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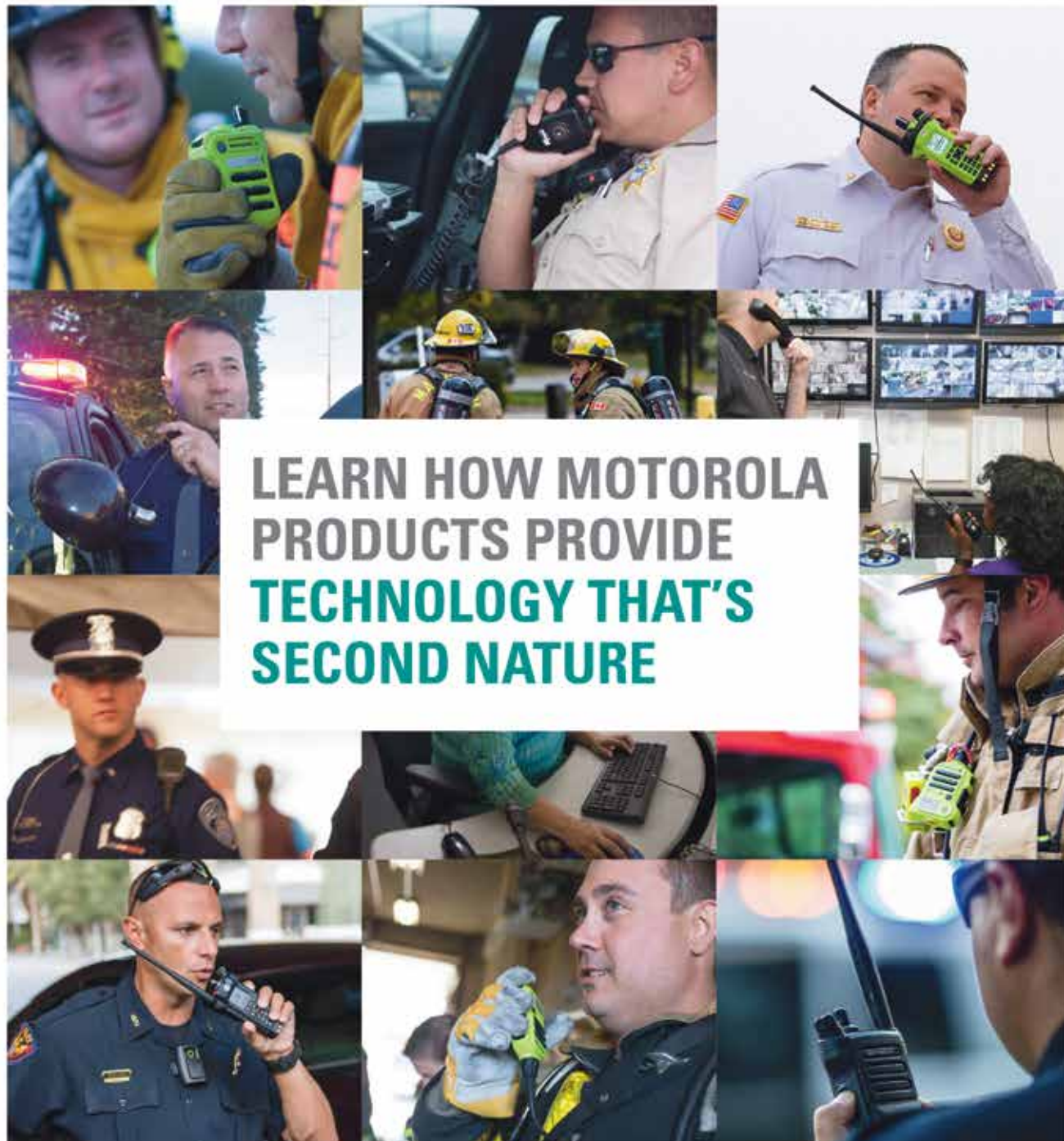
The Official Member Publication of the Iowa Peace Officers Association (IPOA)

2019 D.A.R.E. Officer Training Graduates 24 on Sept. 20, 2019



D.A.R.E. Iowa hosted a full 37th D.A.R.E. Officer Training school with 24 police officers, sheriff's deputies and U.S. Military personnel from different states at Camp Dodge on Sept. 8 – Sept. 20, 2019, in Johnston, Iowa. Members of the D.A.R.E. Iowa Training Team came from Oklahoma, Wisconsin and Iowa. A partnership with the Midwest Counterdrug Training Center (MCTC) makes this training possible each year, and they are exceptional hosts. D.A.R.E. Iowa also enjoys the support of Norwalk Elementary Schools, which provide opportunities for school visitations every year. They are fantastic.





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The IPOA Training Conference 2020
will be held March 16-17, 2020 at Prairie Meadows

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IPOA President's Message

Get involved with IPOA training, legislative action, meetings, committees, submit magazine articles and photos

Welcome fall! The last year or two have brought some unique weather trends around the U.S. that seem to be getting more frequent. In the Midwest, we are fortunate that neighbors still help neighbors and our local economies are hanging in there.

Recently in Iowa, dollar thresholds increased for various levels of property crime offenses. Also, the Legislature passed a law to set regulations for hemp farming in Iowa. There's a lot of confusion as to whether hemp is legal here now. Law enforcement in other states (where hemp is legal) have had some issues that may still not be resolved or easy to navigate. See the articles on Page 14 and 15 for more information and what we may see with hemp.

Save the dates: March 16 & 17, 2020: The Iowa Peace Officers Association (IPOA) will host our Annual 2020 Training



Capt. Mike McKelvey
Mason City Police Department

Conference at Prairie Meadows Casino in Altoona, Iowa. Prairie Meadows personnel have agreed to offer very reasonable room

rates for those traveling to attend our conference. Gaming, shopping, restaurants, and other amenities are close by to visit during free time. Your IPOA Board tries to keep Conference registration and lodging fees low while presenting interesting and practical information that benefits all our members. This Conference should meet or exceed all our expectations. Thank you to all our partner agencies, presenters, and Prairie Meadows for making this possible.

We value your input. Let us know if you have ideas on legislative or IPOA issues. We welcome guest contributors who can submit articles that will benefit our membership. We are also looking for IPOA members to volunteer and represent us on various committees or at specified meetings. If you are interested, please let us know. Be vigilant and stay safe!



First row (left to right): Alex Hoffman, Polk County Sheriff's Office; Thien Nguyen, Polk Co. S.O.; Jake Loux, Johnson Co. S.O.; Dreyson Robe, Dubuque P.D.; Nicole Blum, Dubuque P.D.; Alex Hertges, Sumner P.D.; Jim Arment, Oskaloosa P.D.; Mitchell Griffin, Muscatine P.D.; Mason Mumm, West Des Moines P.D.; Margaret Jennett, Ames P.D.

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Secretary's Report

Plan to attend 2020 IPOA Training Conference March 16-17 at the Prairie Meadows Conference Center, hotel & Casino

Hello to all! It has been a while since we made contact and I need to update you on some very important things that will be taking place in the next few months.

The 2020 IPOA Training Conference is just what you have been asking for. The Board heard your request for a location where everything could be held at one site and we have that venue this year in Prairie Meadows on March 16th & 17th.

If you have visited Prairie Meadows, you know what a beautiful place this is to host the Conference. I am excited to get back there as we were one of the first groups to hold a conference the first month they opened. With a casino and sports betting parlor onsite, I assume you may be able to find some entertainment after the daily trainings! No need to drive anywhere else as they have all you will need.

The past few years we have enjoyed Camp Dodge and support from the Midwest Counterdrug Training Center for our Conferences – providing training space and 30 rooms for lodging at no cost to attendees. We certainly appreciate all they have done for us, and we continue to partner with them again this year in other areas.

The Conference agenda is on Page 9 of this magazine, and we are continuing to look at other subjects of interest that we can add. I do want to thank our Lobbyist, Kellie Paschke, for her work in securing the contract with Prairie Meadows.

The great news on the Conference is the room rate for those in attendance – a very low \$65 per night will be offered when you reserve your rooms using the conference code 031520201OW. Call 515-957-3000 and be sure to tell them you are with the IPOA. We have a limited block of rooms at this rate, so call and book early. The conference registration fee is \$75. Register online with MCTC as they are coordinating the registration for us as in past years. The registration fee can then be sent to the IPOA, PO Box 100 Denver, Iowa 50622.

I continue to struggle with items for the magazine. Eric can do magic with the magazine and he needs your assistance. Many of you have articles of interest and again we are asking that you consider sharing news from your agency at least once during 2020. Per-



Terry Dehmlow and Gov. Kim Reynolds

haps you have taken part in a special event, have made promotions or began a new program in your agency this is worth sharing. Sometimes, believe it or not, we are too humble to share our successes with other agencies. We need to hear more from you ...and less from me! It is YOUR magazine. Thanks to those loyal supporters willing to share articles each issue. The deadline for articles in the next issue is January 1st, so you have more than a month to get it done!

The IPOA remains financially sound, and we are now in dues season. Dues are always payable beginning in September and delinquent at the end of the year. They remain at \$30 annually, and we have many outstanding memberships as I write tonight. If you have not paid your membership yet, please do it now, as you read this, to remain current. This is your notice, there is nothing coming in the mail.

Our fiscal year begins September 1st, which means I am also working on the year-end tax report for the IRS. Fortunately, we have the firm of Keith Oltrogge CPA working for us as our professional accountant. I try to prepare as much as possible, but could not do it without their help. They treat us very well and have provided excellent service for many years. It has not been fun this year in the office as it pertains to the IRS, beginning with a notice that they did not receive our IRS Form 990, followed by a letter that indicated we would be fined for the delays. I provided a copy of the check they received and cashed in December of 2018 well ahead of the deadline, and thought that would resolve the matter. It has not. We continued to get the notices, after

they sent us a small refund, that we still owe them more money. So glad we have Keith and his staff working on this for a better resolution. It's unbelievable, but I will not bore you with the details. I certainly feel for those who have had these issues on their personal filings.

This past month, I was very happy to meet and share a conversation with Governor Kim Reynolds and invite her to our Conference in March. It was my pleasure to talk with the Governor and, of course, remind her of a few items of importance to Iowa law enforcement. We need to work together on issues of common interest for the betterment of Iowa. I also stopped by the ISPA conference, which was hosted by the Waterloo Protective Association in Waterloo. I would like to congratulate them on their hosting an excellent conference. I enjoyed seeing many old friends of the ISPA whom I have not seen for too many years.

The Joint Public Safety Board's annual legislative meeting will be held on December 7th. The IPOA Board will be meeting on December 6th to review our legislative agenda and prepare for the 2020 session. You are always welcome to contact any of the IPOA Board members for items of interest/ concern. If you send them to me, they will be distributed to Board members immediately.

As we close 2019, I look forward to again working with Kellie Paschke and Troy Skinner, our IPOA Lobbyists in the 2020 session. They continue to do an excellent job watching out for the interests of Iowa law enforcement, and we are very fortunate to have them on our team. There is no way to know today just how many items will be introduced during the 2020 legislature session that concern us. But we must be prepared. Remember: the legislators DO listen to us and there is strength in numbers, so it is very helpful when you reach out to your local senator or representative and voice your concerns. Would you be willing to make a trip to the Capitol this year if needed? Email me to get on the list.

The IPOA represents all areas of law enforcement: Municipal, County, State, and Federal. It remains my honor and privilege to serve the IPOA and work with your elected Board.

May God Bless and please, Be Safe in all you do.

Terry

Legislative Updates

On a Traffic Stop, Do an Officer's Subjective Reasons Matter if the Officer Credibly Observed a Traffic Violation?

By Kellie Paschke
IPOA Lobbyist

Case: State of Iowa v. Scottize Danyelle Brown, No. 17-0367, 2019 WL 2710809 (Iowa June 28, 2019). <https://www.iowacourts.gov/courtcases/3197/embed/SupremeCourtOpinion>

At the end of June, the Iowa Supreme Court decided a traffic stop case that challenged the way officers enforce Iowa's traffic laws. Here is what you need to know.

First, the facts. A Waterloo police officer observed a black Lincoln Navigator accelerating through a yellow light and passing to the left of a moving vehicle before veering across the center line. The officer also observed the driver's license plate light was not properly functioning. The officer ran the vehicle information. He discovered the registered owner was associated with a local criminal group.

After stopping the vehicle, the officer smelled an odor of alcohol and saw an open can of beer in the center cupholder. The driver (who was not the registered owner) was charged with a second offense of operating a motor vehicle while intoxicated.

The driver filed a motion to suppress the stop. She argued that she was unlawfully subjected to a pretextual stop in violation of both the Iowa Constitution and the United States Constitution.

The district court denied the motion.



It stated that "any subjective reasons that may have gone into [the officer's] decision to stop the vehicle do not matter" when the officer objectively observed several traffic violations. The driver was convicted.

The driver appealed and the Iowa Supreme Court retained the appeal. The driver argued that Iowa should adopt a burden-shifting test. Under the proposed test, the State would have had to show the objective basis for the stop (traffic violation or otherwise). The burden would shift to the motorist to show the officer had a subjective motive for the stop, such as the race of the driver. Then, the burden would shift a final time to the State to show the objective basis was the real reason for the stop.

The Iowa Supreme Court affirmed, with three justices dissenting. It declined

to adopt the burden-shifting test and determined that the stop was not unconstitutional. The officer's subjective reasons were not relevant if the officer observed a traffic violation.

The opinion stated that the driver's proposed burden-shifting test would be difficult to administer by the courts. It also recognized that the test would not have any significant impact on eliminating the racial profiling concerns articulated by the driver and by other organizations that had weighed in, including the ACLU of Iowa and the NAACP. Further, Iowa law provides motorists with many protections against any perceived abuse of authority during traffic stops.

Two important additional points from the opinion. First, the Court recognized that an officer's subjective motives are relevant to the officer's credibility. "If the district court doubts the officer's credibility and finds the motorist did not commit a traffic violation, then the stop is unconstitutional."

Second, and to address concerns about racial profiling, the Court recognized that motorists continued to have a cause of action against law enforcement for selective enforcement of the traffic laws based on racially discriminatory grounds.

The proper way to bring the lawsuit is under the Equal Protection Clause, however, and not through search and seizure provisions.

Portions of Iowa's Disorderly Conduct Statute Declared Unconstitutional by U.S. District Court

By Kellie Paschke
IPOA Lobbyist

On September 26, 2019, U.S. District Court Judge Rebecca Ebinger (S.D. Iowa) declared that Iowa Code Section 723.4(2) is unconstitutional on its face and as applied to the plaintiffs in that case. The subsection of the statute at issue reads:

723.4 Disorderly Conduct.

A person commits a simple misdemeanor or when the person does any of the following:

2. Makes loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

In ruling that §723.4(2) was unconstitutional, the Court reasoned that the statute was vague on its face because it subjects speakers to criminal punishment based on the reactions of third parties, while requiring "no mens rea" on the part of the speaker. The Court also determined the statute was vague as applied to the specific Plaintiffs in the case because Defendants enforced the

statute in a way that gave Plaintiffs insufficient notice of when their speech violates the statute.

The Court declined to issue any injunctive relief, assuming instead that Iowa prosecutorial authorities and their agents will give full credence to the Court's holding. It is likely that this will be addressed during the 2020 Legislative Session by amending the subsection to include "intentionally, knowingly or recklessly" causing unreasonable distress to the occupants.

Iowa Peace Officers Association (IPOA)

2020 Annual Training Conference

March 16-17, 2020

at Prairie Meadows Casino and Conference Center, Altoona IA



We have a low room rate available at the Prairie Meadows hotel for IPOA Conference attendees: the room rate for IPOA Conference attendees is a very low \$65 per day, and will be offered when you reserve your room. Call Prairie Meadows at 515-957-3000 and tell them you are with IPOA, and use conference code 031520201OW.

Monday, March 16, 7:30 a.m. - 8:30 a.m. Check in / Registration

8:30 a.m.: Present Colors / Benediction / Welcome

8:40 a.m. - 11:00 a.m. – Team Adam Presentation – Presenters will train members on free resources that can supplement difficult missing children and suspected child abduction cases.

11:10 a.m. – Noon IPOA Business Meeting

12:00 p.m. – 1:00 p.m. – Lunch

1:00 p.m. – 1:15 pm – IPOA memorial ceremony

1:15 p.m. – 3:15 p.m. – Omaha, Nebraska. Case Study Presentation on Nikko Jenkins (“spree killer”) convicted of four murders that occurred in 2013.

3:30 p.m. – 5:00 p.m. Pension System and PERB Education to members – Learn the differences and important information for retirement planning from pension system staff. Iowa Public Employment Relations Board presenter will relay topical and useful information to members about the role of PERB to government employees.

Tuesday, March 17, 2020

8:00 a.m. – 4:30 p.m. – “Armed Suspect” presentation by MCTC staff. Law enforcement is exposed to more firearms (legal and illegally possessed) today than ever before. This intensive 1-day presentation will cover topics like threat recognition, behavioral profiling, legal concerns, tactics, and officer safety.

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First row (left to right): **Nick Fencel**, Burlington Police Department; **Mason McGraith**, Mason City P.D.; **Stephanie Taylor Smith**, Pleasant Hill P.D.; **Samantha Leigh Kunc**, Iowa State University P.D.; **Tabrina A. Eggleston**, Ringgold County Sheriff's Office; **Lori Johnson**, Iowa State University P.D.; **Emilio Puente**, Iowa City P.D.; **Marissa Kay Abbott**, Cedar Falls P.D.; **Susan Rutz**, Humboldt P.D.; **Priscilla Rebollozo**, Iowa State University Police Department.

Second row: **Timothy Yoder**, Coralville P.D.; **Devin Groenhagen**, Woodbury Co. S.O.; **John Young**, Jefferson P.D.; **Kolton Atkins**, Des Moines Co. S.O.; **Kaleb Bruggeman**, Cedar Falls P.D.; **John Kuebler**, Council Bluffs P.D.; **Troy Lathrop**, Burlington P.D.; **Imran Odobasic**, Ankeny P.D.; **Josh Freeman**, Ankeny P.D.; **Tate DeGraff**, Pleasant Hill P.D.

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Fourth row: **Tyler Putney**, Cedar Falls P.D.; **Arthur Doakes**, Woodbury Co. S.O.; **Carson Linkenmeyer**, Iowa State University P.D.; **Thomas Seitz**, Des Moines Co. S.O.; **Jeremy Harker**, Pottawattamie Co. S.O.; **Trey Carstens**, Pottawattamie Co. S.O.; **Corey Van Kooten**, Jasper County S.O.; **Clayton Juhl**, Council Bluffs P.D.; **Jonathon Gilbert**, Pleasant Hill P.D.; **Josh Fane**, Albia P.D.; **Kody Roos**, Pella P.D.

New law establishes Iowa Public Safety Survivor Fund for family of fallen Iowa peace officers and firefighters

New statewide support is available to help with the on-going health insurance costs for the families of Iowa peace officers and firefighters who die in the line of duty. The new Public Safety Survivor Fund resulted from a years-long discussion about insurance for surviving family members. Until 2018, if an Iowa peace officer or firefighter died in the line of duty, the state, county or city government for which the person worked was not authorized to continue accident or health insurance coverage for their surviving family members.

In 2018, state law was changed to allow that continuing coverage option for surviving family members and for the state, county or city involved to pay the full cost or a portion of the insurance cost. If the full amount of the coverage is not paid, the family members can opt to pay the remaining cost themselves.

Some families and small communities have had difficulty paying the insurance costs, and that is where the new Survivor Fund comes in. The Iowa Department of Public Safety (DPS) will award grants each year through the fund, with half the money going to nonprofit organizations that help with the on-going insurance costs for surviving families of peace officers killed in the line of duty, and half going to nonprofit organizations that help with those costs for the surviving family members of fire fighters killed in the line of duty.

Iowa DPS is directed by the new state law to give consideration for grants to Concerns of Police Survivors Inc., and the Iowa Professional Fire Fighters Inc. The Iowa Lottery will provide \$100,000 in proceeds each year to the Survivor Fund.



Pictured (left to right) are Iowa Lottery CEO Matt Strawn, Rep. Wes Breckenridge, Rep. Mike Sexton, and Iowa Department of Public Safety Commissioner Stephan Bayens.

Iowa Law Enforcement Academy's Satellite Academy 9-Week Basic Level II Training School at Hawkeye Community College, March 19 – May 8, 2018



Graduates: (First Row) **Brandon Cabney**, Akron Police Department; **Lucas Doty**, Dyersville P. D.; **John A. Jenkins**, Charles City P.D.; **Klint Bentley**, Fairbank P. D. **Back Row:** **Jarad Schilling**, Black Hawk County Sheriff's Office; **Mark Anderson**, Britt P. D.; **Cody Smith**, Jefferson P. D.; **Preston Russell**, Cedar Falls P.D.; **Brandon Turner**, Greene County Sheriff's Office.

Newly Promoted Sioux City Sgt. Jake Noltze Follows His father and Grandfather in Serving with the City's Police Department

Sioux City Police Department (SCPD) is proud to announce the promotion of Officer Jake Noltze to the rank of sergeant. Jake is a 14.5-year SCPD veteran who worked multiple assignments including patrol, street level drug unit, Special Weapons and Tactics Team, and the K-9 Unit. Jake has been a field training officer and instructor in multiple disciplines for SCPD. He will be assigned a K-9 handler and patrol supervisor on Watch 2. Jake is the 3rd generation of Noltzes to serve with SCPD. His Father, Charles Noltze, retired as a captain from SCPD, and his grandfather, Carl Noltze, retired as an officer. Along with being a patrol supervisor, Jake will also be serving as a Team Leader with the SWAT unit. – SCPD Chief Rex Mueller



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The 1%ers:

How Will You Deal With Them?

The vast majority of people we come across during patrol duties and other police functions are not 1%ers. There are some people we deal with who are not strangers to the criminal justice system, and how it works, but they do not fit into the 1%. Some people have had traffic citations and this is about the extent of their dealings with law enforcement. Then, there are 1%ers.

The term “1%er” signifies those who are willing to seriously injure you or worse to avoid being apprehended. They are not afraid to use violence to do this, and will when given the opportunity. They comprise a small percentage of the population – hence the term given.

When we train our officers, we emphasize to them that we are not training for 99 percent of the populace; it is the 1 percent you should be training for. If you are ready for the 1 percent, the 99 percent will be easy to deal with. Don’t mistake the meaning behind this: we still train to deal with a wide variety of situations and people, but generally those can be handled with verbalization and our mere presence.

The 1% cannot be handled with mere words. They are willing to fight and even kill. Contrary to what some people think, there are people in our world who are evil and have the mentality, the means, and the ability to kill you. They are not like you and me. They were raised around violence their entire lives, inoculated to it. You cannot impress upon them your morals or values. They simply cannot grasp those concepts any more than you can grasp their concept that violence is always good and normal. Most of us in law enforcement simply were not raised that way.

We teach pretty regularly at ILEA’s Satellite Academy at Hawkeye Commu-

nity College. It is amazing when we ask newly hired police officers how many of them have been in fights, or how many have been hit in the face, or how many of them are versed in combat arts. The short answer is not many. It is sad today that we, as law enforcement officers, are expected to be trained well enough to deal with the absolute worst of the worst when the time arises, yet training for those times is seriously lacking at some departments in this country.

A 1%er is already trained. They have been training in violence their entire lives. They are not afraid, do not hesitate, and will not think twice about bringing violence upon you or your colleagues. Qualifying once a year with your duty weapons and only doing one four-hour block of DT is not enough. This is nothing more than going through the motions to appease standards or to check a box. It’s not going to benefit you when need it the most.

Do you really think you are going to just walk onto a football field and win a championship game without practicing first? Replace championship game with fighting for your life; if you didn’t prepare for it, why do you think you’re going win? There’s a

About the Authors:



Sgt. Greg Erie

Greg Erie has been with the Waterloo Police Department since 1995. A former Marine, Sgt. Erie is currently assigned to Watch III Patrol. Prior to his July 2016 promotion, he served as the Training Unit Coordinator for 9-1/2 years. He is a prior member of the Tactical Unit, FTO, and a TASER and defensive tactics instructor. He is a member of ILEETA. His email is erieg@waterloopolice.com.



Officer Chris Gergen

Chris Gergen has been with the Waterloo Police Department since 1997. Officer Gergen is state and federally certified as a Control Tactics Instructor. He also teaches in several other areas. Officer Gergen is married with three kids. He can be reached at gergenc@waterloopolice.com.

saying: train the way you play and play the way you train. There’s a reason for this saying. Don’t wait until it’s too late.

If you knew you were going to have to fight for your life tomorrow, would you change the way you train today? Don’t wait, experience is an awful teacher because the test comes first and then the lesson. Be ready for your test when it comes.

Until next time, stay safe and ready.

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Marijuana and Hemp Updates for Iowa as of October 2019

By Capt. Mike McKelvey
Mason City Police Department

Feb. 2019 – Iowa legislators passed SF 559 HEMP (See related article in this magazine).

May 2019 – Gov. Reynolds vetoed H.F. 732. This legislation would have permitted Iowa patients to purchase up to 25 grams of THC every 90 days. This change appears to have been the main sticking point. Members of the Iowa Medical CBD Advisory Board felt 25 grams were too much and only recommended a maximum amount of 4.5 grams of THC every 90 days. Additionally, HF 732 allowed: for nurse practitioners and physician assistants to certify medical CBD patients if patient had a qualifying medical condition; the ban on convicted felons to possess medical CBD to be removed; for state health officials to collect data on the medical CBD program in Iowa to aid in evaluation; terminally ill patients to exceed THC cap restrictions; and revised a qualifying medical condition from “Untreatable Pain” to “Severe and Chronic Pain.”

Note: This issue about a cap on THC will probably come back during the upcoming legislative session.

Vaping Scare of 2019 – For the last several months of 2019, several hundred cases of acute, severe respiratory illnesses and a handful of deaths have been attributed to vaping products. The focus initially appears to have been primarily on black market THC products, synthetic THC, or various components (vitamin E acetate) of the liquid vaping fluid in these products. The attention seems to have brought heightened scrutiny on currently legal e-cigarettes and vaping products as well. Lawmakers are proposing to raise legal age to purchase to 21 in some states or ban the use of candy and other flavorings that some believe

make these products attractive to minors. Some retailers have recently stated they will no longer sell e-cigarette products once their current inventory has been sold.

July 2019 – Iowa Attorney General issues Statement on Hemp and CBD Products.¹ Clarifies that the only MJ/ hemp/ CBD products currently legal in Iowa are: Marinol, Cesamet, Syndros, and Epidiolex (All FDA Approved drugs); or products legally purchased from an Iowa medical CBD dispensary with medical CBD card. Iowa Hemp law is not in effect yet. Therefore, hemp is not legal yet in Iowa.

Sept 2019 – U.S. Surgeon General issues public warning due to growing use of marijuana by adolescents and pregnant women.” The data presented shows that tetrahydrocannabinol (THC) concentration in cannabis plants tripled from 4% to 12% between 1995 and 2014 ... and points out that dependency, addiction, and other negative consequences are possible with higher potency levels. For those curious, the advisory notes that THC concentration in some legal dispensaries pushes to between 17.7% and 23.2% THC levels, with concentrate products offering considerably higher THC levels.

The advisory also finds, via a national survey, that marijuana use among pregnant women doubled to 7% from 3.4% between 2002 and 2017”² Pregnant women sometimes use marijuana for nausea and morning sickness. It is unknown what impact this may have on unborn children or those that are breastfed.

Sept 2019 – Many states are having difficulty prosecuting MJ crimes due to legalization of hemp in their respective states (see related article in this magazine that explains some of the same issues that Iowa may face soon in 2020). Some states will hardly prosecute MJ now, or, try to prose-

cute MJ crimes federally only. Due to this confusion, one of the fastest growing trends is smokable hemp.³

Sept 2019 – The U.S. House of Representatives have approved legislation to allow banks to work with marijuana companies in states where MJ is legal. The U.S. Senate still needs to vote and approve the proposed legislation.⁴ Inability of banks to do business with (legal) MJ businesses has caused concerns about extra security due to large amounts of cash transactions.

Oct 2019 – A recent Mexico Supreme Court decision basically set the mandate that parliament legalize marijuana by Oct 2019. Marijuana has been legal in Canada since 2018. What type of MX regulations and product supply chain will be in place by Oct 2019 is unknown. Will this upset the illegal export of U.S. MJ to other countries or have other impacts on the U.S.?

Footnotes:

¹Retrieved from Internet on 9/27/2019, https://www.iowaattorneygeneral.gov/media/cms/hemp_statement_A8AFF-8F160A43.pdf

² Retrieved from Internet 9/27/2019, <https://www.fool.com/investing/2019/09/07/marijuana-remains-the-enemy-of-us-health-agencies.aspx>

³ Retrieved from Internet 9/27/2019, <https://www.forbes.com/sites/mikeadams/2019/09/17/marijuana-cases-difficult-to-prosecute-in-indiana-from-here-on-out/#30263b16751b>

⁴ Retrieved from Internet 9/27/2019, <https://www.reuters.com/article/us-usa-house-cannabis/house-passes-bill-that-would-allow-banks-to-work-with-cannabis-companies-idUSKBN1WA308>

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Hemp 101 for Iowa Law Enforcement

By Capt. Mike McKelvey
Mason City Police Department

In 2018, the Federal Farm Bill legalized industrial hemp production as a commodity with restrictions. The U.S. Department of Agriculture (USDA) is responsible for writing regulations for hemp. States are required to submit a plan to USDA for approval before implementing hemp production. If this plan is not approved or no plan is submitted, the state must operate under USDA guidelines. Currently, the USDA guidelines have not been established. It will probably be 2020 before these guidelines are established before Iowa can submit a plan.

In February 2019, Iowa legislators passed SF 599. The Iowa Department of Agriculture and Land Stewardship (IDALS) was designated to be the regulatory agency in Iowa. Crop inspections, fees, disposal plans, and disciplinary action and fees are established. SF 599 limits a person to legal and equitable interest up to a maximum of 40 acres of hemp cropland. If pre-harvest THC% is greater than 3%, IDALS orders destruction in the field

What is hemp grown for in other states:

- Grain
- Seed
- Fiber (rope, oils, paper, clothing, etc. Hemp was grown in Iowa during W.W. II for rope fiber and other war effort needs).
- CBD – This is probably the most lucrative and popular of the four for farmers.

When is hemp legal in Iowa for Consumption or Ingestion:

- Animal feed = NO
- Human Consumption (food and supplements) = NO per FDA and DIA
- Medical Cannabidiol = YES if purchased from Iowa dispensary with

CBD card; Epidiolex; some other limited circumstances. Not over-the-counter by Federal law.

- Cosmetics = YES under certain circumstances per FDA guidelines.

Basically, FDA rules prohibit companies from marketing CBD/hemp added to cosmetics or supplements for reducing health ailments without testing and verification by the FDA. Epidiolex is a prescription drug containing CBD and no THC that has passed FDA trials and has been approved to treat severe cases of childhood epilepsy.

So, what's the big deal if hemp is legal as far as Iowa law enforcement is concerned?

- Hemp and marijuana are the same plant, cannabis. Hemp has a .3%THC dry-weight content or less; Marijuana is .3% THC dry-weight content or higher.
- Street officers cannot visually tell the difference. There are no rapid (affordable) field test kits largely available yet to differentiate THC content. Suspect plant material will have to be sent in to a lab equipped with sophisticated testing equipment. The Iowa DCI lab does not yet have the testing equipment but plans are being made to purchase testing equipment. This may cause all suspect plant material to be required to be sent in to DCI or outsourced to a lab able to meet the testing requirements. It is doubtful that the legislature has approved additional money to purchase this equipment and hire extra staff that will be required if most plant material now has to come through DCI instead of being tested locally for positive MJ test reaction.
- Prosecutorial delays or deciding not to prosecute MJ cases anymore. In other states where hemp is legal,

many prosecutors are often reluctant to prosecute now with all the testing delays or ambiguity. What will this do to motions to suppress for Plain Smell, Plain View, K-9 Sniff (for dogs trained to alert on MJ)?

Legal loopholes:

- Currently, there is no definition for hemp in Iowa;
- Iowa's definition for MJ does not match Federal law;
- Iowa's MJ definition says some parts of MJ plant are legal?
- When we think of THC, we usually are talking about Delta-9 THC. However there are numerous other cannabinoids in hemp and MJ. One of these is THCA, which in plant form is problematic if a heat source or sunlight is applied. Depending on the amount of heat, the THCA will convert to THC. How this conversion process translates to confidently understanding the exact amt of THC it will convert to seems difficult to predict.
- Synthetic THC
- Smokable hemp bud – States with legal hemp are seeing this trend. There's no prohibition for smoking hemp
- If hemp crops fail the THC pre-harvest test, what is the process for destroying crops (How soon; who is authorized; diversion concerns)

Where Can I go for More Information?

The Iowa Dept of Agriculture and Land Stewardship website: <https://IowaAgriculture.gov/hemp>

Robin Pruisner is one of the resident experts there. Her email is Robin.Pruisner@IowaAgriculture.gov. Her work phone is 51-725-1465.

For legislative updates, IPOA information and updates, Conference information, back issues of Iowa Law Enforcement magazine, training/ education opportunities, more:

Visit:

iowapeaceofficers.org

Former Mason City Patrolman/ U.S. Marshal shot to death in 1972

Memorial plaque honoring Dick. D. McKinney Placed at Cedar Rapids federal courthouse

By Capt Mike McKelvey
Mason City Police Department

Patrolman Dick D. McKinney worked for the Mason City Police Department (M.C.P.D.) from 1947-1962, and was then appointed a U.S. Marshall. On July 20, 1972, Deputy Marshall McKinney left the federal building in Cedar Rapids, and was robbed at gunpoint of his wallet.

McKinney was shot in the heart

during the robbery but was able to drive himself to the hospital where he later died.

At the right is an M.C.P.D. photo with an inlay of the engraving from the National Law Enforcement Memorial in Washington, D.C. On October 18, 2019, at 10:00 a.m., a ceremony was held to place McKinney's memorial plaque at the Federal Courthouse in Cedar Rapids.



January 3 through April 19, 2019

285th Iowa Law Enforcement Academy Basic Level I Training Class



First row (left to right): Josh Hobbs, Centerville P.D.; Joe Allen, Greene County Conservation Board; Cassandra Jakoubek, Waterloo P.D.; Allison Berry, Polk County Sheriff's Office; Abby Weatherwax, Burlington P.D.; Kristie Sommer, Waterloo P.D.; Amber Santoro, Knoxville P.D.; Cody Craycraft, Ottumwa P.D.; Matthew Adams, Estherville P.D.; Alan Romero, Denison P.D.; Dalton Kies, Grinnell P.D.

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Fourth row: Zayne Mikita, Hamilton Co. S.O.; James Avon, Ottumwa P.D.; Matt Collins, Polk Co. S.O.; Jon Spunaugle, Audubon Co. S.O.; Trevor Mass, Glenwood P.D.; Wyatt Westberg, Dallas Co. S.O.; Jake McGuire, Afton P.D.; Daniel "DJ" Sutfin, Tama P.D.; John Susie, Iowa State University P.D.; Alber Dabit, Muscatine P.D.

284th Iowa Law Enforcement Academy Basic Level I Training Class



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Second row: **Jerad Petersen**, Council Bluffs Police Department; **Brad Kruse**, Davenport Fire Department; **Robert Kramer**, Davenport Fire Department; **Matthew Petersen**, Iowa Department of Natural Resources, Parks Division; **Tyler Munden**, Storm Lake Police Department; **William Riegel**, Fairfield Police Department; **Jesse Windham**, Pottawattamie County Sheriff's Office; **Blake Fiferlick**, Carroll Police Department; **Thomas Van Renterghem**, Mahaska County Conservation Board; **Robert Dearmore**, Wilton Police Department.

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Fourth row: **Nathan Rosenberg**, Osceola County Sheriff's Office; **Andrew Van Es**, Council Bluffs Police Department; **Nicholas Fedler**, Fort Madison Police Department; **Jeremy Petersen**, Pottawattamie County Sheriff's Office; **Gabe Madsen**, Onawa Police Department; **Curtis Vanderheiden**, Calhoun County Conservation Board; **Jason Dykstra**, Iowa Department of Natural Resources, Parks Division; **Kevin Blaha-Polson**, Johnson County Sheriff's Office; **Dakota Springer**, Iowa Department of Natural Resources, Parks Division; **Austin Little**, Marion County Sheriff's Office; **Devon Kregel**, Linn County Sheriff's Office; **Jared Daily**, Belle Plaine Police Department.

Consider Starting the all new D.A.R.E. Program in 2020

John Sheahan (photo at right) currently serves as president of the D.A.R.E. Iowa Advisory Board. Sheahan has been Lay Pastor of Bergen Lutheran Church in Roland, Iowa, since 2016.

Sheahan has served as D.A.R.E. Iowa's Educational Advisor for the past 15 years. He was selected the D.A.R.E. America National Educator of the year in 2011. He has participated in numerous Dare Officer Trainings for DARE America throughout the USA and has traveled to other countries as well as the Educational Advisor. In 2016, John retired as the Middle School Principal from Roland-Story Middle School. He was in that position since 1997.

On Sept. 8 – Sept. 20, D.A.R.E. Iowa hosted a full 37th D.A.R.E. Officer Training school with 24 police officers, sheriff's deputies and U.S. Military personnel from different states at Camp Dodge in Johnston, Iowa. Members of the D.A.R.E. Iowa Training Team came from Oklahoma, Wisconsin and Iowa.

A partnership with the Midwest Counterdrug Training Center (MCTC) makes this training possible each year, and they are exceptional hosts. D.A.R.E. Iowa also could not conduct this training without the support of Norwalk Elementary Schools that provide an opportunity for a school visitation each year. They are fantastic.





MIDWEST COUNTERDRUG TRAINING CENTER

Mission Statement

The Midwest Counterdrug Training Center focuses National Guard capabilities and assets to facilitate professional development, mitigate training gaps, and increase counterdrug expertise in the LEA and CBO communities in order to build safe and strong communities.

Overview of MCTC

The Midwest Counterdrug Training Center is one of five Department of Defense funded, National Guard administered Counterdrug training schools. Funded through the Department of Defense and administered by the Iowa National Guard, the Midwest Counterdrug Training Center began operations in January 2003. To date, we have trained over 150,000 local, state, and federal law enforcement officers, prevention and treatment professionals, as well as military students throughout the United States. All courses are tuition free and taught by highly-regarded professionals and reputed experts in their fields.

Attending MCTC Courses

MCTC offers tuition free courses year-round with limited free lodging on Camp Dodge JMTC, Johnston, IA. Mobile training is also available for most MCTC Courses – bringing training directly to where it is most needed. Full course descriptions, eligibility, prerequisites, and registration can be found online at www.counterdrugtraining.com

Need Training? Register with us:

To register for, or to request a tuition free course, please visit our website. Please contact the Director of Training for any additional or offsite training requests.

MCTC Contact

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Find the complete schedule online at
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Patrol Officer Response to Street Drugs

Off Street Interdiction Training

Integrated Drug and Contraband Interdiction
Basic Narcotics Investigations Course

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The sum of \$35. must accompany this application for first year membership. Dues are not tax deductible due to the lobbying efforts of this association. Annual dues 2nd year will be \$30.

Signature of Applicant: _____

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