

February 14, 2025



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

Incident of January 2, 2025
Des Moines, Iowa

Des Moines Police Officers: Brian Stern and Nicholas Rude

Subject Involved: Charquan Hargrove

KEISHA F. CRETSINGER
Statewide Prosecution Section Chief

BRENNA BIRD
Attorney General of Iowa
1305 E. Walnut Street
Des Moines, Iowa 50319
(515) 281-5164

Executive Summary

Just before 5:30 p.m. on January 2, 2025, officers from the Des Moines Police Department knocked on the door of a duplex at 2142 Meadow Court in Des Moines. They were there to serve Charquan Hargrove with felony warrants for his arrest and a no-contact order.

The woman who answered the door indicated that Hargrove was not in the home. However, just before knocking, officers had seen a man in the living room. After entering, officers saw a man matching Hargrove's description dart from one bedroom of the home to another. Hargrove ignored officer commands to come out and show his hands, instead firing a handgun at the officers as they approached. Each officer returned fire and was able to retreat to a safe location within the home. Hargrove then charged at one of the officers, firing again on him. Officers Brian Stern and Nicholas Rude returned fire, killing Hargrove.

Detailed Factual Summary

The Iowa Attorney General's Office concludes that the fatal shooting of Charquan Hargrove by Des Moines Police Officers Brian Stern and Nicholas Rude on January 2, 2025, was legally justified.

That day, Officer Nicholas Rude was on routine patrol. He requested other officers assist with serving felony warrants and a no-contact order on Hargrove at 2124 Meadow Court, Des Moines. The previous week, on December 28, 2024, Officer Rude had been

dispatched to the same address for a no-contact-order issue involving Hargrove. At that time, a search of available records showed that there was a no-contact order against Hargrove, which had not been served. Hargrove also had a warrant out for his arrest for domestic assault, third or subsequent offense. The victim in that offense was Shianne Lewis, who lived at 2124 Meadow Court. Hargrove had additional probation violation warrants from cases in which he had been convicted of felon in possession of a firearm, two different cases of domestic assault strangulation, assault, and harassment.

When Officer Rude responded to 2124 Meadow Court on December 28, Ms. Lewis was present. She was pleasant and cooperative. Officers searched the residence and were not able to locate Hargrove. They did note a black Jaguar sedan in the driveway, which was registered to Hargrove.

When Officer Rude was on shift on January 2, he patrolled the area of 2124 Meadow Court and noticed the black Jaguar sedan still in the driveway but parked in a different position than it had been on December 28. He suspected Hargrove might be at the residence and asked for other officers to assist in serving the outstanding warrants.

Officer Rude coordinated with Senior Officer Nicholas Stern and Officer Destiny McGinnis on how they would make their approach.

The residence was a one-story duplex with no entry or exit doors beyond the main entrance. A person could, however, exit the rear of the building through bedroom windows. Officer McGinnis went to the back of the residence to maintain the rear perimeter. Officers Rude and Stern approached the duplex from the front. Officer Rude was able to see slightly through the blinds of the front window and noted a man and woman in the living room. He recognized the female as Ms. Lewis. The woman matched the physical description and driver's license photo of Hargrove.

Officer Rude knocked on the front door. No one came to the door, but a dog immediately started barking within the residence. Officer Rude knew from his previous visit that there were multiple dogs in the home. Officer Stern, who was behind Officer Rude and close to the living room window, was unable to see into the residence, but heard a male voice and what sounded like people moving around. Still, no one came to the door.

Officer Rude knocked a second time and Ms. Lewis answered the door. She opened the front door very little and spoke with the officers. She was very soft spoken and timid, in contrast to her demeanor on Officer Rude's previous visit. Officer Rude asked to speak with Charquan, and Ms. Lewis said he was not there. Officer Rude asked to come in to check the residence and Ms. Lewis refused, offering various reasons why it was not appropriate,

including that she was cooking, she had a child who was vomiting, and that she was naked. In speaking with her, both Officers Rude and Stern could see that she was not naked. She continued to deny that Hargrove was in the residence, stating that it was only her and her children. Officers advised her that they had reason to believe Hargrove was in the home and proceeded to enter.

Once inside, Officers Rude and Stern took stock of their surroundings. They entered the living room of the home, with a kitchen to the left. A hallway stretched directly in front of them with an open bedroom door at the end. Two additional rooms were off the left side of the hallway. The end of the hallway it appeared to continue to the right at a right angle. Officers did not know what was beyond that turn.

No one besides Ms. Lewis was visible. Officers loudly announced themselves and told anyone else in the home to make themselves known. They got no reply. They asked Ms. Lewis again, for everyone's safety, if Hargrove was there. She replied that her kids were there. They then saw Hargrove dart from the turn at the end of the hall into the open bedroom door directly in front of them. Hargrove ran with his arms stiff in front of him as if he were holding something. Officer Rude announced twice "let me see your hands" and proceeded to the bedroom with his duty weapon drawn.

Officer Stern approached immediately behind him and to the left, also armed.

When Officer Rude got to the door of the bedroom, Hargrove was partially concealed behind a closet door within the room. He shouted at the officers “back up” and shot at Officers Rude and Stern. Both officers returned fire and backed to a safe position. Officer Rude was able to retreat to the neighboring bedroom to the right, where Hargrove had initially come from. Officer Rude continued to fire through the adjoining wall. Officer Stern backed down the hall to the living room.

Officer Rude found himself in a dark room and took cover behind a tall dresser. He realized the room shared a wall with the bedroom Hargrove was still in. He had no way of knowing if Hargrove would continue to fire through the wall or come into the room after him. He could no longer see Officer Stern.

Officer Stern could see into the bedroom where Hargrove had fired on them but could no longer see Officer Rude. Ms. Lewis began screaming and the smoke detector in the home began going off. Officers Stern and Rude yelled to each other to make sure they were not hurt. There was no sound from the room Hargrove had been in and the officers had no way of knowing if he had been hit or was intending to fire again.

Officer McGinnis heard shots fired and ran to the front of the home and into the living room. For approximately 45 seconds the officers were in suspense as to whether Hargrove was incapacitated, whether he intended to fire on them again, where the children were, and whether each other was safe.

Ms. Lewis was frightened for her children and began trying to make her way from the kitchen down the hallway to the bedrooms. Officer Stern attempted to stop her but was unable to do so as he still had his firearm drawn for his safety. Ms. Lewis ran down the hallway and into the room where Officer Rude had taken cover. When she entered, Officer Rude told her to get down. Within two seconds Hargrove lunged into the room at Officer Rude, firing on him again. Officer Rude returned fire until Hargrove fell to the ground. Officer Stern, upon seeing Hargrove lunge into the room, fired on him and rushed to assist.

The officers were able to handcuff Hargrove and immediately began to render medical aid. Hargrove was pronounced dead at the scene by medical staff.

Officer Stern assisted Ms. Lewis in ensuring her children were safe. He discovered that an infant was in the bedroom where Officer Rude had taken cover and where the final shots were fired. That child was in a pillow style bed on the floor in the far corner of the room. A second child, a toddler, was in a third bedroom in the area

from which the officers had initially seen Hargrove running. Neither child nor Ms. Lewis was injured. Officers Rude and Stern sustained no physical injuries.

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 camera recordings where available. DCI reviewed evidence and reports from the Des Moines Police Department and the Polk County 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.

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

Officers Rude and Stern were legally justified in the use of deadly force against Hargrove. The officers knew when entering the residence that Hargrove had committed prior acts of violence and had been known to go armed despite being prohibited from having a firearm. Hargrove attempted to hide from officers, ignoring

commands to make himself known. Once discovered, he ignored commands to show his hands and attempted to further conceal himself in the bedroom closet. Once confronted, he shot at the officers, who returned fire and withdrew. Though they had ceased fire and were in stationary positions away from him, Hargrove pursued Officer Rude and shot at him again, making it clear that he intended to kill him. This left officers with no other choice than to respond with deadly force. Hargrove's decision to again open fire in the bedroom also endangered the lives of Ms. Lewis and her children. The officers were justified in using deadly force to protect their lives as well.

Conclusion

The Iowa Attorney General's Office concludes that the 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.