in Iowa Code sections 808.4 and 808.4A and 2017 Iowa Acts ch. 37, §§ 5–6.

c. Electronic search warrant application. "Electronic search warrant application" means the search warrant application form or template authorized by Judicial Branch Information Technology and designed to comply with the search warrant application requirements set forth in Iowa Code section 808.3 and 2017 Iowa Acts ch. 37, § 4.

d. Electronic search warrant package. "Electronic search warrant package" means the electronic file consisting of a cover sheet and the electronic search warrant application, electronic search warrant, and electronic return of service forms or templates authorized by Judicial Branch Information Technology.

e. Law enforcement agency. "Law enforcement agency" means any law enforcement agency selected to participate in the Electronic Search Warrant Pilot Project.

f. Law enforcement officer. "Law enforcement officer" means any law enforcement officer employed by any law enforcement agency selected to participate in the Electronic Search Warrant Pilot Project.

g. Live interactive audio. "Live interactive audio" means any audio-based or audiovisual-based method of live communication.

h. Platform. "Platform" means the secure online, web-based application and software specified by the State Court Administrator utilized by law enforcement officers and judicial officers for the application for and issuance of electronic search warrants as well as the submission of electronic returns of service.

2. General provisions.

a. Law enforcement officer user accounts. Each law enforcement officer participating in the Electronic Search Warrant Pilot Project must use a unique assigned user account to access and utilize the platform.

b. Additional user accounts. Law enforcement agencies may request additional user accounts to be used by employees assisting officers in the completion and processing of search warrant applications.

c. Modification of electronic search warrant template. Law enforcement agencies may customize the electronic search warrant form or template created by Judicial Branch Information Technology for use within that agency. All modified electronic search warrant forms or templates must comply with the requirements set forth in Iowa Code section chapter 808 and Senate File 358, an Act relating to search warrants, 2017 Iowa Acts ch. 37.

3. Application for electronic search warrant.

a. Electronic search warrant package recipients. Before submitting an electronic search warrant application, a law enforcement officer must complete a recipient page that includes:

(1) The name and email address of the law enforcement officer submitting the electronic search warrant application.

(2) The name and email address of the judicial officer to whom the law enforcement officer is sending the electronic search warrant application.

(3) The name and email address of the law enforcement officer completing the electronic return of service.

(4) The name and email address of the clerk of the district court receiving the completed electronic search warrant package.

(5) The agency case number.

b. Cover sheet. An electronic search warrant application must include a cover sheet that contains:

(1) The county where the search is to be conducted.

(2) The name of the interested party or property owner.

(3) The name of the agency of the law enforcement officer.

(4) The agency case number.

c. Completion of electronic search warrant package documents. The law enforcement officer must complete each of the required fields contained in the electronic search warrant package, electronically signing where required. The law enforcement officer may also add additional information where permitted by the form or template.

d. Application signature. Law enforcement officers must sign completed electronic search warrant package documents using the platform's approved signature method. Law enforcement officers may not permit anyone to sign on their behalf.

4. Issuance of electronic search warrant.

a. Oath or affirmation for application. Upon receiving an electronic search warrant application, the judicial officer must confirm the identity of the law enforcement officer who submitted the electronic search warrant application and administer the law enforcement officer's oath or affirmation and accept the law enforcement officer's sworn testimony by live interactive audio.

b. Granting of application. Upon granting the electronic search warrant application and issuing the search warrant, the judicial officer must:

(1) Sign the electronic search warrant application using the platform's approved signature method.

(2) Sign the electronic endorsement on the search warrant application using the platform's approved signature method.

(3) Complete and sign the electronic search warrant using the platform's approved signature method.

c. Additional information. A judicial officer may add additional information to the documents in the electronic search warrant package where permitted by the form or template.

d. Transfer of application. A judicial officer may transfer an electronic search warrant package to another judicial officer to administer the law enforcement officer's oath or affirmation and issue the electronic search warrant, if necessary.

5. Return of service.

a. Return of service and inventory of seized property. Upon the execution of an electronic search warrant issued by a judicial officer, the law enforcement officer must:

(1) Complete the required electronic return of service portion of the electronic search warrant package on the platform.

(2) Attach an inventory of property taken pursuant to the electronic search warrant to the electronic return of service.

(3) Sign the electronic return of service under penalty of perjury using the platform's approved signature method.

(4) Submit the completed electronic search warrant package to the clerk of the district court.

b. Acknowledgement of return of service. Upon receipt of the law enforcement officer's completed electronic search warrant package, the receiving clerk of the district court must sign the electronic return of service using the platform's approved signature method.

6. Transfer of electronic search warrant package to EDMS. Once an electronic search warrant package is completed, the clerk of the district court must ensure that the completed packaged is filed in EDMS.

7. Denial of electronic search warrant.

a. Denial by judicial officer. If the judicial officer determines that the electronic search warrant application should not be issued, the judicial officer must indicate this on the electronic search warrant application and sign the application using the platform's approved signature method.

b. Resubmission of application not permitted. If an electronic search warrant application is denied by a judicial officer, a law enforcement officer may not update and resubmit the same electronic search warrant application. The law enforcement officer must create and submit a new electronic search warrant application.

8. Removal of electronic search warrant packages from the platform.

a. Executed electronic search warrants. A completed electronic search warrant package must be removed from the platform within a timely manner after it has been filed in EDMS.

b. Denied electronic search warrants. A denied electronic search warrant application must be removed from the platform within a timely manner, but in no event may it remain on the platform for more than fourteen days after denial.

c. Expired electronic search warrants. If an issued electronic search warrant has not been acted upon within ten days, the warrant must be removed from the platform within a timely manner, but in no event may it remain on the platform for more than fourteen days.

E. Duration and evaluation.

The pilot project will be evaluated by the court annually during its administrative session and will continue until further order of the court.

Dated this 1st day of September, 2022.

The Iowa Supreme Court

By: 

Susan Larson Christensen, Chief Justice