



# A Study of the Des Moines Police Department's **Special Enforcement Team (SET)** 2016–2020

Compiled, Researched, and Written by Just Voices Iowa



## Contact Us

Just Voices is a 501(c)(3) nonprofit organization with the mission of ending racially-biased policing in Iowa through advocacy, education, and collaboration.

- You may contact us via email at [info@justvoicesiowa.org](mailto:info@justvoicesiowa.org).
- See website for much more policing data, stories, and resources: [www.justvoicesia.org](http://www.justvoicesia.org)

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If your civic organization, church/synagogue/mosque, club, group, or business would like us to do a presentation on policing in Des Moines, or a presentation around this report, we would be happy to discuss it with you. Whether conducted over ZOOM or in person, we can tailor something to meet the needs of each, unique audience packed with lots of information and time for thoughtful discussion and questions. Just contact us at our email address above.

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# About This Report

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This study on the Special Enforcement Team (SET) of the Des Moines Police Department is the latest report by the Racial Profiling Project, a project started in 2014. Over the course of the past seven years the project has involved many different people and organizations, all of which have been working towards a common goal:

**To end racially biased policing in Des Moines.**

Every previous action and this report itself have reached the same conclusion:

**Des Moines has a problem with racially biased policing.**

The lived experience of the Black and Brown communities in Des Moines and the data that we have collected leave no doubt about the fact of racially biased policing. And yet the Mayor, three members of the City Council, the City Manager, and the Chief of Police still refuse to acknowledge that there is a problem. It is almost as if they are adopting the current political strategy — so popular in some quarters:

**“If the facts disagree with my opinion — I will choose to ignore those facts and create my own.”**

**This is unacceptable!**

We have also come to a point where the Mayor, three members of the Council, the City Manager, the Chief of Police, and Police Union representatives all continue to refuse to meet with members of the advocacy community and refuse to engage in genuine public dialogue with those of us who are demanding needed systemic changes.

**This is also unacceptable!**

The result of this study reinforces that:

**The Black community in Des Moines is subject to racially biased policing by the Special Enforcement Team of the Des Moines Police Department;**

**It is long past time for reform.**

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## For the Record

The research that Just Voices of Iowa is sharing has been guided by the lived experiences of the Black Community that have been shared with us over the past 7 years. Some of these, such as the 2018 stop of Jared Clinton and Montray Little, are reported on the Just Voices website ([www.justvoicesia.org](http://www.justvoicesia.org)). Also, the conclusions and opinions that are reported are based on data that we have collected from Des Moines Police Department and other sources over the past 3 years.

If the conclusions in this report are wrong, in any way, we look forward to the opportunity to sit down across the table with public officials to learn where we are mistaken and open a dialogue on how to correct those errors. In the absence of a willingness on the Des Moines Police Department to engage in this dialogue, we stand by the research we've done and the conclusions of this report.

Just Voices is an extension of the movement to end racial profiling in Des Moines and Iowa. It is a charitable nonprofit corporation established in 2019. The mission of Just Voices is:

***To build a platform that educates, advocates, and collaborates in order to end racially-biased policing in Iowa.***

We have focused this report on the Des Moines Police Department, because it serves the Capitol of Iowa and is the largest police department in the State of Iowa.

## A Bit of Background . . .

In 2016, Iowa CCI asked the Des Moines Police Department to evaluate the policies and procedures of the department. This request was based upon the final report by the *President's Task Force on 21st Century Policing*. This report was commissioned by President Obama and released in 2015. It produced recommendations for best police practices in the 21st Century. In the fall of 2017, after nine months, the Des Moines Police Department produced a response to this request. A copy of that response is found on our website [here](#). The Department claimed that it had already:

- Adopted a “Guardian Mindset to build public trust and legitimacy”;
- Acknowledge(d) the role of policing in the past and present injustice and discrimination;
- Establish(ed) a culture of transparency and accountability.

Those who were advocating for changes in policing in Des Moines, strongly disagreed with these claims, and others, made by DMPD in its response. We found no evidence in our research on the Special Enforcement Team to support any of these claims.

## About Our Data Collection

One of the ongoing issues with research on the Des Moines Police Department is the failure of the department to collect complete data on all stops. This means, among other limitations, that there is no readily available data on stops by DMPD that do not include the issuance of a citation or an arrest. This has been recognized by the city in the issuance of a Request for Proposals (RFP) #N21-02 – Consultant Services for Best Practices and Data Collection Services. The RFP was published in December of 2020. Contract proposals were received in January of 2021. This is a part of the description of the purpose of the RFP:

...The Police Department does not collect race and ethnicity data on police encounters that do not lead to an arrest. The Neighborhood Inspection and Code Enforcement divisions of the Neighborhood Services Department also do not track race and ethnicity of zoning and code violations. There has also been no focused, comprehensive evaluation of data collection best practices that are used nationwide for collecting data and creating metrics to have valid review and study of internal trends and comparisons to evaluate and improve City police and other staff performance in fairly and impartially providing City services...

As of June 2021, no contract has been awarded to initiate this study.

The DMPD has long been asked to initiate comprehensive data collection on all stops. The information that has been requested includes:

- Race of the driver and passengers;
- The initial reason for the stop;
- Was anyone asked to exit a car;
- Was anyone handcuffed or restrained
- Was anyone searched;
- Was consent obtained for any search;
- Was a vehicle searched;
- Was contraband found;
- Was a weapon drawn?

The same questions permeate this report on the Special Enforcement Team.



## What is the Special Enforcement Team (SET)?

The Special Enforcement Team (SET) is a unit of the Des Moines Police Department that, in recent years, has been appointed annually by the Chief of Police. It operates from April through September each year. It has been described by city officials as: “(A) specialized team within the Patrol Unit ... not assigned to a specific area of the city”. In 2014, now Chief Dana Wingert described the basic deployment of the unit. He said:

*Your average patrol officer is busy for the majority of their shift, responding to calls for service. The Special Enforcement Team is primarily not trip-responsive, so we can establish their mission and deploy them and they can focus the majority of their attention to that task without the normal interruption that a beat officer would have.*

*We have 10 officers assigned to [the team] and a supervisor, and they are split into two groups, which allows us seven-day-a-week coverage. They work collectively with our detective bureau. They analyze the crime data and see who detectives are looking at, who the players out there are who need a little more attention: What kind of issues are there? Where are the issues?*

*Then they deploy to address those issues. For a savvy street cop, it's a very good job, a very productive job. Their mission is to figure out what our serious crime trends are and resolve them.*

## What the U. S. Attorney for the Southern District of Iowa said about the SET in a November 2019 press release:

The Des Moines Police Department and the United States Attorney's Office announced the results of a summer enforcement effort, which took dozens of guns off the street and resulted in federal indictments against multiple violent criminals in Des Moines.

The Des Moines Police Department Special Enforcement Team operated from April to October 2019. During that time, the team's investigations led to over 20 federal indictments for gun- and drug-related crimes, and the seizure of 71 guns from Des Moines's streets. These prosecutions are part of a series of local, state, and federal efforts known as Project Safe Neighborhoods.

“Project Safe Neighborhoods is more than just a concept,” said Des Moines Police Chief Dana Wingert. “In Des Moines, it has developed into a highly effective crime fighting strategy. United States Attorney Marc Krickbaum and his staff have taken a hardline stance on prosecuting our most violent criminals, particularly gun offenders, in an effort to reduce violent crime in our neighborhoods. To date, the effect has been dramatic, and this working relationship is poised to continue these efforts long into the future. In many larger cities across the country, efforts such as this may seem to have less of an impact on overall violent crime numbers. In Des Moines, the results are real and the crimes trends validate the impact.”

In announcing the results of this effort in Des Moines, United States Attorney Marc Krickbaum noted that, “What's impressive about the work of the Special Enforcement Team is not just the volume of cases – which has been amazing – but also the quality of those cases. We're arresting and charging the right people.

The small size of the SET has allowed for a deeper analysis of its' operation. The following sections of this report analyze what is collected by the Unit – and what that data demonstrates about racially biased policing by the SET.

### **Racial Disparity by DMPD Overall**

Prior research has clearly demonstrated the overall pattern of racially biased policing against Blacks by the Des Moines Police Department. (<https://justvoicesia.org>) For example:

- Blacks make up 11% of the population of Des Moines.
- Blacks receive 28% of traffic citations issued by DMPD.
- Blacks are 6.2 times more likely to be arrested for Interference with Official Acts.
- Blacks are 4.5 times more likely to receive a citation for speeding.

These and other examples are “markers” that support the lived experience of Blacks in Des Moines who report racial bias in law enforcement. Our research reveals that the officers serving on the SET show an even greater level of disproportionality.

### **How Much Does it Cost to Operate SET?**

We also asked the City to disclose the cost of operating the SET. We received this response:

- The operations of the SET are funded from the City of Des Moines General Fund.
- The City of Des Moines does not track equipment, supplies, administrative costs, or overhead allocation specific to SET.
- The City does track overtime related to the SET.



## Who Serves on the SET Team?

What follows is a chart that shows the officers who have served on the SET from 2016 through 2020. The row labeled “Months of Svc” shows the month and day the unit started and ended in each year. The yellow highlight indicates a year in which the officer named served. It also contains the city in which the officer resides.

Last Name	First Name	Badge #	Hire date	Months of svc. 2016	Months of svc. 2017	Months of svc. 2018	Months of svc. 2019	Months of svc. 2020
				4/27-10/19	4/24-10/9	4/9-10/8	5/6-10/5	5/19-10/4
Ballantini	Anthony	4946	06/26/00		Grimes			
Becker	Andrew	5105	10/25/10	Adel				
Buck	Brian	5112	10/25/10		Van Meter			
Burnardt	Megan	5164	08/26/13		Waukee			
Danner	Matt	5121	08/06/12	Bondurant				
Davis	Jeff	5212	06/19/17					Ankeny
Dempsey	Daniel	5157	08/06/13		W. D. M.			
Eblen	Luke	5181	04/27/15					Waukee
Finley	Marco	5182	04/27/15				Norwalk	
Fong	Michael	5040	07/15/05					Pl. Hill
Frentres	Joseph	4954	06/26/00	Pl. Hill				
Gallaher	Matt	5210	06/19/17					Ankeny
Garrett	Ryan	5138	08/06/12			Ankeny		
George	Jeffrey	5127	08/06/12	Altoona				
Harden	Lucas	5102	07/14/08	Grimes				
Holton	Brandon	5118	08/06/12	D.S.M.				
Hume	Eric	5167	08/26/13			Runnells		
Joseph	Brian	5125	08/06/12	Clive				
McCarthy	Benjamin	5110	10/25/10	Indianola				
Minnehan	Brian	5187	04/27/15			D.S.M.		
Morgan	Shawn	5141	08/26/13	Grimes				
O'Neil	Sean	5173	04/27/15				Solon	
Pratt	Brady	5163	08/26/13		Bondurant			
Robinson	Jeff	4984	07/22/02			Carlisle		
Steinkamp	Ryan	5186	04/27/15			Grimes		
Wall	Jordan	5153	08/26/13				Baxter	

## About These SET Officers

Several things emerge from the pattern of the officers selected:

- They are almost exclusively White (1 exception)
- They are almost exclusively Male (1 exception)
- They tend to be newer officers (note the dates of hire)
- All but two live outside of the city of Des Moines.

As of May 2021, the DMPD has responded to a request for the names of officers appointed to SET for 2021 by stating that no appointments have yet been made. It is unclear at this time if the SET will be activated this year.

## Calls For Service

The Des Moines Police Department maintains a detailed record of “Calls for Service” (CFS) that is generated for every officer for actions taken by that officer while serving on the SET. (It is not clear whether this information is kept for every action) This is the list of the data that is kept for each CFS:

- |                    |                     |
|--------------------|---------------------|
| • Call ID,         | • Zip Code,         |
| • Case ID,         | • Location Comment, |
| • Received Person, | • Identification,   |
| • Activity Date,   | • Time Disposition, |
| • Activity Time,   | • Time Arrival,     |
| • Nature Code,     | • Time Cleared,     |
| • Street #,        | • How Received,     |
| • Apt. Floor,      | • Disposition.      |
| • City,            |                     |

## The Racial Disparity in the Arrest Records the Officers serving on the SET.

Utilizing the CFS records and booking records of the Polk County Sheriff, we have created the following chart. It reports the arrests that were made by SET officers from 2016 through 2020. It is limited to arrests that were made while serving on SET. The chart shows all traffic stops for each officer, all arrests following a stop and the race of the person being arrested. **Notice that 61% of arrests are of Black residents.** This is significantly higher than the overall percentage for the entire Des Moines Police Department.

### SET Officer Arrests by Race

Officer Name	Total Traffic	Traffic Arrests	White		Black		Hispanic		Other
BALLANTINI, ANTHONY	13	1		0%	1	100%		0%	
BECKER, ANDREW	130	20	6	30%	13	65%	1	5%	
BUCK, BRIAN	123	29	10	34%	18	62%	3	10%	
BURNHARDT, MEGAN	50								
DANNER, MATT	129	11	5	45%	5	45%		0%	1
DAVIS, JEFFREY	49	9		0%	9	100%		0%	
DEMPSEY, DANIEL	143	54	26	48%	25	46%	7	13%	1
EBLEN, LUKE	40	10		0%	10	100%		0%	1
FINLEY, MARCO	40	6	4	67%	3	50%	1	17%	1
FONG, MICHAEL	21	1		0%	1	100%		0%	
FRENTRESS, JOSEPH	41	3	2	67%	1	33%		0%	
GALLAHER, MATTHEW	48	8	1	13%	7	88%		0%	
GARRETT, RYAN	98	24	2	8%	18	75%	5	21%	2
GEORGE, JEFFREY	113	11	2	18%	8	73%	1	9%	
HARDEN, LUCAS	191	25	10	40%	13	52%	3	12%	0
HOLTAN, BRANDON	312	39	7	18%	25	64%	5	13%	1
HUME, ERIC	62	25	8	32%	17	68%	2	8%	1
JOSEPH, BRIAN	165	17	2	12%	14	82%	1	6%	0
KRAMER, LUCAS	30	4		0%	3	75%	1	25%	
MCCARTHY, BENJAMIN	28	6	1	17%	5	83%		0%	
MINNEHAN, BRIAN	134	38	17	45%	22	58%	2	5%	0
MORGAN, SHAWN	280	28	7	25%	21	75%	2	7%	0
ONEILL, SEAN	132	18	10	56%	7	39%	2	11%	
PRATT, BRADY	110	36	17	47%	18	50%	1	3%	0
ROBINSON, JEFF	13	2	2	100%	0	0%	0	0%	0
STEINKAMP, RYAN	171	56	26	46%	24	43%	8	14%	1
WALL, JORDAN	87	11	2	18%	9	82%	0	0%	0
<b>Total</b>	<b>2758</b>	<b>492</b>	<b>167</b>		<b>300</b>	<b>61%</b>	<b>45</b>	<b>9%</b>	<b>9</b>

## Where Does the SET Patrol?

Utilizing the information that has been provided on “Calls for Service”, we have been able to extract the Zip Code information on all Calls for Service.

This information provides additional support for the community’s belief that the Des Moines Police Department targets and over-polices the Black Community.

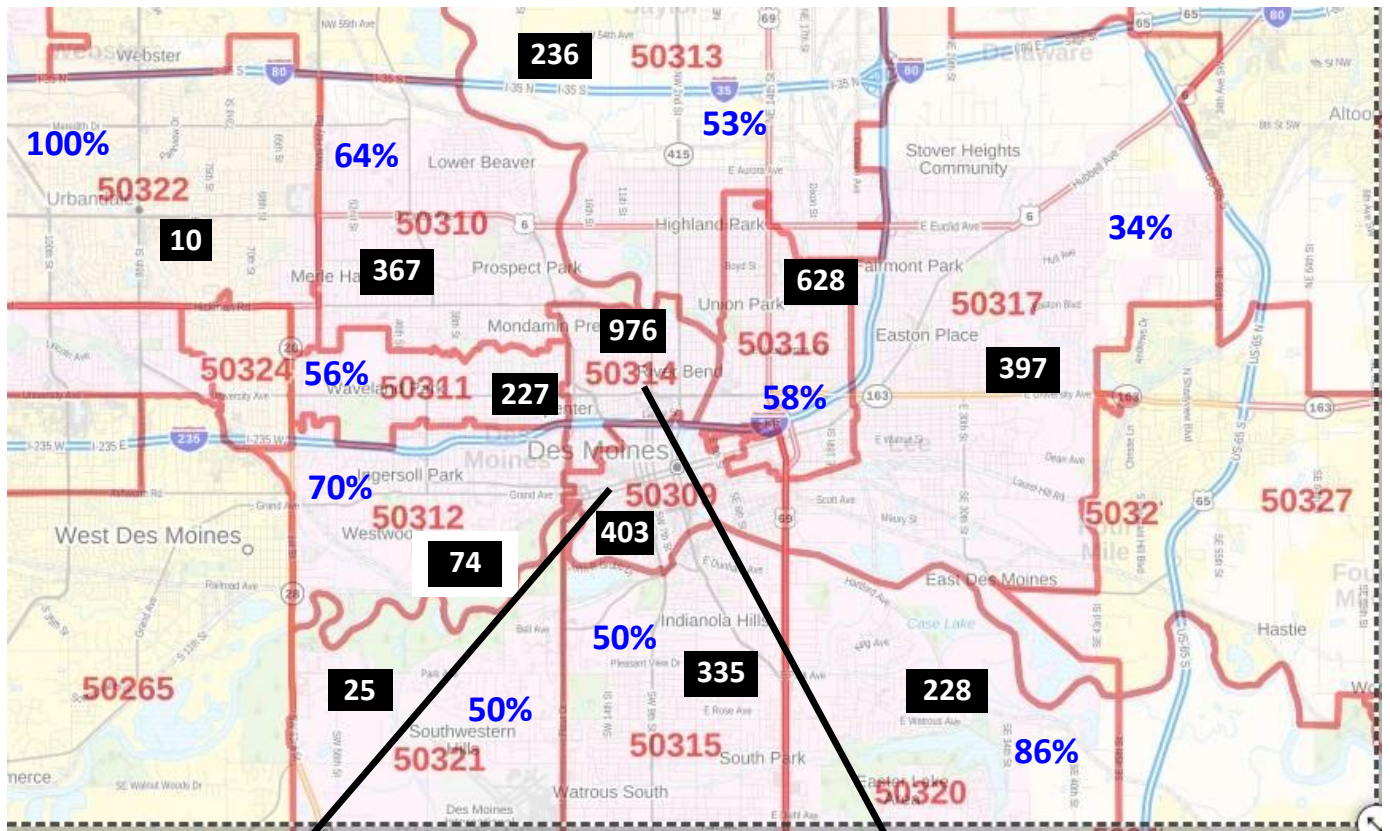
### Calls for Service by City ZIP Codes Commonly Patrolled by SET

Zip	2016	2017	2018	2019	2020	Total Calls	Percentage
50314	456	176	77	171	96	976	24%
50316	312	102	80	100	34	628	15%
50309	157	75	52	61	58	403	10%
50317	132	48	83	108	26	397	10%
50310	114	76	68	47	62	367	9%
50315	77	88	30	120	20	335	8%
50313	67	59	44	42	24	236	6%
50320	101	36	29	45	17	228	6%
50311	91	47	26	37	26	227	6%
OTHER*	1	3	171	2	7	184	4%
50312	25	23	5	14	7	74	2%
50321	12	3	4	4	2	25	1%
50322		1	1	4	4	10	0%
50319	2	1	1	2		6	0%
<b>Total</b>	<b>1547</b>	<b>738</b>	<b>671</b>	<b>757</b>	<b>383</b>	<b>4096</b>	

In the 5 years under examination, 59% of all Calls for Service for the SET were in these four inner city zip codes: 50314, 50316, 50309 and 50317. Notice, as well, that 39% of all Calls for Service were in just two zip codes: 50314 and 50316.

This also contradicts the prior claim that the SET: “(Is) not assigned to a specific area of the city.”

## Total CFS and % of SET Arrests of Blacks by Des Moines Zip Code



63%

**KEY**

76%

**Total Calls For Service  
2016 – 2020**

**Percentage of Total Arrests  
that were Black People  
2016 – 2020**

### SET Arrests by Race and Zip Code - 2016 - 2020

We have also extracted information regarding the zip code and the race of those arrested in the 5 years under review. It was produced by comparing the SET records with the Booking records of the Polk County Sheriff. The SET reported a total of 672 Arrests during the 5 years. The final column shows what percentage of those arrests were of Black citizens within each zip code.



**Over 60% of all the arrests reported by the SET were of Black people. Therefore, regardless of what ZIP code the arrest occurred in, arrests of Black residents were disproportionate. The average for all ZIP codes was 60%.**

***In every ZIP code, arrests of Black people vs White people were extremely disproportionate.***

### SET Calls for Service (CFS) Resulting in ARRESTS (by ZIP and by Race) 2016 – 2020

Zip	White	Black	Hispanic	Other	Arrest Calls	Percentage Black
50314	35	107	8	3	140	76%
50316	35	59	14	2	102	58%
50317	46	25	4	2	73	34%
50309	18	43	6	4	68	63%
50315	30	33	3	1	66	50%
50310	22	39	4	1	61	64%
OTHER	16	25	6	2	46	54%
50313	13	20	7		38	53%
50311	10	19	7		34	56%
50320	4	25	1		29	86%
50312	4	7			10	70%
50321	2	2			4	50%
50322		1			1	100%
50319						
<b>Total</b>	<b>235</b>	<b>405</b>	<b>60</b>	<b>15</b>	<b>672</b>	<b>60%</b>



## The Daily SET Records

The Department also keeps a detailed record of several specific activities of the SET, like impounds, stolen vehicles, and shots fired, among other activities. For this report, we are most interested in data related to marijuana enforcement.:

Felony arrests

Misdemeanor arrests

Traffic Stops

Weapons confiscated

Drug Possession with Intent

Paraphernalia

Seizures (money)

These details appear to be kept on a daily basis and aggregated on a weekly basis with cumulative summary totals for each activity as the weeks go by. A copy of one such record, for Week 17 in 2019 is included in the Appendix. The complete set of these reports from 2016 through 2020 is available upon request at [info@justvoicesiowa.org](mailto:info@justvoicesiowa.org). Utilizing the detailed tracking of drugs seized each day, for example, we have been able to study, in detail, the amount of marijuana collected over the course of each SET year. This is explored further in the section of this report dealing the efficacy of the unit in marijuana enforcement.

One limitation in the cumulative reports is the lack of a comprehensive description/glossary of what is being reported in each category – in other words there is no context given for the information. The major limitation, for our research purposes, is that there is no easy way to connect this information to the other data sets that are available.

What the data clearly demonstrates, once again, is the ability of the department to collect detailed data on the activities of its' officers, when it chooses to do so.

We have taken all of the summary reports for the years under study and combined them into the following chart.

### SUMMARY OF SET DATA 2016 — 2020

Action by Officers	2016	2017	2018	2019	2020	Totals
Felony Arrests	105	170	162	185	80	702
Misdemeanor Arrests	213	192	173	162	71	811
Traffic Stops	1,889	1,470	1,742	1,238	252	6,656
Weapons	48	58	66	71	59	302
Drug Possession w/ intent	19	61	57	59	36	232
Paraphernalia	16	46	34	10	17	123
Seizures	\$6,088	\$26,008	\$79,104	\$28,912	\$37,942	\$178,054

## What else do the statistics show?

Just Voices Iowa has compared the booking records obtained from the Sheriff against the reported arrests made by the SET — by using the arresting officer name and identification number.

NOTE: We are unable to make a comparison *of all arrests* reported from the SET records because not all correlate to any booking record from the Sheriff. However, we have been able to make a comparison for 4,096 booking records that relate to 672 arrest records from SET.

To the extent that we are able to make a direct connection between the records kept by SET and the Booking records of the Polk County Sheriff we can conclude.



Of the 492 people arrested by SET officers following a traffic stop,  
**167 were White (34%) and 300 were Black (61%)!**

This level of disproportionality is consistent with the Zip Code data and is also far beyond the general disproportionality reflected in the overall citation and booking records for the DMPD. All of the records supporting these conclusions are available on request.

For more information or if you have questions, contact Just Voices Iowa at [info@justvoicesiowa.org](mailto:info@justvoicesiowa.org). We would be happy to discuss our study, our methodology, or how we propose to create more racial equity in marijuana enforcement in Des Moines, Iowa.

*Continued. . .*

## Marijuana Enforcement in Des Moines

The Just Voices analysis of the SET starts with the understanding that the reality of disproportionate enforcement of marijuana laws against the Black Community is well established. Blacks and Whites actually use marijuana at the same rates. Despite that fact, the ACLU released a report in April, 2020, that found:



**Blacks in Iowa are 7.26 times more likely to be arrested for possession of Marijuana than Whites. This makes Iowa the 5<sup>th</sup> worst state in the United States for disproportionate arrests for possession.**

## DM City Council forms Marijuana Enforcement Task Force

In June 2020, the Des Moines City Council appointed a task force to study the issue of Marijuana Enforcement and to make recommendations to the Council on ways to make Marijuana enforcement a low priority for the Des Moines Police Department. The Resolution stated that:

*“...the City Council believes that enforcement of marijuana possession for personal use should be the lowest enforcement priority for Des Moines Police officers.*

The Resolution went on to provide specific instructions on what it was seeking:

- 1) *“Any actions and policies, including but not limited to ordinance changes, that the City could implement under existing state law to make marijuana possession a lower enforcement priority...”*

The Marijuana Task Force did an exemplary job of taking available national, state and local information and demonstrating the generalized disproportionality of low-level drug enforcement against communities of color — particularly against young black men. The generalized information about this pattern in Des Moines, Iowa and nationally has been raised up by numerous sources over recent years as one of the explanations for the phenomenon of Mass Incarceration that has destroyed many Black communities. In preparing this report, we assume that over-enforcement against Blacks is a FACT. Our analysis of the SET starts with that assumption.

## Des Moines Police Department Does Not Consult with Marijuana Task Force

The Resolution also instructed the Police Department to: “...make a qualified person available for consultation with the Task Force on technical matters”. It is revealing that the Des Moines Police Department did not ever provide this person to serve on the Task Force, even when asked to do so. Additionally, Chief Wingert has stated publicly that he was not going to reduce enforcement of Marijuana laws regardless of what the Council might instruct.

*“In a statement to the Register, Wingert signaled that DMPD will not be compelled to follow city policies that conflict with state law. He said the issue “should be left to state lawmakers” and that police feedback outside of technical matters would have been a “conflict of interest.”*

*“From my standpoint, this is an issue that should be left to state lawmakers,” the police chief said. “The professional obligation to enforce state law is something that must be consistently applied across jurisdictional lines. To actively participate on this task force would be a professional conflict of interest. As stated by the City Council Resolution, we participated as a consultant on technical matters.*

*“Our role is not to establish law. The practice of police officers arbitrarily assigning a level of ‘seriousness’ or ‘priority,’ beyond what is currently established by Iowa Code, is problematic and places the men and women who serve in a very difficult position,” Wingert’s statement continued. “If the recommendations brought forth are truly the will of the people, then the appropriate venue for consideration would be the upcoming legislative session. Short of this, we remain committed to enforcing the laws in a fair and impartial manner without undermining the democratic system that sets the standards and expectations, at the state level, as it pertains to the crime of drug possession.” (Des Moines Register- November 9, 2020)*

## **How DMPD Views Marijuana Enforcement**

What follows is a statement that appears on the Des Moines Police Department web-site about the SET and Marijuana Enforcement in Des Moines:

*“Marijuana enforcement in Des Moines is intensified each year during the months for April through September by a special unit known as the Special Enforcement Team (SET). The SET is made up of between 7 to 10 police officers who are specially assigned to the unit by the Chief of Police. The SET has a flexible assignment to deploy in the areas of the city where the department believes a greater police presence is required.”*

## **Data Indicates Marijuana Enforcement by SET is Ineffective**

Just Voices Iowa has analyzed the Set Daily Summary information and the SET “Calls For Service” (CFS) information related to marijuana enforcement. We have constructed charts on the amount of marijuana collected by the SET and where it is being collected. In the period from 2016 – 2020 we found that:

- The Special Enforcement Team reported 6,591 Traffic stops;
- Of those total stops, marijuana was found 299 times
- 21 of these times resulted in marijuana being collected in an amount greater than 100 grams (which is widely accepted as a “dealer level” indicating selling)
- All of the other traffic stops where marijuana was collected, were for amounts of 100 grams or less (a level widely accepted as a “recreational or personal use”).

### These are the statistics:



- 4.2% of the 4,096 CFS resulted in finding marijuana;
- 0.03% of all Calls resulted in finding more than 100 grams of marijuana.
- **61% of all arrests by the SET Team were of Black people.**

Overall, Blacks are 11% of the population of Des Moines, yet are 30% of those arrested for marijuana possession. We believe that the percentage and the differential for the SET Team will be *significantly higher*.

One of the categories within the Calls For Service data is identified on the Daily SET reports as Traffic Stops. These reports also contain the amount of marijuana collected each day. We have extracted the amount of marijuana collected for each day by the SET and created a summary chart that shows the relationship between the number of Traffic Stops and the amount of Marijuana Collected.

### Total SET Traffic Stops & Marijuana Found 2016 – 2020

Year	Traffic Stops	Finding Marijuana	Median amt in grams	Annual total in grams
2016	1,889	44	3.0	2,786.6
2017	1,470	56	5.0	1,424.1
2018	1,742	73	19.0	3,628.0
2019	1,238	72	7.0	1,911.5
2020	252	54	5.5	2,691.0
Totals	6591	299		12,441.1

### This data tells us that:

- Marijuana was found in only 4.5% of all Traffic Stops reported by SET;
- one-half of the traffic stops, in which Marijuana was found, the amount of marijuana was equivalent to the size of tea bags (3.0 grams, being the size of an average tea bag).

## **Des Moines SET Marijuana Enforcement Mirrors the findings in *Suspect Citizens***

The results of this analysis are consistent with the findings of a study of over 20 million traffic stops in North Carolina. That study, and the analysis of it, are contained in a book, *Suspect Citizens*. The conclusions from that book included the following:

- Arrest-worthy contraband is rare in traffic stops;
- Finding contraband occurs in only 10% of searches;
- The contraband found is almost always singular (i.e. personal use);
- The tactics do not appear to have any readily apparent crime fighting benefits;
- The negative consequences on community trust are significant; and
- Traffic stops are a remarkably blunt and inefficient tool for crime fighting.

*Every one* of these statements apply to our analysis of the SET unit.

The research on the Department's SET Team is ongoing. We are working on a way to directly link:

- the activities of the SET to Marijuana enforcement;
- identify the actual charges that were filed in the arrests related to drug enforcement by the SET; and
- to determine the outcome of those cases.

This will require a comprehensive review of court filings related to arrests by the SET which we have not yet undertaken.

- Why does enforcement appear to be targeted against the Black Community?
- Where is the enforcement against the abuse of drugs most commonly identified with the White community – like opioids, meth, and heroin?



## Think About the Cost of Marijuana Enforcement

The cost of enforcing laws against marijuana possession in states where it is still illegal is something most people don't think about. Not only are there hard dollar costs, but think about the human impact and lasting economic costs a marijuana conviction can have on a person for even just recreational levels of marijuana possession.

According to a 2019 [article on the website, Insider](#)

- Legal marijuana could eventually be a **multi-billion-dollar industry** for the United States. But right now, the drug actually costs Americans an exorbitant amount of money.
- Police dedicate \$3.6 billion annually enforcing possession laws and make about 820,000 arrests per year.
- Defending a marijuana arrest can cost anywhere between \$2,000 and \$20,000 for individuals who want to fight their cases, and some jurisdictions have further financial consequences.
- Incarceration reduces the rate of wage growth by about 30% over the course of a person's lifetime — and makes it harder to get a job in the first place.

In Des Moines, all levels of marijuana possession are illegal. And while about a dozen states have legalized and a couple dozen have decriminalized marijuana in small amounts, Iowa still spends plenty of tax payer money trying to find marijuana. Unfortunately, police often come up short as this report has already shown. There is a racially-biased, and statistically unsubstantiated, belief that Black people use marijuana more than white people. This may be ONE reason that Blacks in Des Moines are disproportionately policed and arrested for marijuana than white people.

*“Between 2001 and 2010, police made more than 8.2 million marijuana arrests across the US, according to the American Civil Liberties Union. Enforcing possession laws that lead to those arrests costs police \$3.6 billion every year, reports the ACLU. At that rate, police spent \$4,390 per arrest between 2001 and 2010, or \$73,170 per felony conviction.”*

*Using the ACLU's figure of 8.2 million marijuana arrests over ten years, there are around 820,000 marijuana arrests annually. About 50,000 of those arrests — or 6% — lead to a felony conviction”.*

If a felony suspect decides to mount a defense, he or she pays those legal fees themselves. Lawyer fees can add up to as much as \$15,000 alone. And even if the suspect “pleads out” to reduced charges or dismissed charges, he or she will, in most cases, pay for court fees, bail, and fines/restitution for that reduction or dismissal of charges.

*For a basic misdemeanor possession charge, the quoted figure a person could anticipate spending was about \$1,000 to \$3,000 on attorney fees, and \$1,000 to \$2,000 to get through subsequent programs they'd agree to in the course of contesting the misdemeanor.*

*For a felony distribution charge, the cost jumps to \$10,000 in legal fees in states with particularly severe marijuana laws, and \$2,500 to \$5,000 in states with more lenient laws*

Lastly, a conviction will inhibit the ability to find a job, rent an apartment or home, and limit practically a person's income earning ability over their lifetime, even after he or she has served their sentence and finished parole. As more states legalize marijuana, and dispensary owners become millionaires, the question is: *do the benefits equal the costs (hard dollar and human) of marijuana enforcement?*

# Conclusions

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*Truth is the fuel for the journey towards justice.*

*“We must reform policing and make policing more effective. And we must battle any demagoguery that casts demands for justice as concessions to criminality.”  
(E.J. Dionne).*

*“Public safety and justice in policing are not mutually exclusive. We must do better in both.”  
(Hakeem Jeffries)*

As stated at the beginning, the data presented in this report clearly leads to the following conclusions:

- The Special Enforcement Team (SET) of the Des Moines Police Department spends a disproportionate amount of time patrolling inner city areas of Des Moines that have the largest proportion of Black residents. No justification has been given for this by the police.
- Over 65% of the officers assigned to SET, arrest Black residents at a rate that exceeds 50%, yet Blacks make up only 11% of the Des Moines population.
- Because the possession and use of marijuana are well recognized as being equal across racial and ethnic categories marijuana is a good way to examine racially biased policing.
- On average, over 60% of all people arrested by SET for marijuana possession are Black.
- In over 6,500 traffic stops, over a 5-year period, over 50% of marijuana confiscated by SET can be measured in tea bags. This is not a good use of police resources.
- Despite the recommendations by a Marijuana Enforcement Task Force, the Des Moines City Council, refuses to enact the recommendations that would address the large disparities in marijuana enforcement by SET patrol.

The long-term negative impact of a marijuana conviction, especially a felony-level of possession, is devastating to Black residents of Des Moines. It can inhibit their ability to vote, decrease their income-earning potential over years, and hinder their ability to find housing.



## Case Studies

# A Case Study – U.S. vs. Broadus

## Further evidence of a unit out of control

The Broadus case provides an example of issues that have been raised by the community since the beginning of the effort to ban racially biased policing in Des Moines. Issues such as:

- Targeting of Blacks;
- Efforts to avoid transparency;
- A lack of accountability;
- Ineffective use of police resources;
- Utilization of Marijuana as a pretext;
- Making suspect claims in police reports and testimony

### U.S. vs BROADUS

- *Terry Broadus was charged and arrested by the SET in June 2020.*
- *SET actions led to the dismissal of the case.*

## What happened?

Terry Broadus, a Black man, was arrested in the early morning hours on June 13, 2020 by officers of the SET. His arrest was a part of an action involving all of the members of the SET. In a federal indictment, Mr. Broadus was charged with the following crimes:

- Possession with intent to deliver MDMA and Marijuana;
- Possession of a firearm in furtherance of a drug trafficking crime;
- Unlawful user in Possession of a firearm

Mr. Broadus had no felony record before surveillance on him was initiated by the SET.

All of the charges against Mr. Broadus that resulted from the investigation and arrest were dismissed before a trial. This happened because of the actions of the SET during the investigation that led up to the arrest of Mr. Broadus and two others. Mr. Broadus' attorney filed a ***motion to suppress*** all

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## Motion to Suppress Evidence

*Suppression of evidence is a term used in the United States legal system to describe the lawful or unlawful act of preventing evidence from being shown in a trial. This could happen for several reasons.*

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evidence against Mr. Broadus and argued that motion to the Court in a hearing. The core of the argument was that the SET officers had no legitimate probable cause to stop the vehicle in which Mr. Broadus was riding – making all of the evidence against him inadmissible in his prosecution. After the suppression hearing, the prosecution dismissed the entire complaint because of the actions of the SET.

## Using social media surveillance and unverifiable communication tools

Officer Matthew Gallaher, a member of the SET, was the first witness to testify during the hearing on the motion to suppress. Officer Gallaher testified that a part of the SET duties was to focus on monitoring social media. This included Snapchat. When asked what the SET officers were looking for, he responded as follows: “We were looking for a criminal activity, which was largely signs of drug dealing or individuals that were illegally in possession of firearms.”

## Voxer – An App for walkie-talkie type communications

Officer Gallaher also testified that he and the other officers of the SET were communicating with one another through an app called Voxer. He described Voxer as an app that: “essentially acts like a walkie-talkie between individuals”. One reason to use Voxer was: “with the channels we were using on the old radio system, people with scanners were able to listen in, which we had happen at different times and could be seen posted on Facebook by the scanner squad group with posts of what we were saying. So, while we were doing surveillance of individuals, we didn't want them to be able to listen to the fact that we were watching them.”



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### WHAT IS VOXER?

***Voxer** allows a user to send a real-time voice message (like a walkie-talkie) to another **Voxer** user. Users can also leave **Voxer** messages much like a voicemail. Why kids like it: The attraction of **Voxer** is that it works real-time just like a walkie-talkie.*

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Officer Gallaher went on to testify that he had not saved the messages that he had generated during this SET action and had no record of the content of the Voxer communications between officers that evening, except his memory.

Officer at Gallaher went on to testify that SET officers had been monitoring Mr. Broadus on Snapchat for a period of time. That this was done by “friending” Mr. Broadus (and other people being watched) with a fake account on Snapchat. He further testified that surveillance of this kind had been on- going for some period of time.

He further testified that the Voxer app had been downloaded by all of the 2020 SET members on May 21<sup>st</sup>, at the start of the SET assignment. He also stated that the purpose (of Voxer) was to communicate with other SET members and that no effort was made by any members to preserve any communications made over Voxer. Finally, he testified that the person who had authorized and

recommended the use of Voxer was Sergeant Fong. Later testimony at this hearing established that Sergeant Fong had not ever instructed the SET to save any messages from the Voxer communication, even in those instances involving an arrest. It was also established that two non-standard cell phones were given to all SET Team members by Officer Fong at the start of the 2020 SET assignment, to be used for recording Snap Chats and/or social media posts.

In response to a document request submitted to the DMPD requesting a copy of: “All department policies and procedures for SET officers on the use of communication equipment not issued by the Department.” The following response was received: “*The City of Des Moines Police Department does not have a policy regarding the use of personal communication devices by its officers.*”

## Using Non-Standard Communications Equipment

Using non-standard communications equipment during law enforcement is problematic as no record exists for public review nor for jurisprudence. A lack of departmental policy surrounding using non-standard communications equipment raises critical questions like these:

- Who else is using non-standard communication equipment as a means of avoiding the creation of a record?
- Who has authorized the use of non-standard equipment?
- What other non-standard equipment is being used by DMPD and for what purpose?

## Case raises more questions about the SET and the DMPD

The entire incident, described in the Broadus case raises additional questions about the SET as well as the operation of the DMPD as a whole:

- Who is being surveilled on social media by the DMPD and for what purposes?
- What social media is being surveilled?
- Are the people being surveilled primarily Black?
- What records are being kept by the department on this surveillance?
- How effective has this been in drug and weapon enforcement efforts?

The testimony during the Broadus case raises the specter of Big Brother surveillance of the Black community. This becomes one more area where it is apparent that a serious and public dialogue between the activist community and the City is necessary!

One interesting side note with regard to the use of the Broadus case might be to use it to raise up the claim by the police officers that they had “smelled marijuana” upon approaching the subject vehicles prior to the arrest. The Judge clearly did not believe that testimony.



This is not the first case in which testimony about smelling marijuana was found to be not credible by a judge. The claim of smelling marijuana or observing marijuana residue appears to be a standard ploy used by Des Moines police officers, as a way to instigate a probable cause stop and a further investigatory search at the time of a stop.

## A Final Word from the Just Voices Iowa Team

When we on the Just Voices Team set out on this investigation it represented one more effort at trying to reconcile the vast chasm between public officials and the black community on the issue of racially biased policing. The result of this research is unequivocal. The disproportionality in the investigation and arrests of people of color cannot be disputed by public officials and by the Des Moines police department. This is not because of greater criminality in the Black community.

It is far past time for the Des Moines mayor and City Council to publicly acknowledge the continuing existence of systemic racially biased policing and to end it in Des Moines.

## How you can support this work

This report and continuing research will be posted on the Just Voices website ([www.justvoicesia.org](http://www.justvoicesia.org)). We encourage everyone reading this report to visit the site often for additional interviews with people who have been racially profiled. You will also find ongoing research that we will be doing in furtherance of our mission. We also encourage you to follow @Just Voices on Facebook and Instagram.

If you'd like to make a donation to this work financially, we'd be grateful. Please feel free to do so online at: <https://justvoicesia.org/action/giving/>

We are happy to do a presentation around this report, or racially-biased policing in Des Moines for your organization, business, or non-profit, upon request. And, if you have any questions about this report, we'd love to hear from you. Just email us at [info@justvoicesiowa.org](mailto:info@justvoicesiowa.org).

## *Thank You!*

The Just Voices team thanks the many people who have assisted with the preparation of this report. It could not have been done without your help. This includes the following members of our Advisory Team:

Debra A. Carr, Carr Consulting; Robert Jackson, Jr., owner – IM Pros; Vikki Spencer (ret.); LaVoris Lee; Sean Harrison; and Tania Schramm.

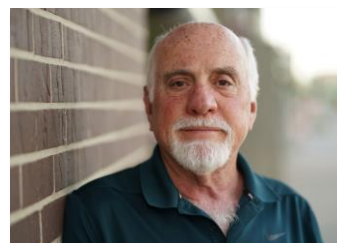
## **Special thanks to the authors of this report:**



Harvey Harrison, Esq (ret.)  
& Founder



Lori A. Young,  
Communications Director



Brian O'Donnell, PhD -  
Research & data analysis



# APPENDIX

## Example of Daily SET Report for the week of August 6 – 10, 2019



2019 SET Daily Stats	TOTALS TO DATE	Week #17	Tuesday	Wednesday	Thursday	Friday	Saturday
		Total	6-Aug	7-Aug	8-Aug	9-Aug	10-Aug
Arrest - Felony	125	7	1	2	2	1	1
Arrest - Misdemeanor	124	6		2	2	1	1
Cases	268	12	1	4	3	2	2
Impounds	45	2			1	1	
Trips	196	7	2	1	1	3	
Shots Fired Trip	34	1	1				
Summons - Misdemeanor	0	0					
Summons - Traffic	138	5		3		1	1
Traffic Stops	975	43	6	16	9	6	6
Wanted Persons	112	6	1	1	2	1	1
Weapons	42	1			1		
Weapon Type					Taurus Curve 380 Auto		
180's	102	1	1				
NCU Assist	23	0					
Gang Activity Observed/Investigated	126	6	1	4		1	
Assaults	2	0					
Drug Possession With Intent	40	1		1			
Paraphenalia	7	2		1	1		
Stolen Vehicle	16	0					
Seizures	\$19,948.00	\$0.00					
Drugs				56 grams marijuana, 15 grams meth, 1 gram cocaine, .5 grams crack/cocaine	17 grams marijuana, 5 grams meth	1 gram meth, 1 gram marijuana	1 gram cocaine

## Example - CFS Record



### CFS Search by IDENT and Date



Date Range: 5/6/2019 12:00:00 AM through 8/13/2019 12:00:00 AM

Call ID	Case ID	Received Person	Activity Date	Activity Time	Nature Code	Street #	Street	Apt. Floor	City	Zip	Loc. Comment	Ident	Time Disposition	Time Arrival	Time Clear	How Received	Disposition
190065670		9163	5/7/2019 12:00:00 AM	2338	TRAFFIC		18TH ST / FRANCIS AVE		DES MOINE	50314		5186	2338	2338	2351	OFFICER	ADVISED
190066672	20190013749	8107	5/9/2019 12:00:00 AM	2234	TRAFFIC	800-B	DOUGLAS AVE		DES MOINE	50313		5186	2234	2234	2324	OFFICER	CASE
190066629	20190013743	8125	5/9/2019 12:00:00 AM	2057	SUSP		7TH ST / INDIANA AVE		DES MOINE	50314		5186	2057	2057	2228	OFFICER	ASSIST
190066698		8107	#####	0014	TRAFFIC	4605	FLEUR DR		DES MOINE	50321	: @HYVEE - DESM	5186	0014	0014	0019	OFFICER	ADVISED
190067731		8120	#####	2102	TRAFFIC		10TH ST / UNIVERSITY AVE		DES MOINE	50314		5186	2102	2102	2107	OFFICER	ADVISED
190067758		8120	#####	2145	TRAFFIC	1200-B	6TH AVE		DES MOINE	50314		5186	2145	2145	2202	OFFICER	ADVISED
190067780		9163	#####	2228	TRAFFIC		E 22ND ST / LOGAN AVE		DES MOINE	50317		5186	2228	2228	2233	OFFICER	ADVISED
190067797	20190013950	9163	#####	2322	TRAFFIC		FRANKLIN AVE / MARTIN LUTHER KING JR PKWY		DES MOINE	50314		5186	2322	2322	0130	OFFICER	ARREST
190067857	20190013961	9163	#####	0158	DISPUTE	216	COURT AVE		DES MOINE	50309	: @COURT CENTER - DESM	5186	0158	0158	0252	OFFICER	ARREST
190070037		8136	#####	2113	TRAFFIC		SW 3RD ST / ARMY POST RD		DES MOINE	50315		5186	2113	2113	2115	OFFICER	ADVISED
190070060	20190014373	8136	#####	2203	TRAFFIC		21ST ST / CLARK ST		DES MOINE	50311		5186	2203	2203	0008	OFFICER	ARREST
190070131		8105	#####	0138	TRAFFIC		2ND AVE / CENTER ST		DES MOINE	50309		5186	0138	0138	0156	OFFICER	ADVISED

This shows one page from a 12-page document from the year 2019 for Officer Ryan Steinkamp. A complete document would show the Calls for Service him for the entire term of the SET in 2019. It demonstrates how the information on each officer is recorded and maintained. The complete set of all CFS for all Officers serving on the SET, for these years from 2016 through 2020 is available upon request by contacting Just Voices Iowa at [info@justvoicesiowa.org](mailto:info@justvoicesiowa.org)

This level of detail demonstrates the ability of the DMPD to create and provide highly detailed reports, when it chooses to do so. However, it is important to note a portion of what is not reported:

- The race of the person contacted/cited/arrested
- Whether a search was performed
- Was the person restrained or handcuffed?

# Des Moines Marijuana Enforcement Task Force Recommendations (10/2020)

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## STATE PUBLIC POLICY RECOMMENDATIONS

1. Adopt a formal statement in support of changing state laws to legalize or decriminalize the possession of marijuana for personal use;
2. Adopt a formal statement in support of changing state laws to expunge prior convictions for marijuana possession and eliminate collateral consequences such as driver license suspensions, eligibility for state and federal benefits, and fines;
3. Adopt a formal statement in support of changing state laws to allow local municipalities to enact ordinances to legalize or decriminalize the possession of marijuana for personal use;
4. Adopt a formal statement in support of changing state laws to create a more clear and comprehensive medical marijuana program;
5. Actively advocate for these policy changes as part of the City's legislative priorities; and
6. Request that these policy changes be included in the legislative priorities of the City's membership organizations, including the Iowa League of Cities and the Iowa Metropolitan Coalition.

## CITY PUBLIC POLICY RECOMMENDATIONS

1. Enact an ordinance that formally declares that marijuana possession for personal use shall be the lowest enforcement priority for public safety officials;
2. Track and publish data arising from traffic stops and police encounters that involve investigation, arrest, or criminal prosecution for possession of marijuana for personal use;
3. If changes in state law allow, adopt an ordinance that legalizes or decriminalizes the possession of marijuana for personal use;
4. Evaluate best practices in pre-arrest and post-arrest diversion programs being piloted around the country and begin a conversation with the Iowa Office of Drug Control Policy, city public safety officials, and community service providers about the viability for implementation in Des Moines; and
5. Identify opportunities to raise public awareness of the Iowa Medical Cannabidiol Program so that eligible residents may lawfully possess marijuana for personal use under existing state law.

## OTHER PUBLIC POLICY RECOMMENDATIONS

1. Discourage police practices that result in intrusions into personal liberties that are justified on the basis of investigations into possession of marijuana for personal use.