

Pennington County Sheriff's Office Shooting Summary Detailing Events That Took Place on February 26, 2016

On 02-26-16, the South Dakota Division of Criminal Investigation (DCI) was called by the Pennington County Sheriff's Office to conduct an investigation into an officer involved shooting that occurred near the intersection of Concourse Drive and Twilight Drive in Rapid City, SD. The shooting resulted in the suspect, Abraham Fryer, being shot multiple times. Fryer died as a result of his injuries. The Pennington County Sheriff's Office Deputy involved in the shooting was Deputy Robert Schoeberl. The following information is a synopsis of the events that occurred on 02-26-16, and the investigation that was conducted by the South Dakota DCI.

Synopsis

On 02-26-16, at approximately 11:26 pm, Deputy Robert Schoeberl attempted to initiate a traffic stop on a red Ford Expedition, near the intersection of Concourse Drive and Elk Vale Road in Rapid City, SD. Deputy Schoeberl was attempting to pull the Ford Expedition over for crossing the fog line multiple times. Deputy Schoeberl activated his emergency lights. When the vehicle failed to immediately pull over to the side of the road, Deputy Schoeberl activated his siren. The vehicle continued traveling southbound on Concourse Drive to the intersection with Twilight Drive. After stopping at the stop sign at the intersection, the driver turned right onto Twilight Drive and finally pulled over off the road, onto a private gravel area, just west of the intersection with Concourse Drive.

Deputy Schoeberl made contact with the driver at the driver's window, and asked the driver for his license, registration, and proof of insurance. The driver produced some documentation, but said he did not have his license. The driver, later identified as Abraham Fryer, gave Deputy Schoeberl a false name. Deputy Schoeberl asked Fryer if he had any weapons. Fryer said that he did not.

Deputy Schoeberl asked Fryer to exit the vehicle to have a seat in his patrol car. Fryer exited the vehicle and stood next to the driver's door. Deputy Schoeberl noticed that Fryer had a knife, clipped to the outside of his right pants pocket. Deputy Schoeberl asked Fryer to turn around and put his hands behind his back for a moment while he intended to conduct a pat search for more weapons. Fryer turned around and faced his vehicle. Fryer disregarded Deputy Schoeberl's command and immediately re-entered the vehicle. Deputy Schoeberl loudly asked Fryer where he was going.

Deputy Schoeberl attempted to restrain Fryer. Deputy Schoeberl, pulled his duty handgun from his holster, jumped onto the running board of the vehicle, and reached into the vehicle in an attempt to pull Fryer out. Deputy Schoeberl loudly told Fryer to stop. Fryer refused Deputy Schoeberl's command, and instead, put the vehicle in gear, and accelerated forward in a left, circular manner back onto Twilight Drive.

Deputy Schoeberl told Fryer to, "Stop", multiple times. Fryer continued to accelerate in an eastbound direction on Twilight Drive. Deputy Schoeberl became fearful for his safety. Deputy Schoeberl was afraid that he was going to be run over as Fryer continued to accelerate and turn sharply to the left.

Fryer refused Deputy Schoeberl's commands to stop. Deputy Schoeberl, still in fear for his safety, fired his duty handgun nine (9) times, striking Fryer multiple times.

Captain Jay Evenson of the Pennington County Sheriff's Office, meanwhile, was stopped, facing west at the intersection of Concourse Drive and Twilight Drive, backing up Deputy Schoeberl. As Fryer attempted to flee in an eastbound direction on Twilight Drive, Captain Evenson moved slowly to the west. Fryer collided with Captain Evenson's patrol car with Deputy Schoeberl still clinging to Fryer's vehicle. Deputy Schoeberl came in contact with Captain Evenson's patrol car, eventually falling from running-board and onto the ground. Deputy Schoeberl sustained minor injuries as a result of the impact.

Fryer, meanwhile, traveled off the roadway and collided with a utility pole northeast of the intersection of Concourse Drive and Twilight Drive. Other law enforcement officers arrived on scene and removed Fryer from the vehicle. Officers attempted to perform life saving measures on Fryer until medical personnel arrived. Fryer was later pronounced dead at Rapid City Regional Hospital.

DCI Agents made contact with Deputy Schoeberl. The DCI Agent documented that Deputy Schoeberl was wearing his issued Pennington County Sheriff's Office uniform. Deputy Schoeberl's duty weapon and magazines were secured, documented, and inventoried. The inventory showed the following:

- Deputy Schoeberl's handgun contained six (6) rounds in the magazine and one (1) round in the chamber.
- Deputy Schoeberl's two spare magazines contained 15 rounds in each magazine.

Review of Patrol Car Camera Video(s)/Audio

Deputy Schoeberl's patrol car video captured the traffic stop with Fryer. Fryer refused to immediately pull over when Deputy Schoeberl initiated his red lights and siren at Elk Vale Road and Concourse Drive. Fryer finally pulled to the side of the road onto a gravel/dirt driveway at the intersection of Twilight Drive and Concourse Drive

Deputy Schoeberl approached the vehicle on the driver's side and made contact with Fryer. Deputy Schoeberl asked Fryer for his license, registration and proof of insurance. As Fryer appeared to be looking for the documents, Deputy Schoeberl asked Fryer if he had any weapons inside the vehicle.

Fryer responded by saying, "Uh, no sir."

More than a minute and a half later, Fryer provided Deputy Schoeberl with vehicle documentation but no driver's license. Deputy Schoeberl asked Fryer if he had his driver's license with him. Fryer then gave Deputy Schoeberl a false name. Deputy Schoeberl asked Fryer to exit the vehicle and to have a seat with him in his patrol car.

As Fryer stepped out of the vehicle, Deputy Schoeberl appeared to notice something on Fryer's person. Deputy Schoeberl asked Fryer to turn around, and to put his hands behind his back for just a second. Less than two seconds later, Fryer quickly got back into his vehicle through the driver's door.

Deputy Schoeberl said, "Hang on. Where you going?"

Deputy Schoeberl removed his duty weapon from his holster, jumped onto the running board of the vehicle, and reached inside the driver's side window. Deputy Schoeberl loudly told Fryer to, "Stop". Fryer put the vehicle in gear and began to travel in a left circular motion (eastbound) out of the gravel/dirt area located just to the north of Twilight Drive.

Deputy Schoeberl loudly commanded Fryer to stop multiple times while maintaining his position on the running board of the vehicle. Fryer, meanwhile, continued to accelerate away from the traffic stop. Gunshots are heard as Fryer flees, and travels out of frame.

The video from Captain Evenson's vehicle captured Captain Evenson traveling westbound on Twilight Drive toward the area where Deputy Schoeberl had Fryer stopped. The video showed Deputy Schoeberl and Fryer as Fryer got back into the Expedition and began to travel out of the gravel/dirt area onto Twilight Drive. The Expedition continued to travel eastbound on Twilight Drive toward Captain Evenson's patrol car.

The Expedition, with Deputy Schoeberl riding on the front driver's side running board, traveled directly toward Captain Evenson's vehicle. It appeared that Captain Evenson's patrol car came into direct contact with Deputy Schoeberl as the Expedition traveled out of the frame of Captain Evenson's camera.

Captain Evenson turned around to pursue Fryer. The vehicle, driven by Fryer, traveled off Concourse Drive in a northeasterly direction and collided with a utility pole several feet northeast of Twilight Drive. Deputy Schoeberl was seen just to the left (west) of Captain Evenson's vehicle moving in that general direction before going off camera.

Shooting Scene Investigation

The shooting scene investigation conducted by DCI produced items of evidence that confirmed statements given by Deputy Schoeberl, Captain Evenson, and video obtained from Deputy Schoeberl's Captain Evenson's patrol cars. Specifically, there were nine (9) spent .40 caliber shell casings found in the Ford Expedition. The location and caliber of the shell casings were consistent with the shooting scene investigation.

Three (3) spent rounds were recovered at the scene. Two (2) spent rounds were found inside the Ford Expedition. Another spent round was located on the ground, near a residence. The location of these rounds was consistent with the shooting scene investigation.

A loaded .380 caliber, Sig Sauer semi-automatic handgun was found on Fryer's person. This handgun contained a magazine with six (6) rounds, none in the chamber. A records check of the recovered handgun revealed that it had been reported stolen on 02-16-16 in Belle Fourche, SD. A folding knife with a clip attachment, a set of brass knuckles, and a baggie of methamphetamine, were also found on Fryer's person.

During a search of the Ford Expedition, DCI Agents recovered approximately 21 grams of methamphetamine, two (2) grams of marijuana, more than \$3,400.00 in cash, a box of .380 caliber ammunition, and various items of drug paraphernalia including a scale and baggies.

The South Dakota Forensic Lab conducted tests on Deputy Schoeberl's firearm. They concluded that all nine (9) of the shell casings found on scene matched Deputy Schoeberl's handgun.

Interview of Deputy Schoeberl

On 02-27-16, a DCI Agent interviewed Deputy Schoeberl. During this interview, Deputy Schoeberl said that he was working a DUI saturation patrol shift on 02-26-16. Deputy Schoeberl said that, while traveling southbound on Elk Vale Round near Anamosa Street, he noticed a red Ford Expedition in front of him. This Ford Expedition crossed the fog line more than once. Deputy Schoeberl said that as the Ford Expedition stopped at the traffic light at the intersection of Concourse Drive and Elk Vale road, he pulled in behind the vehicle to initiate a traffic stop.

Deputy Schoeberl said that when the vehicle began traveling through the intersection onto Concourse Drive, he activated his emergency lights in an attempt to pull the vehicle over. The vehicle continued southbound on Concourse drive. Deputy Schoeberl said that he then activated his siren. When they approached the intersection of Concourse Drive and Twilight Drive, the vehicle stopped at the stop sign, and then continued right (westbound) onto Twilight Drive. The vehicle finally pulled over, off the roadway, onto some grass.

Deputy Schoeberl said that he approached the vehicle on the driver's side, and made contact with the driver (Abraham Fryer). He asked Fryer for his license, registration, and proof of insurance. Fryer provided him with some documentation, but said that he did not have his license. Deputy Schoeberl said that Fryer seemed really nervous. Fryer was digging around in his vehicle really fast. He asked Fryer if he had any weapons on him. Fryer said that he did not. Deputy Schoeberl said that he asked Fryer to step out of the vehicle.

Deputy Schoeberl said that as Fryer stepped out of the vehicle, he noticed a knife clipped to the outside of Fryer's right pants pocket. Deputy Schoeberl said that the knife would have been easy to grab, so he told Fryer to turn around and place his hands behind his back. Before he could even explain that he was going to search Fryer for weapons, Fryer jumped back inside the vehicle. Deputy Schoeberl said that he jumped up onto the running board of the vehicle. He reached into the vehicle in an attempt to grab Fryer and pull him out. He told Fryer to stop multiple times.

Deputy Schoeberl said that from the way Fryer's vehicle was located, it turned to the left. Deputy Schoeberl said that as the vehicle turned left, he thought if he fell off, he would be run over. Deputy Schoeberl said that he did not want to be run over. He continued to tell the Fryer to stop multiple times. Fryer did not comply, and would not stop. Deputy Schoeberl said the vehicle continued to accelerate. He remembered feeling that if Fryer did not stop, Fryer was going to kill him. Deputy Schoeberl said that he was afraid for this life at the point when he fired his weapon.

Deputy Schoeberl said that as the vehicle kept moving, he remained on the running board, eventually colliding with Captain Evenson's patrol car as Captain Evenson was traveling toward them. Deputy Schoeberl said that the Ford Expedition hit a curb, and he fell off the running board. The Ford Expedition kept travelling, eventually going off the road and colliding with a utility pole.

Deputy Schoeberl said that he was afraid he was going to be run over. He was afraid he was going to be hurt. He was afraid there was a chance Fryer was going to kill him because Fryer was not stopping. Deputy Schoeberl said that he recalled that Fryer was not complying. He was hanging on to the Ford Expedition. If Fryer went down the highway at a high rate of speed, Fryer could sideswipe another vehicle, and he would be gone. He did not want it to go that far.

Interview of Captain Evenson

Captain Jay Evenson of the Pennington County Sheriff's Office said that he arrived at the intersection of Concourse Drive and Twilight Drive to offer assistance to Deputy Schoeberl on his traffic stop. Captain Evenson said that as he was moving closer to the traffic stop location, he saw Deputy Schoeberl outside of his vehicle with the Fryer, standing next to Fryer's vehicle. Deputy Schoeberl was a short distance from the Fryer.

Captain Evenson said that as he rolled up to the intersection of Twilight Drive and Concourse Drive, he saw Fryer get back into his vehicle. Deputy Schoeberl then went to the driver's side door. Captain Evenson said that he saw what appeared to be a fight taking place near the driver's side door of Fryer's vehicle.

Captain Evenson said that, as he pulled through the intersection, he observed Fryer's vehicle take off, turning in a 180 degree direction, and traveling head-on toward his vehicle. Captain Evenson said that as Fryer's vehicle pulled away from its original traffic stop location, it appeared to him that Deputy Schoeberl was attached to the vehicle somehow, and was unable to free himself.

Captain Evenson believed that Fryer's vehicle and his vehicle were going to hit head-on, so he swerved his patrol vehicle to the right in an attempt to avoid colliding with Fryer's vehicle. As he did that, he saw that Deputy Schoeberl was still attached to Fryer's vehicle on the driver's side window.

Captain Evenson said that his vehicle then collided with Fryer's vehicle. Captain Evenson believed that his vehicle not only hit Fryer's vehicle, but also hit Deputy Schoeberl as Deputy Schoeberl was attached to Fryer's vehicle.

As Captain Evenson's vehicle collided with Fryer's vehicle, he noticed Deputy Schoeberl disappear. He did not see Deputy Schoeberl again until Fryer's vehicle came to a rest in a field near Concourse Drive and Twilight Drive.

Captain Evenson noticed Fryer's vehicle travel through the intersection of Concourse Drive and Twilight Drive. The vehicle traveled northeast and jumped the curb at Concourse Drive. The vehicle went into a field and ran into a power pole located at the northeast corner of Concourse Drive and Twilight Drive.

A drug screen and blood alcohol test was conducted on Deputy Schoeberl with negative results. DCI Agents documented bruises to Deputy Schoeberl's left arm.

During the autopsy of Abraham Fryer, DCI Agents documented that Fryer had been shot multiple times. Six (6) rounds were recovered from Fryer's body. At the time of this report, toxicology results have not been received regarding Fryer.

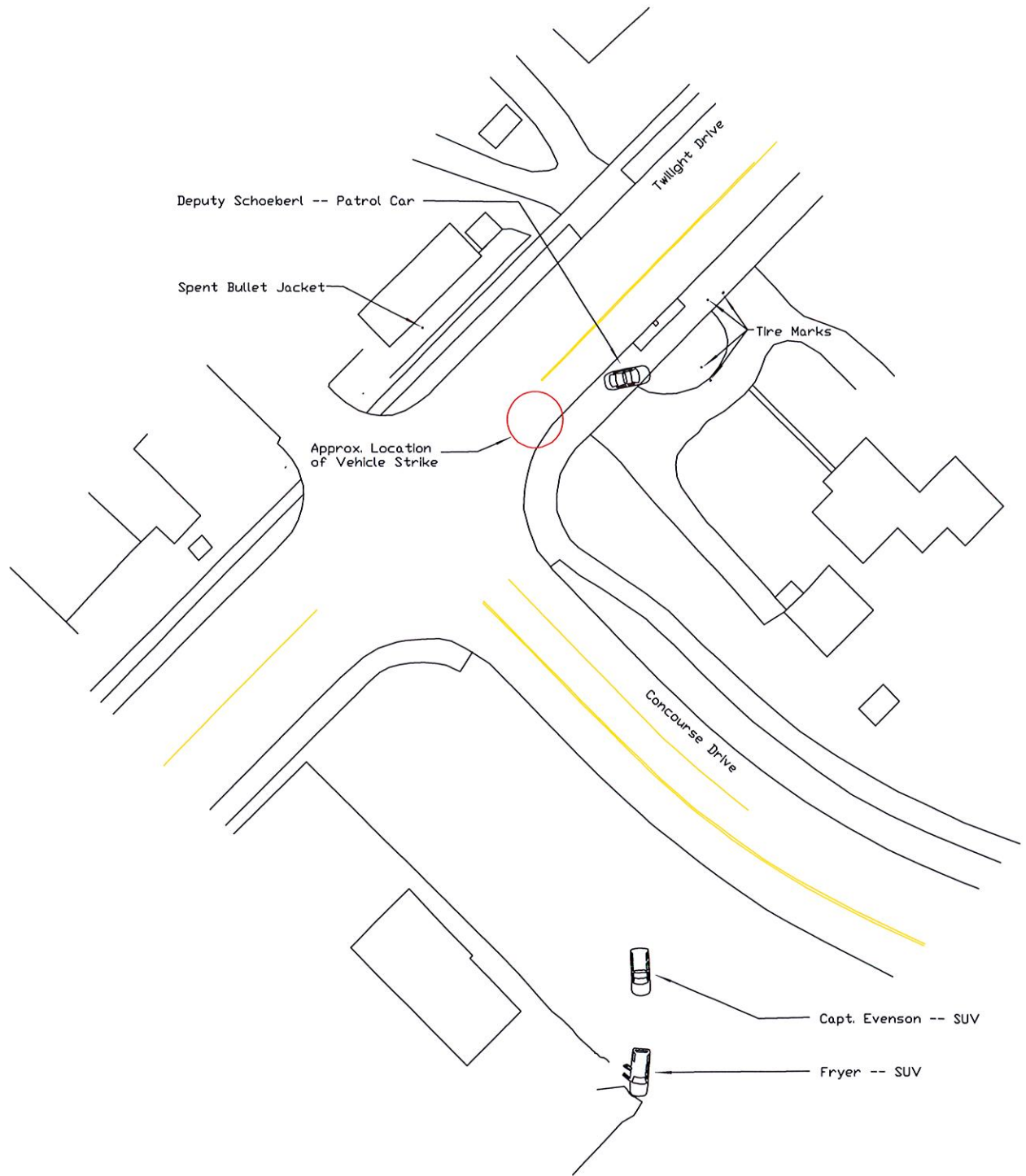
DCI conducted a criminal history check on Abraham Fryer. Fryer's criminal history included convictions for: Unlawful transport of Firearms, Distribution of a Controlled Substance, Possession of a Controlled Substance, DUI, Petty Theft, Disorderly Conduct, and Possession of Marijuana. Fryer had active felony arrest warrants for Failure to Appear and Failure to Appear on Possession of a Controlled Substance charges. Fryer was also wanted on a federal probation violation. Fryer was prohibited from possessing a firearm due to his criminal history.

In January, 2016 the Sturgis Police Department arrested Fryer with approximately 50 grams of methamphetamine and approximately \$13,450 in US currency.

Investigation Results

It is the conclusion of this report and the Attorney General that Pennington County Deputy Robert Schoeberl was justified in firing his weapon and using lethal force.

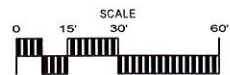
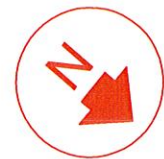
The crime scene investigation and review of the patrol car camera videos conducted by the Division of Criminal Investigation are consistent with statements received from Deputy Schoeberl and other witnesses.

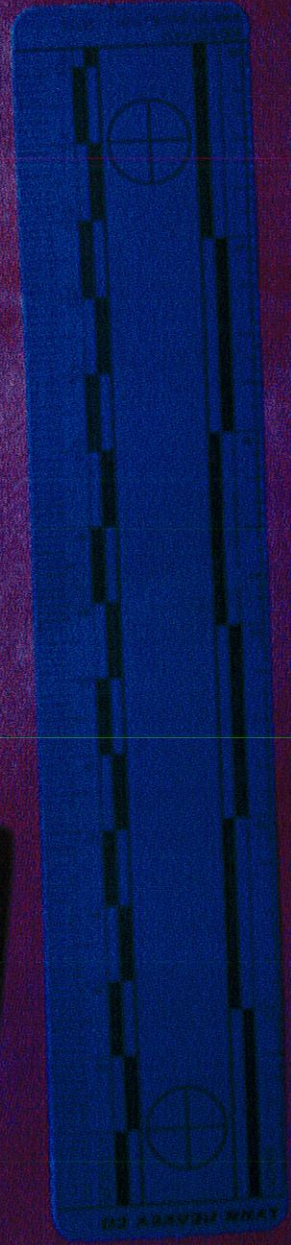


PCSD SHOOTING

DATE/TIME: 02/26/2016 at about 2326 hours
 LOCATION: Twilight Dr. and Concourse Dr.
 Rapid City, SD [Pennington County]
 OFFICERS: Deputy Schoeberl, PCSD
 Captain Evenson, PCSD
 SUSPECT: Abraham Fryer (Deceased)

Measured By: Sergeant Kevin R. Kinney, SDHP
 AI James Chastain, RCPD
 Measured On: 02/27/2016





56





