
October 24, 2024



**Iowa Attorney General's Review
of Officer Involved Death**

Incident of September 16, 2024
Des Moines, Iowa

Des Moines Police Officers : Cade Moritz, Jacob Boekhoff,
Frankie Contreras and Chad Steffen

Subject Involved: Joshua Green

BRENNA BIRD
Attorney General of Iowa

Executive Summary

On September 16, 2024, Joshua Green fled from a valid traffic stop by Des Moines Police Officers Cade Moritz and Frankie Contreras. After a short chase, officers Moritz and Contreras, joined by Officer Jacob Boekhoff and Captain Brian Steffen, encountered Green whose vehicle had become disabled a short distance from the area of the traffic stop. Green failed to comply with officers' commands to exit the vehicle. A taser was deployed with no effect.

Officers removed Green from the vehicle to place him under arrest. Green continued to resist. Once Green was out of his vehicle and on the ground, he drew a firearm from his waistband and fired multiple shots at the officers. Boekhoff was struck in the arm and Moritz was struck in the head. All officers that were able returned fire killing Green.

Factual Summary

The Iowa Attorney General's Office concludes that the fatal shooting of Joshua Green by Des Moines police officers on September 16, 2024, was legally justified.

At approximately 1:40 a.m., Des Moines Police Officers Frankie Contreras and Cade Moritz performed a traffic stop on Green for driving the wrong way on a one-way street and for a defective driver's side brake light. Green was driving a 2005 Ford Focus.

Shawna Cunningham was a front-seat passenger. The vehicle stop occurred in the parking lot of the QuikTrip located at 2428 Hubbell Avenue in Des Moines. Moments after stopping and just after officers exited their patrol car to speak to Green, he suddenly sped away. There was no communication between officers and Green before that. A short chase ensued before Green's vehicle became disabled due to a broken axel at East 24th and Easton Blvd. In addition to Contreras and Moritz, Officers Jacob Boekhoff and Captain Chad Steffen assisted with the stop. Green remained seated in his vehicle, apparently unaware that its axle was broken, attempting to get his car "unstuck" when officers arrived. Officers gave several commands to Green to turn off his vehicle and surrender.

Initially Green was in the driver's seat with the door open and one leg outside of the vehicle. Officers gave numerous commands to Green to turn off his vehicle and exit. Green failed to do so. Instead, he made several attempts to leave the area by revving his engine and rocking the vehicle back and forth.

Officers approached Green. Officer Moritz informed Green that he would be tased if did not comply with them. In an attempt to subdue him, Officer Mortiz deployed his taser. At that time, Officers Contreras and Boekhoff had their guns drawn and pointed at Green. Green pulled the attached barbs from the taser out of his

body, which indicated an ineffective connection. As Officers Boekhoff, Moritz and Contreras approached Green he raised his foot, blocking the officers. At one point while the taser was being deployed Green yelled “Fucking back up off me.”

Following deployment of the taser, Officers Moritz, Boekhoff, and Contreras approached Green until they were in close proximity to him. Green remained seated in his vehicle with the driver side door open. Officer Moritz deployed his taser again to no effect. Officer Boekhoff pulled Green’s foot, causing him to fall out of the vehicle onto the ground. Almost immediately, Green drew a firearm from his front waistband and moved himself into a semi-upright sitting position. Until then, the officers had not known that he was armed.

Green immediately fired multiple shots at the officers. He hit Officer Boekhoff in the left forearm and Officer Moritz in the head. Both officers immediately fell back and to the ground. Officers Boekhoff, Contreras and Captain Steffen immediately returned fire at Green, who attempted during the firefight to stand up multiple times. Multiple rounds struck Green killing him.

The officers reasonably believed that Green was a serious and immediate threat to their lives and that deadly force was required to stop the threat. The Attorney General’s Office therefore

concludes that criminal charges are not warranted, the officers' actions were legally justified, and the investigation will be closed.

Process and Authority

The Iowa Division of Criminal Investigation (DCI) investigated the incident, and its investigation is complete. DCI interviewed the officers involved and reviewed the officers' body cameras. DCI interviewed Shawna Cunningham. Cunningham was charged federally with providing the firearm to Green who was a prohibited possessor. DCI secured photographs, video recordings, and gathered evidence and reports from the Des Moines Police Department and the Iowa State Medical Examiner's Office.

The Attorney General's Office has authority under Iowa Code §13.12 to assess any officer-involved death to determine whether criminal charges are warranted. The office has had a full opportunity to review the findings of the investigation and discuss the investigation with the assigned agent. All law enforcement reports, including audio or video recordings, will be returned to DCI when this report is issued.

Other Pertinent Facts

A. Surrounding History and Background

Green was an unemployed 45-year-old white man who resided in Des Moines. Green's criminal history included multiple convictions that disqualified him from possessing a firearm.

Cunningham, the front passenger, was engaged to be married to Green. Cunningham is currently charged in the United States District Court for Southern Iowa for her role in providing the firearm Green.

No officers involved had any prior history with Green.

B. Autopsy.

The State of Iowa Medical Examiner's Office performed the autopsy and determined Joshua Green died from multiple gunshot injuries. Toxicology results have not yet been returned so it is unknown whether Green had illegal drugs or alcohol in his system.

C. Injuries to the Officers

Officer Moritz's head injury was life threatening. He was unconscious at the scene. Officers performed life-saving measures on him that included administering CPR. Moritz was transported by ambulance to a hospital in Des Moines for emergency surgery and remained there for several days. He was then transported to a

longer term rehabilitation facility to continue his therapy. He is making positive progress recovering from his injuries.

Although serious in nature, Officer Boekhoff's injuries were not life threatening. Like Officer Moritz, he was transported to a hospital in Des Moines for immediate treatment and eventual surgery. He remains on critical incident leave as he continues to receive post-surgery treatment and heals from his injuries.

Applicable Law

To be justified, the force an officer uses must be reasonable. Force is reasonable if a reasonable person, in like circumstances, would judge the force to be necessary to prevent an injury or loss. It can include deadly force if (1) it is reasonable to believe that such force is necessary to avoid injury or risk to the person's or another person's life or safety and (2) it is reasonable to believe that such force is necessary to resist a like force or threat. Iowa Code §§ 704.1, 704.2, and 704.3.

In *Graham v. Connor*, 490 U.S. 386 (1989), the United States 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 or the perspective afforded by 20/20

hindsight. The Court further stated that the fact that 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.

Analysis

All officers involved in the use of deadly force against Green were legally justified. Their decision to fire their handguns at Green was reasonable under the circumstances. The officers attempted on multiple occasions to end the situation peacefully by giving firm commands to Green to exit the vehicle and to show his hands. Green steadfastly refused to do so. Instead of cooperating, Green escalated the situation by revving his vehicle's engine, rocking it back and forth, and removing the barbs attached to him by the taser shots. He also made statements to the officers to back away from him, which further indicated his lack of cooperation. Green then drew his firearm from his waistband and open fire on the officers from extremely close range. The situation was tense, uncertain, and rapidly evolved into a deadly encounter based solely on Green's actions.

The officers made multiple attempts to resolve the situation before using deadly force. The deadly force was used only after Green took specific actions that not only threatened the lives of the officers involved but seriously injured two of them.

Conclusion

The Iowa Attorney General's Office concludes that law-enforcement officers' actions in this incident were legally justified and that criminal charges are unwarranted. It considers the criminal investigation into this incident to be closed.