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CHAPTER 14
IOWA RULES OF ELECTRONIC SEARCH WARRANT PROCEDURE

DIVISION I
SCOPE AND APPLICABILITY

Rule 14.101 Scope and applicability. The rules in this chapter govern the procedures associated with the use of electronic search warrants in all counties in the state of Iowa.

Rules 14.102 to 14.200 Reserved.

DIVISION II
DEFINITIONS

Rule 14.201 Definitions. In this chapter:

14.201(1) *Electronic return of service.* “Electronic return of service” means the return of service form or template authorized by the Electronic Search Warrant Advisory Committee (ESWA Committee) and designed to comply with the return requirements set forth in Iowa Code section 808.8 and 2017 Iowa Acts, ch. 37, §7.

14.201(2) *Electronic search warrant.* “Electronic search warrant” means the search warrant form or template authorized by the ESWA Committee 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.

14.201(3) *Electronic search warrant application.* “Electronic search warrant application” means the search warrant application form or template authorized by the ESWA Committee 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.

14.201(4) *Electronic search warrant package.* “Electronic search warrant package” means the electronic file consisting of a cover sheet, electronic search warrant application, electronic search warrant, and electronic return of service forms or templates authorized by the ESWA Committee.

14.201(5) *Law enforcement agency.* “Law enforcement agency” means any law enforcement agency using the electronic search warrant application process.

14.201(6) *Live interactive audio.* “Live interactive audio” means any audio-based or audiovisual-based method of live communication.

14.201(7) *Peace officer.* “Peace officer” means the same as “peace officers” as defined in Iowa Code section 801.4(11).

14.201(8) *Platform.* “Platform” means the secure online, web-based application and software specified by the State Court Administrator and utilized by peace officers and judicial officers for the application for and issuance of electronic search warrants as well as the submission of electronic returns of service.

Rules 14.202 to 14.300 Reserved.

DIVISION III

GENERAL PROVISIONS

Rule 14.301 Law enforcement agency accounts. Law enforcement agencies are provided with agency accounts by Judicial Branch Information Technology.

Rule 14.302 Platform user accounts.

14.302(1) *Account creation.* Law enforcement agencies are responsible for creating individual user accounts on the platform.

14.302(2) *Individual accounts.* Each peace officer must use a unique assigned user account when submitting an application for an electronic search warrant or electronic return of service on the platform.

Rule 14.303 Removal of electronic search warrant packages from the platform.

14.303(1) *Executed and denied electronic search warrants.* Completed electronic search warrant packages submitted to the clerk of the district court and denied electronic search warrant packages will be removed from the platform after 30 days.

14.303(2) *Expired electronic search warrants.* If an electronic return of service is not completed and submitted along with the completed electronic search warrant package to the clerk of the district court within 365 days of issuance of the electronic search warrant, the entire search warrant package will be voided and removed from the platform after 30 days.

COMMENT:

Rule 14.303. The platform is not designed for storing electronic search warrants. Applicants and agencies should keep their own copies of electronic search warrants outside of the platform. If a search warrant expires on the platform, it will be voided and all pages will be marked with a “void” watermark.

Rules 14.304 to 14.400 Reserved.

DIVISION IV

APPLICATION, ISSUANCE, AND FILING PROCEDURE

Rule 14.401 Application for electronic search warrant.

14.401(1) *Electronic search warrant package recipients.* When submitting an electronic search warrant application, a recipient page on the platform must initially be completed. The recipient page must include:

- a.* The name and email address of the peace officer submitting the electronic search warrant application.
- b.* The name and Iowa Judicial Branch email address of the judicial officer to whom the peace officer is sending the electronic search warrant application.
- c.* The name and email address of the peace officer completing the electronic return of service.
- d.* The county name and Iowa Judicial Branch email address of the clerk of the district court receiving the completed electronic search warrant package.
- e.* The agency case number in the email message on the platform.

14.401(2) *Cover sheet.* An electronic search warrant application must include a cover sheet that contains:

- a.* The county where the search warrant is to be filed.
- b.* The name of the interested party or property owner, if known.
- c.* The name of the agency of the peace officer.
- d.* The agency case number.

14.401(3) *Completion of electronic search warrant package documents.* Each of the required fields contained in the electronic search warrant package must be completed. Additional information may be added and additional documents may be attached where permitted by the form or template.

14.401(4) *Application signature.* The peace officer who will attest to the contents of the electronic search warrant application must sign the completed electronic search warrant package documents using the platform's approved signature method.

Rule 14.402 Issuance of electronic search warrant.

14.402(1) *Oath or affirmation for application.* Upon receiving an electronic search warrant application, the receiving judicial officer must, by live interactive audio, confirm the identity of the peace officer who submitted the electronic search warrant application, administer the officer's oath or affirmation, and receive the officer's sworn testimony, if any.

14.402(2) *Granting of application.* Upon granting the electronic search warrant application and when issuing the electronic search warrant, the judicial officer must:

- a. Sign the electronic search warrant application using the platform's approved signature method.
- b. Sign the electronic endorsement on the search warrant application using the platform's approved signature method.
- c. Complete and sign the electronic search warrant using the platform's approved signature method.

14.402(3) *Denial of application.* If the judicial officer determines that the electronic search warrant application should not be issued, the judicial officer must decline to sign the warrant on the platform.

14.402(4) *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.

14.402(4) *Transfer of application.* A judicial officer may transfer an electronic search warrant package to another judicial officer to administer the peace officer's oath or affirmation and issue the electronic search warrant if necessary.

Rule 14.403 Electronic return of service.

14.403(1) *Return of service and inventory of seized property.* Upon the execution of an electronic search warrant issued by a judicial officer, a peace officer must:

a. Complete the required electronic return of service portion of the electronic search warrant package on the platform.

b. Include an inventory of property taken pursuant to the electronic search warrant with the electronic return of service.

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

d. Submit the completed electronic search warrant package to the clerk of the district court.

14.403(2) *Acknowledgement of return of service.* Upon receipt of the peace 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.

Rule 14.404 Transfer of electronic search warrant package to Electronic Document Management System (EDMS). Once an electronic search warrant package is completed and submitted through the platform, the clerk of the district court must ensure that the package is filed in the district court.

Rules 14.405 to 14.500 Reserved.