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## LEGAL UPDATE

Legal Services Division



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### IOWA SUPREME COURT DECISION - EXCLUSIONARY RULE IN DRIVER'S LICENSE REVOCATION PROCEEDINGS

**Westra v. Iowa Dep't of Transportation**

**Filed June 14, 2019**

**No. 18-1050**

**[www.iowacourts.gov/courtcases/5767/embed/SupremeCourtOpinion](http://www.iowacourts.gov/courtcases/5767/embed/SupremeCourtOpinion)**

***Purpose.** Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

**Factual and Procedural Background.** On May 9, 2017, an officer of the Iowa Department of Transportation (DOT) performed a traffic stop on a vehicle operated by Alex Westra after observing the vehicle stop on an interstate highway in an attempt to use a median crossover marked for use only by authorized vehicles. During the traffic stop, the officer found an open alcoholic beverage container in the vehicle, observed that Westra's eyes were bloodshot and watery, and smelled the odor of an alcoholic beverage emanating from Westra's person. Westra refused to submit to chemical testing for intoxication both at the scene of the traffic stop and later after being transported to the county jail.

Westra was subsequently charged with stopping a vehicle on a highway in violation of Iowa Code section 321.354 and driving with an open alcoholic beverage container in violation of Iowa Code section 321.284. He was not charged with operating-while-intoxicated (OWI). The district court ultimately determined the DOT officer lacked the statutory authority to perform the traffic stop and dismissed the two charges.

However, due to Westra's refusal to submit to chemical testing, the DOT revoked his driver's license pursuant to Iowa Code section 321J.9. The driver's license revocation was approved by an administrative law judge at a hearing, and upheld on appeal by the DOT Director. On judicial review, the district court found the DOT officer lacked the statutory authority to perform the traffic stop but declined to apply the exclusionary rule to the driver's license revocation proceeding, thereby upholding Westra's driver's license revocation. Generally, the exclusionary rule prevents the government from using evidence obtained in violation of a person's constitutional rights. Westra appealed the decision to the Iowa Supreme Court (Court).

**Issue on Appeal.** Whether the exclusionary rule applies in a driver's license revocation proceeding if a legal issue exists with the underlying traffic stop on which the driver's license revocation proceeding is based.

**Holding.** The Court held that the exclusionary rule does not apply in a driver's license revocation proceeding if the only legal issue with the underlying traffic stop is the officer's lack of statutory authority, except under the circumstances specified by statute.

**Analysis.** As a preliminary matter, the Court examined whether the DOT officer had the statutory authority to perform the traffic stop on Westra. In 2018, the Court held that prior to May 11, 2017, DOT officers lacked the statutory authority to enforce laws unrelated to motor vehicle operating authority,

registration, size, weight, or load. However, the Court also specified that Iowa Code section 321J.1 separately authorized DOT officers to enforce the provisions of Iowa Code chapter 321J (OWI). In this case, the Court was not persuaded that the officer suspected or knew of an OWI violation at the time the officer initiated the traffic stop on Westra. Therefore, the Court determined the officer did not have the statutory authority to perform the traffic stop on Westra even though the officer was authorized to enforce the provisions of Iowa Code chapter 321J.

The Court then analyzed whether the officer's lack of authority to perform the traffic stop on Westra mandated use of the exclusionary rule in Westra's driver's license revocation proceeding. In 1987, the Court refused to apply the exclusionary rule in driver's license revocation proceedings provided the statutory conditions for driver's license revocation were met. The General Assembly subsequently enacted a limited exception requiring the DOT to rescind a driver's license revocation if a court holds in a criminal action on an OWI charge that the officer did not have reasonable grounds to believe that an OWI violation occurred to support a request for or to administer a chemical test, or that the chemical test was otherwise inadmissible or invalid. This exception currently exists in Iowa Code section 321J.13(6).

In this case, the Court recognized that neither of the conditions for rescission of a driver's license revocation set forth in Iowa Code section 321J.13(6) were met, principally because no criminal action on an OWI charge took place. The Court noted that Iowa Code section 321J.13 specifically limits the issues that can be raised in a driver's license revocation proceeding, and the officer's lack of statutory authority is not one of them. Because rescission of Westra's driver's license revocation was not supported by Iowa Code section 321J.13(6), the Court evaluated whether Article I, Section 8 of the Iowa Constitution required use of the exclusionary rule to suppress evidence of Westra's refusal to submit to a chemical test during the traffic stop. After discussing approaches to the issue taken by various states, the Court noted that a constitutional violation does not occur simply because an officer fails to adhere to a statute, but rather occurs when the circumstances amount to an unreasonable search or seizure. The Court determined that a traffic stop performed by an officer that fails to adhere to a statute, but is otherwise based on reasonable suspicion and probable cause, does not amount to a constitutional violation. Therefore, the Court held that Article I, section 8 of the Iowa Constitution was not triggered in this case and does not require the use of the exclusionary rule in Westra's driver's license revocation proceeding. The Court affirmed the judgment of the district court denying Westra's petition for judicial review.

**Dissents.** Justice Wiggins dissented, stating that the manipulation of the criminal justice system by the prosecutor through the prosecutor's failure to charge Westra with OWI, thereby depriving Westra of the opportunity to challenge the traffic stop in a criminal action on an OWI charge, undermined the integrity of the criminal justice system and did not carry out the intent of the General Assembly.

Justice Appel, joined by Justice Wiggins, also dissented, noting that in Iowa the exclusionary rule is a substantive constitutional doctrine that provides a personal remedy to parties subject to unconstitutional conduct and that protects the integrity of the judiciary by preventing the use of unlawfully obtained evidence to support its judgments. A traffic stop performed by an officer who lacks statutory authority is a constitutional violation and evidence obtained from the traffic stop should be suppressed.

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