

# City of Des Moines



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FOR IMMEDIATE RELEASE

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## STATEMENT FROM KEN THOMAS, CHIEF OF POLICE

The City of Des Moines and its police department put our community and public safety first, especially during these difficult times. A recent incident involving our officers has resulted in inaccurate information and public social media accusations that require a response.

As Chief, it is my responsibility to ensure our officers perform their sworn duties in enforcing the laws, and at the same time adhere to the rule of law. We also treat every member of our force equally, regardless of race, religion, sex, sexual orientation, or other protected class status.

While it is not my practice to comment publicly on internal disciplinary matters, it is important to clarify recent actions. These actions were taken to maintain public trust. Public trust requires investigations of alleged policy violations and for appropriate actions to be taken.

A recent incident involved the search of a suspect's trunk by our officers. Without getting too deep into the law, officers can only search trunks under certain circumstances, such as when the driver consents or the contents of the trunk may pose a safety risk to the on scene officers. When these conditions are not present, the officers must obtain a warrant before searching the trunk. The law has evolved to balance the needs of law enforcement with the privacy interests of citizens. The law is very clear, and officers are repeatedly trained on it.

Two officers were investigated for opening and searching a trunk without consent, without a warrant, and without other circumstances that would have justified their actions. Although they discovered a large quantity of heroin, the fact that the search was illegal meant that the county prosecutor had no choice but to dismiss the charges against a violent convicted felon who was subsequently released back into our community with no accountability. In the subjects of arrest and prosecution, the ends do not justify the means. Law enforcement officers must respect suspects' constitutional rights in the arrest, or suspects go free regardless of the evidence of their guilt.

After learning of the possible unconstitutional search, the matter was turned over to the King County Sheriff's Office for investigation. The Department wanted to ensure a fair and objective review of what occurred and get a recommendation of appropriate discipline if misconduct was in fact discovered. After the investigation was complete, we received the report and findings along with recommendations for discipline for these two officers.

The investigating agency found that the conduct by one of the officers was in violation of at least four department policies and done in bad faith. King County provided recommendations for discipline, which were followed. One disciplinary recommendation was to remove any ancillary duties that the officer may have and that included his direct management of K-9 (Daric). K-9s are considered important partners to our officers and community. It was recommended Daric, the police dog, be transitioned to another officer to best utilize his service to the department and the citizens of Des Moines. Daric is moving to his new home today and is ready to serve. While the officer (previous handler) would like to keep Daric as a pet, and handlers become attached to their dogs, Daric was donated to the Des Moines Police Department for use as an important tool of law enforcement. Significant resources have been devoted to Daric's training. He is too young, talented, and valuable to our mission to be retired into pet status at this time.

The Police Guild Union can challenge the officer's discipline through an arbitration process if they believe that the discipline was unwarranted or too harsh. If the discipline is grieved, I will present the City's position to the arbitrator and abide by the arbitrator's decision.

Public trust and accountability are the foundations of policing. When an officer violates that trust, it is my role to ensure that it does not occur again. I am committed to running a police department that respects the rights of every officer and every citizen of Des Moines. Our officers work hard and risk their lives to keep our community safe. Police work involves judgement. We all make mistakes. When mistakes are made in bad faith, I will not apologize for holding our officers accountable, something that I expect the community would demand of me.

Chief Thomas

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