

Rapid City Police Department Shooting Summary Detailing the Events of February 28th, 2016

On 02-28-2016, the South Dakota Division of Criminal Investigation (DCI) was called by the Rapid City Police Department to conduct an investigation into an officer involved shooting that occurred at 30 Main Street, Rapid City, SD. The shooting resulted in the suspect, Earl Wesson Hicks, being shot 1 time and as a result, died of his injuries. The Rapid City Police Officer involved in the shooting was Officer Barry Young. The following information is a synopsis of the events that occurred on 02-28-2016, and the investigation that was conducted by the South Dakota DCI.

Synopsis

On 02-28-2016, at approximately 2:02 pm, Officer Barry Young was dispatched to 30 Main Street, Rapid City, SD for an active shooter. A reporting person called law enforcement dispatch stating there was a person with a gun and two shots had been fired. The information received by Officer Young was this was an active shooter, one person was shot and one person was on the ground. The location of the shooter was unknown.

At approximately 2:03 pm, Officer Young arrived at the address of 30 Main Street. Officer Young parked his patrol vehicle on the street near the alley entering the parking lot of 30 Main Street. Officer Young exited his vehicle with his duty rifle and made contact with an individual who directed Officer Young to the shooter's location and pointed the shooter out. The shooter was later identified as Earl W. Hicks.

Officer Young observed Hicks walking toward a gate near the back of the property. This was near the back of the building and where the shooting victim was laying. Officer Young observed a handgun in Hicks right hand. Officer Young confronted Hicks and yelled at him to drop the gun repeatedly. Officer Young observed Hicks turn his attention toward Officer Young and observed Hicks begin to raise the gun in his right hand.

As a result of Hicks actions, Officer Young fired his duty rifle 3 times, striking Hicks one time. Officer Young continued to give verbal commands to Hicks and bystander's to stay where they were.

At approximately 2:03 PM, several other officers arrive on scene and secured Hicks. Officers and EMS then began to administer first aid on Hicks, as well as the victim shot by Hicks. Hicks was later pronounced dead at the Rapid City Regional Hospital. Officer Young was not injured during the altercation. The shooting victim was transported to the Rapid City Regional Hospital and treated for a gunshot wound to the chest and has recovered.

Officer Barry Young was contacted by DCI. DCI documented that Officer Young was wearing his issued Rapid City Police uniform. His duty rifle and handguns and magazines were secured, documented, and inventoried. The inventory showed the following:

- Officer Young's rifle magazine contained 19 rounds and one round was in the chamber.
- Officer Young's handgun was not used and contained 15 rounds in the magazine and one round in the chamber.

- Officer Young's two spare magazines for his primary handgun contained 15 rounds in each magazine.
- Officer Young's back up handgun was not used and contained 6 rounds in the magazine and one round in the chamber.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Officer Young and witnesses present at the time of the shooting. Specifically, there were 3 spent .223 caliber shell casings found on scene. The location and caliber of the shell casings were consistent with the shooting scene investigation.

There was a Smith and Wesson 9mm handgun found on the ground next to where Hicks was lying. The Smith and Wesson contained 9 rounds in the magazine and one round in the chamber.

The following items were located in Hicks' residence: a gun box, one box of ammunition (with 15 rounds missing) and miscellaneous paperwork and receipts related to the purchase of the firearm and ammunition found in Hicks' possession. The paperwork showed the firearm and ammunition had been purchased by Hicks on 02-26-2016 at 9:31 AM, in Rapid City. The box of ammunition located in Hicks' residence was consistent with the ammunition located in the 9mm handgun Hicks' had in his possession during the shooting incident.

The South Dakota Forensic Lab conducted testing on the Officer Young's duty rifle and shell casings recovered on scene. They concluded that all 3 of the shell casings found on scene are consistent with Young's duty rifle. The Lab further concluded an examination of the 9MM casings found at the scene, all were consistent with Hick's 9MM handgun.

DCI reviewed Officer Young's in car video. On the video Officer Young is observed responding to a report of an active shooter at 30 Main Street, Rapid City, SD. The video shows Officer Young exiting his patrol car and running in front of the vehicle carrying his duty rifle. Officer Young is no longer visible on the video, but can be heard speaking to a person, who identifies Hicks to Officer Young. Officer Young is then heard yelling "Drop the gun, Drop the gun!". Gun shots can be heard on the video. Officer Young again gives the verbal command "Drop the gun and to stay there." Officer Young then radios in shots fired and that one is down. Additional officers are observed arriving on scene.

DCI reviewed video from a nearby businesses surveillance system that points in the direction of 30 Main Street. Upon review of the video Hicks' white pickup truck is observed driving by 30 Main Street on 1st Street and then pulls up and parks facing north on 1st Street. Approximately 1 hour and 52 minutes after parking the truck on 1st Street the person believed to be Hicks exited the pickup truck. A few minutes later, Hicks walks north and can be seen reaching for something from his waistline. A few minutes later, a Rapid City Police Department vehicle, driven by Officer Young pulls into the camera view heading north on 1st Street. Based on the totality of the investigation, it appears Hicks was waiting for the shooting victim and friend to appear before he exits his vehicle and confronts them.

Synopsis of Officer Interview

On 3-01-16, Officer Young was interviewed by DCI. During this interview, Officer Young stated that upon arriving at the scene, he was directed to Hicks' location. Officer Young stated that he observed that Hicks had a handgun in his hand. Officer Young directed Hicks to drop the gun several times. After repeated commands for Hicks to drop the gun, Hicks turned toward Officer Young and began to raise the handgun.

Officer Young said that Hicks was approximately 15 to 20 yards from him. Officer Young believed that his life and the lives of others standing close by were in danger. Officer Young said that because of the threat of danger to himself and others by Hicks, he fired his duty rifle. The information obtained from Officer Young was consistent with the witness statements, in-car video, and the shooting scene investigation.

A drug screen and blood alcohol test was conducted on Officer Young with negative results.

Synopsis of Witness and Shooting Victim Interviews

The shooting took place at 30 Main Street, which had a large number of people present at the time. Law enforcement conducted approximately 64 interviews of possible witnesses. During the interviews of the main witnesses that were identified, Hicks was observed speaking to two males in the back parking lot of 30 Main Street. The witnesses observed Hicks pulling a handgun and shooting one of the adult males at close range. Hicks is described as chasing the other adult male around several small buildings on the lot, while shooting the gun.

The shooting victim said that he and a friend went outside the Mission to have a smoke. Hicks walked up to them, pulled a gun and started screaming at them. Hicks screamed that he was going to kill them. The shooting victim lunged at Hicks to get ahold of the gun. Hicks then shot him one time in the upper chest.

After law enforcement arrived, several of the witnesses describe hearing someone shouting "Drop the gun!" or "Put the gun down!". The witnesses describe hearing several gun shots at this time and they believed they came from the direction of the officer.

During the autopsy of Earl Hicks, DCI documented that Hicks had been shot one time with an entrance and exit. The round was not recovered.

A drug screen and blood alcohol test was conducted on Earl Hicks with negative results.

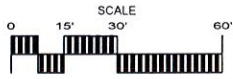
During a background investigation of Hicks, a criminal history check came back negative. DCI checked with local law enforcement agencies about Hicks and learned law enforcement has had several

encounters with Hicks, with nothing significant to report. It was learned Hicks had a long history of depression and had voluntarily checked himself into Regional West on at least two occasions, the last being in October of 2015 for an unspecified psychotic and major depressive disorder. Hicks had made statements about killing himself to an individual in October of 2015.

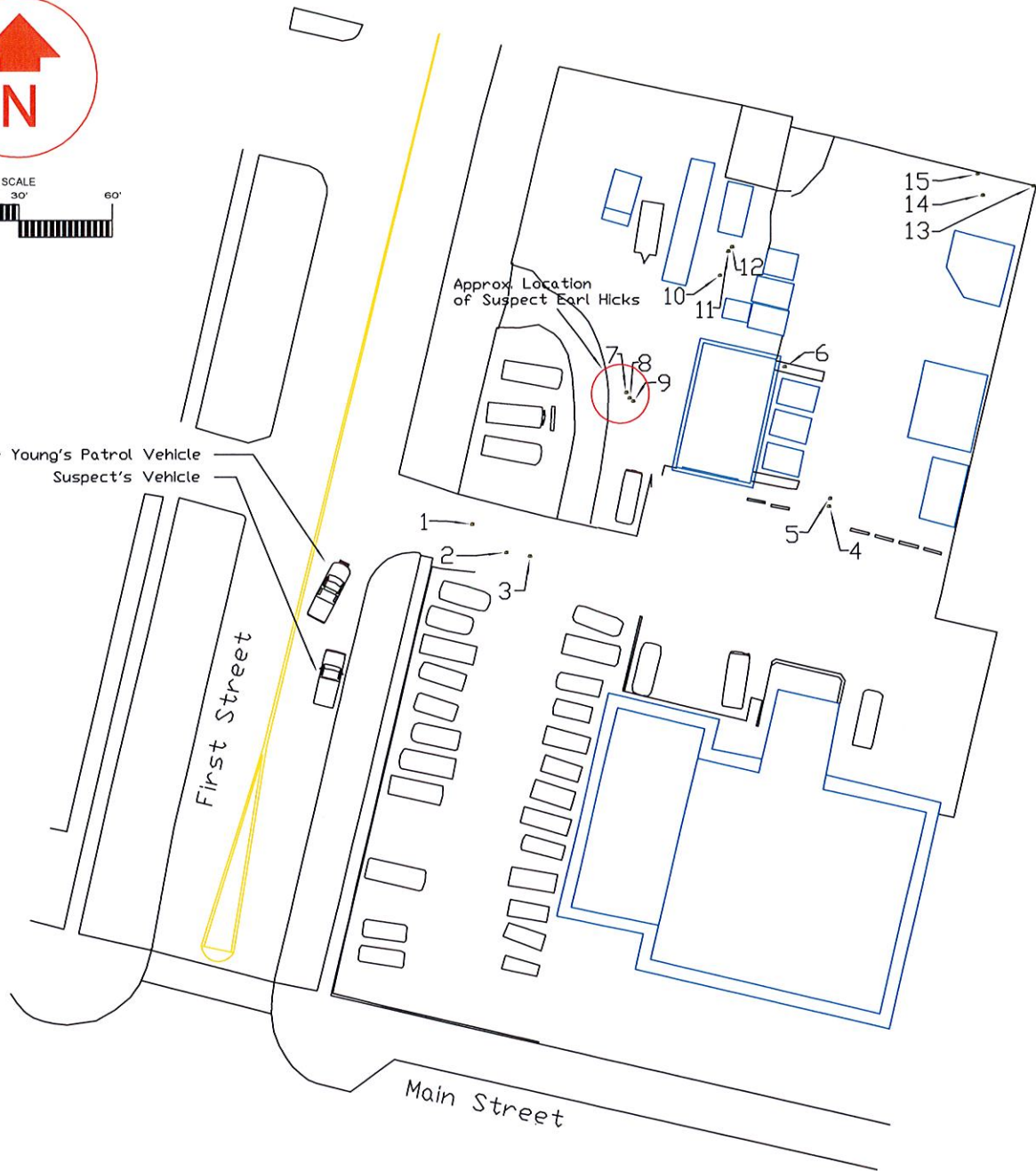
Investigation Results

It is the conclusion of this report and the Attorney General that RCPD Officer Barry Young was justified in firing his weapon and using lethal force.

The shooting scene investigation conducted by the Division of Criminal Investigation is consistent with statements received from Officer Young, the in-car video and witness interviews.



Officer Young's Patrol Vehicle
Suspect's Vehicle



EVIDENCE MARKER LISTING

- 1-3: .223 Spent Casing
- 4: 9mm Spent Luger Casing
- 5: Black Leather Vest
Blue Bandana
Red Bandana
- 6: 9mm Spent Luger Casing
- 7: Black Cabelas Coat
- 8: Black Wallet w/Hicks ID
- 9: Black Shirt
White Baseball Cap
Sunglasses
- 10-12: 9mm Spent Luger Casing
- 13: Spent Bullet w/Fragments
- 14: Bullet Fragment
- 15: Piece of Chainlink Fence

RCPD SHOOTING

DATE/TIME: 02/28/2016 at about 1402 hours
LOCATION: Cornerstone Rescue Mission
First Street and Main Street
Rapid City, SD [Pennington County]

OFFICER: Officer Barry Young
SUSPECT: Earl Hicks (Deceased)

Measured By: Sgt. Kevin R. Kinney, SDHP
Trp. Derek Mann, SDHP

Measured On: 02/28/2016

