

GENERAL ORDER, OPERATIONS, NUMBER 13
FEBRUARY 13, 2002, APRIL 3, 2001
WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Arrests by Officers of the Waterloo Police Department.

B. PURPOSE:

To protect and preserve the rights, security, safety and health of all arrestees and to establish procedures for processing arrests.

C. POLICY:

All Department employees shall comply with this Order and the procedures stated herein.

D. PROCEDURES:

1. All adults arrested by the Waterloo Police Department, except those issued a citation in lieu of arrest, may be taken directly to the Black Hawk County Jail by the arresting officer(s) for booking and custody. or...

Officer(s) arresting a person may complete the necessary paperwork, videotape procedures and breath alcohol testing, etc., at the Waterloo Police Department before taking the arrested person to the Black Hawk County Jail for booking.

- a. The arresting officer(s) shall notify the Black Hawk Consolidated Communications Center of the incoming Waterloo Police Department arrest.
- b. The Waterloo Police Department arresting officer(s) shall remain with the arrested person until the officer(s) is released by the County jailer.
- c. If the charge to be placed on an adult arrestee is covered by both State Code and City Ordinance, the State Code charge shall be used, as the City is charged for the cost of custody on City Ordinance arrests.
- d. Black Hawk County Jail personnel shall complete the computer arrest/booking procedure as a Waterloo Police Department arrest, Agency (W), using the Waterloo Police Department incident number and "Grid" number.
 1. Black Hawk County Jail personnel shall take photographs, required fingerprint and palm print cards and a handwriting form.
- e. The Waterloo Police Department arresting officer(s) shall return all required paperwork to the on-duty Waterloo Police Department Watch Commander who shall be responsible to see that required arrest paperwork is received.

- f. The Waterloo Police Department arresting officer(s) shall complete necessary Warrant information or a "Complaint Form" and deliver required forms or warrants to the Black Hawk County jailer prior to leaving the county jail.
 - g. The arresting officer(s) shall turn over all the arrested person's personal property not required as evidence (but taken at the time of arrest) to the Black Hawk County jailer at the time of booking. This shall include a vehicle description, vehicle license number, wrecker service and holding location if the arrested person's vehicle is seized or towed at the time of arrest.
 - h. All evidence items required to be removed or received from an arrestee shall be taken, controlled, properly tagged by the arresting officer and returned to the Waterloo Police Department Property Section or the Identification Section.
 - i. The Waterloo Police Department officer(s) arresting a person may complete the necessary O.W.I. paperwork, videotape procedures and breath alcohol testing before taking the arrested person to the Black Hawk County Jail for booking.
2. Juveniles taken into custody by a Waterloo Police Officer shall not be placed in jail custody except in cases of automatic waiver for 16 year olds and above in cases involving (1) possession of a controlled substance with intent to deliver, manufacturing or delivery, and in immediate possession or control of a firearm or offensive weapon; (2) a violation of a criminal gang participation statute and a violation of one of the weapons laws; (3) a violation of Chapter 724 pertaining to weapons which is in fact a felony; (4) violation of the law which constitutes a forcible felony.

The following are a list of charges and codes in which a 16 year old child or older should be treated as an adult:

Possession of a Controlled Substance with intent to sell or deliver along with any violation of 724 Weapons.

Sale/Mfg. I,II Crack/Cocaine	124.401 (1) (A) and 724 Weapons
Sale/Mfg. I,II,III (Non)	124.401 (1) (A) and 724 Weapons
Criminal Gang Participation	723A and 724 (Weapons)
Unauthorized Possession Weapons	724.3
Carrying Weapons on School Grounds	724.4B

Trafficking in Stolen Weapons	724.16A
Giving False Information	724.21
Reckless Use of Firearm if Serious Injury and/or Bodily Injury	724.30
Arson in the 1st Degree	712.2
Assault While Participating in a Felony	708.3
Assault While Participating in a Felony/DA	708.3/DA
Assault with Intent of Sexual Abuse	709.11/Injury
Burglary in the 1st Degree	713.3
Child Endangerment (Serious Injury)	726.6(2)
Kidnapping in the 1st Degree	710.2
Kidnapping in the 2nd Degree	710.3
Kidnapping in the 3rd Degree	710.4
Murder in the 1st Degree	707.2
Murder in the 2nd Degree	707.3
Attempted Murder	707.11
Murder of Fetus Aborted Alive	707.9
Robbery in the 1st Degree	711.2
Robbery in the 2nd Degree	711.3
Sexual Abuse in the 1st Degree	709.2
Sexual Abuse in the 2nd Degree	709.3
Sexual Abuse in the 3rd Degree (Except 5 yr. difference)	709.4
Sexual Exploitation of a Child	728.12
Voluntary Manslaughter	707.4
Stalking in the 3rd	708.11
Terrorism	708.6
Willful Injury	708.4

In any of the above cases, you do not have to do juvenile paperwork. Do the same paperwork you would for an adult. DO NOT CALL JCS. THEY DO NOT HAVE ANY JURISDICTION IN THE MATTER.

- a. Juveniles, of any age, may be taken into custody on any charge above a simple misdemeanor and may be booked, fingerprinted and photographed at the Black Hawk County Jail. Officer discretion should be used.
 - b. Juveniles taken into custody for simple misdemeanors shall be processed at the Waterloo Police Department.
 1. Paperwork completed as follows:
 - Juvenile Referral sheet/Juvenile Complaint
 - Physical Descriptors/Arrest Report
 - Personal History/Handwriting
 - Incident Report
 - Investigatives
 - Any supplemental(s)

One (1) copy of all the above goes to Juvenile Court Services and one (1) copy is routed to the Juvenile County Attorney. The three (3) originals of the arrest packet are stapled separately as Records enters them. All of the paperwork should be placed in the Juvenile file for dissemination.
 - c. Juveniles taken into custody for OWI (321.J.2) and public intoxication charges shall be kept under constant visual supervision while in police custody.
 - d. The arresting officer shall affect the release of the juvenile in custody for OWI or intoxication by immediate contact with a parent or legal guardian requesting the parent or guardian take custody of the child. If a parent or guardian cannot be contacted or refuses custody of the juvenile, immediate contact shall be made with Juvenile Court Services who shall direct the method of release.
 - e. If juvenile is currently under Juvenile Court supervision; call on-duty JCS worker for guidance whether arrestee should be placed in detention.
 - f. Always check to see if there is immediate custody order on arrestee
3. 805.16 - CITATIONS TO PERSONS UNDER EIGHTEEN (18) YEARS OF AGE.
- a. Except as provided in subsection b. of this section, a peace officer shall issue a police citation or uniform citation and complaint, in lieu of making a

warrantless arrest, to a person under eighteen (18) years of age accused of committing a simple misdemeanor under the following Chapter 106, 106A, 109, 109A (Water Navigation), Chapter 110, 110A, 110B, 111 (Fish and Game Conservation Laws), Chapter 321 (Motor Vehicle/Driving Laws), Chapter 321G (Snowmobile Operation Laws), or a local ordinance not subject to the jurisdiction of the juvenile court, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A, Code of Iowa.

- b. If a juvenile, under age 18, refuses to sign a citation:
 - 1. Or persists in engaging in the conduct for which the citation was issued.
 - 2. Or refuses to provide proper identification or refuses to identify himself/herself.
 - 3. Or constitutes an immediate threat to the juvenile's own safety or the safety of the public, the juvenile(s) may be arrested and shall be booked at the county jail. In addition, or alternatively, the officer may take the juvenile's motor vehicle operators license until the time of the juvenile's initial court appearance. The seized license shall be attached to the unsigned citation that shall be delivered to the Clerk of District Court.
 - c. A juvenile taken into custody under a. (above) shall be held in a non-secure area (not in jail area) under constant supervision while awaiting transfer to an appropriate juvenile facility, transfer to court, booking, implied consent testing, waiting for release at the direction of Juvenile Court Services or release to a parent or guardian.
- 4. If an arrestee has a serious injury, obvious illness or is unconscious prior to or during the arrest procedure, the Watch Commander shall be notified and shall be responsible to see that the arrestee receives medical attention and medical clearance by qualified medical personnel before the subject is taken to the Black Hawk County Jail. If an adult in Black Hawk County Jail custody on City Ordinance charges becomes ill or requires medical attention for an injury suffered prior to booking, the Watch Commander shall be notified and shall be responsible for inmate security and transportation for the inmate to be taken to Allen Memorial Hospital Emergency Room for treatment. After treatment and medical release, the inmate shall be returned to county jail custody. Medical needs for an inmate in the custody of Black Hawk County Jail on "State" charges shall be the responsibility of the County Jail.
 - 5. All persons arrested shall be searched prior to being placed in a confinement area. All body searches shall be conducted by Department employee(s) of the same sex as the person being searched.
 - a. A person in custody for a scheduled violation or simple misdemeanor charge shall not be strip searched except, pursuant to the Code of Iowa 804.30 as

follows:

- b. 804.30 Strip Searches: 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. A strip search shall not be conducted except under all of the following conditions:
 - 1. Written authorization of the supervisor on duty is obtained and the Department strip search report form completed.
 - 2. A search warrant is obtained for the probing of any body cavity other than the mouth, ears or nose.
 - 3. Visual searches or probing of any body cavity shall be performed under sanitary conditions. Only a licensed physician shall perform a physical probe of a body cavity, other than mouth, ears or nose, unless voluntarily waived in writing by the arrested person.
 - 4. The search is conducted in a place where persons not conducting the search cannot observe it.
 - 5. The search is conducted by a person of the same sex as the arrested persons, unless conducted by a physician.
 - c. Subsequent to a strip search, a written report shall be prepared which includes the written authorization required by subsection b. (1), the names of the persons conducting the search, the time, date and place of the search, and, if required by subsection b. (2), a copy of the search warrant authorizing the search.
 - d. A copy of the strip search form shall be provided to the person searched.
6. DataMaster Breathalyzer Instrument (DATAMASTER) Operation and Policy
- a. The Department DataMaster shall be at a location determined by the Patrol Division Commander for use in O.W.I. or Intoxication cases.
 - b. The DataMaster shall be operated by certified operators.
 - c. Outside police agencies, and other City departments may use the Department DataMaster.
 - d. The test record printout from the DataMaster shall be given to the requesting and/or arresting officer who shall be responsible for proper distribution as follows:
 - 1) One copy of the test result printout will be forwarded to the Records Section.
 - 2) One copy shall be forwarded to the County Attorney's Office.
 - 3) The final copy shall be supplied to the arrestee or suspect.

- e. All tests performed on the DataMaster in which the unit indicates proper testing procedures have been completed and prints out the test results shall be considered a valid test and will be properly filed with case reports.
- f. The DataMaster operator shall determine whether the test performed is a valid test.

In the event of a question of the validity between the DataMaster operator and the arresting officer as to the results of the test, a supervisor shall be notified and make the determination.

- g. If an individual gives a breath test and following the test, the officer has reasonable grounds to believe that the person was under the influence of a drug other than alcohol or a combination of alcohol and another drug, the officer may request a urine test. This test may be required even after a blood or breath test has been administered pursuant to Iowa Code 321.J.6 (3).

BY ORDER OF:

Thomas J. Jennings
Chief of Police