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June 28, 2020

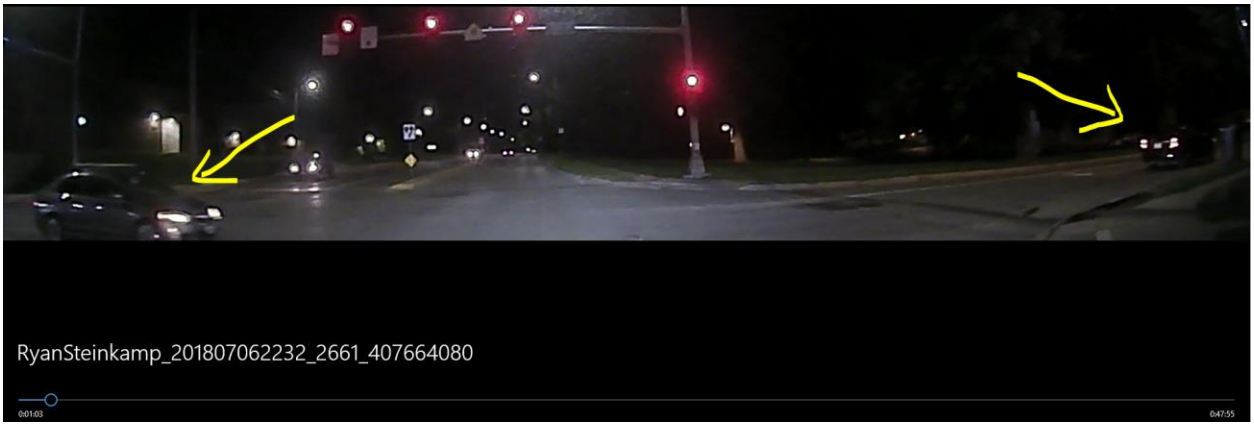
*Via email to JAFrentress@dmgov.org*

Sergeant Joseph Frentress
Office of Professional Standards
Des Moines Police Department

RE: 7/6/18 stop of Domeco Fugenschuh

Dear Sgt. Frentress:

I am writing to file a complaint against Officer Ryan Steinkamp and Officer Brian Minnehan for excessive force and an unconstitutional search. Officer Steinkamp and Officer Minnehan were assigned to the "Summer Enforcement Team" when they stopped Domeco Fugenschuh on July 6, 2018. The reason for the stop was ostensibly because Domeco had pulled out in front of another car. The patrol vehicle flatly contradicts this. Here's a photo of Domeco's car and the car he supposedly "cut off":




The real reason the officers stopped Domeco, a young Black man, is because Domeco was flipping them the bird from inside his car. He was doing that because he felt the officers were shining their brights into his car. While Domeco's gesture may have been impolite, it was not illegal and it did not give the officer's permission to stop him.

Steinkamp approached Domeco and immediately—before explaining the reason for the stop and ignoring Domeco's questions regarding the reason for the stop—pulled him out of the car and placed him in handcuffs. There was no legitimate reason to do so. He was handcuffed simply to punish him for giving the officers the finger. Nevertheless, Domeco remained calm.

Steinkamp walked Domeco back to the patrol car and, together with Minnehan, bent Domeco's handcuffed arms up behind his back, forcing him face down on the patrol car. Steinkamp forced Domeco's arms as far as they would go, perpendicular to his body. The video shows that Domeco did nothing to deserve this. And again, this stop was because of a false allegation that Domeco had cut someone off. Even if that *were* true, we're talking about an extremely basic traffic offense here. There is zero reason to put someone in handcuffs during a stop like this, let alone reason to put him in a submission hold.

Things went south from there. Domeco cursed at the officers (albeit calmly), to which Minnehan responded, "you're going to jail now." Steinkamp took Domeco to the back of the patrol car and proceeded to shove him backwards into the car. Domeco was still handcuffed and he fell hard, hitting his head on the car. Both officers ignored Domeco's obvious pain and instead hollered at him to get up and sit in the car.

The officers then searched his car and located supposed marijuana "shake" (which is essentially marijuana crumbs) under the floor mat of Domeco's driver seat and a supposed "scale" (for weighing drugs). They later admitted that the scale was only a portable phone charger and placed it back in Domeco's vehicle. Nevertheless, they charged Domeco with marijuana possession. That charge was later dismissed.

I have serious questions about the legality of the search of Domeco's car. *After* searching Domeco's car, the officers said they had smelled marijuana. This is an easy lie that some DMPD officers tell to justify a search. I know of at least one case where evidence was thrown out because a judge concluded it was impossible for Steinkamp and Minnehan to have smelled marijuana as they claimed (ruling attached). Steinkamp and Minnehan must have exceptionally good noses to detect marijuana crumbs under the floor mat of a car.

This stop was an incredibly negative experience for Domeco. He comes from a difficult background and was adopted. It would be an understatement to say he did not respond well to being mistreated by the officers. He curses a blue streak at them. He was able to calm down for awhile, but was sent over the edge again when the officers falsely accused him of having marijuana and a scale in his car.

The officers eventually hauled Domeco off to jail. They acknowledged multiple times that they would have let Domeco go with a verbal warning (for cutting the other car off, which of course, he didn't actually do) if he hadn't been so disrespectful to them. Minnehan specifically noted that he doesn't usually take people to jail for marijuana possession. This was solely about punishing Domeco for not giving them the respect they felt they deserved. But when officers act this way, they don't deserve respect.

Granted, Domeco did not have to cuss out the cops. He could have sat quietly in handcuffs after they assaulted him and searched his car, waiting for a warning or a ticket. But when people are abused and made to feel powerless when they have done nothing wrong, it engenders rage. Sitting handcuffed in the back of the patrol car, Domeco knew he did not cut anyone off and he knew he had done nothing wrong. Yet he had been stopped, taken out of his car, handcuffed, smashed into the hood of a police car, and pushed down. And he could not stop these things from happening.

This kind of treatment is traumatizing. How do you think he feels about the police after the terrible way he was treated? How will this impact every interaction he has with law enforcement in the future? This young man was already very vulnerable, and this type of treatment is very destabilizing for someone like him. He had to deal with going to jail and then defending himself on a criminal case. He works for a moving company and he had to pay his hard-earn money to the court system to resolve the charges. This was all completely unnecessary.

To summarize, here are the problems with this stop:

1. Domeco was pulled over for a made-up reason (not to mention it is a traffic violation so minor it would be ignored in any other circumstance).

2. This was a pretextual stop because the officers didn't like being flipped off.

3. This stop was about the officers punishing Domeco for flipping them off, not for legitimate law enforcement.

4. There is no reason that Domeco should have been pulled out of the car and handcuffed.

5. There is no excuse for pushing Domeco's face into the hood of the car.

6. There is no excuse for shoving Domeco down while he was handcuffed.

7. I highly doubt Domeco's car smelled like marijuana, and the officers did not have probable cause to search it.

8. EVEN IF Domeco had cut another car off and had marijuana shake in his car, he should have been cited for those offenses, not taken to jail.

9. Neither Steinkamp nor Minnehan reported the use of force during this stop (to my knowledge).

Repeatedly throughout this stop, Steinkamp and Minnehan abused the power they hold as police officers. This wasn't an isolated mistake for these officers. I am personally aware of several complaints against Steinkamp and Minnehan: for pretextually stopping other drivers; for unnecessarily arresting other drivers; for racially profiling other drivers; for inappropriately handcuffing other drivers; and for falsely alleging they smelled marijuana. The City already paid $90,000 last year to settle a lawsuit against Minnehan.

The behavior exhibited by these officers repeats itself to varying degrees in many cases I have seen. (From my experience, officers on the Summer Enforcement Team seem particularly prone to pull people over for pretextual reasons and treat them poorly.) Here are a few practical things the Police Department and the City should do to ensure this type of thing doesn't continue to happen:

1. Train officers on when handcuffing is and is not appropriate. Handcuffing should only be used when there is a legitimate safety concern.

2. Disallow pretextual stops. Officers can still pull people over if there is a concern about criminal activity in the car. It only takes reasonable suspicion of a crime to stop someone, so if a person is driving weird and there is a concern of a DUI, the officer is still able to make that stop. But the practice of pulling people over for insignificant traffic or equipment violations without reasonable suspicion of a more serious crime needs to end. Pretextual stops invite abuse and racially biased policing.

3. Maintain a public database of suppression rulings that are granted because an officer violated someone's constitutional rights. I've deposed several DMPD officers who say they don't get notice if a judge grants a suppression motion—so how are the officers supposed to learn? How are supervisors supposed to address any problematic behavior if they don't even know about it?

4. Impose serious disciplinary consequences when things like this occur. Officers who do this type of thing should be pulled from patrol. Officers who observe

misconduct and don't report it should also face consequences. An officer who fails to report his partner's misconduct should not be allowed to continue to patrol with that partner.

5. Criminally charge officers who assault people.

6. End the practice of searching vehicles during basic traffic stops based on the smell of marijuana.

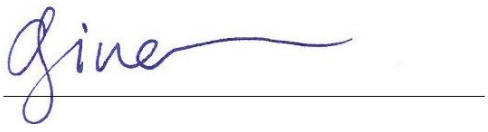
7. Adopt a policy where officers are not to arrest individuals for marijuana possession or basic traffic offenses. These can be charged by a standard citation form.

8. Collect data about stops. There is currently no reporting of stops that do not end in a citation or arrest. This means that the City is not tracking when officers make pretextual stops and find nothing. The City has no way of knowing how many times officers pull people over for bogus reasons and end up letting them go because the whole stop was bogus to begin with. The race of the individuals being stopped should also be reported. If the City cares about fixing the racial imbalance in law enforcement in Des Moines, it has to have this information. There should also be some reporting of when and why an officer searches a car, and what is found (including reporting when nothing is found). This will give the City the information necessary to determine if officers are inappropriately searching vehicles.

The bigger problem is changing the culture so that officers don't think this type of behavior is okay. I certainly don't think all DMPD officers are jerks, but there are a handful that push the boundaries. I also think that DMPD is aware of who these officers are. They are the ones (like Steinkamp and Minnehan) who get consistent complaints. A big part of the reason people are protesting in Des Moines is because this behavior has been going on for years and there has been no meaningful change.

If you should have any questions, please don't hesitate to call me.

Very truly yours,

BY: 

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