

CHAPTER 1 THE DEPARTMENT

[Prior to 4/20/88, see Public Safety Department, 680—Ch 1]

661—1.1(17A) Establishment of the department of public safety. The state department of public safety was created by an Act of the General Assembly (Acts of the Forty-eighth General Assembly, chapter 120, 1939) through the consolidation of several departments and divisions to assist coordination among the law enforcement agencies at all levels of government within Iowa.

The department of public safety is primarily a law enforcement agency with the responsibility to enforce state laws and also has other administrative duties.

661—1.2(17A) Organization. The department of public safety is administered by a commissioner who is appointed by and serves at the pleasure of the governor. Bureaus which provide planning and staff support, administer governor's traffic safety programs, conduct staff inspections and investigate complaints against officers of the department report directly to the commissioner. The rest of the department is divided into the following eight divisions: administrative services, state patrol, capitol security, communications, fire marshal, criminal investigation, state medical examiner, and narcotics enforcement.

1.2(1) The administrative services division, through its bureaus, provides primary support services to all line elements in the general field of business administration, data processing, collections, and office management.

1.2(2) The division of state patrol is a law enforcement agency that primarily regulates the orderly flow of traffic on the state's highways, and responds to local law enforcement agencies' requests for emergency assistance. Peace officer members of this division have a duty to detect and apprehend criminals and enforce all state laws. Iowa Code section 321.2 imposes motor vehicle law enforcement duties upon this division and the commissioner may and does assign to this division other law enforcement responsibilities.

This division also assigns officers to the promotion of motor vehicle and other safety education, and will provide emergency transportation of substances needed by doctors, veterinarians, or hospitals, and support security for special events. Any citizen requesting such services may contact division or district headquarters, the addresses for which are listed in this chapter.

This division is also responsible for the highway emergency long-distance phone (HELP). Anyone calling 1-800-525-5555 from anywhere in Iowa will be connected with someone at the district headquarters in Des Moines who will try to provide immediate assistance.

1.2(3) The division of capitol security is a law enforcement agency which performs police and security work, regulates the orderly flow of traffic, and preserves the peace in and around the seat of state government and at Terrace Hill.

1.2(4) The communications division provides total police communications to the public safety sector including the department of public safety, police departments, sheriffs' offices, and other local state and federal criminal justice agencies.

1.2(5) The fire marshal division is responsible for the promotion and enforcement of fire safety, fire protection, elimination of fire hazards, and the enforcement of laws, rules and regulations concerned with fire prevention, such as the storage, transportation, handling, and use of inflammable liquids, combustibles, explosives, and liquid petroleum gas, and inspection of electric wiring, heating, and adequate fire exits for public buildings.

This division is also responsible for investigation into the cause, origin and circumstances of fires and the enforcement of all laws relating to the suppression of arson and apprehension of those persons suspected of arson. These functions are performed through the bureau of fire prevention and the bureau of arson and explosives.

1.2(6) The division of criminal investigation is a law enforcement unit that conducts criminal investigations, enforces Iowa's beer and liquor laws under Iowa Code chapter 123, pari-mutuel laws un-

der Iowa Code chapter 99D, and lottery laws under Iowa Code chapter 99E, maintains the state's central repository for all criminal history records, and operates the state criminalistics laboratory.

1.2(7) The division of state medical examiner provides assistance, consultation and training to county medical examiners and law enforcement officials, keeps records concerning deaths or crimes requiring investigation by this division. The state medical examiner receives reports of deaths in Iowa affecting the public interest and may require autopsies.

1.2(8) The division of narcotics enforcement has statewide primary responsibility for providing investigative law enforcement relating to narcotics and other controlled substances. Assistance is provided to county and city agencies by providing related intelligence information, special purpose investigative moneys and investigative assistance and training.

661—1.3(17A) Offices.

1.3(1) Principal office. The principal office for the department is that of the commissioner in the Wallace State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Public Safety, Wallace State Office Building, Des Moines, Iowa 50319.

1.3(2) Division offices. The principal offices of the divisions of the department are also located in the Wallace State Office Building.

1.3(3) Addresses of district headquarters, fire marshals, radio stations and other offices located outside the principal headquarters may be obtained at the Department of Public Safety's principal office in the Wallace State Office Building.

661—1.4(17A) Methods by which and location where the public may obtain information or make submissions or requests.

1.4(1) Persons wishing to obtain information from or report information to the department may contact any of the offices in 1.3(17A).

1.4(2) Those wishing to make submissions to the department may do so by delivering or forwarding to the administrative services division of the department, the principal offices of the affected division or, if the subject matter is relevant to a specific geographical location, the nearest office as listed in 1.3(17A).

1.4(3) Those making requests of the department may submit such request to the administrative services division or the principal office of the division that would provide the information or as may otherwise be provided in these rules.

1.4(4) Communication of information regarding conflicts with the department, declaratory rulings or rules or initiation of rule making by the department shall be directed to the administrative services division as provided in 661—Chapter 10.

1.4(5) Accident reports filed as required by Iowa Code section 321.266 and which are retained by the department are available to any party to an accident, the party's insurance company or its agent, or the party's attorney on written request and the payment of a \$4 fee for each copy, paid to the department of public safety. Such request shall be made to the state patrol district headquarters in the district in which the accident occurred.

1.4(6) Reports by the Iowa state patrol division concerning motor vehicle accidents regarding observations, measurements, and examinations of physical evidence including photographs may be made available to any party to the accident or the party's legal representative or insurance company if the investigation of the accident is complete and the release of the information will not interfere with appropriate criminal proceedings or future investigations.

1.4(7) Records of the department subject to inspection under the Iowa public records Act, Iowa Code chapter 22, which are not privileged under Iowa Code section 622.11, or are not required or permitted to be held in confidence by Iowa Code chapter 692, or other applicable provisions of law, may be examined in the offices of the department in accordance with the provisions of the Iowa public records Act and these rules.

This rule is intended to implement Iowa Code chapters 17A and 80 and section 321.271.

661—1.5 Rescinded, effective March 6, 1986.

661—1.6(17A) Legal advice. The attorney general of the state provides legal advice to the commissioner and employees of the department.

661—1.7(17A) Surety companies. When the Iowa Code requires the commissioner to approve a corporate surety company, approval by the insurance division of the Iowa department of commerce shall be required, and if that approval has been acquired and is continuing, the commissioner's approval will be extended.

661—1.8(17A) Construction of rules. All of the rules of the commissioner and the department are promulgated to describe the department and its procedure, to elaborate on or define some statutory language and to regulate some activities. Each of the sections of chapter 4 of the Iowa Code are hereby adopted by reference so as to apply when construing these rules. When the words "statutes" or "general assembly" appear in chapter 4, it is intended the words "rules" and "commissioner" are to be inserted in lieu thereof. Each of the sections of chapter 4 are adopted by reference at least so far as is applicable and not inconsistent with the intent of these rules or repugnant to the context of these rules.

These rules are intended to implement Iowa Code section 17A.3.

[Filed June 30, 1975]

[Filed 6/7/79, Notice 5/2/79—published 6/27/79, effective 8/2/79]

[Filed 12/16/83, Notice 9/14/83—published 1/4/84, effective 2/9/84]

[Filed 1/10/86, Notice 11/20/85—published 1/29/86, effective 3/6/86]

[Filed 4/1/88, Notice 9/23/87—published 4/20/88, effective 5/25/88]