

704.11 Police activity.

A peace officer or person acting as an agent of or directed by any police agency who participates in the commission of a crime by another person solely for the purpose of gathering evidence leading to the prosecution of such other person shall not be guilty of that crime or of the crime of solicitation as set forth in section 705.1, provided that all of the following are true:

1. The officer or person is not an instigator of the criminal activity.
2. The officer or person does not intentionally injure a nonparticipant in the crime.
3. The officer or person acts with the consent of superiors, or the necessity of immediate action precludes obtaining such consent.
4. The officer's or person's actions are reasonable under the circumstances.

This section is not intended to preclude the use of undercover or surveillance persons by law enforcement agencies in appropriate circumstances and manner. It is intended to discourage such activity to tempt, urge or persuade the commission of offenses by persons not already disposed to commit offenses of that kind.

[C79, 81, § 704.11]