



CEDAR RAPIDS POLICE DEPARTMENT

Cedar Rapids, Iowa

APPLIES TO:

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POLICY TITLE:	<i>Arrest Procedures</i>	STANDARD/REF #:	1.2.4; 1.2.5; 1.2.6; 1.2.7; 1.2.8; 42.2.6(g); 74.3.1; 74.3.2
APPROVED BY:	<i>David Dostal, Chief</i>	REVIEWED DATE:	7/25/2024
	<i>CID Captain; Patrol</i>		
REQUIRED REVIEWERS:	<i>Captain; Administrative</i>	REVISED DATE:	7/25/2024
	<i>Operations Captain; JCA</i>		

POLICY/PURPOSE:

The policy of the Cedar Rapids Police Department (CRPD) is to release from custody all those persons who can safely be released because either the court has made provisions for it, or they most likely will appear in court to answer the charges. Those persons who, because of the nature of the charge, court orders, past history of the individual, or the circumstances of the crime warrant detention, will be transferred as soon as practical to other facilities. This policy is to establish an operating procedure for the CRPD on arrest, alternatives to arrests, temporary detention and officer discretion. [1.2.6; 1.2.7]

DEFINITIONS:

Arrest by Peace Officers - Refer to Iowa Code 804.7

Discretion – The latitude afforded officers to govern and discipline their activities by the use of reason and prudence, and to determine when to invoke the criminal process. Discretion should take into account:

- Skill and judgment in the use of resources.
- The latitude of choice, wisdom, experience, and training.
- Direction provided by law, department policy, procedure, regulation, and written directives and orders.

Frisk Search – A cursory search of the person for weapons, which are large enough to be detected through clothing.

Thorough Search – A more detailed search of the arrested person in which every square inch is covered and both weapons and evidence are removed. In the thorough search, the officer may go inside the prisoner's clothing to remove objects which might be used as a weapon or which might have evidentiary value.

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

Visual Strip Search – 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. (Iowa Code 702.24)

PROCEDURE:

Officers of the Cedar Rapids Police Department (CRPD) are encouraged to exercise discretion while performing their role as police officer. [1.2.6; 1.2.7]



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- The use of discretion must be soundly based upon and be limited by the law, departmental directives, experience, and training.
- Officers must correctly interpret the law and directives and realize that the use of discretion is not permitted when certain activities are mandated by statute, department policy, or supervisory direction.
- Officers will request guidance from their commander when an appropriate course of action is unclear.

The decision to arrest shall be made using all available information and include, but is not limited to:

- The seriousness and nature of the offense.
- Court orders (Warrants).
- Mandatory arrests as required by law.
- Victim safety.
- Public safety.
- Weapon involvement.
- Past history of the subject.
- Demeanor of the subject.
- Probability of the additional occurrences if the subject is not taken into custody.

All citations and complaints will be issued electronically. A handwritten citation or complaint may be issued by officers and fast-tracked by the Records Unit if the electronic process is unavailable.

NOTE: When completing electronic warrant requests, all offenses (including traffic offenses) must be included with an electronic complaint and not a traffic citation.

- The warrant request is an option only available with complaints and not citations.

Processing:

Officers from CRPD will not obtain official photographs (i.e. mugshots) for adults. This function is conducted by the Linn County Correction Center (LCCC). If a juvenile is arrested and fingerprints are required, refer to the Juvenile Operations directive.

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Arrest Without a Warrant – Misdemeanor Charges: [1.2.5]

Typically persons arrested on simple misdemeanor charges should be charged and released with a Consent to Delay of Initial Appearance Form (CRPD #371) or charged on a citation and released, unless that person falls under any listed exception, in which case they should be taken into custody.

Persons arrested on charges above a simple misdemeanor will be taken into custody or have command approval for the person to be fingerprinted and photographed prior to being released with a consent to delay.

In any circumstance, a commander may determine that a person should be held in custody or released based on the totality of the circumstance(s) and/or the seriousness of the charge(s). [1.2.6]

- The commander's request shall be noted in the officer's report.

Exceptions to Release:

If any of the following conditions exist, the suspect will not be released and should be transported to the LCCC for processing:

- The offender cannot produce verifiable identification.
- The offender cannot produce verifiable Iowa residency.
- The offender has an unsatisfied warrant.
- The offender continues to threaten a victim or witness.
- The offender resists arrest or attempted to flee from arrest or custody.
- There are reasonable grounds to believe the offender will continue the offense including, but not limited to:
 - Trespass
 - Public Intoxication
 - OWI
 - Driving While License Under Suspension (DWLUS), Revocations, and Barrments – Refer to Traffic Citations directive
- The offender is charged under a domestic abuse law.
- The victim of offense required medical treatment.
- The offender used a dangerous weapon.
- The offender has a record of failing to appear, escape, or the offense was committed while the offender was on bail or released on a citation.
- The offender is on parole or probation.



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- The offender is transported to jail at the request of a commander, and none of the above conditions exist;
 - The commander's request shall be noted in the officer's report.

NOTE: For all charges above a simple misdemeanor, persons must be photographed and fingerprinted or be processed through the booking procedure at the Linn County Correction Center (LCCC) prior to release.

- Juveniles should be processed at the CRPD if possible.
 - If a juvenile is to be processed at the LCCC, the LCCC must be notified prior to escorting any juvenile into the facility.

Simple Misdemeanors:

Traffic Charges:

If a violator is cited, they will be released to appear in court at the time and date assigned by the arresting officer except when:

- The officer is unable to establish the identity and residence of the violator.
- The violator refuses to sign the promise to appear or indicates that they will not appear in court.
- DWLUS, Revocations, and Barments – Refer to Traffic Citations directive.

Shoplifting: [1.2.6]

In shoplifting type thefts, officers will process the person to be released if:

- Positive identification, including age and Iowa residency, can be established.
- The value of the stolen property establishes the crime as a simple misdemeanor, unless specifically authorized by a commanding officer.
- The suspect has been cooperative with officers and the victim/loss prevention.
- A warrant check made through the Joint Communications Agency (JCA) indicates no active and extraditable warrants.
- A required criminal history check is completed through ILEADS
 - If a person has been charged with two or more prior theft charges, that person will not be released. Any deviation based on extenuating circumstances must be approved by a commander

Persons Under the Legal Age (PULA) related charges:

- Officers must insure they include prosecutory details on the complaint.
 - For Juveniles, please refer to the Juvenile Operations directive.



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- Individuals 18–20 years old who purchase or possess, alcoholic beverages, charge with PULA – 123.47 (3) on a citation.
- Adults, who provide alcoholic beverages to persons under the legal drinking age, charge with PULA - 123.47 on a complaint.
- Licensee, permittee, or employee of an establishment that provides alcoholic beverages to a person under the legal drinking age, charge with Miscellaneous Prohibitions – 123.49 (2h) on an electronic citation and complete an Incident Form (CRPD #600) along with a Supplement Form (CRPD #604) or dictation.

Consumption in Public Places (123.46) and Open Containers (open container 321.284 and 321.284A):

- For Juveniles, refer to the Juvenile Operations directive.
- Individuals 18-20 years of age may also be charged with PULA - 123.47(3).
- Adults will be charged with Open Container on a citation only, unless additional circumstances require a subject to be taken into custody.
- Adults will be charged with Consumption in Public Places on a complaint.
- A complete description of criminal elements should be noted on the complaint/citation unless a Supplement Form (CRPD #604) or dictation is completed.

Public Intoxication:

- Unless care is turned over to medical staff, individuals charged with Public Intoxication should be taken into custody and not allowed to sign a Consent to Delay of Initial Appearance Form (CRPD #371).
- All individuals arrested for Public Intoxication must be offered an official breath test for free of charge.
 - The test is offered after the individual has been placed under arrest and administered at the Linn County Correctional Center (LCCC) during the booking process.
- Officers must complete the section labeled “Chemical Test (Intox Charge Only)” on the back of the Incident Form (CRPD #600).
 - If the individual submitted to an official breath test, the area for “Test Results” should include any results from the Datamaster administered at the LCCC and not a Preliminary Breath Test (PBT). PBT results, if any, should be included in the Supplement Form (CRPD #604) or dictation.

Some simple misdemeanor or city charges such as Regulation of Minors may also require an Incident Form (CRPD 600) and Supplement Form (CRPD #604) or dictation. If the charge is against a business or



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additional information needs to be recorded, complete the Incident Form (CRPD 600) and Supplement Form (CRPD #604) or dictation in addition to the charges.

Felony Arrest: [1.2.5]

All persons charged with a felony shall be arrested and held for arraignment, unless:

- The offender is requested to be released by a commander; and
- The criteria for the commander's request shall be included in the case report.

If it is determined that the person will be released, the suspect should be charged with the appropriate electronic citation(s) or complaint(s) and complete a Consent to Delay of Initial Appearance Form(s) (CRPD #371). A handwritten complaint may be issued by officers and fast-tracked by the Records Unit if the electronic citation process is unavailable.

Arrest With Warrant Procedure: [1.2.5; 74.3.1]

All arrests warrants shall be served by sworn officers authorized by Iowa Code 804.7. [74.3.2]

Arrest Warrant Information and Processing:

Once an arrest warrant is received by the police department from the Linn County Clerk of Court's office, it will be submitted to JCA.

Service of an Arrest Warrant:

The Department will attempt to serve an arrest warrant, as soon as practical. Warrants are stored and maintained by JCA. Warrants can not be checked out by officers. Officers may only take possession of a warrant maintained by the JCA if the named party in the warrant has been arrested. The original warrant will then accompany the arrested party to the LCCC.

JCA maintains a warrant database for warrants entered by JCA. Officers have access to this database with their Mobile Data Computers (MDCs). This will allow officers to be proactive with serving warrants.

NOTE: The database is a local record only. Officers should check through NCIC prior to checking an address in the database for a suspect. All warrants must be confirmed through JCA prior to any arrest.



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- Each time officers serve or attempt to serve a warrant entered into the database by JCA, officers should document the service or attempted service into the database in order to keep an accurate accounting of mileage.
 - Officer should request JCA add any pertinent updated suspect information to the database, including but not limited to:
 - Updated addresses
 - Employment

Warrant Checks Within City Limits:

Officers will not leave the Cedar Rapids' corporate city limits to check on a wanted person without commander approval. The proper jurisdictional agency should be notified if CRPD officers require a location out of the city limits to be checked for a wanted person. Transportation from another agency to the Linn County Correction Center will be arranged by the arresting agency and the Linn County Sheriff's Office.

- On occasions, officers may meet an outside agency at or near the Linn County line in order to assist with the transport of a subject with a warrant after approved by a commander.
- The restrictions on leaving the city limits for a warrant check does not apply to:
 - Officers on assignment with a joint task force.
 - Special Response Team (SRT) assisting another agency.
 - Any response for mutual aid.

Arrest of Person on an Arrest Warrant:

Upon the arrest of a subject with an arrest warrant, the defendant will be taken to LCCC, unless the suspect is needed for questioning at the CRPD or the warrant is from a bordering county.

- Officers may make arrangements to exchange a prisoner arrested in Cedar Rapids on a warrant from a bordering county, if there are no additional charges, and the bordering county's agency has available manpower for the exchange.

If medical attention is required officers will transport the defendant to the hospital or request Area Ambulance Service, depending upon the medical need. Refer to the Prisoner Transports directive.

- If the defendant is admitted to the hospital follow the department's Police Holds directive.

Forcible Entries to Serve an Arrest Warrant – Private Residences:

Forcible entry should be considered as a final option. In those situations, a commander is to be notified prior to the forcible entry.



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- If there is a warrant for a person, and based on articulable facts and circumstances the officer has reasonable belief that the location in question is the wanted person's place of residence, which is the same address listed on the arrest warrant, and the officer knows that the wanted person is physically in the residence, then after notice of the intention to make an arrest is given by the police officer who has identified themselves as a police officer and entry is denied, to include failure to answer the door, reasonable force may be used to gain entry.
- In situations where the residence is that of a 3rd party, a search warrant will be obtained prior to making a forced entry.

Forcible Entries to Serve an Arrest Warrant – Hotels/Motels:

Forcible entry should be considered as a final option. In those situations, a commander is to be notified prior to the forcible entry.

- If the suspect is the sole registrant of a hotel/motel room and refuses to allow entry when officers know that the wanted person is in the room, officers may:
 - Make entry with a pass key if the hotel/motel consents.
 - Obtain a search warrant prior to making forced entry against hotel/motel wishes.
- If officers know that the wanted person is in the room registered to another individual or the wanted person and another party, and access is denied, a search warrant will be obtained prior to making any forced entry.

Requirements when arresting on a warrant:

Prior to serving a possible warrant on an individual, officers will:

- Validate the suspect's identity as best as possible.
- Compare the suspect's personal information to that on the warrant.
- Advise JCA of any additional charges on the suspect.
- Have JCA verify the warrant is "valid and in hand" if a local warrant.
- Have JCA verify receiving teletype or audio recording confirmation that the warrant is "valid and in hand" of the originating agency.
 - If the warrant is issued by an agency other than the CRPD or the Linn County Sheriff's Office, officers will request JCA verify with the originating agency if the warrant is within specified extradition requirements, and that the agency will extradite.

Upon the execution of an arrest warrant by an officer, the officer will:

- Notify JCA the person has been taken into custody.



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- Determine the correct mileage accumulation in the Warrant Data Base for warrants maintained at the CRPD.
- Complete the Arrest Warrant Return Form (CRPD #763) for all warrants issued within the State of Iowa.
- Complete a Clearance Form (CRPD #602), unless additional charges apply and the arrest is included on an Incident Form (CRPD #600).
 - Complete an Incident Form (CRPD #600) if there are additional charges besides the warrant along with a Supplement Form (CRPD #604) or dictation, and any additional paperwork which is required with the additional charges.
- If the arrest warrant is located at the CRPD or the Linn County Sheriff's Office (310 2nd Ave. SW), officers will stop at the appropriate agency on their way to the LCCC, and transport the original warrant to the LCCC. If possible, the warrant may be read to the suspect in order to answer any questions they may have concerning the warrant.
 - If the suspect is violent or other issues exist which would require the suspect to be transported directly to the LCCC, another officer may stop at the CRPD and transport the warrant for the arresting officer.
- CRPD officers may be requested to deliver an original warrant to the LCCC if the offender is brought to the LCCC by another jurisdiction.

SEARCHING:

Anytime officers conduct a search of an individual, the search and circumstances behind it must be documented. [1.2.4]

- Documentation may be a notation in the officer's narrative after an arrest or the completion of a Field Information (FI) Card (CRPD # 500) if no arrest was made.

If a person has been arrested, officers will handcuff the suspect and then conduct a search for weapons or evidence incidental to the arrest and prior to transport. [1.2.4]

Sometimes a thorough search will need to be performed. All items removed during the search will be transported with the prisoner to their final destination, unless those items are submitted as evidence.

- Items too large to be accepted at the LCCC will be turned in as Found Property for the owner to retrieve at a later time.



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In-Custody Strip Searches:

Cedar Rapids Police employees do not conduct strip searches of in-custody individuals but may be present in the booking area at the Linn County Correction Center while deputies conduct a search during intake procedures. Depending upon jail staff's observations, on occasion, officers may be required by jail staff to transport their prisoner to a medical facility for further medical evaluation and/or medical intervention to address concealed contraband found during an inmate booking process.

In addition:

- Refer to Iowa State Code 804.30 for specific details concerning strip searches. [1.2.8a]
- Strip searches conducted that involve the physical probing of a body cavity, other than the mouth, ears or nose shall require a search warrant and only be conducted in privacy by a licensed physician and not by CRPD employees.
- Strip searches shall not be conducted on juveniles. [1.2.8c]
- If the suspect requests a search by a physician of the same gender identification, employees shall not become involved in the decision making process, as this is a medical matter. [1.2.8b]
- Officer will not observe the strip search procedure conducted by medical personnel.
- By Iowa Code 804.30, a written report shall be made after any strip search and shall be provided to the person searched. The written report shall include: [1.2.8d]
 - Name of the person searched
 - Name of the person conducting the search, i.e., licensed physician's name
 - Names of witnesses to the search
 - Date, time, date, and place of the search
 - A copy of the search warrant (if one was obtained)
 - A list of any evidence seized

Non-Custodial Searches:

On occasion, consensual strip searches may be made of non-custodial, confidential informants (CI). [1.2.8a; 42.2.6g] Consensual, non-custodial searches do not fall under Iowa 804.30.

- Permission must be obtained from a commander prior to a search
- Searches shall be conducted in a manner to give the CI privacy
- Searches shall be conducted by an officer of the same gender or gender identity as the CI [1.2.8b]
- If contraband is located, only the individual being searched may remove the contraband.
 - If located, the contraband will be documented and turned in as evidence.
- The search shall be documented in the officer's supplement to include:



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- The authorizing commander
- Name of CI or CI number
- Name of person conducting the search
- Names of any witnesses
- Date, time, and place of the search
- A list of items seized (if any)

TREATMENT OF PRISONERS:

In making an arrest, officers will treat individuals with respect. Officers will not physically mistreat or verbally harass any individual that they take into custody. Medical treatment will be provided when necessary when the person is ill or injured.

- Refer to the Police Hold directive for additional information on hospital holds.

If a prisoner is detained for any reason, they will be guarded by an officer until they can be transported. No person under the age of 18 will be held in the same room with anyone over 18, nor will persons of opposite sexes be held in the same room. Whenever possible, prisoners should be held in separate rooms, especially those of whom violence is reasonably anticipated, who are a health risk, of whom sexual deviant behavior is reasonably anticipated, and to prevent communication.

Transportation and Booking:

Refer to the Prisoner Transports directive for transporting and booking policies.