

IN THE IOWA DISTRICT COURT FOR LEE COUNTY
AT KEOKUK

In Re: Confidential Records

MIDWEST ACADEMY

Misc. No. SWSW000569

SWSW000570

REQUEST TO SEAL SEARCH
WARRANTS

COMES NOW Michael P. Short, as County Attorney of Lee County, Iowa and hereby requests the court to seal all search warrants related to Midwest Academy, Ben Trane and or Midwest Treatment Facility under the following facts and circumstances:

1. Search warrants were issued which in part dealt with alleged sexual abuse by Ben Trane, the owner and administrator of Midwest Academy, and involving a named prior student.
2. Seized pursuant to that portion of the investigation were computers, cameras, cellphones and electronic items. Also seized were items of trace evidence involving bodily fluids for DNA and related forensic examination.
3. Credit Cards were also seized to determine if those cards were used in connection with the purchase of items for female students.
4. Each of these laboratory examinations is expected to take weeks to complete.
5. During the course of investigation, with the assistance of the Iowa Department of Human Services, allegations of a pattern of child endangerment in the use of the OSS room for protracted separation and detention of students.
6. DHS reports that the parents of students detained in OSS rooms appear to have been billed for counselling and other services not provided while the student was detained in an OSS room. If such a pattern does in fact exist, since counselling sessions may be billed twice daily, could involve a substantial amount of money.
7. Charges are under review, pending the completion of the investigation on the federal level as a result of the involvement of the FBI and the United States Attorney's Office.
8. Also under investigation on the state level are possible charges of Sexual Abuse, Child Pornography, Child Endangerment, Fraudulent Practices, and Ongoing Criminal Conduct.
9. The state investigations are likely to continue for several months before sufficient information will be available to make a determination on any of these charges.

10. It would be harmful to the investigation, and to the staff and students of Midwest Academy, to release the information contained in the affidavits given in support of the search warrants before such time as a charging decision is completed.
11. This case has already been the subject of a full page editorial in the Des Moines Register and extensive local television and newspaper coverage.
12. The State believed that it was important to the probable cause statement to name and give biographical details regarding the alleged victim of the sexual assault. This victim was a minor at the time of the incident.
13. Even after the search warrant is made public, the state asks that the name, address, date of birth, social security number of the victim not be released to the general public.
14. A large number of potential witnesses are yet to be interviewed; including former students and staff. To release the information early may color these witnesses recollections or testimony.
15. Additional search warrants and subpoenas are anticipated at this time. Records regarding the OSS rooms, and billing for professional and educational services that were never received by the student, and a willful failure to provide the services required by student's IEP's are all possible avenues of investigation that would be harmed by premature release of information.

WHEREFORE the State asks that all search warrant records be sealed for a period of 180 days from the date of this application.

/S/ M P Short

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