

UNITED STATES DISTRICT COURT

NORTHERN

DISTRICT OF

IOWA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

Agriprocessors, Incorporated and/or Nevel Properties,
Corporation with complete description of premises to be
sought incorporated in Attachment 1

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 08-MJ-110

I, Senior Special Agent David Hoagland being duly sworn, depose and say
I am a(n) Senior Special Agent and have reason to believe
Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)
Agriprocessors, Incorporated and/or Nevel Properties, Corporation with complete description of premises to be searched
incorporated in Attachment 1

in the Northern District of Iowa

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment 2

which is (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)
contraband; property that constitutes evidence of the commission of a criminal offense; and property designed or intended
for use or which is or has been used as the means of committing a criminal offense.

concerning a violation of Title 8 & 18 & 42 United States code, Section(s) 1324, 1326 & 1546, 1015, 1028A & 408

The facts to support a finding of probable cause are as follows:

See attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

[Signature]
Signature of Affiant

Sworn to before me and subscribed in my presence,

May 9, 2008
Date

at Cedar Rapids IA
City State

Jon Stuart Scales Magistrate
Name of Judge Title of Judge

[Signature]
Signature of Judge

Attachment 1
08-MJ-110

Description of Premises:

Building or buildings commonly referred to as Agriprocessors, Incorporated and/or Nevel Properties, Corporation using the mailing addresses of: 220 West Street, Postville, Iowa 52162; 735 West Tilden Street, Postville, IA 52162; PO Box 920, Postville, IA 52162; 150 North West Street, Postville, IA 52162; or PO Box 947, Postville, IA 52162; or any other address associated with these entities, and in the area geographically located, relatively:

- a. to the north of US Highway # 18 (AKA: Tilden Street),
- b. to the west of West (AKA: North West) street,
- c. to the south of the single relatively east-west direction service road located to the south of the Postville, Iowa, water treatment plant area, and
- d. to the east of the road known as Pole Line Road.

These areas are primarily encompassed by a chain-link fence. The areas to be excluded from any search are identified by the Allamakee County Assessors Office as Parcel # 1932377014 (commonly referred to as "Szabo Construction Company"), Parcel # 1932326005 (visually apparent at main entrance to Agriprocessors, Incorporated as propane storage tanks), and Parcel # 1932376015 (two beige or yellow in color metal buildings, with a driveway off US Highway # 18, with a small shed behind the larger metal building). This includes any and all areas which are normally used in the course of hiring and processing of applicants for employment, to include the Human Resources office, and any other areas normally used in the storage of employee records, as well as any and all areas used in what is commonly referred to as the processing and packaging of any commercial meat product; to include beef, poultry, lamb, or other livestock or fowl.

Thus, the premises to be searched are marked as areas A, B & C in Exhibit "1 attached to this search warrant application, including any and all buildings, structures, and vehicles located thereon, but excluding all other areas shown on Exhibit 1.

Attachment # 2

Items and Persons to be Searched for, Identified, and/or Seized

All records relating to violations of the offenses listed on the warrant, those records including:

1. Any and all personal identification documentation, including but not limited to, Agriprocessors-issued identification cards, swipe or proximity cards, drivers' licenses, resident alien cards, social security cards, and any other forms or documents pertaining to the identity of any person in the Agriprocessors facility located anywhere on the premises or on the person of anyone believed to be an employee of Agriprocessors.
2. Any and all pay checks, pay stubs, bank records, financial records, or other documentation regarding compensation to, or hours worked by, employees of Agriprocessors.
3. Any and all biometric information, including biometric information gathered when agents executing this warrant have employees place their hands on biometric scanning devices in the Agriprocessors facility, along with any electronic or computer devices, hardware, or software, which operate, gather, or store data from the biometric scanning system.
4. Vehicle title and registrations for any vehicles bearing license plates from Des Moines County, Iowa.
5. Books, records, notes, receipts, ledgers, invoices, contracts, diaries, cash receipts and disbursement journals, and any other items evidencing the employment process and/or relating to the employer and all past, current, or potential employees.
6. Any and all immigration documents, visas, visa applications, passports and other items relating to the employment and application process or copies thereof.
7. Any and all Forms I-9 (Employment Eligibility Verification Form), correspondence to and/or from the Social Security Administration relating to former and current employees or applicants for employment, documents pertaining to the withholding of taxes from former and current employment, documents pertaining to the withholding of taxes from former and current employees or applicants for employment, and any other government forms relating to the employment process.

8. Any and all employee applications, questionnaires, or other forms relating to the employment process.
9. Address and/or telephone books and papers reflecting names, addresses and/or telephone numbers of former or current employees.
10. Any and all documents relating to applications for citizenship or seeking adjustment or change in immigration status.
11. Books, records, receipts, notes, ledgers and other papers, documents or records, relating to the transportation, ordering, purchase, mailing, shipment, manufacture, alteration, counterfeiting or other action taken or planned in regard to any identification document or matter to be submitted in support of a request for issuance of an identification document, regardless of whether said information is maintained in paper, digital, electronic or other format.
12. All copying or duplicating equipment, laminating equipment, copy machines, cameras, memory chips for digital cameras, electronic media, electronic storage devices, scanners (including by not limited to the Ingersoll Rand Hand Punch 4000 biometric scanner), and imaging equipment, paper cutters and formatting tools and equipment, and any other mechanical or electronic implements of document storage or reproduction, and any film, memory sticks or other accessories and peripherals for the above equipment.
13. Any and all records and documents related to advertising for employment and the transportation of potential employees from other parts of the State of Iowa, the United States, or a foreign country, to the United States, the State of Iowa, or Postville, Iowa, for possible employment at Agriprocessors.
14. Any and all bank records, checkbooks, statements, or other financial records relating to or used in the process of compensating employees of Agriprocessors.
15. All computer hardware, computer software, passwords, encryption keys, and instruction manuals necessary to read and meaningfully comprehend electronically stored records that are otherwise called for by this warrant, including but not limited to: electronic devices which are capable of analyzing, creating, displaying, converting, or transmitting electronic or magnetic computer impulses or data; computer components; computer peripherals; word processing equipment; and other computer related and electronic devices.

16. All 695 people on the attached list for whom there is a criminal complaint on file, and any identification documents pertaining to those people.

The terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any electrical, electronic, or magnetic form (such as any information on an electronic or magnetic storage device, including floppy diskettes, hard disks, ZIP disks, USB drives, memory sticks, CD-ROMs, optical discs, backup tapes, printer buffers, smart cards, memory calculators, pagers, personal digital assistants as well as printouts or readouts from any magnetic storage device); any handmade form (such as writing, drawing, painting); any mechanical form (such as printing or typing); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies).