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WARRANTLESS INVENTORY SEARCHES AND SEIZURES OF A MOTOR VEHICLE AND THE FOURTH AMENDMENT

Filed by the Iowa Supreme Court

June 29, 2018

State v. Ingram

No. 16-0736

<https://www.iowacourts.gov/courtcases/155/embed/SupremeCourtOpinion>

Factual Background and Prior Proceedings. On October 30, 2015, a Newton police officer pulled over Bion Ingram (defendant) who was operating a motor vehicle. The officer noticed the defendant's vehicle did not have the license plate of the vehicle illuminated as required by Iowa law. The officer also noticed the vehicle's registration sticker did not match the vehicle's license plate. The vehicle registration had also expired in 2013. The officer decided to impound the vehicle based upon the registration violation but did not arrest the defendant. The defendant asked the officer to retrieve work items from the vehicle which the officer declined to do until the officer finished writing the citations. Next, the officer informed the defendant the items in the vehicle would be inventoried and asked the defendant if anything of value was in the vehicle. The defendant informed the officer that nothing of value was in the vehicle. During the inventory of the vehicle, the officer discovered a black cloth bag and when the officer opened the bag, the officer discovered a glass pipe and approximately one gram of methamphetamine. The officer did not obtain a search warrant prior to opening the black cloth bag. The defendant was charged with possession of methamphetamine, second offense, and with possession of drug paraphernalia. The defendant moved to suppress the evidence based on the Fourth Amendment to the United States Constitution (Fourth Amendment) and Article I, Section 8 of the Iowa Constitution (prohibitions against unreasonable searches and seizures), contending that the impoundment of the vehicle was a pretext to search the vehicle. The district court denied the defendant's motion to suppress on the ground that an inventory search of an impounded vehicle is an exception to the search warrant requirement. Subsequently, the defendant was found guilty of possession of methamphetamine and possession of drug paraphernalia. On appeal, the Iowa Court of Appeals ruled the district court correctly denied the defendant's motion to suppress.

Issue on Appeal. Whether a warrantless inventory search and seizure of an impounded motor vehicle violates the search and seizure provisions of the Iowa and United States Constitutions.

Holding. The Iowa Supreme Court (Court) held that the warrantless inventory search and seizure of the defendant's motor vehicle in this case violated Article I, Section 8 of the Iowa Constitution.

Analysis.

Iowa Constitution and United States Constitution. The Court emphasized that the Court is the ultimate arbiter of the meaning of the search and seizure clause of Article I, Section 8 of the Iowa Con-

stitution, and that the Court reserves the right under this clause to reach results different from current United States Supreme Court precedent under parallel provisions contained in the Fourth Amendment. The Court further emphasized that in construing provisions of the Iowa Constitution that are open to interpretation, the Court has a duty to select from possible plausible alternative approaches that best reflect the important constitutional values underlying those provisions. The Court's most recent approach is to allow warrantless inventory searches and seizures of vehicles by police, provided the searches are conducted pursuant to generally applicable local policy requirements that are reasonable. Under the federal approach, the police and not independent impartial judges may set the contours of the substantive protections of liberty under the Fourth Amendment in the field of warrantless inventory searches through the crafting of local policy. In response to technological innovations introduced in recent years, the Court has downgraded and demoted the warrant requirement and declared that the touchstone of a Fourth Amendment analysis is a general, free-floating and open-ended reasonableness standard which has no relationship to the warrant requirement of the Fourth Amendment and may, in fact, override the warrant requirement. However, the Court noted that recent Iowa Supreme Court cases have "repeatedly embrace[d] what can only be characterized as a strong warrant preference" in interpreting Article I, Section 8 of the Iowa Constitution. The Court stated that owners and drivers of vehicles have a substantial privacy interest in "papers and effects" that may be found within the passenger compartment, glove compartment, or trunk of a motor vehicle.

Evaluation of law enforcement interests justifying warrantless searches and seizures. The first justification used to justify a warrantless inventory search and seizure of a vehicle is the State's interest in protecting itself from false claims. The Court stated that the State's interest in protecting itself from false claims is insubstantial due to the minimal risk, the limited effectiveness of inventories, the availability of less intrusive options, and the limited exposure of gratuitous bailees. The second justification used for a warrantless inventory search and seizure of a vehicle is police safety. The Court stated that where a driver or owner is separated from the driver's or owner's vehicle, and the vehicle is securely impounded, there is little risk to the police. Finally, the third justification used for such a warrantless search and seizure is the benign purpose of assisting the owner in the protection of valuables. The Court stated that the risk of theft from the inventoried vehicle is minimal and the benefit to the owner is minimal.

Status of warrantless inventory searches under Article I, Section 8 of the Iowa Constitution. For the impoundment of a vehicle by the police going forward, the Court stated the first determination is whether impoundment of the vehicle is necessary, and if impoundment is unnecessary, the owner or operator should be advised of other options to impoundment, including park-and-lock options on nearby streets or calling a friend or third party to drive the vehicle away. Impoundment of a vehicle should be permitted only if these options have been adequately explored. If impoundment is necessary, law enforcement should ask the operator whether there is any personal property in the vehicle the operator wishes to retain and, if so, the operator should be allowed to retrieve such property. Next, if property is left behind, law enforcement should ask the driver if there is anything of value requiring safekeeping and make a record of the response in order to protect law enforcement from a later claim of theft. If knowing and voluntary consent to search the vehicle is not given by the operator, law enforcement must inventory closed containers left in the vehicle as a unit, and closed containers found within the vehicle should not be opened but stored for safekeeping as a unit. The Court noted that none of the aforementioned requirements for a warrantless search and seizure of the vehicle occurred in this case. The Court further noted that even if it could be argued that, in light of the registration problems, the police

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were entitled to impound the vehicle, the scope of the search, which included the search of the black cloth bag, was impermissible under the principles outlined in this case absent a knowing and voluntary consent to search. Therefore, the Court held that the motion to suppress in this case should have been granted because the warrantless inventory search violated the Iowa Constitution. However, the Court emphasized that the ruling in this case does not mean impoundment is always inappropriate. The State may develop a policy on impoundment and inventory searches consistent with this ruling including impounding a vehicle when the motorist agrees to such impoundment and has had an opportunity to retrieve the belongings from the vehicle or if the vehicle has been abandoned.

Concurrence by Chief Justice Cady. Chief Justice Cady noted that this case illustrates that the problem with the inventory search doctrine is that it has given the police free reign to conduct warrantless investigatory searches and to seize incriminating property, despite the doctrine's genesis as a means of protecting private property, guarding against false claims, and protecting the police from potential harm. The approach outlined in this case strikes a better balance between the interests of citizens and the needs of the government.

Concurrence by Justices Mansfield, Waterman, and Zager. Justices Mansfield, Waterman, and Zager concurred only in the result of this case. The police conducted a roadside inventory search of an impounded vehicle and found methamphetamine in a black cloth bag without offering any evidence of an inventory search policy regarding closed containers and thus the warrantless search fell short of established federal case law. However, the police need clear rules and not elaborate, partially developed decision trees. Inventory searches are subject to abuse, but the relevant question is how to limit discretion to eliminate the abuse. The police should be allowed to develop the policy involving inventory searches of vehicles, rather than having judges develop the policy. The majority opinion understates the need for inventory searches, the willingness of defendants to make false claims of missing property, and the potential risk of transforming vehicle impoundments into lengthy interactive question and answer sessions.

Impact on Iowa. The State of Iowa and local law enforcement agencies will be required to develop clear vehicle impoundment policies consistent with this ruling.

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