

Polk County Attorney

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County Attorney

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February 13, 2025

Chief McTaggart,

I have reviewed the fatal shooting of Charquan Hargrove, age 32, that occurred on January 2, 2025, at 2142 Meadow Court, Des Moines, Iowa. This began when Officer Nicholas Rude, Officer Brian Stern, and Officer Destiny McGinnis went to this address to check for the presence of Mr. Hargrove, who had warrants for domestic abuse assault – third offense and a probation violation.

Officer Rude saw a black Jaguar parked in the driveway of the residence. The vehicle was known to belong to Mr. Hargrove. Before going to the front door, Officer Rude attempted to see inside to confirm the presence of Mr. Hargrove. There was a large enough square missing from the blinds that Officer Rude was able to see into the living room. He observed a man he believed to be Mr. Hargrove and heard his voice.

Officer Rude knocked on the door. Ms. Shianne Lewis answered the door. Officer Rude told Ms. Lewis that they were there because there was an arrest warrant for Mr. Hargrove and they had reason to believe he was in the residence. Ms. Lewis told Officer Rude that just she and her kids were there, that her kids were sick, and that she was not dressed. It would be learned later that Mr. Hargrove was there. It can be seen in the video that Ms. Lewis was wearing a T-shirt and shorts or underpants. The children are not visible until later in the body cam video because they were in their bedrooms, sleeping, during this time.

Officer Rude told Ms. Lewis to back up and told her the officers were going to come inside because they had reason to believe Mr. Hargrove was there. The officers entered the residence and Officer Rude began to yell out "Des Moines Police, make yourself known." Officer Rude then stopped at the beginning of a hallway. Officer Stern was behind him. Officer Rude again yelled loudly, "Des Moines Police. If you're here, make yourself known." Officer Stern asked Ms. Lewis if Mr. Hargrove was there. She responded that it was just her and her children.

Just as Officer Rude again asked if Mr. Hargrove was there, Mr. Hargrove is seen on body cam

video quickly moving from one bedroom at the end of the hallway to another bedroom. Officer Rude then yelled loudly, "Let me see your hands," as he ran toward the bedroom into which Mr. Hargrove had run.

Officer Rude drew his service weapon and simultaneously again yelled, "Let me see your hands!" As Officer Rude arrived at the bedroom doorway, Hargrove can be heard on body cam video saying, "Back up," to Officer Rude. Mr. Hargrove then immediately fired at Officer Rude.

Officers Rude and Stern both returned fire toward the bedroom where Mr. Hargrove was located. Officer Stern then backed down the hallway as Officer Rude retreated into the back bedroom from which Mr. Hargrove initially appeared.

Ms. Lewis began yelling that her children were back there. Officer Stern told her to stay in the hallway several times, and Officer McGinnis is also heard asking Ms. Lewis to remain there but Ms. Lewis went past Officer Stern and into the bedroom where Officer Rude was taking cover.

It was very dark in that bedroom but body cam allows for more light to be visible on video than one would see in person. Ms. Lewis's infant was sleeping in a car seat on the floor. She began to check on her infant when Mr. Hargrove ran back into that bedroom with a gun in his hand. Officers Rude and Stern fired at Mr. Hargrove again, and Mr. Hargrove fell to the floor. Officer Rude began life-saving measures on Mr. Hargrove. Officer McGinnis was out in the living room, behind Officer Stern, and did not shoot.

In regards to the specifics of Officer Rude's and Officer Stern's conduct that day, I have reviewed all the body worn camera footage of Officer Rude, Officer Stern, Officer McGinnis, and all other officers who arrived on scene. I have reviewed all the evidence produced by the Department of Criminal Investigation. We appreciate the thorough work of the DCI.

Iowa Law

Criminal liability is established in Iowa if it is proved beyond a reasonable doubt that a person has committed all of the elements of an offense defined by Iowa statute and that the offense was committed without any statutorily recognized justification or defense. While knowingly or intentionally shooting another person and causing injury or death is generally prohibited as assault or murder in Iowa, the criminal code specifies certain circumstances in which the use of deadly force is justified.

As there is generally no dispute that the officer intended to shoot at the person who is wounded or killed, the determination of whether the conduct was criminal is primarily a question of legal justification. Iowa Code Section 704.1 defines reasonable force. "Reasonable force" is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

Reasonable force, including deadly force, may be used even if an alternative course of action is available if the alternative entails a risk to life or safety, or the life or safety of a third party, or requires one to abandon or retreat from one's dwelling or place of business or employment. In *Graham v. Connor*, 490 U.S. 386 (1989), the U.S. Supreme Court held that the use of deadly force by a police officer must be evaluated from the perspective of a reasonable police officer on the scene and in the same circumstances.

Under *Graham*, reasonableness of police use of force cannot be evaluated from the perspective of

a civilian nor can it be evaluated with a clearer vision afforded by 20/20 hindsight. The Court further stated that the fact law enforcement officers are often required to react quickly in tense, uncertain, and rapidly evolving situations are factors that must be considered in determining reasonableness.

Since Graham, the Supreme Court has narrowed the analysis to focus on the exact moment that the force was applied. A police officer may have to continue their use of force until a suspect thought to be armed is fully secured. *Jean-Baptiste v. Gutierrez*, 627 F.3d 816 (11th Cir. 2010), *Plumhoff v. Rickard*, 572 U.S. 765 (2014). If lethal force is justified, officers are trained to continue to shoot until there is no longer a threat.

Therefore, the question presented in most cases of lethal force is whether, at the instant the officer fired the shot that wounded or killed the person, the officer reasonably believed, and in fact believed, that he or she, or another person, was in imminent danger of great bodily injury or death from the actions of the person who was shot.

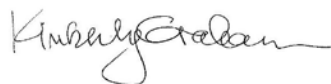
To establish criminal responsibility for knowingly or intentionally shooting another, the state must prove beyond a reasonable doubt that the person doing the shooting either did not really believe he or another was in imminent danger, or, if he did hold such belief, that belief was, in light of the circumstances, unreasonable.

Given all the circumstances, it was reasonable for Officer Rude and Officer Stern to conclude that their lives, the life of Officer McGinnis, the lives of Ms. Lewis and the children, and the lives of those in the neighboring homes (which shared walls with this residence) were in imminent danger at the time the deadly force was used. Officer Rude's and Officer Stern's actions were necessary to save their lives and the lives of others in the area, and to prevent grave injury to themselves or others.

It is my conclusion that the use of deadly force was legally justified pursuant to Iowa law. No charges will be filed by our office.

Mr. Hargrove's children have lost their father and his family has lost their loved one. Ms. Lewis and the officers will be impacted by the memories and trauma. Our hearts go out to the family of Mr. Hargrove and to the officers and their families.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Graham".

Kimberly Graham
Polk County Attorney