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February 8, 2010

Chief Steve Allender  
Chief of Police  
300 Kansas City St, Suite 200  
Rapid City, SD 57701

Dear Chief Allender:

The American Civil Liberties Union is writing a formal complaint pursuant to Rapid City Police Department Policy 345-01(C)(2) on behalf of Jene Newsome regarding the conduct of at least two officers in the Rapid City Police Department. The issue involves Det. Tom Garinger and Office Stauffacher and perhaps additional officers for their investigation and disclosure of personnel information for Jene Newsome. On November 20, 2009 the Rapid City Police Department went to the home of Jene Newsome to execute a felony arrest warrant issued from Alaska for a Cheryl Huston who was residing with Jene Newsome at the time.

During the arrest of Cheryl Huston, at least two officers entered the residence of Jene Newsome and Cheryl Huston to execute the arrest warrant and to place Cheryl Huston under arrest. During the process of arresting Cheryl Huston, Officer Stauffacher saw a marriage certificate from Iowa on the kitchen table that had both Cheryl Huston's and Jene Newsome's name on it. Jene Newsome and Cheryl Huston are both female and are legally married in the state of Iowa. The marriage certificate, and any information gained from questioning Cheryl Huston about her relationship with Jene Newsome were not germane to executing the arrest warrant or to any criminal investigation.

On November 24, 2009 Det. Tom Garinger forwarded on a police report to the United States Air Force Office of Special Investigations that contained information regarding the marital relationship between Jene Newsome and Cheryl Huston. It is our belief that Det. Tom Garinger's fax was unsolicited by the United States Air Force and was intentionally done to inform the United States Air Force that Jene Newsome was in a same sex relationship. Det. Tom Garinger's specifically refers to Cheryl Huston as Jene Newsome's wife but it does not indicate that Jene Newsome committed any crime or wrong doing, only that she was simply "uncooperative". Finally, Det. Garinger states that, "The Rapid City Police Department is interested in what the outcome of this situation might be..." Once again, it is completely unclear what conduct Jene Newsome did that required Det. Garinger to contact the United States Air Force other than to point out her marital status. Indeed, it appears from the circumstances that this report was done and turned over in an attempt to "out" Jene Newsome as person who was in a same sex relationship while at the same time serving in the United State Armed Forces.

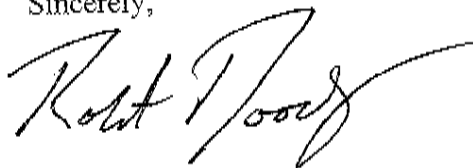
The American Civil Liberties Union is concerned that Det. Tom Garinger's conduct violated Rapid City Police Department Policy 761-03 "Records Distribution and Security". Det. Garinger violated policy 761-03(b)(1) since he is not the records custodian or a designee and would not have the power to grant permission to inspect or copy criminal justice records. As well, the turning over of the documents that were not even solicited by the United States Air Force would violate policy 761-03(b)(2) since no record request was done. And policy 761-03(b)(4) since the records were provided in a manner that was not directly supervised by the Records Custodian.

Finally, we are concerned that the conduct of the officers involved in carrying out the arrest on November 20, 2009 and the subsequent release of the report to the United States Air Force violates Jene Newsome's right to privacy as guaranteed under the United State's Constitution. From reading the report that was sent to the United States Air Force there does not seem to be any legitimate reason as to why Cheryl Huston was questioned about the Iowa marriage certificate or why that information was included in the police report. As well, there does not seem to be any reason why Det. Garinger would just send the police report, along with a cover sheet highlighting the marital relationship between Cheryl Huston and Jene Newsome.

We request that the Rapid City Police Department conduct a formal investigation into the conduct of the officers involved in drafting the police report that was then forwarded on to the United States Air Force. As well, we would request that a formal investigation be conducted regarding Det. Tom Garinger's conduct in forwarding the report on the United States Air Force. We would request that pursuant to Rapid City Police Department Policy that a written response be provided to this office.

I look forward to hearing from you and the Rapid City Police Department regarding this matter. If you have any questions, please feel free to contact our office at (605)332-2508.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Doody". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert Doody  
Executive Director